

# CABINET

Thursday, 22 November 2007

10.00 a.m.

Conference Room 1,  
Council Offices, Spennymoor

# AGENDA and REPORTS



**This document is also available in other languages, large print and audio format upon request**

**العربية (Arabic)**

إذا أردت المعلومات بلغة أخرى أو بطريقة أخرى، نرجو أن تطلب ذلك منا.

**বাংলা (Bengali)**

যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

**(中文 (繁體字)) (Cantonese)**

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

**हिन्दी (Hindi)**

यदि आपको सूचना किसी अन्य भाषा या अन्य रूप में चाहिये तो कृपया हमसे कहे

**polski (Polish)**

Jeżeli chcieliby Państwo uzyskać informacje w innym języku lub w innym formacie, prosimy dać nam znać.

**ਪੰਜਾਬੀ (Punjabi)**

ਜੇ ਇਹ ਜਾਣਕਾਰੀ ਤੁਹਾਨੂੰ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਵਿਚ ਜਾਂ ਕਿਸੇ ਹੋਰ ਰੂਪ ਵਿਚ ਚਾਹੀਦੀ, ਤਾਂ ਇਹ ਸਾਥੋਂ ਮੰਗ ਲਓ।

**Español (Spanish)**

Póngase en contacto con nosotros si desea recibir información en otro idioma o formato.

**اردو (Urdu)**

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھیے۔

**AGENDA**

**1. APOLOGIES**

**2. DECLARATIONS OF INTEREST**

To notify the Chairman of any items that appear in the agenda in which you may have an interest.

**3. MINUTES**

To confirm as a correct record the Minutes of the meeting held on 8<sup>th</sup> November 2007. (Pages 1 - 4)

**KEY DECISIONS**

**HOUSING, SOCIAL REGENERATION AND PARTNERSHIP AND STRATEGIC LEADERSHIP PORTFOLIOS**

**4. ESTABLISHMENT OF REGENERATION TRUST (KEY DECISION)**

Joint report of Director of Neighbourhood Services and Assistant Chief Executive. (Pages 5 - 14)

**SAFER COMMUNITIES PORTFOLIO**

**5. LICENSING ACT 2003 - DRAFT STATEMENT OF LICENSING POLICY (KEY DECISION)**

Report of Director of Neighbourhood Services. (Pages 15 - 76)

**OTHER DECISIONS**

**HOUSING PORTFOLIO**

**6. LARGE SCALE VOLUNTARY TRANSFER (LSVT) - ESTABLISHMENT OF SHADOW BOARD**

Report of Director of Housing. (Pages 77 - 84)

**7. HOUSING INCOME MANAGEMENT POLICY**

Report of Director of Housing. (Pages 85 - 108)

**PLANNING AND DEVELOPMENT PORTFOLIO**

**8. WINDLESTONE HALL RUSHYFORD, PLANNING STATEMENT AND DESIGN BRIEF**

Report of Director of Neighbourhood Services. (Pages 109 - 112)

**STRATEGIC LEADERSHIP PORTFOLIO**

**9. REVENUE BUDGETARY CONTROL REPORT - POSITION AT 30TH SEPTEMBER 2007**

Report of Director of Resources. (Pages 113 - 126)

**10. BUDGETARY CONTROL REPORT - CAPITAL PROGRAMME EXPENDITURE AND FINANCING POSITION AT 30TH SEPTEMBER 2007**

Report of Director of Resources. (Pages 127 - 136)

## **MINUTES**

### **11. AREA FORUMS**

To consider the minutes of the following meetings:

(a) Area 4 Forum - 25th September 2007 (Pages 137 - 140)

(b) Area 1 Forum - 29th October 2007 (Pages 141 - 144)

### **12. ANY OTHER BUSINESS**

Lead Members are requested to inform the Chief Executive or the Cabinet Secretary of any items they might wish to raise under this heading by no later than 12 noon on the day preceding the meeting. This will enable the Officers in consultation with the Chairman to determine whether consideration of the matter by the Cabinet is appropriate.

B. Allen  
Chief Executive

Council Offices  
SPENNYMOOR  
14<sup>th</sup> November 2007

Councillor Mrs. A.M. Armstrong (Chairman)

Councillors Mrs. K. Conroy, V. Crosby, Mrs. B. Graham, A. Hodgson, Mrs. L. Hovvels, J.M. Khan, D.A. Newell and W. Waters

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#### ACCESS TO INFORMATION

Any person wishing to exercise the right of inspection in relation to this Agenda and associated papers should contact Gillian Garrigan, on Spennymoor 816166 Ext 4240 [ggarrigan@sedgefield.gov.uk](mailto:ggarrigan@sedgefield.gov.uk)

# Item 3

## SEDGEFIELD BOROUGH COUNCIL CABINET

Conference Room 1,  
Council Offices,  
Spennymoor

Thursday,  
8 November 2007

Time: 10.00 a.m.

**Present:** Councillor Mrs. A.M. Armstrong (Chairman) and

Councillors V. Crosby, A. Hodgson, D.A. Newell and W. Waters

**In Attendance:** Councillors W.M. Blenkinsopp, Mrs. P. Crathorne, A. Gray, Mrs. J. Gray, B. Haigh, Mrs. S. Haigh, D.M. Hancock, T. Hogan, Ms. I. Jackson, B. Lamb, Mrs. E. Maddison, Mrs. E.M. Paylor, A. Smith and T. Ward

**Apologies:** Councillors Mrs. K. Conroy, Mrs. B. Graham, Mrs. L. Hovvels and J.M. Khan

**CAB.94/07 DECLARATIONS OF INTEREST**  
Members had no interests to declare.

**CAB.95/07 MINUTES**  
The Minutes of the meetings held on 25<sup>th</sup> October and 1<sup>st</sup> November 2007 were confirmed as correct records and signed by the Chairman.

**CAB.96/07 RESOURCING LARGE SCALE VOLUNTARY TRANSFER - APPROVAL UP TO BALLOT (KEY DECISION)**  
Consideration was given to a report regarding the above. (For copy see file of Minutes).

It was explained that the Large Scale Voluntary Transfer project would require a significant financial commitment to provide for expert consultant services, staffing resources and other costs in the pre and post ballot phases.

It was noted that it would be necessary to appoint a Lead Consultant, Legal Consultant, Independent Tenants Advisor and Communications Consultant to assist the Council in undertaking the project.

Specific reference was made to the other key elements needed to take forward the project, which included the establishment of a LSVT team, the implementation of the communications strategy and the updating the Council's stock condition survey.

It was pointed out that in the event of a successful transfer, the costs, estimated at £411,525, would all be recovered from any capital receipts associated with the sale of stock to the new Registered Social Landlord. However, in the event of a no vote, the costs would fall upon the Council and those costs not related to consultation would fall to be met from the General Fund. The estimated split was 60% to the Housing Revenue Account and 40% to the General Fund and reserves would be earmarked.

Members noted that to ensure the corporate co-ordination of the project, regular reports would be made to the Council's Management Team, which would act as a Project Board. Management Team would submit further reports to Cabinet from time to time and could seek additional approvals for resources, where necessary.

- RESOLVED :**
1. *That the following consultants be appointed for the Large Scale Voluntary Transfer up to the ballot:*
    - *Lead Consultants – Savills*
    - *Legal Consultants – Trowers and Hamlins*
    - *Independent Tenants Advisor – Priority Estates Project*
    - *Communications – IPB Communications*
  2. *That the resources identified in Section 5 of the report be approved to support the LSVT project. Management Team to monitor the project corporately and report to Cabinet from time-to-time and where necessary, seek further approval for resources.*
  3. *That a risk based assessment be undertaken of the staffing resources needed to deliver the LSVT. The assessment to be used to identify the skills and competencies required within the LSVT implementation team.*

**CAB.97/07 COMMUNITY APPRAISALS IN SEDGEFIELD BOROUGH (KEY DECISION)**

The Lead Member for Social Regeneration and Partnerships presented a report seeking approval to carry out community appraisals in all wards within the Borough and to appoint a consultant via the Official Journal of the European Union (OJEU) a process to assist the completion of the appraisals. (For copy see file of Minutes).

It was reported that the appraisals would provide locality specific information to fit with the strategic and performance management intelligence being held, whilst linking with the Town and Parish Councils that were undertaking Parish Plans, to achieve limited economies of scale.

It was envisaged that the cost of the appraisals would be £173,000 over a 12 month period that would straddle two financial years and would be met from the Community Regeneration Revenue Budget and the Local Strategic Partnership.

Specific reference was made to paragraph 3.7 of the report with regard to the community appraisals linking with the Council's Area Forums to ensure that a customer focus was always maintained.

- RESOLVED :*
- 1. That Community Appraisals be undertaken for all wards within the Borough.*
  - 2. That the Official Journal of the European Union process be undertaken to appoint a consultancy to complete the Community Appraisals throughout the Borough.*

**CAB.98/07 HEALTHY BOROUGH WITH STRONG COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE**

Consideration was given to the minutes of the meeting held on 23<sup>rd</sup> October 2007. (For copy see file of Minutes).

With regard to Minute No: H&S.17/07 Overview and Scrutiny Review Report – Tourism within the Borough – Progress and Action Plan – it was noted that the three year free admission was currently being discussed with the Department of Culture, Media and Sport and not Durham County Museum Service as stated in the Minutes.

*RESOLVED :* *That the report be received.*

**Published on 9<sup>th</sup> November 2007.**

**The key decisions detailed in these Minutes will be implemented on Monday 19<sup>th</sup> November 2007 five working days after the date of publication unless called in by three Members of the relevant Overview and Scrutiny Committee in accordance with the call in procedure rules.**

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**ACCESS TO INFORMATION**

Any person wishing to exercise the right of inspection, etc., in relation to these Minutes and associated papers should contact Gillian Garrigan, on Spennymoor 816166 Ext 4240 [ggarrigan@sedgefield.gov.uk](mailto:ggarrigan@sedgefield.gov.uk)

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# Item 4

## KEY DECISION

## REPORT TO CABINET

22 NOVEMBER 2007

### REPORT OF THE DIRECTOR OF NEIGHBOURHOOD SERVICES AND ASSISTANT CHIEF EXECUTIVE

#### Portfolios: Strategic leadership, housing, social regeneration and partnerships

#### ESTABLISHMENT OF REGENERATION TRUST

##### 1. SUMMARY

- 1.1 The establishment of a Regeneration Trust is grounded in existing policy of the Council. It is at the forefront of Government Policy as set out in the recent local government White Paper<sup>1</sup>, and supports the aspirations for Community based Trusts set out in the County Council's bid for Unitary Local Government<sup>2</sup>.
- 1.2 This report outlines the recommendations of Savills Consultants on the best way of establishing a Regeneration Trust to maximise the effectiveness of the Borough Council's contribution to investments in the Coalfield priority areas outlined in the Housing Master Plan for the Communities of Dean Bank, Ferryhill Station and Chilton and approved by Cabinet in July 2006.
- 1.3 The Regeneration Trust would be community (locality) based and set up as a registered charity, to which approved financial resources and associated assets would be transferred.
- 1.4 The Council have, through its Medium Term Financial Plan, identified that £9m of Council Resources will be required to support the programme through to 2009/10. Funding was initially expected to be phased in equal instalments over the life of the Medium Term Financial Plan. The initial £3m resourced in the current financial year has already been spent or committed.
- 1.5 This report also proposes that further work is jointly commissioned with the District of Easington and Wear Valley District Council too look at ways of establishing a non locality based, profit making Housing

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<sup>1</sup> Chapter 2 DCLG Strong and Prosperous Communities

<sup>2</sup> Para 5.72 a new County Durham Council, proposal for Unitary Structure for County Durham

<sup>3</sup> Coalfield Community Study DTZ 2004, Coalfield Settlement Study Jacob Babbie 2005.

Regeneration and Development Company to provide programme management for the regeneration of all of the priority areas across the former Durham coalfield communities.

## **2. RECOMMENDATIONS**

- 2.1 That Cabinet approves the principle and concept for the establishment of a Sedgefield Regeneration Trust as being consistent with all previous policy commitments to support those areas of the borough in need of immediate regeneration.
- 2.2 That Cabinet notes the need for further consultation with the Department for Communities and Local Government, the Durham County Council, in its role as transition authority and such other persons as the Council may be directed to consult; Cabinet notes further that all appropriate approvals will be sought in order to take this initiative to implementation stage.
- 2.3 That the Chief Executive be directed to take all necessary actions in order to obtain the required consents and to report further to Cabinet dealing with
  - membership selection and governance for the Trust
  - the creation of a Housing Regeneration and Development Company for the coalfield communities in Easington, Sedgefield and Wear Valley

## **3. BACKGROUND**

- 3.1 The Borough Council is committed to improving the wellbeing of the Borough's residents and in particular those in the most deprived communities.
- 3.2 The Council has been engaged in the Coalfield Housing Renewal Partnership for County Durham for the last four years. The Partnership includes: Registered Social Landlords, County and District Councils GONE, One NorthEast and English Partnerships with a remit to address Housing Market Failure in former coalfield areas and improve quality of life for those living in deprived communities. Working on the model of successful housing pathfinders elsewhere in the region the coalfield Partnership is seeking to attract significant resources through English Partnerships following a lengthy period of discussion and negotiation.
- 3.3 Through a comprehensive analysis<sup>3</sup> of housing and social factors, the Council identified Dean Bank, Ferryhill Station and Chilton as initial priority areas for intervention within the Coalfield areas programme.
- 3.4 In April 2005, the Borough Council commissioned Llewellyn Davis to undertake a Master-plan for the regeneration of Ferryhill Station, Dean

Bank and West Chilton. Llewellyn Davies worked intensively with affected communities to examine how the housing mix could be remodelled to significantly improve the physical fabric of the areas, provide opportunities for new housing investment and reverse the physical and social decline of the areas.

- 3.5 Cabinet approved the Master-plan on 13<sup>th</sup> July 2006. The Master-plan provides for significant remodelling of the housing stock in the affected communities at a cost of over £56m. The plan also highlighted a funding gap of £25m required to stimulate investment in the priority areas.
- 3.6 A significant element of the Master-plan was the identification of options for delivery of the interventions. This focus on delivery was seen as essential to maintain the community buy in that had been achieved through the comprehensive community involvement process undertaken by Llewelyn Davis.

#### **4 MASTER PLAN DELIVERY OPTIONS**

- 4.1 Llewelyn Davies identified a range of options<sup>4</sup> to establish a Regeneration Vehicle for the short and medium term. These included:
- Unconstituted Partnership
  - Urban Regeneration Company
  - Registered Social Landlord
  - Public Interest Company
  - Housing Regeneration Company
  - Community Interest Company
  - Company Limited by Guarantee
  - Industrial and provident society.
- 4.2 They recommended that the first phase of the Master-plan should be the redevelopment of Ferryhill Station and that this could be undertaken by a Strategic Partnership between the Council and a Registered Social Landlord.
- 4.3 They further concluded that more detailed work should be undertaken to determine a delivery vehicle for the remainder of the programme<sup>5</sup> and that such a vehicle should have the following elements:
- Ability to recycle capital receipts

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<sup>4</sup> Para 8.2 – 8.5 Housing Master-plan Llewelyn Davis.

<sup>5</sup> Para 8.5.4 Housing Master-plan, Llewelyn Davis

- Be a watertight entity
  - Capacity to run a programme of capital receipts and spending
  - Robust to changes in governance or political context
  - Operate within a flexible constitution.
- 4.4 The Council has implemented these recommendations, opting for a partnership approach with Three Rivers Housing to redevelop Ferryhill Station. This work is well underway, utilising resources from SHIP funding and capital receipts from land sold for housing elsewhere in the Borough.
- 4.5 The Council has been actively involved in acquiring properties in Dean Bank and West Chilton in preparation for the second delivery phase of the Masterplan and is now ready to establish a mechanism to implement the redevelopment.

## **5. ESTABLISHMENT OF A REGENERATION TRUST**

- 5.1 Earlier this year officers of the Council commenced work with Savills, recognised market leaders in this field to determine the optimum delivery vehicle for Sedgefield Borough. In addition to the criteria identified by Llewelyn Davis the Borough Council also asked that current Government policy be taken into account and any delivery vehicle be suitable to operate with any potential new Council should Local Government Reorganisation go ahead.
- 5.2 Savills have prepared a comprehensive report for the Council which recommends the establishment of:
- A Community Based Regeneration Trust, capable of holding capital receipts and assets.
  - A profit making Housing Regeneration and Development Company, capable of operating across the former Durham Coalfield priority areas.
- 5.3 In July 2004 Council agreed to make all capital receipts available from the disposal of major land holdings for regeneration and affordable housing<sup>6</sup>. At that time it was estimated that this would be around £25 million and was considered a one-off opportunity to have a significant impact on the regeneration of the Borough. Subsequently the Council allocated the sum of £9 million (£3 million per annum over the 3 years covering the period 2007/08 to 2009/10) to regenerating the former Coalfield priority areas of Dean Bank, Chilton and Ferryhill Station, recognising that further significant funding would be required in further years.

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<sup>6</sup> Budget Framework – Use of Capital Receipts Council Report 28/07/04

- 5.4 In the light of the Council's financial commitment, Savills further recommend that the Council transfer any uncommitted capital<sup>7</sup> for housing renewal for 2007/08 to the Trust immediately upon its formation and that it transfers the further £6m identified in the Medium Term Financial Plan for the housing renewal for 2008/09 and 2009/10 when it is prudent to do so. Bearing in mind the need to future proof major decisions in the light of Local Government Reorganisation, it would be inappropriate to go further at this stage.
- 5.5 Savills recommend that the Trust be comprised of 10 members and that the Trust will be a company limited by guarantee with charitable status. The Council would have nomination rights of 2 Members. These nomination rights would transfer to the Unitary Council should it become established in April 2009.

## **6 HOUSING REGENERATION AND DEVELOPMENT COMPANY**

- 6.1 Whilst the Trust would hold assets for the benefit of the community (until deployed in pursuant of its objectives), the projects themselves would be delivered through a Housing Regeneration and Development Company. The company would act as Programme Manager and would undertake research, feasibilities, procurement and site assembly. The company would also commission the delivery of projects through Special Purpose Vehicles, Joint Ventures and Market Disposals.
- 6.2 During the consultation discussions with partners it became clear that they too saw this approach as a solution to the wider regeneration needs of County Durham and in particular the former Coalfield.
- 6.3 A trust established by Sedgefield Borough Council could not operate in the way described without having a company, however there is no reason why such a company should be constrained by particular administration boundaries and could operate across for example the Coalfield authorities of Easington, Sedgefield and Wear Valley, bringing coordinated development and economies of scale.

## **7 CORPORATE POLICY IMPLICATIONS**

- 7.1 The establishment of a Regeneration Trust supports the objectives within the Council's Corporate Plan. In particular the initiative supports the Corporate Ambition of A Borough with Strong Communities, securing quality sustainable housing and promoting safer neighbourhoods.

## **8 RESOURCE IMPLICATIONS**

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<sup>7</sup> Major Regeneration Initiatives Capital Programme 07/08 Cabinet Report 05/07/07

- 8.1 Human Resources
- 8.2 It is not envisaged that the Regeneration Trust would require staff to support it in the initial stages as this could be provided by the Council. There is however potential for a small number of staff to transfer to the Trust and also to the Company once established. This will be the subject of a further report to Cabinet at the appropriate time.
- 8.3 Financial Resources
- 8.4 It is recommended that any uncommitted capital allocated for Housing Renewal in the 2007/08 Capital Budget be transferred to the Housing Regeneration Trust at the earliest opportunity.
- 8.5 A further £6m capital resource is identified in the medium term financial plan for 2008/09 and 2009/10. It is recommended that this resource be transferred to the Trust when it is financially prudent to do so, most likely in 2008/09 and subject to appropriate consultation.

## 9 **CONSULTATIONS**

- 9.1 The Housing Renewal Masterplan was developed through a process of intensive community involvement, raising expectations in the community of radical improvements.
- 9.2 Savills have included senior officers from the Borough Council in formulating their recommendations as to the most appropriate delivery mechanism for Housing Regeneration.
- 9.3 Savills have also consulted with senior civil servants from CLG. Further informal discussions with civil servants have been initiated by the Borough Council who have confirmed that this approach is very much in line with their current thinking and emerging Government policy.
- 9.4 Discussions have been held between officers, the two neighbouring local authorities and the Coalfield Partnership about the proposal to set up a Trust for Sedgefield and a Housing Regeneration and Development company for the former Durham Coalfield communities.
- 9.5 One North East, DCLG, the Housing Corporation and English Partnerships now need to be formally consulted about the establishment of a Housing Regeneration and Development Company for the former Coalfield Communities. The District Auditor would need to be made aware of the proposal in the normal way and the transfer of assets would be subject to the approval of the Secretary of State as described above.

## 10. **OTHER MATERIAL CONSIDERATIONS**

- 10.1 Constitutional and legal Implications  
The Council's Solicitor advises that the Local Government (Public Involvement in Health) Act 2007 has now received Royal Assent; Section 24 of that Act places limitations upon the Council's ability to make financial commitments. This report recognises that certain consents may be required from the Department of Communities and Local Government, the Durham County Council in its role as transition authority, and such other persons as the Council may be directed to consult). Further reports will deal with these aspects.
- 10.2 Risk Management  
A storm risk assessment has been undertaken to consider funding to deliver the Private Sector Master Plan. Particular reference was made to the retraction of internal funding. The risk was mitigated by phasing the project and building commitment into the Medium Term Financial Plan. Further work has identified the creation of a Regeneration Trust as an appropriate model to ensure the future commitment of capital funding that has been allocated for delivery of the Master Plan.
- 10.3 Health and Safety  
There are no health and safety implications.
- 10.4 Sustainability  
The proposal will help to reverse housing market failure in the Borough and so ensure sustainable communities in the priority areas.
- 10.5 Information Technology  
There are no implications for IT.
- 10.6 Equity and Diversity  
There are no implications for Equity and Diversity.
- 10.7 Crime and Disorder  
The regeneration of the priority areas will help to reduce crime and disorder.
- 10.8 Human Rights  
There are no implications for human rights.
- 10.9 Social Inclusion  
The regeneration of priority areas will promote social inclusion.
- 10.10 Procurement  
The establishment of the a Regeneration Trust and Company is outside the Council's procurement policy and requires the approval of full council.

11 **OVERVIEW AND SCRUTINY IMPLICATIONS**

- 11.1 The establishment of the Regeneration Trust and Housing and Regeneration Company will be subject to evaluation and scrutiny.

12 **LIST OF APPENDICES**

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**Contact Officer** Joint Report of Director of Neighbourhood Services/Deputy Chief Executive and Assistant Chief Executive

**Telephone Number** 01388 816166 Ext. 4308/4360

**E-mail address** [ghall@sedgefield.gov.uk](mailto:ghall@sedgefield.gov.uk)  
[anpalmer@sedgefield.gov.uk](mailto:anpalmer@sedgefield.gov.uk)

**Wards:** Chilton Ward, Ferryhill Ward

**Key Decision Validation:** This is a Key Decision as a decision made by Cabinet which is likely to result in the local authority incurring expenditure, or making savings of £100,000 or above.

**Background Papers:**

Proposal for the Creation of a Regeneration & Development Trust and Company for Sedgefield.

Strong and Prosperous Communities, Local Government White Paper 2006

Coalfield Community Study, DTZ 2004

Coalfield Settlement Study, Jacob Babbie 2005

Housing Renewal Master-plan, Llewelyn Davis 2006

A new County Durham Council, proposal for Unitary Structure for County Durham, DCC 2006.

Coalfield Housing Renewal, SBC Cabinet Report, 13 July 2006

Medium Term Financial Plan, 2006-2009 SBC

Major Regeneration Initiatives Capital Programme 07/08 SBC Cabinet Report 5 July 2007



## Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Councils Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Councils S.151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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# Item 5

## KEY DECISION

## REPORT TO CABINET

22nd NOVEMBER 2007

## REPORT OF DIRECTOR OF NEIGHBOURHOOD SERVICES

### PORTFOLIO – Safer Communities

### LICENSING ACT 2003 DRAFT STATEMENT OF LICENSING POLICY

#### RECOMMENDATION

That the Statement of Licensing Policy be considered by Cabinet prior to it being submitted to Council on the 23<sup>rd</sup> November for approval.

#### KEY CONTENT

The Licensing Act 2003 which came into force in November 2005 transferred responsibility for Liquor Licensing to Local Authorities and replaced existing legislation relating to the licensing of entertainment and provision of late night refreshment.

The Act requires the Licensing Authority to prepare and publish a Statement of Licensing Policy every 3 years.

The Statement of Licensing Policy details how the local authority intends to approach its various licensing duties when considering any application.

The current policy has recently been reviewed and redrafted and has taken into account recent changes in the Government Guidance issued under section 182 of the Licensing Act.

The Policy must be approved by Council and be published by the 7th January 2008.

Following the completion of the statutory consultation process the draft Policy was considered by Licensing Committee 2 on the 22<sup>nd</sup> October when it was resolved that the draft Statement of Licensing Policy be submitted to Cabinet for information and then to Council for approval on the 23<sup>rd</sup> November 2007.

During the consultation process written comments relating to the policy were received from the following:

British Beer and Pub Association  
Sedgefield Town Council  
County Durham Primary Care Trust

The comments from each of the above sources were taken into account when redrafting the policy. The redrafted Statement of Licensing Policy is attached at Appendix 1.

## **RESOURCE IMPLICATIONS**

There are no resource implications associated with this Policy. The fees for licences and other permissions are set by Government.

## **CONSULTATION**

The Licensing Act 2003 requires that the following are consulted with regard to the policy:

- The Chief Officer of Police
- The Fire Authority
- The Head of Environmental Services with regard to health and safety and public nuisance for Sedgefield Borough Council.
- The Head of Planning Services Sedgefield Borough Council.
- Durham County Council with regard to Trading Standards and Safeguarding Children.
- Persons/bodies representative of local holders of premises licences
- Persons/bodies representative of local holders of club premises certificates
- Persons/bodies representative of local holders of personal licences
- Persons/bodies representative of businesses and residents in its area.

A copy of the Policy was also placed on the Council's website and everyone holding either a premises licence, club premises certificate or a personal licence was sent a letter informing them of the consultation process. An electronic copy of the policy was also sent to all Council members and the Clerks of all Town and Parish Councils within the Borough.

The consultation process took place between the 1<sup>st</sup> of August and the 3<sup>rd</sup> October 2007. Comments received during that period were taken into account when redrafting the Policy.

## **OTHER MATERIAL CONSIDERATIONS**

### Links to Corporate Objectives/Values

The Council has adopted the Community Strategy's ambitions to creating a healthy, prosperous, attractive borough with strong communities and recognises the importance of linking its future strategic objectives to these aims together with priorities that relate to community needs and aspirations. The licensing of premises throughout the Borough enables the Authority to have greater influence in achieving the above aims and objectives.

### Risk Management

No risks have been identified.

### Health & Safety

No implications have been identified.

### Equality & Diversity

Full account has been taken of the Borough Council's obligation to promote equality and diversity.

### Legal & Constitutional

The approval and publication of a Statement of Licensing Policy is a statutory requirement.

### Information Communication Technology

There are no specific issues to report.

### Sustainability

No material considerations have been identified.

### Human Rights

In carrying out its Licensing functions the licensing authority will have regard to the Human Rights Act and in particular Article 6 Right to a Fair Hearing and Article 1 of the first protocol Protection of property. Everyone is entitled to the peaceful enjoyment of his or her possessions (including for example the possession of a licence).

### Social Inclusion

There are no Social Inclusion issues.

### Procurement

No implications have been identified

Contact Officer: Neil Smalley  
Telephone No: 01388 816166 Ext. 4454  
E-mail address: [nsmalley@sedgefield.gov.uk](mailto:nsmalley@sedgefield.gov.uk)

### Ward(s)

All wards in the Borough

Key Decision Validation  
Affects 2 or more wards.

### Background Papers

The Licensing Act 2003  
Guidance issued under section 182 of the Licensing Act 2003.  
Written responses from British Beer and Pub Association  
County Durham Primary Care Trust, Sedgefield Town Council.

## Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Councils Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Councils S.151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input checked="" type="checkbox"/>	<input type="checkbox"/>



# **SEDGEFIELD BOROUGH COUNCIL**

## **LICENSING ACT 2003**

### **DRAFT STATEMENT OF LICENSING POLICY**

**DRAFT**

For the period 07/01/2008 to 06/01/2011

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## **SEDFIELD BOROUGH COUNCIL**

### **LICENSING ACT 2003**

#### **STATEMENT OF LICENSING POLICY**

#### **1. Introduction**

- 1.1 Sedgefield Borough has a population of around 88,000 people and is one of 7 local authorities in County Durham. The Borough is a mixture of urban and rural areas and stretches across 52,000 acres. It includes historic villages, small towns and a new town. The east of the Borough is generally rural in character, giving way further north to the villages on the old Durham coalfield. The west is more densely populated with the major towns of Shildon, Spennymoor, Newton Aycliffe and Ferryhill concentrated within a few miles of each other.
- 1.2 There are approximately 87 public houses and 75 shops currently licensed to sell alcohol in the Borough. A further 41 clubs hold club premises certificates which allow them to supply alcohol while 45 premises are also licensed to sell hot food and drink between 11pm and 5am. A total of 58 other premises including church halls, community centres etc also hold licences allowing them where specified to sell alcohol and provide regulated entertainment.

#### **2 The Licensing Act 2003**

- 2.1 The Licensing Act 2003 came into force in November 2005 when Local Authorities took over responsibility for licensing premises and individuals for licensable activities from the Magistrates Court. The Act replaced and consolidated earlier legislative controls on key areas of liquor and public entertainment licensing. The aim of the Act is to modernise social consumption of alcohol and provide a simpler, more transparent and accountable statutory framework for the licensing and control of sales of beers, wines, spirits and associated entertainment.
- 2.2 Sedgefield Borough Council is the Licensing Authority under the Licensing Act 2003 (the 2003 Act) and is responsible for granting premises licences, club premises certificates, temporary events notices, personal licences and provisional statements throughout the Borough in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment.
- 2.3 The Licensing Authority regulates licensable activities on licensed premises, in qualifying clubs and at temporary events within the terms of the 2003 Act and in this respect the licensing authority will primarily

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focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

- 2.4 Section 5 of the 2003 Act requires the Licensing Authority to prepare and publish a Statement of its Licensing Policy.
- 2.5 This is the Councils' second statement of licensing policy. It has been prepared in accordance with the provisions of the 2003 Act and the Guidance issued by the Secretary of State for the Department of Culture, Media and Sport (DCMS) under Section 182 of the Act which came into force on the 28<sup>th</sup> June 2007.
- 2.6 The Statement of Licensing Policy will have effect until the 6<sup>th</sup> January 2011.
- 2.7 The licensing policy has 4 main purposes, these are:
- To reinforce to elected Members on the Licensing Committee and any sub-committee the boundaries and power of the local authority, and to provide them with parameters under which to make their decisions. The committee should be able to test the application against criteria set out in the policy and if necessary add conditions to those set out in the operating schedule.
  - To inform the licence applicants of the parameters under which the authority will make licence decisions, and therefore how a licensed premises is likely to be able to operate within an area. (Note however that each case must be examined on an individual basis).
  - To inform residents and businesses of the parameters under which the authority will make licence decisions, and therefore how their needs will be addressed.
  - To support decisions made by the Licensing Authority when these decisions are challenged in a Court of Law.
- 2.8 The Community Strategy which sets a vision for Sedgefield Borough upto 2014 involves a range of public, private and community sector agencies on which its delivery depends. It sets the context within which the Council operates and a key function of the Sedgefield Borough's Corporate plan is to illustrate how the Authority contributes to the wider agenda, whilst meeting its own specific goals of working towards a more healthy, prosperous and attractive borough, with strong communities. Adoption of the Statement of Licensing Policy should add significantly to the Council's key ambitions in terms of national, regional and local priorities.
- 2.9 The statement of licensing policy also compliments Sedgefield Local Strategic Partnership Alcohol Harm Reduction Strategy which aims to tackle the harms and cost of alcohol misuse throughout the Borough.

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- 2.10 The policy sets out the manner in which applications for licences, required by the 2003 Act will be considered by the Licensing Authority. Every application and decision will be considered on its own merits and will take into account all relevant factors. The Policy does not seek to undermine the rights of any person to apply under the Act for a variety of permissions, or have their application considered on its individual merits, nor does it override the rights of any person making representations on any application or seeking a review of a licence where they are permitted to do so under the Act.
- 2.11 When considering applications, the Licensing Authority will have regard to this Policy, Licensing Act 2003, Guidance issued under Section 182 of the Act, the licensing objectives and all supporting legislation. The Licensing Authority will only depart from the policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.
- 2.12 Sedgefield Borough Council in adopting this licensing policy, recognises both the need of residents for a safe and healthy environment in which to live and work and the importance of safe and well run entertainment premises to both the local economy and vibrancy of the Borough. It is the Licensing Authority's wish to facilitate well managed premises with licence holders displaying sensitivity to the impact of premises on local residents
- 2.13 In determining this policy the following have been consulted:
- Chief Constable of Durham Constabulary
  - Chief Fire Officer County Durham and Darlington Fire and Rescue Service.
  - All persons/bodies throughout the Borough holding premises licences or club premises certificates including pubs, clubs, off licences, supermarkets, take aways, restaurants and mobile food vendors.
  - Persons/bodies representative of local holders of personal licences
  - Persons/bodies representative of businesses and residents in the Borough
  - Durham County Council Safeguarding Children Board
  - All Elected Members of Sedgefield Borough Council
  - Clerks of Town and Parish Councils in Sedgefield Borough.
  - Crime and Disorder Reduction Partnership
  - Durham CIU.
  - British Institute of Innkeeping
  - The British Beer and Pub Association
  - The Federation of Licensed Victuallers
  - The Association of Licensed Multiple Retailers
  - Equity
  - County Durham Primary Care Trust
  - North East Musicians Union

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- Various solicitors
- 2.14 The Licensing Authority will review its Policy every 3 years and as a result of that review, it will undertake consultation with appropriate residents, businesses and licence holders. In addition, it will keep its policy under review between the main 3 yearly periods and it will make revisions as appropriate to support the licensing objectives.
- 2.15 Nothing in this policy will prevent the Local Authority from making application in its own name for the grant of licences. The Council will before any such licence is granted be subject to the same considerations and application of the same scrutiny as any other applicant.
- 2.16 All references to licences in this policy include licences, certificates, or other permissions under the Act.
- 2.17 The policy does not seek to regulate matters which are provided for in other legislation e.g. planning, health and safety, employment rights, fire safety etc.
- 2.15 All relevant representations either in opposition to, or in support of, an application will be considered during the decision making process, unless they are considered to be frivolous, vexatious or repetitious.
- 2.18 Although the licensing authority is required to have regard to the DCMS Guidance it may, if it considers it appropriate, deviate from the guidance where there are good reasons which can be justified.
- 2.19 Scope of the Policy

The Licensing activities specified in the Licensing Act 2003, which are covered by this policy, include:

- The retail sale of alcohol.
- Supply of hot food or drink from premises between 11pm and 5am
- Supply of alcohol or provision of regulated entertainment to club members
- Provision of entertainment listed below (known as regulated entertainment) to the public, to club members or with a view to profit:
  - Film exhibitions
  - Performances of a play
  - Indoor sporting events
  - A boxing or wrestling entertainment
  - Live music performances
  - Playing of recorded music
  - Dance performances
  - Provision of facilities for making music

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- Provision of dancing facilities

The Policy covers a wide variety of premises and associated activities including:

- public houses
- nightclubs
- private members clubs
- off licences
- shops selling alcohol
- late night food premises and vehicles selling hot food or drink between 11pm and 5am.
- village halls
- community centres

The Act requires:

- The licensing of individuals for the retail sale of alcohol (a personal licence)
- The licensing of premises for the retail sale of alcohol, the provision of regulated entertainment or late night refreshment (a premises licence);
- The supply of alcohol or the provision of regulated entertainment at certain clubs (a club premises certificate)
- The permitting of certain licensable activities on a temporary basis (a temporary event notice)

### **3.0 The Licensing Objectives**

3.1 The 2003 Act requires that the Licensing Authority carries out its various licensing functions so as to promote the following four licensing objectives:

- **the prevention of crime and disorder**
- **public safety**
- **the prevention of public nuisance**
- **the protection of children from harm.**

3.2 Each objective is of equal importance and the Licensing Authority will as a matter of policy only take these objectives into account when determining applications and will where necessary consider attaching conditions to licences to promote the licensing objectives.

3.3 It is important to note that licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act. The conditions attached to various authorisations will focus on matters which are within the control of the individuals holding those licences or relevant authorisations.

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- 3.4 The licensing function is only one means of securing the delivery of the above objectives and should not therefore be seen as a means of solving all problems within the community. The Licensing Authority will work in partnership with neighbouring authorities, the police, local businesses and local people towards the promotion of the above objectives. The Licensing Authority will therefore ensure that it integrates with all relevant Council's strategies and policies including the Sedgefield Local Strategic Partnership Alcohol Harm Reduction Strategy.
- 3.5 The Licensing Authority will aim to keep the public informed of any future developments in licensing law and issues that are relevant to them.
- 3.6 The Licensing Authority recognises that there are a number of other mechanisms for addressing anti-social behaviour and nuisance once customers are away from the vicinity of licensed premises. These include:
- Planning controls
  - Positive measures to create a safe clean town environment in partnership with local businesses, transport operators and other departments of the Local Authority
  - The provision of CCTV surveillance in town centres, ample taxi ranks, the provision of public conveniences open late at night, street cleaning and litter patrols
  - Powers of the Local Authority to designate parts of its area as places where alcohol may not be consumed in public
  - Police enforcement of the general law concerning disorder and anti-social behaviour, including the issue of fixed penalty notices
  - The prosecution of any Personal Licence holder or member of staff at such premises who is selling alcohol to people who are drunk
  - The confiscation of alcohol from children and adults in designated areas
  - Police and / or local authority powers to close down instantly for up to 24 hours any licensed premises or temporary events on the 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 a local resident or business to seek a review of a licence or certificate in question.
- 3.7 Nonetheless licensing law is a key aspect of control and will be part of a holistic approach to the management of the evening and night time economy.
- 3.8 Applicants will have to ensure that in respect of each of the four licensing objectives, suitable and sufficient measures, as detailed in

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their operating schedule, will be implemented and maintained, relevant to the individual style and characteristics of their premises and events.

- 3.9 The following sections set out how the policy relates specifically to each of the four licensing objectives.

#### **4.0 The Prevention of Crime and Disorder**

- 4.1 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment may sometimes, if not properly managed, become a source of public nuisance, generating crime and disorder problems. The Licensing Authority recommends the membership and active participation in established "Pubwatch schemes" as one means of discussing and addressing issues relating to crime and disorder.
- 4.2 As a matter of policy the Council will require every holder of a licence, certificate or permission to be responsible for minimising the impact of their activities on crime and disorder and anti-social behaviour by their patrons within the vicinity of their premises including for example on the pavement, in a beer garden or in a smoking shelter. The Licensing Authority will therefore require applicants to demonstrate in their Operating Schedules suitable and sufficient measures, ranging from the design and layout of the premises through to the daily operation of the business that have been identified and will be implemented and maintained with the intention of preventing crime and disorder in and around the vicinity of their premises.
- 4.3 The Licensing Authority when considering applications will take into account as appropriate, matters outlined in any relevant local planning, transport, tourism, cultural and crime prevention or similar strategies and policies. Conditions may be attached to licences that will reflect matters outlined in these strategies. Applicants are recommended to take these matters into account when preparing their applications. Procedures to deal with drunken customers, violence and anti social behaviour in and outside premises and the provision of closed circuit television in certain premises are for example matters that could be addressed in a crime prevention strategy.
- 4.4 Applicants must in particular, consider the impact on crime and disorder of underage drinking, drunkenness on premises, public drunkenness, drugs, violent behaviour and anti social behaviour. The Licensing Authority considers the effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be among the most important control measures for the achievement of all licensing objectives. These issues should be addressed within an applicants operating schedule. The licensing authority will take a positive view of anyone who invests in training and in particular nationally accredited qualifications tailored to the licensing sector.

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- 4.5 The operating schedule for premises selling alcohol must identify a Designated Premises Supervisor (DPS) who must also hold a Personal Licence.
- 4.6 The DPS does not have to be present on the premises at all times when alcohol is being sold however the DPS and Premises Licence Holder remain responsible for the premises at all times.
- 4.7 It is important that there is an accountable, responsible person present when alcohol is being sold. This is to ensure for example that alcohol is not sold to persons who have had too much to drink or those under the age of 18 years. In terms of crime and disorder there is a need for an identified person with whom the Licensing Authority and Police can discuss any problems/issues arising from the licensable activities offered on the premises.
- 4.8 Where a relevant representation regarding maximum capacity of a premises or event has been received the Licensing Authority may set a maximum number of people that can attend a premises or an event. Any maximum will only be imposed where there is a clear and justifiable need in respect of that particular premises or event based on the nature and style of the operation. The Licensing Authority will consider information provided by the applicant and any other body in particular the Council's Building Control Section, Environmental Health Section and the Durham and Darlington Fire and Rescue Service before setting a maximum number. Premises where a fire certificate has been issued which imposes an occupancy level will not have an occupancy level imposed under the Premises Licence, unless the Fire Authority recommends a change.
- 4.9 Applicants will be expected to detail the arrangements that will be put in place to ensure that the permitted number of people attending the premises or event will not be exceeded. e.g. provision of door staff.
- 4.10 All persons employed at licensed premises to carry out any security activity must be licensed by the Security Industry Authority unless they benefit from an exemption under section 4 of the Private Security Industry Act 2001.
- 4.11 The Licensing Authority will normally require appropriately licensed door supervisors to be employed at premises selling alcohol by retail for consumption on the premises where the operating hours extend beyond midnight. The numbers of licensed door supervisors required will be dependant upon the nature of the activities licensed and the characteristics and capacity of the establishment.
- 4.12 In addition to the requirement of the Licensing Authority to promote the licensing objectives, the Council also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent

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crime and disorder in the Borough and to consider crime and disorder in its decision making process. This duty will be taken into account when considering all applications.

*Cumulative impact of licences on the amenity of particular areas.*

- 4.13 Where there is a significant number of licensed premises selling alcohol for consumption on premises concentrated in one area, the cumulative effect of those premises on the promotion of the licensing objectives is something the Licensing Authority may take into account.
- 4.14 The Licensing Authority will not however take 'economic need' into account when considering an application, as this is a matter for planning control and the market forces. The Licensing Authority recognises that the cumulative effect of the number, type and density of licensed premises in a given area may lead to serious problems of nuisance and disorder outside and some distance from the premises. The Licensing Authority wishes to ensure that these problems are minimised.
- 4.15 Representations may be received from a Responsible Authority e.g. the Police or an Interested Party e.g. a person living/working in the vicinity of the premises, that an area has become saturated with premises making it a focal point for large groups of people to gather and circulate away from the licensed premises themselves, creating exceptional problems of disorder and nuisance over and above the impact from the individual premises. In these circumstances the onus will be on the objector to provide evidence that additional licences or the variation of licences will produce the cumulative effect claimed.
- 4.16 When considering such representations the Licensing Authority will have regard to such matters as the character of the surrounding area and the nature and character of the proposed operation.
- 4.17 The Licensing Authority will consider representations based on the impact on the promotion of the licensing objectives in the Borough generally in respect of the particular application in front of them. However, the onus to provide evidence to back up any assertion that the addition of the premises in question would produce the cumulative effect claimed, taking into account that the effect will be different for premises with different styles and characteristics, will be on those making representations.
- 4.18 The Licensing Authority is not currently aware of any part of the Borough where a concentration of licensed premises is likely to cause a cumulative impact on one or more of the licensing objectives. The Licensing Authority will not therefore be initiating any special policy relating to the cumulative impact of premises in a particular area.

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- 4.19 Such a policy will only be considered following relevant representations from the police or other responsible authority or from interested parties within the vicinity of the premises concerned.
- 4.20 The Licensing Authority recognises that the diversity of premises selling alcohol, serving food and providing entertainment covers a wide range of contrasting styles and characteristics and will have full regard to those differences and the differing impact these will have on the local community.
- 4.21 Where relevant representations are made by Responsible Authorities or Interested Persons following an application the Licensing Authority will consider attaching Conditions to licences, certificates and permissions to promote the crime and disorder objective, and these may be drawn from the Pool of Conditions (See Appendices 1-5)

## **5. Public Safety**

- 5.1 The 2003 Act covers a wide range of premises that require licensing, including cinemas, concert halls, theatres, nightclubs, public houses, as well as cafes/restaurants, fast food outlets/takeaways selling hot food or drink after 11pm.
- 5.2 Each of these types of premises presents a mixture of risks, with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks and that these matters are reflected in licence applications.
- 5.3 When addressing the issue of public safety, an applicant must demonstrate that those factors that impact on public safety have been considered. These may include:
- The occupancy capacity of the premises;
  - The age, condition, design and internal layout of the premises,
  - Adequate access and egress and the means of escape in fire;
  - The nature of the activities to be provided, in particular the sale or supply of alcohol and including whether those activities are of a temporary or permanent nature;
  - The hours of operation and hours of opening if different
  - Customer profile (e.g. age, disability etc.). The Disability Discrimination Act 1995 introduced measures to tackle discrimination encountered by disabled people in the areas of employment, access to goods, facilities and services and the management, buying or renting of land or property. Applicants are reminded that since December 1996 it has been unlawful to treat disabled people less favourably than other people for a reason related to their disability and that since October 1999 reasonable adjustments should be made for disabled people, such as providing

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extra help or making changes to the way they provide their services. From October 2004 reasonable adjustments should be made to the physical features of premises which are open to the public, such as Licensed Premises, to overcome physical barriers to access.

- The use of special effects such as lasers, pyrotechnics, smoke machines, etc.

5.4 The Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation in October 2006. Conditions imposed by the Licensing Authority that relate to any requirements or prohibitions that are or could be imposed by the Order automatically cease to have effect without the need to vary the licence. The Licensing Authority will not seek to impose fire safety conditions where the order applies except in cases where the licensing authority and the enforcing authority for the fire safety order are one and the same body. The Licensing Authority will expect that Operating Schedules will satisfactorily address the relevant fire and health and safety legislation issues and applicants are therefore advised to seek advice from Council Officers and the Durham and Darlington Fire and Rescue Service before submitting their applications.

5.5 Where relevant representations are made by Responsible Authorities or Interested Persons following an application the Licensing Authority will consider attaching Conditions to licences, certificates and permissions to promote public safety, and these may be drawn from the Pool of Conditions (See Appendices 2 and 3)

## **6. Prevention of Public Nuisance**

6.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.

6.2 The concerns relate, amongst other things, to litter, light pollution, noxious odours and noise nuisance resulting from music, human voices, ventilation equipment and vehicles. Due regard will be taken on the impact these may have and for a licence to be granted the Licensing Authority will expect Operating Schedules to demonstrate that suitable and sufficient measures have been identified and will be implemented and maintained with the intention of preventing public nuisance relevant to the individual style and characteristics of their premises and events.

6.3 Applicants are advised to seek advice from Council Officers before preparing and submitting their applications.

6.4 Where relevant representations are made by Responsible Authorities or Interested Persons following an application the Licensing Authority will consider attaching Conditions to licences, certificates and

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permissions to prevent public nuisance and these may include conditions drawn from the Model Pool of Conditions (see appendix 4)

- 6.5 The extent to which the above matters will need to be addressed will be dependant on the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, operational procedures and the needs of the local community.
- 6.6 The Licensing Authority will require more comprehensive measures to be in place at late night entertainment venues and premises which have a history of previous nuisance complaints proved against the premises and in particular where statutory notices have been served on the present licensees.
- 6.7 The Licensing Authority does not support drinks' promotions that encourage the irresponsible consumption of alcohol, such as binge drinking. If promotions are held they should be in accordance with industry best practice guides e.g. The Point of Sale Promotions published by the British Beer and Pub Association.

## **7. Protection of Children from Harm.**

- 7.1 The 2003 Act makes it an offence for any child under the age of 16 who is not accompanied by an adult from being present:-
- at any time on pub premises, or other premises being used exclusively or primarily for the supply of alcohol for consumption on those premises or
  - between the hours of midnight and 5.00 a.m. on restaurant premises or other premises that supply alcohol for consumption on the premises
- 7.2 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or entertainment.
- 7.3 While the 2003 Act does not prohibit children from having free access to any licensed premises, the Licensing Authority recognises that limitations may have to be considered where it appears necessary to protect children from physical, moral or psychological harm.
- 7.4 The Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises. The following are examples of premises that may raise concerns;
- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking
  - with a known association with drug taking or dealing

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- where there is a strong element of gambling on the premises but not for example the simple presence of a small number of cash prize gaming machines
- where entertainment of an adult or sexual nature is commonly provided
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

7.5 The Licensing Authority will consider the following when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children:

- Limitations on the hours when children may be present
- Limitations on ages below 18
- Limitations or exclusion when certain activities are taking place
- Requirements for an accompanying adult to be present
- Full exclusion of people under 18 from the premises when certain licensable activities are taking place (e.g. entertainment of a sexual nature)
- Limitations on the parts of premises to which children will be given access

The 2003 Act details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the Police and Durham County Trading Standards Service to ensure the appropriate enforcement of the law, especially relating to the sale, supply of alcohol to children. Alcohol must not be served to persons under the age of 18, except in limited conditions allowed by the law and then only after verifying a persons proof of age. Proof of age can be verified by a passport, photocard driving licence, student card, an official identity card issued by HM Forces or by a European Union country or a proof of age scheme such as Challenge 21. Under the “Challenge 21” initiative those premises selling or supplying alcohol require sight of evidence of age from any person appearing to be under the age of 21 and who is attempting to buy alcohol. Making this a licensing condition would ensure that most minors – even those looking older – would need to produce appropriate proof of age before making a purchase.

7.6 In addition recorded staff training programmes, the use of a refusals register, in store signage and sensible siting of drinks can all reduce the likelihood of illegal sales. The Licensing Authority supports the acceptance of all proof of age schemes which carry the PASS (Proof of Age Standards Scheme) hologram logo.

7.7 No conditions will be imposed requiring that children be admitted to any premises and no conditions will be imposed to remove a licence holders discretion to refuse to admit children.

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- 7.8 The Licensing Authority commends the use of the Portman Group code of practice on the naming, packaging and the promotion of alcoholic drinks in all licensed premises.

#### *Access to Cinemas*

- 7.9 In the case of premises which are used for film exhibitions, applicants should include in the operating schedule arrangements for restricting access only to those children who meet the required age limit, in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Local Authority.

- 7.10 The 2003 Act provides that it is mandatory for licensing authorities to include a condition in all premises licences and club certificates authorising the exhibition of film, for the admission of children to the exhibition of any film to be restricted in accordance with the recommendations given to films either by the British Board of Film Classification or by the Licensing Authority itself.

- 7.11 Sedgefield Borough Council does not intend at this moment in time to adopt its own system of film classification in its capacity as a Licensing Authority.

#### *Children and Public Entertainment*

- 7.12 Many children go to see and/or take part in an entertainment arranged especially for them, for example children's film shows and dance or drama school productions, and additional arrangements are required to safeguard them while at the premises.

- 7.13 Where entertainment requiring a licence is specifically presented for children, the Licensing Authority will require the presence of at least one member of staff for every 50 children present to ensure their safety and protection from harm and to control their access and egress from the premises. The Council will require those caring for or supervising children to have undergone an appropriate Criminal Record check with the Criminal Records Bureau.

- 7.14 For a licence to be granted, the Licensing Authority will require the submitted Operating Schedules to satisfactorily address these issues.

- 7.15 Where relevant representations are made by Responsible Authorities or Interested Parties following an application the Licensing Authority will consider attaching Conditions to licences, certificates and permissions to prevent harm to children, and these may include Conditions drawn from the Pool of Conditions relating to the Protection of Children from Harm (see Appendix 5).

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- 7.16 The Licensing Authority considers that the Responsible Authority to which applications will need to be copied who are best able to deal with matters relating to the protection of children from harm is the Durham County Council Safeguarding Children Board.

## **8. Licensing Hours**

- 8.1 The Licensing Authority recognises that longer licensing hours for the sale of alcohol could avoid large numbers of people leaving premises at the same time, which in turn could reduce the potential for disturbance at late night fast food outlets, taxi ranks, minicab offices and other sources of transport. The aim of the Licensing Authority is through the promotion of the licensing objectives to reduce the potential for concentrations of people and to achieve a slower dispersal of people from licensed premises through flexible opening hours.
- 8.2 The Licensing Authority considers that licensing hours should not inhibit the development of safe and thriving evening and night-time local economies which are important for investment and employment locally and attractive to tourists and visitors alike. The Licensing Authority considers that providing consumers and the licensed trade with greater choice and flexibility is an important consideration.
- 8.3 Fixed pre determined closing times within designated areas otherwise known as zoning will not be set as this could lead to significant movements of people across boundaries at particular times seeking premises opening later, with the potential for concentrations of disturbance and noise. This would treat residents in one area less favourably than those in another as well as causing the peaks of disorder and disturbance the 2003 Act is trying to avoid.
- 8.4 Restrictions on trading hours will only be considered where necessary to meet the licensing objectives.
- 8.5 The Licensing Authority will generally deal with the issue of licensing hours having due regard to the individual merits of each application. However, consideration will be given in appropriate circumstances to imposing stricter conditions or limitations in respect of noise control where premises are situated in mainly residential areas.
- 8.6 In all cases the granting of a licence will be dependant on the impact of the premises or activity particularly on local residents. Applicants will need to take into consideration the level of impact which could arise from noise, vibration, litter, parking, availability of public transport and taxis, crowds etc.
- 8.7 Applicants must carefully consider the hours of opening which they consider appropriate for the future operation of their business, and in particular their requirements to accommodate special events and

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celebrations. Applicants are not encouraged to apply for hours of operation beyond their current opening hours if they have no intention of operating for the extended period. This will reduce the burden placed on the licensing administration and will assist in the efficient operation of the licensing system. Where an applicant wishes to apply to extend their current opening hours beyond midnight, the Council will expect their Operating Schedule to detail measures to be taken to ensure the licensing objectives are addressed and that there will be no significant disturbance to members of the public, living, working or otherwise engaged in normal activity within the vicinity of the premises concerned.

- 8.8 The Licensing Authority will generally consider licensing retail premises to sell alcohol for consumption off the premises at any times they are open for shopping. However, it may consider there are very good reasons for restricting those hours, for example, where police representations made in respect of individual shops which are known to be the focus of disorder and disturbance.
- 8.9 Applicants for premises licences will also be expected to reflect any operating hours that are stipulated as part of a planning consent.

## **9 Human Rights and Promotion of Racial Equality**

- 9.1 The Human Rights Act 1998 makes it unlawful for a Local authority to act in a way which is incompatible with a right under the European Convention on Human Rights. In carrying out its licensing functions the Council will therefore have particular regard to:
- Article 6 – Right to a fair hearing. In the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
  - Article 8 - Right to respect for private and family life.
  - Article 1 of the first protocol – Protection of Property. Every person is entitled to the peaceful enjoyment of his or her possessions (including for example the possession of a licence).
- 9.2 The Licensing Authority opposes all forms of unlawful and unfair discrimination in all areas of its activities and recognises that it should take the lead on race equality in order to achieve a society that respects people regardless of their race, colour or creed. In this respect Sedgefield Borough Council has implemented a 'Race Equality Scheme' throughout the Borough.



## **10 Safer Clubbing – Guidance for licensing authorities, club managers and promoters**

- 10.1 For premises which may have problems with drugs, crime and disorder and/or are open late the Licensing Authority will refer to the guidance given and will expect applicants in their operating schedules to use the strategies outlined in the Home Office Drug Strategy booklet entitled Safer Clubbing (ISBN 1840827807).

## **11 Integrating Strategies and Avoiding Duplication**

- 11.1 There are many stakeholders in the leisure industry, covering a wide range of disciplines. Many are involved, directly or indirectly, in the promotion of the licensing objectives, particularly those relating to the prevention of crime and disorder and public nuisance.
- 11.2 Many of their strategies deal in part with the licensing function and the Licensing Authority will participate in multi-disciplinary working groups to ensure proper integration of local crime prevention, planning, transport, tourism and cultural strategies and also to obtain information on the effects of this policy on local regulated entertainment.
- 11.3 The Licensing Authority recognises the need to avoid so far as possible duplication with other regulatory regimes. Whilst having regard to the planning regime the Council recognises that there should be a clear separation of the planning and licensing regimes and licensing applications should not be a re-run of the planning application. Prior to submitting an application to the Licensing Authority applicants should ensure that there is an appropriate current planning permission for the hours and activities for which the application is being made. Building regulation approval, completion certificates and where necessary electrical certificates should also be acquired prior to the use of premises for licensable activities. The granting of a licence under the Act does not relieve the applicant of the need to apply for planning permission or building control where appropriate.
- 11.4 The Licensing Authority will require an applicant to have obtained planning permission where necessary for the proposed use of any premises before applying for a Provisional Statement under Section 29 of the Act.
- 11.5 The Licensing Authority will endeavour to minimise the burden of legislation on small businesses. Some regulations do not cover the unique circumstances of some entertainment and the Licensing Authority will consider attaching 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.

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## **12 Live Music, Dancing and Theatre**

- 12.1 The Licensing Authority recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefit of the community, particularly for children.
- 12.2 The Licensing Authority will not therefore discourage the promotion of such events but will, when considering applications for such events and the imposition of conditions on licences or certificates carefully balance the cultural needs with the necessity of promoting the licensing objectives.
- 12.3 Consideration will be given to the particular characteristics of any event, including the type, scale and duration of the proposed entertainment, especially where limited disturbance only may be caused.
- 12.4 In places for which the Council holds a premises licence e.g. parks and public open spaces, entertainers may be able to give a performance, without the need to serve temporary event notices or to apply for individual premises licences. This approach will make it more possible for cultural diversity to thrive and will be a far simpler process for many types of entertainment that use numerous venues each year such as circuses and street artists. However, entertainers will need to obtain permission of the Council (as premises licence holder) and comply with any conditions that might be imposed. This approach may reduce the administrative burden on the Licensing Authority and ensure that licensable activities are encouraged in locations that the Licensing Authority considers appropriate and where the promotion of the licensing objectives have been previously considered and any potential noise nuisance can be properly managed.
- 12.5 Temporary Event Notices enable licensable activities to take place outside the scope of a Premises Licence. These notices can be given for small scale events attracting no more than 499 people at a time and lasting for no more than 96 hours. There are annual restrictions on how many notices one person may give and on the number of times the same premises can be used. Applicants must however provide advance notice to the Police and the Licensing Authority and although the law states that a minimum of 10 days notice must be given, organisers of temporary events are strongly advised to give the Licensing Authority and the Police at least 28 days notice of any such event to enable any issues to be dealt with in a timely manner.
- 12.6 The Licensing Authority encourages premises such as community centres and village halls to apply for Premises Licences to cover all expected activities as the managers of these venues may find the permitted annual number of temporary event notices too restrictive.

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- 12.7 The Licensing Authority will monitor the impact on regulated entertainment, and particularly live music and dancing. Where there is any indication that such events are being deterred by licensing requirements the policy will be revisited with a view to investigating how the situation might be reversed.
- 12.8 The incidental performance of live music and incidental playing of recorded music may not be regarded as regulated entertainment under the Act. The following factors will be taken into consideration when considering whether the performance or playing of incidental music requires to be licensed:
- whether the music is the main reason for people attending the premises
  - whether music is advertised as the main attraction
  - whether the volume of the music disrupts or predominates over other activities.

In respect of Private events to which the public are not admitted entertainment will be considered by the Licensing Authority to be regulated only if it is provided for consideration and with a view to profit.

### **13 Gambling in licensed premises.**

- 13.1 Gambling is the subject of separate legislation. The Gambling Act 2005 comes into force in September 2007. The Licensing Authority is responsible for the licensing of premises under this Act. Further information can be found in the Council's Statement of Licensing Principles and on the Department of Culture and Media Services website at [www.culture.gov.uk](http://www.culture.gov.uk)

### **14 Administration, Exercise and Delegation of Functions**

- 14.1 It is important that the Licensing Authority is not seen to be soliciting representations relating to applications and reviews. However it is important to note that the Licensing Authority includes all ward councillors who are entitled to information required to inform that role. Basic information relating specifically to applications and reviews will therefore be provided for all members by means of electronic weekly updates. The Parish and Town Council Charter established in 2004 sets out how the Borough Council and Town and Parish Councils will work together for the benefit of local people. Therefore in order to fulfill the objectives of the Charter the Licensing Authority will also provide Town Council and Parish Council Clerks with basic information relating to licence applications on a weekly basis.
- 14.2 The Licensing Authority will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee of 15 members to administer them.

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- 14.3 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a number of Sub-Committees to deal with them.
- 14.4 With many of the decisions and functions being purely administrative in nature, the grant of non-contentious applications, including for example, those licences and certificates where no representations have been made, has been delegated to Council Officers. In all such cases the officer must grant the licence in accordance with the application subject only to such conditions as are consistent with the operating schedule accompanying the application, and any mandatory conditions required by the Act. All such matters dealt with by Officers will be reported for information and comment only, to the full licensing committee.
- 14.5 Where there are relevant representations, applications will be dealt with by the Licensing Committee of the Council, or by a sub-committee as will any application for review of a licence.
- 14.6 The Table of Delegated Functions (see Appendix 6) sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committees and Officers.
- 14.7 This form of delegations is without prejudice to Officers referring an application to a Sub-Committee, or a Sub-Committee to Full Committee, if considered appropriate in the circumstances of any particular case.
- 14.8 Where representations are made a licensing officer will liaise with the applicant, interested parties and the responsible authorities to see if an agreement can be reached without the need for the matter to go before the Licensing Committee or Licensing Sub Committee. Only where representations are raised which cannot be resolved will matters be referred to either the Sub Committee or the Full Committee for determination.

#### Committee/Sub Committee Procedural Requirements.

- 14.9 When it is considered necessary to put an application before the Licensing Committee / Sub Committee, applicants, interested parties and responsible authorities will be asked beforehand to estimate the likely timescale of their presentation or representations. This is to ensure that sufficient time can be allocated to hear the application. Wherever possible interested parties will be encouraged to attend the meetings and present their evidence in person.
- 14.10 A member of a sub committee considering licence applications will

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only participate in the hearing if they do not have a personal or prejudicial interest under the Local Authority's Code of Conduct for Elected Members. This is subject to a Members right to remain following the declaration of a prejudicial interest when members of the public are allowed to make representations, give evidence or answer questions. However such a Member must not vote on the matter and must leave when he/she has finished speaking( Paragraph 12(2) of the Code of Conduct refers).

- 14.11 Licensing Committee hearings are quasi judicial in nature. However the Licensing Authority will try to keep the proceedings as informal as possible. Some degree of formality will however be necessary to ensure that all parties represented are able to present their views openly and fairly and that they receive a fair hearing.
- 14.12 The Committee and sub committees will determine each case before it on its merits and in determining the application the Licensing Committee or sub committee will consider:
- The case and evidence presented by all parties
  - The promotion of the four licensing objectives.
  - The Licensing Act 2003 and associated regulations.
  - Guidance issued by central Government
  - The Statement of Licensing Policy
- 14.13 Hearings will be conducted in accordance with the Council's Procedure for Licensing Hearings and will commence with the Chairperson of the Licensing Committee introducing himself/herself and the other Members present.
- 14.14 The Chairperson will then ask the applicant, interested parties and the responsible authorities to introduce themselves and any witnesses. The reason for the hearing will then be outlined.
- 14.15 Council officer will present the previously circulated report after which the applicant and any representors may ask questions. Sub committee members may then seek clarification on any points raised.
- 14.16 The applicant will be asked to present his/her case and to call any witnesses to present evidence.
- 14.17 Responsible Authorities, Interested Parties, Members of the Licensing Committee and Council Officers, in that order, will then be given the opportunity to ask questions at the end of any presentation. Any witnesses giving evidence on behalf of the applicant may also be questioned after giving their evidence.
- 14.18 The Chairperson will then give the responsible authorities and Interested parties the opportunity to present their representations. Once completed the applicant, members of the licensing committee

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and officers will be able to ask questions. When all the evidence has been given the responsible authorities and interested parties will be given the opportunity to sum up their representations in the same order as they presented their cases. The applicant will then be given the opportunity to sum up his/her case.

- 14.19 Decisions relating to contested licensing applications will always be made by the Committee or sub committees in private. The committee members will be accompanied by the Council's Legal Advisor who will provide advice on legal and procedural points, but will not comment on the merits of the application. A public announcement of the decision will be made at the end of the hearing together with clear, convincing reasons for the decision. The decision will then be confirmed in writing after the hearing.
- 14.20 Applicants and those making representations in respect of applications to the Licensing Authority have a right of appeal to the Magistrates Court against decisions of the Licensing Authority in accordance with the 2003 Act.
- 14.21 Where the Committee and sub committees determine that it is appropriate to attach conditions to a licence / certificate it will ensure that those conditions are focused on the direct impact of the activities taking place at the premises on members of the public living, working or engaged in normal activity in the area concerned. Such conditions will be proportionate to the activity to be controlled and will only be imposed in the interests of the licensing objectives.

## **15. Enforcement**

- 15.1 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the 2003 Act. Although annual inspections of premises will not be undertaken as a matter of course the Licensing Authority will make arrangements to monitor premises.
- 15.2 In January 2006 the Licensing Authority signed a Memorandum of Understanding and Joint Enforcement Protocol together with Durham Constabulary, County Durham and Darlington Fire and Rescue , Darlington Borough Council, Durham County Council and the six District Councils situated in County Durham. The parties recognise the importance of effective co-operation and liaison including the sharing of intelligence to ensure compliance with the law. The protocol enables joint visits to be carried out to premises as a result of complaints received or as part of an inspection programme where the emphasis will be on targeting high risk, poorly run premises as opposed to lower risk well – run premises.

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Guidance accompanying the Licensing Act states that the Act does not require inspections to take place save at the discretion of those charged with the role. The Guidance also states that inspections should not be conducted routinely but when and if they are justified with resources being directed towards problem premises. This is totally in accord with the recommendations of the Hampton Review (March 2005) which recommended that:

- comprehensive risk assessment should be the foundation of all regulators' enforcement programmes;
- there should be no inspections without a reason, and data requirements for less risky businesses should be lower than for riskier businesses;
- resources released from unnecessary inspections should be redirected towards advice to improve compliance;
- there should be fewer, simpler forms;
- data requirements, including the design of forms, should be coordinated across regulators;

15.3 The Act sets out a number of offences, proceedings for which may be instigated by the following;

- The Licensing Authority
- The Director of Public Prosecutions
- In the case of an offence under section 146 or 147 (sale of alcohol to children), by a weights and measures authority (within the meaning of section 69 of the Weights and Measures Act 1985(c.72)).

15.4 All enforcement actions taken by the Council will comply its "Enforcement and Prosecution Policy" and the Government's Enforcement Concordat, which the Council has adopted. The Council's "Enforcement and Prosecution Policy" can be viewed on the Council's website at :

[http://www.sedgefield.gov.uk/environmentalhealth/htdocs/business\\_news/enforce\\_prosecution\\_policy.htm](http://www.sedgefield.gov.uk/environmentalhealth/htdocs/business_news/enforce_prosecution_policy.htm)

15.5 The Council, Durham Constabulary, County Durham and Darlington Fire and Rescue Service and other enforcing authorities e.g. Durham County Trading Standards Service will whenever necessary give early warning to licence holders of any concerns about problems occurring at premises associated with the licensing objectives.

15.6 The 2003 Act provides a mechanism for reviewing a Premises Licence where problems associated with achieving the Licensing objectives occur.

15.7 The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence. An interested party or responsible

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authority may apply to the Licensing Authority for a licence to be reviewed. In such circumstances the Licensing Authority will hold a hearing and take any necessary steps to promote the licensing objectives, such as modification of conditions, exclusion of licensable activities, removal of the designated premises supervisor, suspension of the licence for up to 3 months or the revocation of the licence.

15.8 The Council will not expect a premises licence to be reviewed more than once within any 12 month period on similar grounds except in exceptional circumstances or where it arises following a closure order.

15.9 The Council's licensing enforcement officers will investigate complaints and allegations of unlicensed activities and ensure that the conditions related to licensed premises are complied with and will seek to work actively with Durham Constabulary in enforcing licensing legislation.

## 16. Definitions

Note: In this Policy, the following definitions are included to provide an explanation of certain terms included in the Act and therefore in the Policy. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. In the event of any amendments in the 2003 Act the new definitions will prevail. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

**'Designated Premises Supervisor'** means the person (who must be a Personal Licence holder), in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence or will be the Premises Licence holder himself. The DPS does not have to be present on the premises at all times when alcohol is being sold however the DPS and Premises Licence Holder remain responsible for the premises at all times.

**'Interested Party'** means any of the following:

- A person living in the vicinity of the premises ie lives sufficiently close to the premises that they are likely to be affected by the authorised activities
- A body representing persons who live in that vicinity eg a residents association, or a parish or town council
- A person involved in a business in that vicinity ie has business interests that might be affected by the authorised activities This is not confined to trade and commerce and includes the functions of charities, churches and medical practices.
- A body representing persons involved in such a business eg a trade association

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Interested Parties can make representations about licensing applications or apply for a review of an existing licence. Anonymous representations will not be accepted by the Licensing Authority. Representations to the licensing Authority must state the name and address of the Interested Party. The Licensing Authority does however accept that in exceptional circumstances e.g. fear of reprisals, an Interested Party may not wish for his/her personal details to be disclosed to the applicant. In such circumstances the Licensing Authority will consider withholding the name and address of the interested party from the copy of the representation that is provided to the applicant. Interested Parties can ask a body such as a Parish or Town Council to make the representation on their behalf however the details of the person(s) / body making the representation must be made known to the Licensing Authority.

**'Late Night Refreshment'** means the supply of hot food or hot drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00 pm and 5.00 am.

**'Licensable Activities'** means:-

- 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 the club
- the provision of Regulated Entertainment
- the provision of Late Night Refreshment i.e. the supply of hot food or drink between 11.00 p.m. and 5.00 a.m.

**'Licensed Premises'** includes club premises and events unless the context otherwise requires.

**'Operating Schedule'** means a document containing a statement of the following matters (and any others that may be prescribed):-

- the relevant Licensable Activities
- the times at which the Licensable Activities are to take place and any other times when premises are open to the public
- information regarding the person who will be specified in the Premises Licence as the Designated Premises Supervisor
- where the Licensable Activities involve the supply of alcohol, and whether it is for the supply on and/or off the premises
- the steps being taken to promote the Licensing Objectives

**'Personal Licence'** is a licence granted to an individual and authorises that person to supply alcohol or authorise the supply of alcohol in accordance with a premises licence. The licence lasts for 10 years and can be renewed. It ceases to have effect when revoked, forfeited, surrendered or suspended. A personal licence holder is not required where the premises concerned does not supply alcohol as one of its

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licensable activities. A personal licence holder is also not required for the supply of alcohol in a club which holds a club certificate. Only the police can object to the grant of a personal licence. Personal Licence holders are responsible for every supply of alcohol under the premises licence. The Licensing Authority will take the following factors into consideration when considering whether or not authorisation has been given:

- the person authorised to sell alcohol should be clearly identified
- the authorisation should specify the acts which may be carried out by the authorised person
- the authorisation should be in writing. N.B. written authorisation is not however a requirement of the Act and its absence alone could not give rise to enforcement action.
- the personal licence holder should monitor the activities of the authorised person

**'Portman Group Code of Practice'** defines best practice in the naming packaging and promotion of alcoholic drinks and provides a procedural framework for influencing, regulating and controlling industry practice. The code is supported by virtually the whole Industry including producers, importers, wholesalers, retailers and trade associations.

**'Premises Licence'** is a licence granted by the licensing authority which authorises the use of any premises, which includes any place or part of premises, for licensable activities described in Section 1 (1) and Schedules 1 and 2 of the 2003 Act. A licence holder wishing to amend a licence will in most cases be able to apply for a variation rather than having to make a new application. An application to vary a premises licence will be required in the following cases:

- Varying the hours during which a licensable activity is permitted
- Adding or removing licensable activities
- Amending, adding or removing conditions within a licence
- Altering any aspect of the layout of the premises which is shown on the plan. In respect of areas on the plan which are not required to be shown on the plan eg beer gardens, the Licensing Authority will take into account the impact on the licensing objectives should these areas be utilised for the purposes of accommodating smoking shelters.

New premise licence applications will be required (Section 17 of the Act) when applications are received to:

- Extend a time limited licence
- Transfer the licence from one premises to another

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**‘Provisional Statement’** is a procedure by which the licensing authority can give a statement approving for licensing purposes proposals for a premises being built or in the course of being constructed. Where a provisional statement is made, subject to limited exceptions, the full licence must normally be granted once the premises are completed.

**‘Regulated Entertainment’** means:-

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description falling within the last three of the categories listed above but only where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators.

#### **Exemptions Schedule1 Part 2**

- Advertising and Educational Films
- Films at Museums and Art Galleries
- Incidental Live and Recorded Music
- Television or Radio Broadcasts
- Religious meetings or services
- Secular entertainment in places of public religious worship
- Garden Fetes
- Morris Dancing
- Vehicles in motion – but not vessels
- Small events in licensed premises (section 177)

**‘Responsible Authority’** means any of the following:-

- the Chief Officer of Police
- the Fire Authority
- the enforcing authority for Health and Safety at Work
- the local planning authority
- the local authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health
- the body representing matters relating to the protection of children from harm

**‘Temporary Event Notice’** means a Permitted Temporary Activity involving one or more Licensable Activities subject to the following various conditions and limitations:-

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- duration – they are limited to events lasting for up to 96 hours;
- scale – they cannot involve the presence of more than 499 people at any one time;
- use of the same premises – the same premises cannot be used on more than 12 occasions in a calendar year, but are subject to the overall aggregate of 15 days irrespective of the number of occasions on which they have been used, and
- the number of notices given by an individual within a given period of time a Personal Licence holder is limited to 50 notices in one year, and any other person to five notices in a similar period.

(If these conditions are not fulfilled, the Temporary Event would require a Premises Licence if it were currently unlicensed for the activity involved.)

## **17 POOL OF CONDITIONS**

- 17.1 The Licensing Authority does not propose to implement standard licensing conditions across the board. Where considered appropriate and necessary for the promotion of the Licensing Objectives, the Licensing Authority will given the circumstances of each individual case consider attaching Conditions drawn from the relevant Pools of Conditions set out in Appendices 1 - 5.
- 17.2 Conditions not listed in the pool of conditions may be specifically tailored to the individual style and characteristics of the particular premises and attached to licences as appropriate.
- 17.3 Applicants may find it useful to refer to the pool of conditions when preparing “operating schedules” and considering what, if any, voluntary measures to be taken by them may contribute to the attainment of the licensing objectives and enhance the suitability of the application.
- 17.4 Where responsible authorities and interested parties do not raise any representations about an application made to the licensing authority, it is the duty of the Licensing Authority to grant the licence or certificate subject only to conditions that are consistent with the operating schedule or club operating schedule and any mandatory conditions prescribed in the Act. The Licensing Authority may therefore not impose any conditions unless its discretion has been engaged following the making of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions as are necessary to promote the licensing objectives arising out of the consideration of the representations.
- 17.5 Applications for premises licences being sought without variation under the transitional arrangements for the same licensable activities as permitted under the existing licence(s) will be granted ‘new’ licences subject only to any conditions or restrictions which were attached to the existing licence(s).
- 17.6 The Act provides for mandatory conditions to be attached to premises licences in respect of :
- The named designated premises supervisor and the supply of alcohol by (or authorised by) a personal licence holder
  - Classification of films and the admission of children
  - The licensing of ‘Door Supervisors’.

## **Core Principles.**

1. When applicants are preparing their operating schedules or responsible authorities are considering applications and licensing authorities are considering applications following the receipt of relevant representations, they should consider whether the measures set out in the following Appendices are necessary to promote the licensing objectives.
2. Any risk assessment to identify necessary measures should consider the individual circumstances of the premises (including local knowledge) and take into account a range of factors including:
  - The nature and style of the venue;
  - The activities being conducted there;
  - The location; and
  - The anticipated clientele.

Under no circumstances does the Licensing Authority regard the measures outlined in the Appendices as standard conditions to be automatically imposed in all cases.

3. Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those below, as a step they intend to take to promote the licensing objectives. When measures are incorporated into the licence or certificate as conditions, they become enforceable under the law and any breach could give rise to prosecution.
4. The Licensing Authority will carefully consider conditions to ensure that they are not only necessary but realistic, practical and achievable, so that they are capable of being met. Failure to comply with any conditions attached to a licence or certificate is a criminal offence, which on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both. As such, it would be wholly inappropriate to impose conditions outside the control of those responsible for the running of the premises. It is also important that conditions which are imprecise or difficult to enforce should be avoided.

## **Appendix 1**

### **CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER**

#### **Text/Radio pagers**

Text and radio pagers connecting premises licence holders, designated premises supervisors, managers of premises and clubs to the local police can provide for rapid response by the police to situations of disorder which may be endangering the customers and staff on the premises.

Pagers provide two-way communication, allowing licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and the police to warn those operating a large number of other premises of potential trouble-makers or individuals suspected of criminal behaviour who are about in a particular area. Pager systems can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence in an area of such people.

The Secretary of State recommends that text or radio pagers should be considered for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These conditions may also be appropriate and necessary in other areas.

It is recommended that a condition requiring the text/radio pager links to the police should include the following requirements:

- the text/pager equipment is kept in working order at all times;
- the pager link is activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
- any police instructions/directions are complied with whenever given; and
- all instances of crime or disorder are reported via the text/radio pager link by the designated premises supervisor or a responsible member of staff to an agreed police contact point.

#### **Door Supervisors**

Conditions relating to the provision of door supervisors and security teams may be valuable in:

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;

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- keeping out individuals excluded by court bans or by the licence holder;
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- maintaining orderly queuing outside venues.

Where the presence of door supervisors conducting security activities is to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with:

- the number of supervisors;
- the displaying of name badges;
- the carrying of proof of registration;
- where, and at what times, they should be stationed on the premises; and
- whether at least one female supervisor should be available (for example, if female customers are to be given body searches).

Door supervisors also have a role to play in ensuring public safety (see Appendix 2) and the prevention of public nuisance (see Appendix 4).

### **Bottle bans**

Glass bottles may be used as weapons to inflict serious harm during incidents of disorder. A condition can prevent sales of drinks in glass bottles for consumption on the premises. This should be expressed in clear terms and include the following elements:

- no bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar;
- no customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public (note: this needs to be carefully worded where off-sales also take place);

In appropriate circumstances, the condition could include exceptions, for example, as follows:

- but bottles containing wine may be sold for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food.

Bottle bans may also be a relevant necessary measure to promote public safety (see Appendix 2).

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### **Plastic containers and toughened glass**

Glasses containing drinks may be used as weapons and in untoughened form, can cause very serious injuries. Where necessary, consideration should therefore be given to conditions requiring the use of safer alternatives which inflict less severe injuries. Location and style of the venue and the activities carried on there are particularly important in assessing whether a condition is necessary. For example, the use of glass containers on the terraces of some outdoor sports grounds may obviously be of concern, and similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of plastic containers or toughened glass may be a necessary condition during the televising of live sporting events, such as international football matches, when there may be high states of excitement and emotion fuelled by alcohol.

The use of plastic or paper drinks containers and toughened glass may also be relevant as measures necessary to promote public safety (see Appendix 2)

### **Open containers not to be taken from the premises**

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. This is lawful where premises are licensed for the sale of alcohol for consumption off the premises. However, consideration should be given to a condition preventing customers from taking alcoholic and other drinks from the premises in open containers (eg glasses and opened bottles) for example, by requiring the use of bottle bins on the premises. This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

Restrictions on taking open containers from the premises may also be relevant necessary measures to prevent public nuisance (see Appendix 4).

### **CCTV**

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.

The police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

### **Restrictions on drinking areas**

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It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing during particular sports events. Conditions should not only specify these areas, but indicate the circumstances in which the ban would apply and times at which it should be enforced.

Restrictions on drinking areas may also be relevant necessary measures to prevent public nuisance (see Appendix 4).

### **Capacity limits**

Capacity limits are most commonly made a condition of a licence on public safety grounds (see Appendix 2), but should also be considered for licensed premises or clubs where overcrowding may lead to disorder and violence. If such a condition is considered necessary, door supervisors may be needed to ensure that the numbers are appropriately controlled (see above).

### **Proof of age cards**

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent these crimes, it may be necessary for certain licensed premises to require the production of “proof of age” before sales are made. The Secretary of State strongly supports the PASS accreditation system which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security. While conditions may refer directly to PASS accredited proof of age cards, they should also allow for the production of other proof, such as photo-driving licences, student cards and passports.

Since many adults in England and Wales do not currently carry any proof of age, the wording of any condition will require careful thought. For example, many premises have adopted the “Challenge 21” or other similar initiatives. Under the “Challenge 21” initiative those premises selling or supplying alcohol require sight of evidence of age from any person appearing to be under the age of 21 and who is attempting to buy alcohol. Making this a licensing condition would ensure that most minors – even those looking older – would need to produce appropriate proof of age before making a purchase.

Proof of age may also be relevant and necessary to protect children from harm (see Appendix 5).

### **Crime prevention notices**

It may be necessary at some premises for notices to be displayed which warn customers of the prevalence of crime which may target them. Some premises may be reluctant to volunteer the display of such notices for commercial reasons. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the display of notices at the premises which warn customers about the need to be aware of pickpockets or

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bag snatchers, and to guard their property. Similarly, it may be necessary for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

### **Drinks promotions**

Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club premises certificates in an area as this is likely to breach competition law. It is also likely to be unlawful for licensing authorities or police officers to promote voluntary arrangements of this kind as this can risk creating cartels.

However, conditions specifically designed to address irresponsible drinks promotions or discounting at individual premises may be permissible provided they are necessary for the promotion of the licensing objectives. Licensing authorities should be aware that there may often be a very fine line between responsible and irresponsible promotions. It is therefore vital that they consider these matters objectively in the context of the licensing objectives and before pursuing any form of restrictions at all, take their own legal advice.

### **Signage**

It may be necessary for the normal hours at which licensable activities are permitted to take place under the terms of the premises licence or club premises certificate to be displayed on or immediately outside the premises so that it is clear if breaches of these terms are taking place.

Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises to deter those who might seek admission in breach of those conditions.

### **Large capacity venues used exclusively or primarily for the “vertical” consumption of alcohol (HVVDs)**

Large capacity “vertical drinking” premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises which have exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol, and little or no seating for patrons. Where necessary and appropriate, conditions can be attached to licences for these premises which require adherence to:

- the number of supervisors;
- a prescribed capacity;
- an appropriate ratio of tables and chairs to customers based on the capacity; and
- the presence of security staff holding the appropriate SIA licence or exemption to control entry for the purpose of compliance with the capacity limit.

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## **Appendix 2.**

### **CONDITIONS RELATING TO PUBLIC SAFETY**

The attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc Act 1974, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations 1999, and the Regulatory Reform (Fire Safety) Order 2005 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control them. Conditions enforcing these requirements are therefore unnecessary. From 1 October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. Licensing authorities should note that under article 43 of the Regulatory Reform (Fire Safety) Order 2005 any conditions imposed by the licensing authority that relate to any requirements or prohibitions that are or could be imposed by the Order have no effect. This means that licensing authorities should not seek to impose fire safety conditions where the Order applies.

#### **General**

Additional matters relating to cinemas and theatres are considered in Appendix 3. It should also be recognised that special issues may arise in connection with outdoor and large scale events. In addition, to considering the points made in this Part, those preparing operating schedules or club operating schedules, licensing authorities and responsible authorities should consider:

- Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press – ABTT Publications)
- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) (“The Purple Book”) ISBN 0 7176 2453 6
- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
- 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804 • The Guide to Safety at Sports Grounds (The Stationery Office, 1997) (“The Green Guide”) ISBN 0 11 300095 2
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through: [www.streetartsnetwork.org.uk/pages/publications.htm](http://www.streetartsnetwork.org.uk/pages/publications.htm)

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The following British Standards should also be considered:

- BS 5588 Part 6 (regarding places of assembly)
- BS 5588 Part 9 (regarding ventilation and air conditioning systems)
- BS 5588 Part 9 (regarding means of escape for disabled people)
- BS 5839 (fire detection, fire alarm systems and buildings)
- BS 5266 (emergency lighting systems)

***In most premises existing legislation will provide adequately for the safety of the public or club members and guests. However, where this is not the case, consideration might be given to the following conditions.***

### **Safety checks**

- Safety checks are carried out before the admission of the public.
- Details of such checks are kept in a Log-book.

### **Escape routes**

- Exits are kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly identified.
- Where chairs and tables are provided in restaurants and other premises, internal gangways are kept unobstructed.
- All exits doors are easily openable without the use of a key, card, code or similar means.
- Doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept.
- Any removable security fastenings are removed whenever the premises are open to the public or occupied by staff.
- The edges of the treads of steps and stairways are maintained so as to be conspicuous.

### **Disabled people**

- When disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and disabled people on the premises are made aware of those arrangements.

## **Lighting**

- In the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present.
- Emergency lighting is not altered.
- Emergency lighting batteries are fully charged before the admission of the public, members or guests.
- In the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged; and, if the emergency lighting battery has a capacity of three hours, the appropriate period by the end of which the public should have left the premises is one hour.

## **Curtains, hangings, decorations and upholstery**

- Curtains, hangings and temporary decorations are arranged so as not to obstruct exits
- temporary decorations are not used without prior notification to the licensing authority/relevant responsible authority.

## **Capacity limits**

- Arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate is not exceeded.
- The licence holder, a club official, manager or designated premises supervisor should be aware of the number of people on the premises and required to inform any authorised person on request.

## **Access for emergency vehicles**

- Access for emergency vehicles is kept clear and free from obstruction.

## **First aid**

- Adequate and appropriate supply of first aid equipment and materials is available on the premises.

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- If necessary, at least one suitably trained first-aider shall be on duty when the public are present; and if more than one suitably trained first-aider that their respective duties are clearly defined.

### **Temporary electrical installations**

- Temporary electrical wiring and distribution systems are not provided without notification to the licensing authority at least ten days before commencement of the work and/or prior inspection by a suitable qualified electrician.
- Temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909.
- Where they have not been installed by a competent person, temporary electrical wiring and distribution systems are inspected and certified by a competent person before they are put to use.

With regard to the first bullet above, it should be recognised that ten days notice may not be possible where performances are supported by outside technical teams. For example, where temporary electrical installations are made in theatres for television show performances. In such circumstances, the key requirement is that conditions should ensure that temporary electrical installations are only undertaken by competent qualified persons, for example, employed by the television company.

### **Indoor sports entertainments**

- If necessary, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.
- Any ring is constructed and supported by a competent person and inspected by a competent authority.
- At any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring.
- At water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also Managing Health and Safety in Swimming Pools issued jointly by the Health and Safety Commission and Sport England).

### **Special effects**

The use of special effects in venues of all kinds being used for regulated entertainment is increasingly common and can present significant risks. Any special effects or mechanical installation should be arranged and stored so as

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to minimise any risk to the safety of the audience, the performers and staff. Further details and guidance are given in Appendix 3.

### **Alterations to the premises**

Premises should not be altered in such a way as to make it impossible to comply with an existing licence condition without first seeking a variation of the premises licence to delete the relevant public safety condition. The applicant will need to propose how they intend to take alternative steps to promote the public safety objective in a new operating schedule reflecting the proposed alteration to the premises. The application for variation will enable the responsible authorities with expertise in safety matters to consider whether the proposal is acceptable.

### **Other measures**

Other measures previously mentioned in relation to the Prevention of Crime and Disorder may also be relevant as necessary to promote public safety. These might include the provision of door supervisors, bottle bans, and requirements to use plastic or toughened glass containers (see Appendix 1 for further detail).



### Appendix 3.

#### **THEATRES, CINEMAS, CONCERT HALLS AND SIMILAR PLACES (PROMOTION OF PUBLIC SAFETY)**

In addition to the points in Appendix 2, there are particular public safety matters which should be considered in connection with theatres and cinemas.

#### **PREMISES USED FOR CLOSELY SEATED AUDIENCES**

##### **Attendants**

- (a) The number of attendants on each floor in a closely seated auditorium should be as set out on the table below:

Number of members of audience present on a floor	Minimum number of attendants required to be present on that floor.
1 -100	One
101 - 250	Two
251 -500	Three
501 - 750	Four
751 - 1000	Five

And one additional attendant for each additional 250 persons (or part thereof)

- (b) Attendants shall not be engaged in any duties that would prevent them from promptly discharging their duties in the event of an emergency or require their absence from that floor or auditorium where they are on duty.
- (c) Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).
- (d) The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.
- (e) No article shall be attached to the back of any seat which would reduce the clear width of seatways or cause a tripping hazard or obstruction.
- (f) A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

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## **Seating**

Where the potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.

## **Standing and sitting in gangways etc**

- (a) Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.
- (b) Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.
- (c) In no circumstances shall anyone be permitted to-
  - (i) sit in any gangway;
  - (ii) stand or sit in front of any exit; or
  - (iii) stand or sit on any staircase including any landings.

## **Drinks**

Except as authorised by the premises licence or club premises certificate, no drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.

## **Balcony Fronts**

Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

## **Special Effects**

Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.

Specials effects include:

- dry ice machines and cryogenic fog;
- smoke machines and fog generators;
- pyrotechnics, including fireworks;
- real flame;
- firearms;
- motor vehicles;
- strobe lighting;
- lasers;
- explosives and highly flammable substances.

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In certain circumstances, it may be necessary to require that certain special effects are only used with the prior notification of the licensing authority. In these cases, the licensing authority should notify the fire and rescue authority, who will exercise their inspection and enforcement powers under the Regulatory Reform (Fire Safety) Order 2005.

Further guidance can be found in the following publications:

- HSE Guide 'The radiation safety of lasers used for display purposes' (HS(G)95 • 'Smoke and vapour effects used in entertainment' (HSE Entertainment Sheet No 3);
- 'Special or visual effects involving explosives or pyrotechnics used in film and television production' (HSE Entertainment Sheet No 16);
- 'Electrical safety for entertainers' (HSE INDG 247)
- 'Theatre Essentials' – Guidance booklet produced by the Association of British Theatre Technicians 8

### **Ceilings**

All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person who will decide when a further inspection is necessary and a certificate concerning the condition of the ceilings forwarded to the licensing authority.

### **PREMISES USED FOR FILM EXHIBITIONS**

#### **Attendants – premises without a staff alerting system**

Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out in the table below:

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

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### **Attendants – premises with a staff alerting system**

- (a) Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below:

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

- (b) Staff shall not be considered as being available to assist in the event of an emergency if they are:
- (i) the holder of the premises licence or the manager on duty at the premises; or
  - (ii) a member of staff whose normal duties or responsibilities are likely to significantly affect or delay their response in an emergency situation; or
  - (iii) a member of staff whose usual location when on duty is more than 60 metres from the location to which they are required to go on being alerted to an emergency situation.
- (c) Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.
- (d) The staff alerting system shall be maintained in working order.

### **Minimum Lighting**

The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007 (Maintained Lighting for Cinemas).

## **Appendix 4.**

### **CONDITIONS RELATING TO THE PREVENTION OF PUBLIC NUISANCE**

It should be noted that provisions of the Environmental Protection Act 1990, the Noise Act 1996 and the Clean Neighbourhoods and Environment Act 2005 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are necessary for the prevention of public nuisance.

#### **Hours**

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance. But this must be balanced by the potential impact on disorder which may result from arbitrarily fixed closing times. However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount considerations at all times.

Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue. Or the playing of recorded music might only be permitted after a certain time where conditions have been attached to the licence or certificate to ensure that any potential nuisance is satisfactorily prevented.

Restrictions might also be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises is open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time. In premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to the following conditions.

#### **Noise and vibration**

In determining which conditions are necessary and appropriate, licensing authorities should be aware of the need to avoid unnecessary or disproportionate measures that could deter the holding of events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. The following conditions may be considered:

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- Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by one or more of the following conditions:
- a simple requirement to keep doors and windows at the premises closed;
- limiting live music to a particular area of the building;
- moving the location and direction of speakers away from external walls or walls that abut private premises;
- installation of acoustic curtains;
- fitting of rubber seals to doorways;
- installation of rubber speaker mounts;
- requiring the licensee to take measure to ensure that music will not be audible above background level at the nearest noise sensitive location;
- require licensee to undertake routine monitoring to ensure external levels of music are not excessive and take appropriate action where necessary;
- noise limiters on amplification equipment used at the premises (if other measures have been unsuccessful).
- Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- The use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted.
- The placing of refuse – such as bottles – into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

### **Noxious smells**

- Noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

### **Light pollution**

- Flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

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## **Other measures**

Other measures previously mentioned in relation to the Prevention of Crime and Disorder may also be relevant as necessary to prevent public nuisance. These might include the provision of door supervisors, open containers not to be taken from the premises, and restrictions on drinking areas (see Appendix 1 for further detail).

## **Appendix 5**

### **CONDITIONS RELATING TO THE PROTECTION OF CHILDREN FROM HARM**

An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely. This would mean there would be no need to detail in the operating schedule steps that the applicant proposes to take to promote the protection of children from harm. Otherwise, where entry is to be permitted, the operating schedule should outline the steps to be taken to promote the protection of children from harm while on the premises.

#### **Access for children to licensed premises – in general**

Restrictions on the access of children under 18 to premises where licensable activities are being carried on should be made where it is necessary to protect children from harm. Precise policy and details will be a matter for individual licensing authorities.

The Secretary of State recommends (unless there are circumstances justifying the contrary) that:

For any premises with known associations (having been presented with evidence with or likely to give rise to:

- heavy or binge or underage drinking;
- drugs;
- significant gambling; or
- any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years.
- for any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 11.00pm in the evening, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time.

Applicants wishing to allow access under the above circumstances, should when preparing new operating schedules or club operating schedules or variations of those schedules:

- explain their reasons; and
- outline in detail the steps that they intend to take to protect children from harm on such premises.

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In any other case the Secretary of State recommends that, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children subject to the terms of the 2003 Act

### **Age Restrictions – Specific**

Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, licensing authorities will need to consider:

- the hours of day during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00pm does not mean that it would be necessary to impose age restrictions for earlier parts of the day;
- types of event or activity that are unlikely to require age restrictions, for example:
- family entertainment; or
- non-alcohol events for young age groups, such as under 18s dances,
- types of event or activity which give rise to a more acute need for age restrictions than normal, for example: during "Happy Hours" or on drinks promotion nights and during activities outlined in the first bullet point in the first paragraph above.

### **Age Restrictions – Cinemas**

The British Board of Film Classification classifies films in accordance with its published Guidelines which are based on extensive research into public opinion and professional advice. The Secretary of State therefore recommends that licensing authorities should not duplicate this effort by choosing to classify films themselves. The classifications recommended by the Board should be those normally applied unless there are very good local reasons for a licensing authority to adopt this role. Licensing authorities should note that the provisions of the 2003 Act enable them to specify the Board in the licence or certificate and, in relation to individual films, to notify the holder or club that it will make a recommendation for that particular film.

Licensing authorities should be aware that the BBFC currently classifies films in the following way:

- U Universal – suitable for audiences aged four years and over
- PG – Parental Guidance. Some scenes may be unsuitable for young children.
- 12A – Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.
- 15 – Passed only for viewing by persons aged 15 years and over.
- 18 – Passed only for viewing by persons aged 18 years and over.

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Licensing authorities should note that these classifications may be subject to occasional change and consult the BBFC's website at [www.bbfc.co.uk](http://www.bbfc.co.uk) before applying relevant conditions.

The Secretary of State considers that, in addition to the mandatory condition imposed by section 20, conditions restricting the admission of children to film exhibitions should include that:

- where the licensing authority itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed;
- immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film;
- when a licensing authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:

“Where a programme includes a film recommended by the licensing authority as falling into an age restrictive category no person appearing to be under the age specified shall be admitted to any part of the programme; where a programme includes a film recommended by the licensing authority as falling into a category requiring any persons under a specified age to be accompanied by an adult no person appearing to be under the age specified shall be admitted to any part of the programme unaccompanied by an adult, and the licence holder shall display in a conspicuous position a notice clearly stating the relevant age restrictions and requirements. For example:

**PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME**

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age while on-duty provided that the prior written consent of the person's parent or legal guardian has first been obtained.”

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## Theatres

The admission of children to theatres, as with other licensed premises, is not expected to be restricted normally unless it is necessary to promote the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play should normally be left to the discretion of the licence holder and no condition restricting the access of children to plays should be attached. However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be necessary. Entertainment may also be presented at theatres specifically for children (see below).

Licensing authorities are also expected to consider whether a condition should be attached to a premises licence which requires the presence of a sufficient number of adult staff on the premises to ensure the well being of children during any emergency (See Appendix 3).

### Performances especially for children

Where performances are presented especially for unaccompanied children in theatres and cinemas, licensing authorities will also wish to consider conditions to specify that:

- an attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.

Licensing authorities should also consider whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

### Children in performances

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968 as amended set out requirements for children performing in a show. Licensing authorities should familiarise themselves with these Regulations and not duplicate any of these requirements. However, if it is necessary to consider imposing conditions, in addition to these requirements, for the promotion of the protection of children from harm then the licensing authority should consider the matters outlined below.

- **Venue** – the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.

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- **Special effects** – it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.
- **Care of children** – theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

### **The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks**

The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important mechanism in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors.

Consideration can be given to attaching conditions to premises licences and club premises certificates that require compliance with the Portman Group's Retailer Alert Bulletins.

### **Proof of Age Cards**

Proof of age cards are discussed in Appendix 1 in connection with the prevention of crime and disorder. However, a requirement for the production of proof of age cards before any sale or supply of alcohol is made could be attached to any premises licence or club premises certificate for the protection of children from harm. The production of other proof, such as photo driving licences and passports should also be considered.

Proof of age cards can also ensure that appropriate checks are made where the presence of children is restricted by age at certain times, such as 16.

Since many adults in England and Wales do not currently carry any proof of age, the wording of any condition will require careful thought. For example, many premises have adopted the "Challenge 21" or other similar initiatives.

For the period 07/01/2008 to 06/01/2011

Under the “Challenge 21” initiative those premises selling or supplying alcohol require sight of evidence of age from any person appearing to be under the age of 21 and who is attempting to buy alcohol. Making this a licensing condition would ensure that most minors – even those looking older – would need to produce appropriate proof of age before making such a purchase.

For the period 07/01/2008 to 06/01/2011

**APPENDIX 6**

**TABLE OF DELEGATED FUNCTIONS**

<b>Matter to be Dealt With</b>	<b>Full Committee</b>	<b>Sub-Committee</b>	<b>Officers</b>
Application for personal licence		If a police objection is made	If no objection is made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate.		If a relevant representation is made	If no relevant representation is made
Application for provisional statement		If a relevant representation is made	If no relevant representation is made
Application to vary premises licence/club premises certificate		If a representation is made	If no representation is made
Application to vary designated personal licence holder		If a Police objection is made	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a Police objection is made	All other cases
Application for interim authority		If a Police objection is made	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision of whether a complaint or objection is irrelevant, frivolous, vexatious etc.		All cases	
Decision to object when Local Authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a Police representation to a temporary event notice		All cases	

For the period 07/01/2008 to 06/01/2011

## Appendix 7.

### Contact Names and Addresses

Head of Environmental Services  
Neighbourhood Services Department  
Sedgefield Borough Council  
Council Offices  
Spennymoor  
Co. Durham  
DL16 6JQ.

Tel: 01388 816166  
[www.sedgefield.gov.uk](http://www.sedgefield.gov.uk)

Head of Planning Services  
Neighbourhood Services Department  
Sedgefield Borough Council  
Council Offices  
Spennymoor  
Co. Durham  
DL16 6JQ.                      Tel: 01388 816166    [www.sedgefield.gov.uk](http://www.sedgefield.gov.uk)

Chief Constable  
Durham Constabulary  
Aykley Heads  
Durham Constabulary  
Durham.  
DH1 5TT                      Tel; 0191 386 4929

Chief Fire Officer  
County Durham and Darlington Fire and Rescue Service  
Fire and Rescue Service Headquarters  
Framwellgate Moor  
Durham  
DH1 5JR      Tel; 0191 384 3381 e-mail FireServiceHQ@ddfra.co.uk  
[www.ddfire.gov.uk](http://www.ddfire.gov.uk)

Durham County Council (Trading Standards and Social Services)  
County Hall  
Durham  
DH1 5UG      Tel: 0191 383 4567

Department of Culture, Media and Sport  
2-4 Cockspur Street  
London  
SW1Y 5DH  
Tel: 020 7211 6257  
<http://www.culture.gov.uk>

For the period 07/01/2008 to 06/01/2011



**This document is also available in other languages,  
large print and audio format upon request**

**العربية (Arabic)**

إذا أردت المعلومات بلغة أخرى أو بطريقة أخرى، نرجو أن تطلب ذلك متا.

**বাংলা (Bengali)**

যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

**(中文 (繁體字)) (Cantonese)**

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

**हिन्दी (Hindi)**

यदि आपको सूचना किसी अन्य भाषा या अन्य रूप में चाहिये तो कृपया हमसे कहे

**polski (Polish)**

Jeżeli chcieliby Państwo uzyskać informacje w innym języku lub w innym formacie, prosimy dać nam znać.

**ਪੰਜਾਬੀ (Punjabi)**

ਜੇ ਇਹ ਜਾਣਕਾਰੀ ਤੁਹਾਨੂੰ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਵਿਚ ਜਾਂ ਕਿਸੇ ਹੋਰ ਰੂਪ ਵਿਚ ਚਾਹੀਦੀ, ਤਾਂ ਇਹ ਸਾਥੋਂ ਮੰਗ ਲਓ।

**Español (Spanish)**

Póngase en contacto con nosotros si desea recibir información en otro idioma o formato.

**اردو (Urdu)**

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔



# Item 6

## REPORT TO CABINET

22<sup>nd</sup> NOVEMBER 2007

## REPORT OF DIRECTOR OF HOUSING

### Housing Portfolio

#### LARGE SCALE VOLUNTARY TRANSFER (LSVT)

#### ESTABLISHMENT OF THE SHADOW BOARD

### 1. SUMMARY

1.1 The Council on the 26 October 2007 (minute reference C.56/07 and C.56/07 refers) approved Large Scale Voluntary Transfer (LSVT) to a stand alone Registered Social Landlord (Housing Association) as the preferred option for the future ownership and management of the Council's housing stock. A key requirement of the project plan and governance arrangements for the delivery of the preferred option is to establish a 'Shadow Board'. The board must be made up equally of Council representatives, tenants and independents (members of the community with the required and appropriate skills to support the development of the new Housing Association). This report outlines the proposed selection criteria, the timetable, and process for the appointment of Council nominees, tenant and independent board members.

### 2. RECOMMENDATIONS

- 2.1 That a Shadow Board of 12 members is established consisting of 4 Council nominees, 4 tenants and 4 independent members of the community.
- 2.2 That the arrangements for the selection and appointment of the Council Nominees to the Shadow Board are approved.
- 2.3 That the arrangements for the appointment of tenant and independent to the Shadow Board are approved.

### 3. BACKGROUND TO THE ROLE OF THE SHADOW BOARD

3.1 A key requirement of the project plan and governance arrangements for the delivery of the preferred option is to establish a 'Shadow Board' ("the board"). The Board is formed in advance of the ballot because it has a clear role in developing "the Promises" that are to be made to tenants about the future investment in their homes, estates and service. These Promises must be achievable, fundable and meet the aspirations of tenants expressed through the formal consultation programme. The Board will also be required to lead and represent the interests of the new Housing Association before it is formally constituted.

- 3.2 When a positive ballot is achieved, the focus of the Board will change. It will be responsible for the delivery of the promises to tenants set out in the formal offer document. It will ensure that the Business Plan is sufficiently robust to deliver the commitments. The board will also be responsible for ensuring that the new RSL meets the requirements of the Housing Corporation, and is sufficiently well developed to achieve registration, in readiness for receiving the transfer of the housing stock. It will be required to agree staffing structures, systems, policies and procedures that meet the Housing Corporation's expectations.
- 3.3 There are normally three main elements which are represented on the Shadow Board of a new LSVT Housing Association these are: -
- the Council's interests usually councillors,
  - the tenants' interests,
  - all other interests, classed by the Housing Corporation as "independents" who bring a range of other skills to the board.
- 3.4 The National Housing Federation, the representative body for Housing Associations, recommends that each of these groups constitute one third of the board make up and that board would not normally exceed 12 members. The Housing Corporation, the regulatory body for Housing Associations, supports this approach. The Housing Corporation requires that Housing Association boards can demonstrate a range of relevant experience and an appropriate diversity profile, which reflects the local community. There is also an emphasis on experience and skills relevant to the management of the Housing Association.
- 3.5 This report recommends the establishment of a Shadow Board of 12 members, 4 from each group identified in paragraph 3.3 above.
- 3.6 The Solicitor to the Council produced a report approved by Standards Committee on 10<sup>th</sup> February 2005 entitled "Report to Sedgefield Borough Council - Conflicts of Interest and Decision Making Arrangements" This report gives guidance on potential probity issues during the process of decision taking for Members and Officers. The Council's Solicitor has recently re-circulated copies of that report to appraise members and officers, of that Guidance. The guidance does not supersede the revised Member Code of Conduct, which is also material to this process. Furthermore the National Housing Federation's Code of Governance states:- *"All board members share responsibility for its decisions. Each should act only in the interests of the organisation and not on behalf of any constituency or interests group. Board members should put the interests of the organisation before their own interests."*

#### **4. MAKE UP OF SHADOW BOARD MEMBERS**

- 4.1 The Council will need to select and appoint 4 Councillors as Shadow Board members the appointees will be required to serve the best interests of the new organisation and when attending meetings of the Shadow Board, they will be expected to set all other interests (e.g. personal, political, council interests) aside. The appointees will need to ensure that they do not actively participate in any Council meetings or Council sub-committees where there could be a conflict of interest i.e. deciding terms for the transfer of the stock to the new RSL.

- 4.2 Applications will be sought from all member of the Council. Advice has been sought on the appointment of Cabinet members to the Shadow Board and provided the advice detailed above in terms of conflict of interest is followed there is no valid reason that they should be excluded from the Shadow Board.
- 4.3 The 4 tenant members of the Shadow Board would, normally be appointed by all tenants through an election mechanism. At present, there are no election mechanisms in place and an alternative method is needed to appoint tenant members to the Shadow Board. Nearly 600 tenants have expressed interest in becoming involved in the transfer in a range of different ways. We propose to seek volunteers from these 600 tenants to put themselves forward for the 4 Shadow Board places.
- 4.4 The Housing Corporation require that one third of the board are independent members i.e. neither Council appointments or tenant appointments. Once the Council and tenant appointments to the Shadow Board have been made, a skills audit will help to highlight the experience and skills available for the management of the new Housing Association, but also any gaps that may need to be filled through the appointment of independent members. It will be important to have some members on the Shadow Board with experience and understanding of business management (e.g. law, finance) and housing. Sometimes these skills can be represented in the Council or tenant appointments; sometimes independent members bring in these skills.

## **5. PROCESS FOR THE APPOINTMENT OF THE SHADOW BOARD**

- 5.1 It will be necessary to have in place slightly different arrangements for the appointment of each section of the Shadow Board membership the following arrangements are proposed for each group.

### **Council Appointments**

Expressions of interest have been sought from all members of the Council. An application pack will be sent to all members who expressed an interest in being part of the Shadow Board. The Chief Executive of Derwentside Homes, a recent transferred Housing Association, will conduct the interviews with the support of the Lead Advisor.

### **Tenant Appointments**

Expressions of interest have been sought from tenants as detailed in paragraph 4.3 above. An application pack will be sent to all interested tenants. The Chief Executive of Derwentside Homes will again undertake the interviews, aided by two tenant representatives from the LSVT Steering Group who have not expressed a wish to be Shadow Board members. The Lead Advisor will support this process.

### **Independent appointments**

To ensure the effective progress of the project it is proposed to seek expressions of interest from prospective independent board members in early December. The 4 independent members will be selected and appointed by the Council and tenant members of the Shadow Board based on the results of the skills audit.

A role description for Shadow Board members is attached as Appendix 1 to this report which will be used as the appointment criteria.

## **6. TIMETABLE FOR APPOINTMENT OF THE SHADOW BOARD**

- 6.1 To ensure that the Shadow Board for the new Housing Association for Sedgefield Borough is established and working effectively in accordance with the project plan, the following timetable and milestones have been developed.

**Wednesday 14<sup>th</sup> November 2007** – Expressions of interest invited from members. Application packs will be provided to Members, upon request. The packs are subject to ratification by Cabinet on 22 November.

**Monday 3<sup>rd</sup> December (10.00 am) 2007** – Closing date for Shadow Board applications.

**Wednesday & Thursday 5<sup>th</sup>/6<sup>th</sup> December 2007** – Interviews for member and tenant Shadow Board representatives undertaken.

**Thursday 20<sup>th</sup> December 2007** – Cabinet approval sought for the appointment of Council representatives to the Shadow Board.

It is envisaged that the first Shadow Board meeting will be held in early January 2008.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 The costs associated with the appointment and ongoing support to the Shadow Board have been included in the estimate identified and agreed at Cabinet on 8<sup>th</sup> November 2007.

## **8. CONSULTATIONS**

- 8.1 Early discussions have started with key stakeholders including the Department of Communities and Local Government, Housing Corporation, Audit Commission and Durham County Council regarding the implementation of the Council's preferred option.

## **9. OTHER MATERIAL CONSIDERATIONS**

- 9.1 Links to Corporate Objectives/Values

The contents of this report support the Council's Community Outcome of a Borough with Strong Communities, where residents can access a good choice of high quality housing. The Council's ambitions, which are linked to this Community Outcome, are articulated through the Corporate Plan and the Medium Term Financial Plan. Importantly ambitions include delivering a Borough with Strong Communities with good quality affordable housing in safe neighbourhoods. The preferred option would ensure the Council's housing stock could continue to support these objectives into the future.

## 9.2 Risk Management

The two key risks associated with the Shadow Board are:-

- i. The failure to attract sufficient interest from all groups to fill the Shadow Board places.
- ii. The failure to develop appropriate skills and ability within the Shadow Board membership to deliver the LSVT project plan within the timescales identified.

A STORM assessment will be undertaken of these two key risks to inform the methodology of reducing them to an acceptable level.

## 9.3 Health & Safety

No additional issues have been identified.

## 9.4 Equality & Diversity

Full account will be taken of the Council's obligation to promote equality and diversity in the development.

## 9.5 Legal & Constitutional

Further detailed advice and support will be required from the Council's Solicitor in delivering the preferred option. The Solicitor advises that Members and Officers should note the relevance of the report approved by Standards Committee on 10<sup>th</sup> February 2005 entitled "Report to Sedgefield Borough Council - Conflicts of Interest and Decision Making Arrangements". This report gives guidance on potential probity issues during the process of decision taking. The Council's Solicitor will circulate copies of that report shortly in order to appraise members and officers, albeit that the guidance does not supersede the revised Member Code of Conduct, which is also material to this process.

## 9.6 Sustainability

No additional issues have been identified.

## 9.7 Information Technology

No additional issues have been identified.

## 9.8 Crime and Disorder

No additional issues have been identified.

## 9.9 Human Rights

No additional issues have been identified.

## 9.10 Social Inclusion

No additional issues have been identified.

## 9.11 Procurement

No additional issues have been identified.

## 10. OVERVIEW AND SCRUTINY IMPLICATIONS

10.1 There are no Overview and Scrutiny Implications of this report.

## 11. LIST OF APPENDICES

11.1 Appendix 1 Role of a Shadow Board member

**Contact Officer** Ian Brown  
**Telephone Number** 01388 816166 Ext.4207  
**E-mail address** [ibrown@sedgefield.gov.uk](mailto:ibrown@sedgefield.gov.uk)

**Ward(s)** None

### Key Decision Validation:

Not a key decision

### Background Papers:

Report to Council 26<sup>th</sup> October 2007 – Updating in the Stock Options Appraisal Study.

Report to Council 26<sup>th</sup> October 2007 – Choice of Landlord.

Report to Cabinet 22<sup>nd</sup> November 2007 – Resourcing the Large Scale Volunteer Transfer.

### Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Councils Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Councils S.151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**New Housing Association for Sedgefield**

**ROLE DESCRIPTION**

**Role Title: Board Member**

**Obligations and Commitments**

1. Set the core values and culture of the Association and assist in communicating these to all tenants, staff and stakeholders.
2. Set the strategic aims and business objectives, ensuring that the necessary resources to deliver these are available.
3. Understand the social and environmental context of the communities in which the Association operates and the perspectives and needs of current and future tenants.
4. Contribute to a customer focused culture which listens to the needs of tenants and through a variety of processes engages them in decisions which affect their lives and homes.
5. Develop and lead an inclusive approach to diversity embracing people from all walks of life regardless of race, colour, age or sex in every area of the Association's activity
6. Establish a framework of prudent and effective controls that enable risk to be properly assessed and managed.
7. Contribute to decision making processes and to share responsibility for those decisions.
8. Prepare for and regularly attend board meetings, and as appropriate, committee meetings and other events such as training and tenant led activities.

**Key Responsibilities**

To frame a comprehensive range of customer oriented policies and service standards which will deliver the strategic objectives and ensure that quality measures and feedback processes are in place.

To establish and maintain financial control by:

- Approving the strategic plan and annual business plan,
- Approving the financial statements and management accounts,
- Approving new borrowing facilities, and
- Approving the budget.

To contribute to development of the Association's risk management framework and monitor activity against it including both financial and non financial risk areas

To monitor the Association's overall business performance in relation to business plans, budgets, controls and decisions, taking into account customer feedback and performance of comparable organisations.

To ensure that the Association's affairs are conducted lawfully and in accordance with generally accepted standards of performance and probity.

To ensure compliance with regulatory requirements and the Association's constitution and to maintain high standards of probity and governance

To appoint, and if necessary remove, the Chair.

To appoint, and if necessary remove, the Managing Director or Chief Executive as appropriate.

To represent the Association with external stakeholders, including customers, ensuring that the Association's objectives are communicated

To ensure compliance with policies and procedures for health and safety at work and observe and continually promote equal opportunities and customer care pursuant to organisational aims and objectives.

To participate in learning and development activities that develop personal effectiveness including annual appraisal and assist in improving the overall performance of the board.

To represent the Association on internal matters such as complaints, grievance or disciplinary panels as and when required.

To undertake any other duties as may reasonably be required of a board member and in order to meet the changing needs of the Association.

*This is a description of the role as it is presently constructed. This will be periodically reviewed and updated to ensure that the role description fully reflects the obligations and responsibilities of a board member.*

All Board Members share responsibility for the decisions of the Board. Each should act only in the interests of the Association/Group and not on behalf of any constituency or interest group.



# Item 7

## REPORT TO CABINET

22<sup>ND</sup> NOVEMBER 2007

## REPORT OF DIRECTOR OF HOUSING

### PORTFOLIO HOUSING

#### HOUSING INCOME MANAGEMENT POLICY

#### 1. SUMMARY

- 1.1 The Housing Department with key stakeholders reviewed the Audit Commission's Key Lines of Enquiry (KLOE's) and developed a Service Improvement Plan (S.I.P) which received Cabinet approval on the 2<sup>nd</sup> March 2006. The prevention and effective management of rent arrears is a key priority, identified in the SIP, for the Housing Service and the Council. The KLOE for housing income management highlights the importance of taking prompt and appropriate action to recover both former and current tenant's arrears and other debts in order to minimise income loss.
- 1.2 Management Team considered a further report on Housing Management Income Collection on the 18<sup>th</sup> December 2006, approving a procedure on the management of Former Tenant Arrears and other debts. This procedure is mirrored by a similar document covering the collection of current rent arrears.
- 1.3 To support future improvements in this key area of work the Housing Department commissioned the Rent Income Excellence Network (R.I.E.N.) to carry out a service review. The result of this review and the Rent Income Service Improvement Plan (R.I.S.I.P.) that was developed from it was reported to Management Team on the 12<sup>th</sup> February 2007, and Overview and Scrutiny Committee 2 on 10<sup>th</sup> April 2007. A key action within the R.I.S.I.P. is the implementation of an Income Management Policy, based on national guidance and good practice. This report sets out the details of the Housing Income Management Policy.

#### 2. RECOMMENDATIONS

- 2.1 That the Housing Income Management Policy attached as Appendix 1 be adopted.

#### 3. ENSURING AN EFFECTIVE APPROACH TO INCOME MANAGEMENT

- 3.1 The Housing Service has developed its aims and objectives taking account of the full range of the overarching ambitions of the Local Strategic Partnership (L.S.P.) that the Council has adopted within the Corporate Plan. This includes a clear commitment by the Council to drive forward service improvements, and to provide services that are customer led and focussed whilst providing value for money.

- 3.2 Ensuring that rental income is managed effectively is a key function for social landlords with the emphasis firmly on sustainability of tenancies. The Audit Commission Key Lines of Enquiry (KLOE's) for housing income management highlights the importance of minimising loss of income by taking prompt and appropriate action to recover both current, former tenancy arrears and other debts.
- 3.3 Our approach to income collection and management was initially built on the principles in the KLOE and the Department of Communities and Local Government (DCLG)'s good practice guide, "Improving the Effectiveness of Rent Arrears Management", as a result a number of areas for further service improvements have been identified. These improvements have been built within the R.I.S.I.P, which received Management Team approval on the 12<sup>th</sup> February 2007.

#### 4. BACKGROUND - POLICY CONTEXT

- 4.1 The DCLG produced in 2005, a good practice guidance '***Improving the Effectiveness of Rent Arrears Management***', this guidance focused on effective rent income management and identifies the need for Social Landlords to have in place a Rent Income Management Policy. The guidance states that, "***It is essential that landlords have a formal written arrears policy. This should be comprehensive, incorporating arrears prevention, arrears management, recovery actions and dealing with former tenants***". "***Not having an over-arching policy would be detrimental to the effective delivery of housing income management***".
- 4.2 This Housing Income Management Policy has been developed taking into account good practice guidance, and is underpinned by robust Rent and Former Tenant Arrears Procedure's and effective monitoring mechanisms. This Policy will strengthen our current procedures and support our ongoing current and former tenant arrears performance management and framework.

#### 5. KEY ELEMENTS

- 5.1 The key issues and area's covered within the Policy include:-
- **Our approach to the recovery of debt** – The Housing Department have adopted a staged approach to the recovery of debt with an emphasis on prevention and early intervention, to maximise tenants income, collect rent and sustain tenancies.
  - **Support for Vulnerable tenants** – Special consideration will be given to vulnerable people, with the identification of possible vulnerable tenants being made at any stage in the housing allocation process from initial completion of the Housing Application Form through to the "sign up" of the tenancy and beyond. Recognising the needs of vulnerable tenants, will enable us to work in partnership with Social Care and Health, the Primary Care Trust, the Citizens Advice Bureau (CAB), and other key agencies, to assist with the sustainability of the tenancy.

- **Tenant and Stakeholder involvement** – The Housing Department is committed to working in partnership with residents and involving all stakeholders in its approach to income management and tenancy sustainment.
- **Prioritisation of debt** – Where customers owe multiple debts to the Council we will prioritise those debts so that any debt which may involve the customer losing their home or having the strongest legal action taken against them will be paid first.
- **Raising awareness of access to debt advice** – The Housing Department will work closely with the C.A.B. including making formal referrals with the consent of the tenant. We have developed in conjunction with the Resources Department an “Information Sharing Protocol” to assist tenants in maximising their income and sustaining their tenancies.
- **Former tenants arrears** – Housing Officers will take all reasonable and appropriate steps to recover Former Tenant Arrears (FTA) and other debts.
- **Communication** – As part of its commitment to improved access to services, Equality and Diversity and good quality customer care, the Housing Department will implement a range of methods to promote the provision of clear, accessible information and advice that is plain English and jargon free. Treating tenants as individuals, including the provision of translation services to people with language or communication problems.

It is recommended that the Housing Income Management Policy set out in Appendix 1 be adopted.

## 6. NEXT STEPS

- 6.1 If this policy is approved, in line with good practice, a further report will be brought in relation to the adoption of a Financial Inclusion Strategy for consideration.

## 7. RESOURCE IMPLICATIONS

- 7.1 None.

## 8. OTHER MATERIAL CONSIDERATIONS

### 8.1 Links to Corporate Objectives/Values

The Housing Department contributes to the key ambitions of the Council through the aim of a Borough with Strong Communities and underpins the corporate value of the Council by being responsible with and accountable for public finances.

### 8.2 Risk Management

The adoption of an effective Housing Income Management Policy is a key element in developing a high scoring housing service. Failure to develop and implement the policy could result in a poor inspection result and prevent effective housing income management being implemented across the Housing Service.

### 8.3 Health & Safety

No additional implications have been identified.

#### 8.4 Equality & Diversity

Account will be taken of the Council's duty to promote equality and diversity.

#### 8.5 Legal & Constitutional

There are no legal and constitutional implications of this report, however legal advice will be sort as appropriate in relation to the implementation of any of the actions within the SIP, where necessary.

### 9. OVERVIEW AND SCRUTINY IMPLICATIONS

9.1 There are no overview and scrutiny committee implications.

### 10. LIST OF APPENDICES

10.1 Appendix 1- Housing Income Management Policy

**Contact Officer** Steve Robinson  
**Telephone Number** 01388 816166 Ext. 4206  
**E-mail address** [srobinson@sedgefield.gov.uk](mailto:srobinson@sedgefield.gov.uk)

**Wards:** All

**Key Decision Validation:** Not a key decision

**Background Papers:** Audit Commission KLOE 4 Housing Income Management Report of Director of Housing, Housing Service Improvement Plan provided to Cabinet on 2.3.06  
DCLG Good Practice Guidance – Improving the Effectiveness of Rent Arrears Management  
Report of Director of Housing, Housing Management Income Collection on 18.12.06  
Report of Director of Housing, Housing Management Review Of Rent Income And Arrears Recovery.

#### Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Councils Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Councils S.151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input checked="" type="checkbox"/>	<input type="checkbox"/>



HOUSING SERVICES DEPARTMENT  
HOUSING INCOME MANAGEMENT POLICY

**DOCUMENT CONTROL**

Document title	Housing Income Management Policy
Document ID/Version/Revision	Version 1
Status	
Date:	22/10/07
Date Policy Review:	24/10/08
Date Race Equality Impact Assessed:	
Author	S. Robinson
Authorised By	Ian Brown


## Equality Of Access

We want Sedgefield Borough to be a place where no-one experiences discrimination or disadvantage because of race, nationality, ethnic or national origin, religion or belief, gender, marital status, sexuality, disability, age or any other unjustifiable reason.

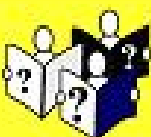

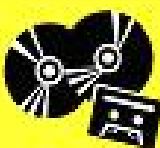
We want everyone in the Borough to feel safe from harassment and to be able to access high quality services designed to respond to their individual diverse needs.

We are determined to meet our legal duties relating to equality and are committed to reducing disadvantage, discrimination and inequality of opportunity, however, beyond these our aim is to make Sedgefield a place where everyone is treated as an equal citizen, in the light of their different needs and where the diversity of our community is recognised, supported and valued. To do this we have set in place a planning, monitoring and review structure to address the equality and diversity agenda, channelled through our Corporate Equality Plan.

## Translation Service

**Please ask us if you would like this document in other languages, in large print or on audio tape.** 

<p><b>العربية (Arabic)</b> إذا أردت المعلومات بلغة أخرى أو بطريقة أخرى، نرجو أن تطلب ذلك منا.</p>	<p><b>polki (Polish)</b> Jeżeli chciałby Państwo uzyskać informację w innym języku lub w innym formacie, prosimy dać nam znać.</p>
<p><b>বাংলা (Bengali)</b> কমি আপনি এই ডকুমেন্ট অন্য ভাষায় বা অন্যভাবে চান, তাহলে আমাদের সাথে যোগাযোগ করুন।</p>	<p><b>ਪੰਜਾਬੀ (Punjabi)</b> ਜੇ ਤੁਸੀਂ ਜਾਣਨਾ ਚਾਹੁੰਦੇ ਹੋ ਕਿ ਹੋਰ ਜਾਣਕਾਰੀ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਵਿਚ ਜਾਂ ਕਿਸੇ ਹੋਰ ਢੰਗ ਵਿਚ ਮਿਲ ਸਕਦੀ ਹੈ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਸਾਨੂੰ ਆਗਿਆ ਦਿਓ।</p>
<p><b>(中文 (繁體字)) (Cantonese)</b> 如欲索取以另一種文字或另一格式製作的資料，請與我們聯絡。</p>	<p><b>Español (Spanish)</b> Póngase en contacto con nosotros si desea recibir información en otro idioma o formato.</p>
<p><b>हिन्दी (Hindi)</b> यदि आपकी सूचना किसी अन्य भाषा वा अन्य रूप में चाहिये तो कृपया हमसे संपर्क करें।</p>	<p><b>اردو (Urdu)</b> اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں دیکھنا چاہتے ہیں تو براہ کرم ہم سے رابطہ کریں۔</p>


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**01388 81 61 66**
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## DATA PROTECTION STATEMENT

Sedgefield Borough Council adheres to the principles and conditions of the Data Protection Act, 1998. Information, which applicants provide, about themselves and their circumstances will only be used for the purpose for which it has been collected. It will be kept securely and will not be passed on to others indiscriminately.

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## 1. Introduction

Effective income management is an essential part of the Council's corporate and financial governance frameworks. This policy is set within this corporate context and relates to the collection and recovery of all sums due to the Borough Council relating to - Current Housing Tenant Rent Arrears, Water Rates, Former Tenant Arrears and Rechargeable Damage.

In order to be effective, housing income management needs to be an inclusive and proactive process - requiring the participation of all employees, contributions from partners/outside agencies and, importantly, full involvement and engagement with the tenant/former tenant themselves. It is a continuous and dynamic process that requires a balance to be struck between the circumstances of the individual tenant/former tenant, their obligations to the Borough Council and the opportunities afforded to them to pay, before firm but fair recovery and enforcement action is taken.

This Housing Income Management Policy ("The Policy") is an essential part of the Performance Management Framework as the organisation strives to be an excellent income management service, and aims to prevent arrears occurring by assisting our customers to maximise their income and benefits, promoting a payment culture, minimising the number of evictions and achieving sustainable tenancies.

The Housing Department recognises the impact that poor or inconsistent debt management arrangements and processes can have on its customers, its financial resources and its reputation within its communities. The Department recognises the benefits of early, effective and appropriate debt management action.

In implementing the Policy, and keeping it under regular review, the Housing Department expects to achieve a number of tangible and intangible benefits both to individual services and to the Council as a whole. These benefits will include: -

- a) A greater ability to deliver against stretching but realistic and achievable targets.
- b) A reduction in officer time having to deal with the consequences of poor income management.
- c) An enhanced management control as a result of analysis and monitoring of the costs and effectiveness of debt recovery action taken. The use of this analysis to plan future payment campaigns and strategic interventions aimed at tackling arrears in a planned and focused manner.
- d) Consistency and equity in treatment of all debtors.
- e) Ensures early, appropriate and proportionate recovery action is taken.
- f) Helps promote the Council's standing in the community and support the development of sustainable communities.



The Policy is underpinned by robust Current and Former Tenant Arrears Recovery Procedures, and a Rechargeable Damage Procedure, which are firm but fair, emphasising the need for early intervention, debt and welfare advice and reasonable payment plans. We will strive to help tenants resolve their money difficulties, giving them opportunities to repay any arrears but we will take action against those that persistently do not pay. The Policy should be read in conjunction with these documents.

## 2. Strategic Links

This Policy has been developed to take into account a range of strategies and good practice guidance. The Policy has been designed to support the key objectives of national, regional and local strategies.

The Policy will form part of an emerging Financial Inclusion Strategy for the Housing Service which will be developed with partners, stakeholders and tenants, and links to the following: -

<p><b>a) National</b></p>	<ul style="list-style-type: none"> <li>• Homes for the future: More affordable, more sustainable – Housing Green Paper 2007.</li> <li>• National Homelessness Strategy – Sustainable Communities, Settled Homes, Changing Lives.</li> <li>• Improving the Effectiveness of Rent Arrears Management.</li> <li>• Key Lines of Enquiries (KLOE 4) – Income Management.</li> </ul>
<p><b>b) Regional</b></p>	<ul style="list-style-type: none"> <li>• North East Regional Housing Strategy</li> <li>• Sub-Regional Housing Strategy for County Durham.</li> </ul>
<p><b>c) Local</b></p>	<ul style="list-style-type: none"> <li>• Sedgefield Borough Community Strategy</li> <li>• Sedgefield Borough Corporate Plan</li> <li>• Sedgefield Borough Housing Strategy</li> <li>• Sedgefield Borough Housing Advice and Homelessness Prevention Strategy 2007 – 2010.</li> </ul>

### **3. Anti Poverty Statement**

For the purpose of this Policy, poverty is defined as where people are living in a situation where their financial position (income/earnings less reasonable living expenses plus arrears position) prevents them from participating in normal society due to lack of resources.

The Housing Department recognises that personal indebtedness is increasing nationally and acknowledges that the recovery action it takes can often cause distress, particularly where the person has other debts.

The Housing Department is committed to ensuring that any recovery action it takes is balanced, justified and fair. This Policy is aimed at directing the Departments resources towards those tenants that need support, targeting action early, making services more accessible and giving greater control over living standards.

In order to deliver our services efficiently and to help tenants sustain a tenancy, it is vitally important that, in dealing with individual cases, the person is made aware of all monies and benefits that may be available to them, and that the correct advice is given to those in need to ensure they can maximise their income. The Housing Department will continue to work closely with external agencies such as the Citizens Advice Bureau and ensure that there are close links between its Revenues, Benefits and Customer Services Teams.

The Housing Department acknowledges the need to understand the needs of customers with low income or those that are unemployed and which may well fall into the 'poverty trap'. All arrangements (to pay monies owed to the Department) entered into will be subject to a full and robust financial appraisal and in any discussions with a customer they will not be placed in a position of being required to repay at a rate that they quite clearly cannot afford. However, neither will the rate of repayment be such that the debt is never repaid.

To ensure that income collection / recovery is maximised and that it is made easier for people to pay, a range of anti-poverty measures, aimed at limiting the impact that recovery action may have on its communities, are used: -

- a) Take early recovery action before large debts can accrue.
- b) Use local discretion to backdate benefit entitlement when continuous good cause for a late application is shown.
- c) Use local discretion to make discretionary housing payments where hardship can be shown.

With regard to items b, and c, a Benefit Policy is being developed to set the use of these provisions within a Corporate context.

- d) Agree extended payment arrangements where there is genuine financial hardship, taking into account all income and outgoings so that

a realistic arrangement can be made based upon the customers ability to pay.

- e) Attempt to sustain tenancies wherever possible.
- f) Give special consideration to those who are no longer taking responsibility for their own finances i.e. long-term hospital in-patients, those with mental health problems etc.
- g) Give special consideration to the level of understanding of the person e.g. their understanding of the arrears position they are in and the action being taken.

#### **4. Approach to the recovery of debt.**

The best way to reduce rent arrears is to prevent them arising in the first place. The Housing Department have adopted a staged approach, the Departments current Rent Arrears Recovery Procedure which underwent a major review in 2007, has an emphasis on prevention in the first instance and then on early intervention when it is still relatively easy for the tenant to clear the debt.

We believe it is important to remember the need to maximise tenants income, collect rent and sustain tenancies, not to evict tenants.

In addition, an effective approach to arrears prevention and recovery sends out a clear message to tenants about the seriousness with which the Council views this issue. The prevention and early intervention includes: -

- a) **Pre-Action Protocol** - The protocol reflects the guidance on good practice given to social landlords on the collection of rent arrears. It recognises that it is in the interests of both landlords and tenants to ensure that rent is paid promptly and to ensure that difficulties are resolved wherever possible without court proceedings. Its aim is to encourage more pre-action contact between landlords and tenants and to enable court time to be used more effectively.
- b) **Housing Benefit Information Sharing Protocol** - Officers of the Housing Department and the Resources Department together with advice from Legal Services have developed and agreed a protocol to govern the sharing of housing benefit data to assist the effective management of housing rental income collection.
- c) **Vulnerable Tenants Protocol** - The Housing Department and Social Services are working together to develop a protocol aimed at effectively working with vulnerable tenants. This is intended to reflect the responsibilities that both departments have towards the needs of local residents. Whilst Social Services tend to work with individuals and families in need, the Housing Department have responsibilities towards individual tenants and communities of tenants.

## 5. Personal Contact.

It is estimated that approximately one third of the adult population of Sedgefield Borough have literacy issues and a quarter have numeracy issues. Around 18% of the working age population have no qualifications and so may be said to have literacy/numeracy issues. The average reading age in the Borough is below the national average. In recognition of this we realise the importance of personal contact with our customers.

We will ensure that our customers are aware of their responsibilities for rent payment, why this is important and the consequences of non-payment. We will reinforce this message before they take up their tenancy at the “sign up” stage by completing a full sign up procedure including rent payments due, payment methods, consequences of non-payment and a Housing Benefit Assessment Calculation, submitting wherever possible a complete Housing Benefit application form.

We believe that early intervention with low levels of rent arrears is key to successful management of a tenants rent account.

Where customers are experiencing financial difficulties they should nevertheless be encouraged: -

- a) Not to ignore the problem – it will not go away on its own.
- b) Not borrow more to pay off the debt without thinking very carefully about the consequences of this.
- c) Check that they are getting all of the benefits and reductions they are entitled to.
- d) Prioritise the payment of debt – where there are multiple debts, allocation of payment will be made in agreement with the payer, with an emphasis on addressing and resolving priority debts first. Priority debts are debts owed to creditors who can take the strongest legal actions if debtors do not pay. It is not the size of the debt that makes it a priority, but what the creditors can do to recover their money. Customers should always be advised to make rent or mortgage payments their number one priority to ensure that they continue to have a home to live in and to cover utility bills
- e) Work out a mutually acceptable offer to pay the debt, taking into account all relevant financial circumstances.

Housing Officers are assigned a generic “patch” of properties, to help ensure that our customers have a familiar face and know who to contact with a query, and Housing Officers have a greater understanding and knowledge of their particular tenants.

Housing Officers are committed to ensuring that we are using a variety of contact methods including: -

- a) Personal visits.

- b) Office Interviews.
- c) Telephone Numbers.
- d) E-mail addresses.
- e) Text messaging.
- f) Standard and non-standard letters.
- g) Calling cards.
- h) Quarterly rent statements.

We will take a proactive approach to gathering customer contact details; this is embedded into the Rent Arrears Recovery Procedure.

## **6. Access to debt advice.**

Sedgefield Borough Council and Sedgefield Citizens Advice Bureau (CAB), have a Service Level Agreement in place with direct funding support from the Council. The CAB operates the core service to the requirements of the Community Legal Service Quality Mark at General Help level. This quality scheme for advice services is set nationally by the Legal Services Commission and audits are carried out annually. The CAB also complies with Citizens Advice Quality Standards Membership Agreement. The Council and the CAB can offer an independent housing advice service; advice and assistance are offered on a wide range of housing issues.

The CAB offers a free confidential and impartial service to everyone. They will provide people with the information that they need to help them solve their own housing problems, or signpost them to appropriate advice when necessary. They will give people a better understanding of their rights and entitlements, and will take the first steps in resolving peoples housing problems. The CAB will provide to clients: -

- a) Debt counselling to help prevent eviction and homelessness.
- b) Welfare benefit advice, information and assistance including housing benefit, appeals and reviews.
- c) Referrals to other organisations, either statutory or voluntary that can progress the clients case more appropriately.
- d) Giving basic assistance e.g. filling in forms, helping the client draft letters, and contacting third parties to seek information on the client's behalf.
- e) Where necessary for a particular client, the core service provided by the bureau will also include contacting a third party to negotiate on the client's behalf.

The Housing Department staff will work closely with the CAB and following consent from the tenant will make a formal referral.

The Housing Department will provide information in our rent letters and rent statements that advise tenants of a Debt Advice telephone line and signpost them to the CAB websites.

The Council's website signposts people to debt advice and directly to the Sedgefield Information Service.

The Housing Department have developed in conjunction with the Resources Department an "Information Sharing Protocol" to assist housing officers to support Council tenants, existing and new, in sustaining their tenancies and maximising income.

## **7. Support for vulnerable Tenants**

A vulnerable person is defined as: "A person who is or may be in need of community care services by reason of mental or other disability, age or illness, and who is, or may be, unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation".

Special consideration will be given to vulnerable people and those who are no longer taking responsibility for their own finances. A safe secure home is a basic need, fundamental to the well being of all of us. Vulnerable people may require support to manage their tenancies successfully.

It is important to understand who is vulnerable; individuals may be vulnerable for a variety of reasons. The identification and type of vulnerable people is not exhaustive but could be considered to include the following: -

- a) Those with mental health problems.
- b) Long-term hospital in-patients.
- c) People with a physical limiting or debilitating problem.
- d) Those with a learning disability.
- e) People subject to substance misuse.
- f) People with a sensory impairment.
- g) Parents with children in need.

Identification of possible vulnerable tenants can be made at any stage in the housing allocation process from the initial completion of the Housing Application Form, through to the tenancy "Sign up" process and beyond to assist with the sustainability of the tenancy.

Consideration will also be given to the level of understanding of the person, e.g. their understanding of the English language and 'Language Line' will be used wherever relevant for translation purposes.

In our approach to dealing with possible vulnerable people we will make full use of the booklet “First Contact”, this is a guide for communicating with:

- a) People who speak languages other than English;
- b) People who are blind or partially sighted;
- c) People who are deaf or hard of hearing;
- d) People who are physically impaired; and
- e) People with learning difficulties.

We will endeavour wherever possible to provide a tailored package to suit the needs of that vulnerable person.

The Housing Department will work in partnership with the local Primary Care Trust Integrated teams, who will assist the Department in the identification and support of vulnerable housing applicants and tenants, and to assist in the effective management of situations where outstanding debt or ineffective income management, may jeopardise the continued enjoyment by vulnerable people, of their tenancies.

Advice on the availability of Welfare Benefits, especially Housing Benefit, will be given at an early stage where an application has not already been made and information leaflets provided.

Whilst the Borough Council’s staff are in a position to give advice on payment of debt to its customers, it is recognised that we are not experts in all of this area and, where relevant, customers are referred to the local Citizens Advice Bureau (with which the Borough Council has a Service Level Agreement in place)

## **8. Available remedies for recovery of debt.**

We believe that rent arrears prevention work starts right at the beginning of the tenancy. We have face-to-face interviews with the new tenant/s at the “sign up” of their tenancy. Information concerning rent charges and tenant responsibilities is given and there is also the opportunity that potential difficulties with rent payments can be identified at an early stage. At this early stage we emphasis the importance of paying rent and instil/promote a payment culture.

Other available remedies for the recovery of debt include: -

- a) A clear set of procedures for dealing with the collection and recovery of debt, including which are reviewed regularly.
- b) Regular items about rent arrears in tenant’s newsletters.

- c) Regular Direct Debit, Standing Order and Housing Benefit “take up” campaigns.
- d) The production and circulation of a series of leaflets/booklets on specific aspects of rent payments.
- e) Commissioning regular items in the local press, including rent performance figures, payment methods and recovery action taken.
- f) Exploring the introduction of rent incentive schemes through the Rent Income Service Improvement Plan.
- g) Introductory tenancy visits – all new tenants visited within the first month of their tenancy and a further three visits conducted at regular intervals throughout their Introductory Tenancy period.
- h) Extension of Introductory Tenancies - new provisions under the Housing Act 2004, s.179, enables introductory tenancies to be extended for a further 6 months beyond the initial 12-month period. This provision will be invoked if the tenant/s have rent arrears and are making concerted efforts to reduce and clear those arrears, rather than take action to repossess the property we will extend the tenancy for 6 months.
- i) Promotion and securing of Direct Payments for tenants on Income Support.
- j) Rent charged for 47 weeks per year not 52, seen positively by tenants, allows for free weeks at key times of the year. Following consultation tenants identified that they liked this option.
- k) Liaison with Social Services – The Housing Department work in partnership with the Integrated Teams for Vulnerable Adults, utilising a Vulnerable Tenants Protocol to support the recovery of debt.
- l) The maximisation of Housing Benefit entitlement.
- m) The signposting of debtors to Debt Advice Agencies.
- n) The service of a Notice of Seeking Possession.
- o) The utilisation of Debt Recovery agencies in the collection of Former Tenant Arrears.

## **9. Prioritisation of Debt.**

Priority debts are debts owed to creditors who can take the strongest legal actions if debtors do not pay. It is not the size of the debt that makes it a priority, but what the creditors can do to recover their money.

Where customers owe multiple debts to the Council, it is recognised that it is in the interest of all parties to allocate repayments on the basis of the priority



of the debt. Priority debts must be dealt with before any offers of repayment on non-priority debts.

Non-priority debts will not result in imprisonment, loss of home, or cutting off of fuel supplies.

We will encourage tenants/former tenants to be realistic about their level of debt to understand both the priority of debt repayments and the consequences of not paying.

In all cases, tenants/former tenants will be made aware that priority debts are those that have the strongest legal recourse.

We will adopt a hierarchy of debt and repayment of differing sections of the debt owed will be prioritised as follows: -

- a) Current tenant rent & water rates.
- b) Council Tax
- c) Current tenant garage rent.
- d) Former tenancy rent arrears.
- e) Rechargeable Damage.
- f) Former garage tenancy arrears.

Allocation of payments to accounts where there are multiple debts will be done by mutual agreement with the payer. In reaching an agreement, we will explain the various stages of recovery on each debt and the stage to which the debt has progressed. We will clearly explain what is likely to happen on each debt, and recommend how to allocate payments to ensure the best possible circumstances for the payer. However we will always allow the payer the right to choose which debt he or she wishes to pay.

## **10. Collection of Income**

To ensure that the Council receive Value For Money from the Housing Departments Income Management Policy, Housing Management will: -

- a) Apply the recovery processes in a fair and equitable manner
- b) Prepare an annual Service Business Plan, containing a set of SMART targets across a range of national and local performance indicators to monitor the cost and effectiveness of recovery action taken in accordance with this Policy.
- c) Undertake weekly, monthly, quarterly and annual monitoring of performance against these targets – reporting Key PI's to the Divisional Management Team, the Tenants Housing Services Group and corporately to the Strong Communities Strategic Working Group.

- d) Maximise and target the use of resources towards the most cost effective recovery method available, taking into account the Economy; Efficiency and Effectiveness of those actions

It is important to give the customer a variety of payment methods to make it easier to pay the debt, these methods include the following: -

- a) Payments via Post Office Transcash.
- b) Direct Debit payment from a Bank or Building Society.
- c) Payments by Standing Order at the Bank or Building Society.
- d) When implemented - payment by "swipe-card" at any suitable registered outlet. Other direct payments via the Bank or Post Office, or other outlets.
- e) Door-to-door collection service – available to a limited number of Council Housing Tenants only.
- f) Payment in person at the Councils Offices, Spennymoor, or any one of the decentralised Housing Offices based at Ferryhill, Shildon and Newton Aycliffe.
- g) Postal payments – cheque and postal orders.
- h) Automated telephone payments by debit or credit card (IVR).

## **11. Tenant and Stakeholder Involvement**

The Housing Department is committed to working in partnership with residents and involving all stakeholders in all aspects of its business. We recognise the need to understand their needs, wishes and aspirations, and to ultimately influence the decisions that affect their homes and the Housing Services they receive.

We have established a "Housing Services Compact" between Sedgefield Borough Council's Housing Department and its residents. The Compact was developed through consultation with all stakeholders, and aims to formalise existing partnerships between the Housing Department and residents in the management of their homes and estates. In doing this, the Compact will: -

- a) Work towards the Council's vision of creating a "Healthy, Prosperous and Attractive Borough with Strong Communities".
- b) Influence the development of the Council's overall Housing Strategy and Housing Business Plan.
- c) Inform the work of the Local Strategic Partnership.

We are required to consult with tenants on issues that affect their homes. Tenants are encouraged to get involved on such matters as the Management,

Maintenance and Improvement of Council properties, and services and amenities that are connected with Council properties.

We have developed a structure for involvement, which includes: -

- a) **Sedgefield Residents Federation** – an umbrella group made up of tenant and resident associations and other community groups within the Borough.
- b) **Residents Associations** – groups of people who live in a particular area who have got together to try and make a positive difference in the area's they live.
- c) **Tenants Partnership Group** – a group of tenants who have been selected following an agreed selection process, who meet monthly and are involved in higher-level strategic decisions concerning housing services.
- d) **Tenants Housing Services Group** – a group who meet on a monthly basis and discuss a range of issues, including repairs and Maintenance, customer satisfaction, housing management issues and related Council services.
- e) **Tenants Readers Panel** – a group of people who read and provide comments on the documents that the Housing Department produces.
- f) **Project Working Groups** – a group of tenants and residents who meet to give comment on particular service that we provide.

We produce a newsletter twice a year called “Streets Ahead” to keep all tenants up to date with what Residents Groups and Housing Services are doing.

Members of the Residents Federation are involved with the Local Strategic Partnership, which includes representatives from a range of stakeholders that focuses on developing community and neighbourhood strategies. It is a key body in forming the Council's key strategic direction, planning and spending proposals on housing.

Through the Director of Housing, resident's views on housing issues will be communicated to both the Council's Management Team and the political bodies, such as the Cabinet and Scrutiny Committees.

We will facilitate an annual Tenants Conference with a theme of “Improving Residents Involvement” which includes topics such as: -

- a) The challenges ahead for Housing.
- b) Delivering Sustainable Communities.
- c) Housing Finance Issues.
- d) Decent Homes.

- e) Meeting Tenants Aspirations.
- f) Improving Resident and Tenant Involvement.

## **12. Information provided to all Stakeholders.**

The Housing Department will promote its rent service in as many ways as is practical and effective. These will include a number of different methods such as: -

- a) "Streets Ahead" Newsletter – regular articles.
- b) Housing Bulletin – produced quarterly for Members and staff with performance figures.
- c) Performance data on computer Server files – available for all staff to view as an aid to monitoring performance.
- d) Staff Newsletters.
- e) Quarterly Rent Statements - sent to every tenant.
- f) "Inform Community Newspaper – regular articles and yearly performance figures.
- g) Local Newspaper articles.
- h) Tenants Housing Services Group information – monthly meetings, information provided on proposed changes to policies and procedures, performance figures.
- i) Range of leaflets in Local Housing Office receptions.
- j) Access to rent account information via the Council's Internet web site.

## **13. Communication.**

As part of its commitment to improved access to services, Equality and Diversity and good quality customer care, the Housing Department will: -

- a) Advise debtors in a clear and understandable manner, at the earliest opportunity, of any monies due and will provide advice and assistance relating to potential benefit entitlement, methods of payment available etc.
- b) Ensure that appropriate reminders are sent out at the earliest opportunity following non-payment, clearly informing the debtor of the sums due, how this can be paid and what the implications of non-payment are
- c) Encourage people or their representative to contact the Council immediately they are likely to encounter a debt problem

- d) Provide assistance and translation services to people with language or communication problems
- e) Provide information and advice in a clear and accessible format at appropriate outlets throughout the Borough and on its website, and strive to overcome any barriers to communication
- f) Promote communication that is plain English and jargon free.
- g) Treat residents as individuals, taking into account their known personal circumstances.
- h) Keep the tenant/former tenant informed of the action being taken at each stage of recovery.
- i) Post quarterly rent statements to every individual tenant.

#### **14. Customer Satisfaction.**

We are committed to seeking the views of our customers through a variety of methods including: -

- a) Customer Satisfaction Surveys. These are facilitated through various methods including: -
  - i) Postal surveys
  - II) Telephone surveys
  - III) Customer Focus Groups
- b) Measuring our Service Standards performance.

#### **15. Performance Monitoring.**

We are pro-active in monitoring our performance to ensure policies and procedures are followed. We set measurable targets on income collection based on Key Performance Indicators. Performance is measured against the set targets. These are discussed with staff and then monitored through the Performance Monitoring Group. The targets are also used to form the basis of individual staff performance plans.

We will ensure that staff take a pro-active approach to income collection, that any rent arrears are monitored regularly, thoroughly and consistently.

Performance data is recorded each week – the data includes information on current rent arrears, garage rent, former tenants arrears, local performance indicators, former tenant write off's, Housing Benefit overpayments, Rechargeable Damage recovery and rent collection costs. This information is available for all staff to view as an aid to monitoring performance. Under performance is investigated, and individual action is agreed and introduced where necessary.

The performance of Debt Collection Agencies is monitored on a regular basis to ensure effective service is being delivered and value for money is being obtained.

We will carry out management audits across the Housing Management Section on a regular basis, in order to check compliance with policy and procedures.

The implementation of the policy will be subject to review by the Council's Internal Audit Team on a regular basis.

We have a process of annual reviews of all our policies and procedures in consultation with tenants to help improve service delivery to allow for continuous improvement.

The Benefits Information Protocol is monitored through the Housing and Resources Liaison Group.

## **16. The Housing Income Management Team**

The Housing Management Section of the Housing Services Department is divided into 5 generic teams based locally throughout the Borough. Housing Officers have local knowledge of their tenants and have developed a flexible approach to rent arrears recovery.

We have developed with our colleagues in the Resources Department, a Housing Services/Resources Liaison Group, which meets on a regular basis to share information and to help ensure that communication between the two departments remains robust.

Housing Management staff require expertise and knowledge to play a full role in ensuring the recovery of debt. To make sure that we continuously develop staff and ensure that their skills, experience and knowledge allow them to effectively deliver the policies and procedures of the Council, they receive regular training and update sessions in a range of areas including implementation of new policies and procedures, welfare benefits, the legal framework for rent recovery and sensitive approaches to debt collection, to help ensure continuity of service delivery and enforce our approach to prevention and early intervention. This training will help staff to: -

- a) Have the ability to listen to tenants, to diagnose problems and give information.
- b) Have the ability to advise tenants of the options open to them.
- c) Have the ability to refer tenants to other organisations where appropriate.
- d) To develop interpersonal skills which assure tenants with regard to accessibility, confidentiality, accuracy and consistency.

We have a dedicated Debt Recovery and Rent Accounting team who are responsible for: -

- a) Former Tenants Arrears recovery.
- b) Rechargeable Damage invoices and collection.
- c) Direct Debit and Standing Order payments.
- d) Implementation of rent charges to rent accounts.
- e) Maintenance of rent account charges and payments.
- f) The posting of Housing Benefit payments to rent accounts.

## **17. Policy Reviews.**

This Policy seeks to assist the process of continuous improvement. It must therefore be subject to regular review and assessed on its contribution to the improvement process.

We have established a Performance Management Group. All policy reviews are conducted through this group.

We have a process of annual reviews of all our policies and procedures in consultation with tenants to help improve service delivery to allow for continuous improvement.

Any policy or procedural reviews are only implemented following the completion of staff training sessions.

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# Item 8

## REPORT TO CABINET

22 November 2007

### REPORT OF DIRECTOR OF NEIGHBOURHOOD SERVICES

#### Portfolio: Planning and Development

#### Windlestone Hall Rushyford, Planning Statement and Design Brief

#### **1 SUMMARY**

- 1.1 Windlestone Hall, a Grade II\* Listed Building, together with its ancillary buildings and related grounds is owned by the County Council but is being currently offered for sale. The Windlestone Hall Planning Statement and Development Brief has been prepared by the Design, Conservation, Landscape and Tree Management Team in consultation with English Heritage and Durham County Council's Archaeological Section in order to guide prospective purchasers in the preparation of adaptation, restoration and development proposals for the Windlestone Hall site which is situated within a registered Historic Park and is within the Windlestone Conservation Area.
- 1.2 Through making this a Supplementary Planning Document, it would provide the document with statutory planning weight, it would be tested by public consultation, would be subject to the provisions of Sustainability Appraisal, Appropriate Assessment and would form part of the statutory development plan. Its new status as a Supplementary Planning Document would strengthen the Council's role as Local Planning Authority and add the appropriate weight to and provide Officers with a robust mandate in dealing with any planning or listed building applications to secure a standard of development commensurate with the historic status of the site. This process of producing a Supplementary Planning Document will take 12 months. In order to take this forward, the Local Development Scheme will need to be revised.

#### **2 RECOMMENDATION**

- 2.1 That Cabinet agrees to the production of the Windlestone Hall Planning Statement and Design Brief as a Supplementary Planning Document and is incorporated within a revised Local Development Scheme.

#### **3 THE WINDLESTONE HALL PLANNING STATEMENT AND DEVELOPMENT BRIEF**

- 3.1 The purpose of this comprehensive planning statement and development brief prepared by the Design, Conservation, Landscape and Tree Management Team in consultation

with English Heritage and Durham County Council's Archaeological Section is to guide prospective purchasers of the site which is currently owned by Durham County Council in the preparation of adaptation, restoration and development proposals for the site which is situated within a registered Historic Park and is within the Windlestone Conservation Area. As a Supplementary Planning Document, the Windlestone Hall Planning Statement and Development Brief will form part of the statutory Local Development Framework.

- 3.2 The site extends to 10.3 hectares (25.5 acres) encompassing Windlestone Hall, a Grade II\* Listed Building, and its associated buildings, former kitchen and pleasure garden, pasture and woodlands.
- 3.3 The listed hall and several other listed buildings originally belonged to the Eden Family and once the home of Sir Anthony Eden the former Prime Minister, since 1560. More recently it has served as a special school but is currently empty and awaiting disposal. The school was relocated in 2006 into new purpose built accommodation to the west of Chilton.
- 3.4 The Windlestone Hall site provides an opportunity to utilise its historic stately home connections and setting within an historic park to bring it into a new use thereby helping to safeguard an important heritage asset for future generations.
- 3.5 The many historic designations attached to the property and its grounds make it necessary for any prospective purchaser to prepare from the outset a site-wide conservation plan in order to guide and inform proposals for change. This plan should be prepared in accordance with established good practice and by an appropriate team of specialists with a proven track record of preparing conservation plans on multi-faceted heritage assets.
- 3.6 The removal of an uncharacteristic 1970's block will help to enhance the setting of the historic buildings and spaces.
- 3.7 There is a general presumption against "enabling development" on this site in accordance with English Heritage's policy statement "Enabling Development and Conservation of Heritage Assets".

#### **4 RESOURCE IMPLICATIONS**

- 4.1 Whilst there will be any direct resource implications, in terms of advertisement, publication and printing costs. There will also be indirect cost implications in terms of Officer time spent on the preparation of this document.

#### **5 CONSULTATIONS**

- 5.1 The report has been prepared in full consultation with English Heritage and Durham County Council's Archaeological Section as well as relevant officers within the Planning Section.

- 5.2 As a Supplementary Planning Document, the Windlestone Hall Planning Statement and Development Brief will be subject to the statutory consultation procedures as prescribed by the Town and Country Planning (Local Development) (England) Regulations 2004. Further details can be found in the Borough Council's adopted Statement of Community Involvement (2006).

## **6 OTHER MATERIAL CONSIDERATIONS**

### **6.1 Equality and Diversity**

There are no Equality and Diversity implications.

### **6.2 Legal and Constitutional Implications**

As Supplementary Planning Document, the document must be published in accordance with the Town and Country Planning (Local Development) (England) Regulations 2004.

### **6.3 Links to Community Strategy/Corporate Plan**

Corporate Ambition: An Attractive Borough.

Community Outcome: To improve the design and environmental quality of towns, villages and the countryside and to provide a high quality, efficient and customer focused planning service that supports sustainable improvement of the built and natural environment of the Borough.

### **6.4 Risk Management**

If the Supplementary Planning Document is not produced, there may well be a negative impact upon the Borough's historic and natural environment.

### **6.5 Sustainability**

As Supplementary Planning Document, the Windlestone Hall Planning Statement and Design Brief will be subject to a Sustainability Appraisal (incorporating the requirements of Strategic Environmental Assessment) and Appropriate Assessment.

The document aims to protect important historic assets for future generations whilst promoting appropriate alternative uses for the existing buildings and the site in accordance with relevant planning policies and guidance.

### **6.6 Social Inclusion**

No implications have been identified.

## **7 OVERVIEW AND SCRUTINY IMPLICATIONS**

- 7.1 None.

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**Telephone No:** (01388) 816166 ext **4522**  
**Email Address:** [cmyers@sedgefield.gov.uk](mailto:cmyers@sedgefield.gov.uk)

**Ward(s):** Chilton Ward

**Key Decision Validation:** This is not a Key Decision.

### **Background Papers**

Windlestone Hall Planning Statement and Development Brief.

### **Examination by Statutory Officers**

	<b>Yes</b>	<b>Not Applicable</b>
1. The report has been examined by the Councils Head of the Paid Service or his representative	<input type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Councils S.151 Officer or his representative	<input type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input type="checkbox"/>	<input type="checkbox"/>

# Item 9

## REPORT TO CABINET

22<sup>nd</sup> NOVEMBER 2007

## REPORT OF DIRECTOR OF RESOURCES

**Portfolio: STRATEGIC LEADERSHIP**

### **REVENUE BUDGETARY CONTROL REPORT – POSITION AT 30<sup>th</sup> SEPTEMBER 2007**

#### **1. SUMMARY**

This is the second revenue budgetary control report under the 2007/08 Budgetary Control reporting arrangements.

This report summarises the projected outturn position on the Council's revenue activities that shows:

- The General Fund is expected to use balances of around £595,000 compared to a revised budgeted use of £760,000, a saving of £165,000.
- The Housing Revenue Account is expected to contribute to balances £108,500 requires compared to a revised budgeted use of £160,000, an overall projected saving of £268,500.
- The Training and Employment Service made an operational surplus of £33,500, in the period April to September.

Details in respect of significant Balance Sheet items are also included in Paragraph 9 in order to provide a wider perspective on the Council's financial standing.

#### **2. RECOMMENDATIONS**

It is recommended that: -

- Management Team note the position as at 30<sup>th</sup> September 2007.
- Management Team note the training arrangements due to commence in November
- That further reports be submitted detailing the position as at the 31<sup>st</sup> December 2007 and the final outturn position as at 31<sup>st</sup> March 2008 in line with the Budgetary Control Monitoring Arrangements 2007-2008 reported to Management Team on the 2<sup>nd</sup> April 2007

#### **3. DETAILED FINANCIAL POSITION AT 30<sup>th</sup> SEPTEMBER 2007**

##### ***3.1 Monitoring Arrangements for 2007-2008***

The budgetary control monitoring arrangements for 2007-2008 were approved by Management Team on the 2<sup>nd</sup> April 2007. Regular reports will be presented to

Cabinet detailing the Council's financial position as at 31<sup>st</sup> December and the outturn position as at 31<sup>st</sup> March 2008. In addition more detailed reports will be considered by the various Strategic Working Groups on a similar reporting cycle.

The expectation is that issues arising from any significant variances from approved budgets will be considered by the Groups who will instigate corrective action where necessary and ensure that their deliberations are reported back to Cabinet at the next budgetary review opportunity.

### 3.2 Volatile Budgets – Position at 30<sup>th</sup> SEPTEMBER 2007

An earlier report to this Cabinet introduced the concept of Volatile budget reporting and outlined the actions being taken to monitor those specific budgets that were susceptible to market forces and in particular some of the income streams. The following table shows those income types that are considered vulnerable and together with the outturn position.

Income Stream	Budget 2007-2008 £	Anticipated Outturn £	Variance £	Volatility Status
Land Charges	210,000	220,000	10,000	Green
Investment Interest	1,500,000	1,700,000	200,000	Green
Building Control Fees	205,000	180,000	(25,000)	Red
Planning Fees	395,000	410,000	15,000	Amber
Trade Waste Income	250,700	240,000	(10,700)	Amber
Fixed Penalty Notices	40,000	10,000	(30,000)	Red
<b>Leisure Centres</b>				
- Catering	126,300	130,000	3,700	Green
- Bars	210,000	184,000	(26,000)	Amber
- Use of Facilities	1,332,800	1,232,500	(100,300)	Red
<b>Total</b>	<b>4,269,800</b>	<b>4,306,500</b>	<b>36,700</b>	

The volatility status indicates the final outturn on the specific income stream, with **red** indicating that the target was not achieved, **amber** indicating that the target was not achieved but the overall variance is within acceptable tolerances and **green** indicating that the income target was achieved or exceeded.

All of the above income streams have been incorporated within the control figures for the relevant Portfolios and commentary has been included where appropriate within the relevant sections of this report, especially where Budget holders have taken account of falling income streams and reduced operating expenses accordingly, this particularly applies to the bar & catering activities within the Leisure Centres. The variances above will be taken into account when judgements about income streams levels for the 2008/09 budgets are being assessed.

### 3.3 General Fund

The following table covers the financial year 2007/08 and shows: -

- The approved budget for each of the main portfolios.

- Profiled budget to the 30<sup>th</sup> September 2007 [i.e. what we expected to have spent]
- The actual income and expenditure as recorded in the Council's financial management system as at 30<sup>th</sup> September 2007
- Forecasted outturn for 2007-2008 based on spend to date and known commitments as at 30<sup>th</sup> September 2007
- The variance between the annual budget and the projected outturn.

The original approved budgets have been revised to take account of a full re-apportionment of capital financing charges across all Portfolios that have been recalculated following the closure of the 2006/2007 accounts.

The overall financial position for the General Fund is therefore as follows: -

	<b>Revised Budget 2007/08 £'000</b>	<b>Projected Outturn £'000</b>	<b>Variance £'000</b>	<b>Revised Outturn @ 31<sup>st</sup> July £'000</b>	<b>Outturn Variance Compared To 31<sup>st</sup> July £'000</b>
<b>Strategic Leadership</b>	1,363	1,237	(126)	1,298	(61)
<b>Healthy Borough</b>					
- Community Health	141	134	(7)	134	-
- Leisure & Culture	3,859	3,873	14	3,865	8
<b>Strong Communities</b>					
- Housing	802	862	60	910	(48)
- Safer Communities	821	937	119	906	31
<b>Prosperous Borough</b>					
- Learning & Employment	305	278	(27)	305	(27)
- Social Regeneration & Partnership	2,021	1,933	(88)	1,924	9
<b>Attractive Borough</b>					
- Environment	5,631	5,514	(117)	5,553	(39)
- Planning & Development	455	445	10	465	(20)
<b>Other Efficiency Savings</b>	(20)	-	20	-	-
	15,378	15,213	(165)	15,360	(147)
<b>Use of Balances</b>	760	595	165	742	(147)
<b>Budget Requirement</b>	14,618	14,618	-	14,618	-

**The main features that contribute to the overall underspend include: -**

Salaries and Wages costs amount to approximately 30% of the gross spend on the Council's General Fund services, and as a consequence the relevant budgets are monitored very closely on a monthly basis. The Council set a savings target of £385,000 equivalent to a turnover rate of 4%, [that has now been redistributed across all of the Portfolios]. Whilst the Council has already achieved some of the required savings with eight months of the financial year left it is difficult to predict with any accuracy the final outcome. It is anticipated however that the performance target set will be achieved by the 31<sup>st</sup> March 2008. A recent report to Cabinet approved the virement of £50,000 of the savings for Organisational Development initiatives associated with Local Government Review.

Depending upon where staffing vacancies fall there may be a need to seek the appointment of agency staff where it is found difficult to recruit a replacement to ensure continuity of service delivery in key service areas.

**The following section therefore concentrates on factors other than staffing that are having an impact on individual Portfolio budgets since the July report was prepared.**

**3.3.1. General Fund**

<b>Portfolio</b>	<b>Area of Spend</b>	<b>Comment</b>
<b>Strategic Leadership</b>		<p>The main features that contribute to the overall change in the Portfolio's expected net spend [excluding the impact of salary savings] include: -</p> <p>A further increase in the <b>investment income</b> projections of £35,000 being received following an increase in interest rates and improved cashflow net of the recharge to the Housing Revenue Account.</p>
<b>Healthy Borough</b>	<b>Community Health</b>	There are no areas that are currently causing budget concerns, a small underspend of £7,000 is anticipated.
	<b>Leisure Culture &amp;</b>	<p>The overall position for this Portfolio is a projected small overspend of £14,000.</p> <p>There are a couple of areas that are being monitored closely as they are considered to volatile and therefore subject to external user pressure, namely the use of the leisure centre facilities and bar /catering income. Some of the current shortfall of income predicted to be in the region of £22,000 [down from £55,000 at the July stage] can be offset against reduced operating costs and progress on this will be reported at each of the next monitoring reports.</p>
<b>Strong Communities</b>	<b>Housing General Fund</b>	<p>The over spend projected at the end of September has fallen from £93,000 to £60,000, primarily achieved by further savings on employee costs.</p> <p>Selected Licensing income for Private Sector Landlords</p>



		and Homelessness rental income continue to be an issue with the position reported at the July stage improving slightly.
	<b>Safer Communities</b>	<p>The revenue deficit on this Portfolio had deteriorated since the last report, with the anticipated over spend increasing by £30,000 to £116,000.</p> <p>Whilst increased employee costs arising from Job Evaluation &amp; enhancements continue to account for most of the over spend there are a couple of other changes that have had an impact on the revenue budget.</p> <p>Projected income from fixed penalty notices stands at £10,000 compared to the original projection of £40,000.</p> <p>In respect of income from the CCTV service income is expected to fall by about £20,000 partly as a consequence of delays in implementing new business and part withdrawal of service by two customers. In the last report it was highlighted that an announcement was likely to be made about a reduced level of funding through the Local Area Agreement. Whilst the Home Office actually reduced the level of overall support the LAA Board has managed to absorb the grant cuts from other resources it had available.</p>
<b>Prosperous Borough</b>	<b>Learning and Employment</b>	There are no significant changes in the outturn projections that have been identified since the last report was produced at the July stage. A £27,000 underspend is being forecast.
	<b>Social Regeneration and Partnership</b>	The main reason for the underspend continues to relate to reclaimed Housing Benefit overpayments. There are no other significant changes in the outturn projections that have been identified since the last report was produced at the July stage. A £88,000 underspend is being forecast.
<b>Attractive Borough</b>	<b>Environment</b>	There are no budget areas that are currently causing budget concerns. There has been no material revision to projections prepared at the July stage, overall an underspend in the region of £117,000 is forecast.
	<b>Planning and Development</b>	There are no significant changes in the outturn projections that have been identified since the last report was produced at the July stage. A £10,000 underspend is being forecast.
<b>Efficiency savings</b>		The 2007/08 budget assumed an efficiency target of £20,000. Paragraph 5 below provides further details on progress towards achieving the target.

### **3.4 Housing Revenue Account (HRA)**

The approved budget for 2007/08 assumed that the HRA would require the use of £100,000 from Balances to support the Service Improvement Plan. Cabinet in June approved a further use of HRA balances of £60,000 to fund the review of the Council's Stock Option appraisal of which only £47,000 was required to finance the necessary works.

In addition there is a planned use of HRA balances of £843,000 to fund the HRA capital programme. In order to maintain flexibility within the HRA the actual use of balances may be varied when the final programme is financed to take account of usable capital receipts available as at the 31<sup>st</sup> March 2008.

The projected position to the 31<sup>st</sup> March 2008 is a use of HRA reserves for revenue purposes of £109,700 compared to an approved use of £160,000, a saving of £50,300

The main factors to take into account in considering this financial position are: -

- Overall net Rental income is anticipated to be about £50,000 higher than original budget forecasts as a consequence of lower than anticipated Right to Buy Sales, rental loss from void properties is also down as a result of quicker turn round times on changes in tenancy and improved maintenance performance.
- The reduced level of sales is having a direct impact on the generation of capital receipts and consequently levels of investment interest generated. However the Council is benefiting from higher than forecast investment rates from the Money Market and the combined impact is a small increase of £10,000 in interest receivable.
- A significant proportion of the costs of providing the Housing Service are employee based. Each vacant post has been assessed to determine the likely date by which they will be filled and the overall impact on costs. Overall there are some savings anticipated amounting to approximately £150,000 in a full year.
- The budgetary position at the end of September 2007 indicates that the Housing Maintenance Budget will be overspent by around £37,000 However the Director of Housing is carefully examining the current spending profile in order to see what action can be taken to mitigate the overspend position, including capitalisation of relevant works.
- The Council has recently taken the decision to enter into a Partnering arrangement with Mears with an anticipated start date of February 2008. The Contract involves transferring the whole of the maintenance budget and significant elements of the Capital programme, savings are expected as a consequence of this decision. Full details will be factored into the next report once the actual start date has been determined and the staffing issues associated with the contracts resolved.
- The previous report in based on the July position indicated that the Council had recently been awarded a Supporting People contract for delivering alarm monitoring and mobile response services within Teesdale, Wear Valley and Derwentside as well as this Borough. The contract has now been running a few months and the operation is beginning to bed down and the indications are that

income levels will be higher than initially predicted. A number of new services are being delivered as part of the contract arrangements and they have contributed to an improved financial position for the whole of the "Carelink" services. Any additional income generated through the contract will be transferred into an earmarked reserve to be used for the development of the Alarm & Monitoring service.

- At this stage of the financial year it has been assumed that none of the contingency sum will be required in 2007/08.

It has been assumed that the full amount of the revenue contribution will be required to support the HRA capital programme

### **3.5 Training and Employment Services**

The initial budget prepared for 2007/2008 predicted that the trading account would make an operating loss of about £14,000 [excluding asset charges] during the year. The actual trading surplus at the six-month stage was £33,000. Because the service is reliant upon being successfully in winning training contracts it is difficult to forecast with any certainty how the full year operations will turn out.

### **4. Further revenue developments during 2007-2008**

- There have been no further awards of additional funds since the last report was prepared.

### **5. Annual Efficiency Savings**

The Council in line with Government targets is pursuing opportunities to ensure that efficiency savings in the region of £400,000 per annum are achieved over the three-year period 2005-2006 to 2007-2008. The target saving for the current financial year is £406,000, half of which must be in 'cashable' form.

The Council has a strong track record of reviewing its spending in order to identify administrative and efficiency savings as a key element of the budget and tax setting process. As part of the 2007/08 budget framework, operational savings of £367,660 were identified in the revenue budget to provide support to achieving the 'cashable' savings target of £203,000.

In addition to the above cashable savings achieved through the budget framework, the Council will achieve wider efficiency savings throughout the year from administrative, transactional and procurement related activities.

The above savings have been integrated into the 2007-2008 revenue budget, the monitoring of which is undertaken as part of the normal budgetary control reporting arrangements to Members and senior management during the year.

A separate report is being prepared for Cabinet's consideration on the progress the Council is making towards achieving its' 2007-2008 efficiency targets. Further reports will be prepared on a six monthly basis.

## 6. Collection Fund Surplus

The Council as billing authority for council tax and non domestic rates purposes maintains on behalf of the authorities which precept on the Council a separate set of accounts known as the Collection Fund. Whilst these accounts are not part of our normal budgetary control reporting arrangements any surplus or deficit on the fund has a direct impact on future council tax levels in the Borough.

As at the 31<sup>st</sup> March 2007 there was an accumulated surplus on the Fund of only £595,000, the Borough's share being £137,500. Whilst a higher level of funds is being distributed than is currently being held [£648,500] the shortfall will be collected during this year.

In December 2007 the Council will be required to estimate the likely surplus or deficit on the Collection Fund as at 31<sup>st</sup> March 2008 and advise the Principal Precepting Authorities of their share that has to be paid out during 2008/2009, it is too early in the financial year to determine with any accuracy the likely surplus at this time.

## 7. Revenue Reserves 2007-2008

The Council held reserves totalling £10.407m at the 1<sup>st</sup> April 2007 [excluding the Collection Fund] with the budget framework report in respect of 2007-2008 assuming that £1.841m would be utilised in this financial year. The current projection is a use of reserves amounting to £1.871m as indicated below: -

The Council has recently taken the decision to proceed with a Large Scale Stock Transfer in relation to its Council Houses. The anticipated costs of undertaking such an exercise are estimated to be in the region of £410,000. In the event that the 'Tenant Ballot' is unsuccessful these costs will have to be charged against revenue reserves. To this end £164,000 [40% of the costs] has been earmarked against the General Fund reserve and £246,000 [60%] earmarked against the Housing Revenue Account reserve.

	<b>Planned</b>	<b>Revised</b>
<b>FUND</b>	<b>£'000</b>	<b>£'000</b>
<b>Balances at 1<sup>st</sup> April 2007</b>	<b>10,407</b>	<b>10,407</b>
Revenue Purposes		
- Budget Support Fund	700	595
- Debt Management Fund	150	150
- Economic Development Fund	116	116
- Other Funds	75	75
- Housing Revenue Account	100	(108)
Capital Purposes		
- Housing Revenue Account	500	843
- Asset Management Fund	100	100
- Private Sector Housing Fund	100	100
<b>Anticipated Balance at 31<sup>st</sup> March 2008</b>	<b>8,566</b>	<b>8,536</b>

The split of revenue reserves as at 31<sup>st</sup> March 2008 would be as follows: -

	<b>GENERAL FUND</b>	<b>HRA</b>
	<b>£'000</b>	<b>£'000</b>
<b>Balances at 1<sup>st</sup> April 2007</b>	<b>7,025</b>	<b>3,382</b>
<b>Anticipated Use in 2007/08</b>	<b>1,136</b>	<b>735</b>
<b>Anticipated Balance at 31<sup>st</sup> March 2008</b>	<b>5,889</b>	<b>2,647</b>

## 8. Revenue Provisions 2007-2008

In view of the Council's favourable outturn position in 2006/07 provision was made to carry forward unused resources amounting to £223,600 into the current year to meet specific needs identified within the Budget and Policy Framework, this was in line with the Financial Regulations.

In addition the Council has received grant funding in respect of specific initiatives [such as Communities for Health & Planning Delivery Grant] that was unspent at the 31<sup>st</sup> March 2007 amounting to £605,460. The budget framework already assumes that most of this grant funding will be utilised in 2007/08, however if the specific programmes do not need all of the funds in the current financial year unspent resources will be rolled forward into later years to meet specific requirements of the relevant initiatives. The use of the provisions is being monitored as part of these budgetary control arrangements.

## 9. Balance Sheet Management

Best practice recommends that Council's should report significant items from the "balance sheet", and in particular those items that may have a material impact on the Council if not reviewed on a regular basis.

CIPFA has issued some guidance and it is now considered prudent to report on at least the following items: -

- **External Loan Debt** – monies borrowed by the Council.
- **Short Term Investments** – surplus cash invested by the Council.
- **Current Debtors** – sums owed to the Council in respect of Rents, Council Tax, Overpaid Housing Benefits, Mortgages and Accounts Receivable.

Performance Management arrangements closely monitor the above areas on at least a monthly basis to ensure that the Councils Treasury Management strategy is being adhered to in respect of the first two items and in respect of the last item debt recovery action is instigated where debts are not settled within expected time scales.

- **External loan debt**
- The value of loans outstanding at the 30<sup>th</sup> September 2007 was £18.620m, down from £18.641m at the 1<sup>st</sup> April 2007

- **Short Term Investments**

- As at the 30<sup>th</sup> September 2007 the Council had £26.63m on short-term deposit with Financial Institutions, compared with £27.26m at the 31<sup>st</sup> March 2007. The original budget forecast of investment income was £1.5m and the current projections as at 30<sup>th</sup> September indicate an increase to about £1.7m and this that has been taken into account in the forecast for Strategic Leadership Portfolio shown above.
- The Council will however continue to actively pursue investment opportunities throughout the 2007-2008 in order to maximise investment returns taking into account in the Treasury Management Strategy.

- **Current Debtors**

- Recovery of all sums due to the Council promptly can have a significant material impact on the cash-flow of the Council and lead onto higher than expected investment returns as indicated above if it is actively managed.
- As at the 31<sup>st</sup> March 2007 the Council recorded in its Annual Statement of Accounts that the amounts due from debtors amounted to £9.418m. [£9.899m for 2005-2006]. A proportion of this debt related to year-end grant claims, which is a normal position at this time of year and these have now been certified and paid as an outcome of the external audit process.
- However some of the outstanding debt has to be actively managed to ensure that it is eventually collected and is not written off as a “bad debt”. As at the 30<sup>th</sup> September 2007 the following analysis is available.

Type of Debt	Position @31/7/2007	Position @ 30 <sup>th</sup> September 2007		
		Total Arrears	Current Arrears	Aged Arrears
	£	£	£	£
Current Housing Rents	454,516	459,116	232,758	226,358
Former Tenants Housing Rents	736,624	618,688	-	618,688
Council Tax – Current year	3,707,271	3,397,603	1,627,116	1,770,487
Council Tax – Prior Years	2,681,481	2,218,035	118,122	2,099,913
Accounts Receivable	1,591,763	1,415,723	1,137,442	278,281
Housing Benefit Overpayments	498,585	493,050	162,972	330,078
Mortgages	197	83	83	-
<b>Total Outstanding debt</b>	<b>9,670,937</b>	<b>8,602,298</b>	<b>3,278,493</b>	<b>5,323,805</b>
<b>Position 31<sup>st</sup> March 2007</b>		<b>7,423,570</b>	<b>2,891,736</b>	<b>4,531,834</b>

Current arrears is debt less than 60 days old & aged arrears is debt older than 60 days

- Housing Rent is a weekly charge on the property. The five area Housing Management teams manage current arrears with former tenants being managed by a centralised debt recovery team. All Teams work to an approved policy document which involves a number of stages culminating in seeking repossession where a current tenant fails to make arrangements to pay and referral to a Certificated Bailiff in former tenant arrears cases.

- Council Tax is an annual charge and the arrears above reflect those accounts where no arrangements have been agreed to collect the initial charge by instalments. When accounts fall into arrears Liability Orders are obtained from the Magistrates Court. Where this procedure fails to obtain settlement of the debt a range of other recovery processes are initiated including use of Certificated Bailiff and committal proceedings. Whilst the level of arrears looks high it must be taken in the context of the overall total debit raised since the introduction of Council Tax now exceeds £317m, the Councils collection rate to-date is in excess of 99% of amounts due.
- Accounts Receivable debt can relate to any of the services that the Council provides. Debt recovery action is the responsibility of the department that provides the service and raises the initial invoice. If the department is unable to collect the debt the Director of Resources may refer the debt to a Certificated Bailiff for further recovery action.
- Housing Benefit overpayments usually arise where a person in receipt of benefit has failed to notify the Council of a change in circumstances that would affect their entitlement. If the claimant is still in receipt of benefit the overpayment can be recovered at the maximum rate of £9.00 per week. [£12.00 in cases of proven fraud]. Where the claimant is no longer in receipt of benefit or has vacated the property an accounts receivable invoice is sent to the person if a forwarding address is known. Where a former claimant moves back into the Borough and becomes eligible for benefit the debt is reinstated and recovered from on-going entitlement.
- Mortgages debt is all current arrears [i.e. less than 60 days old] and arrangements are in hand to recover the debt outstanding from the one debtor in arrears.

## 10. TRAINING ISSUES

Financial training skill needs to be constantly reviewed and developed in respect of three specific areas: -

- *Users of the Agresso Financial Management System*
- *Budget Holders / Heads of Service*
- *Members*

The Account and Audit Regulations [2003] as amended introduce a requirement for Councils to ensure that those persons who have responsibility for budgets should possess the relevant skills to be able to manage them effectively. This is also a key requirement of the 2007 Key Lines of Enquiry [Use of Resources] and as a consequence discussions have been held with the Organisational Development team within the Chief Executives department to introduce an enhanced training scheme to supplement the in-house training currently provided.

A training session is being provided by IPF in November to ensure all budget holders are able to update their knowledge base and be able to apply that knowledge to the preparation of the 2008-2009 budget round and associated budgetary control monitoring. A similar course has been arranged for Members to enable them to update their knowledge about Local Government finance issues. A further course is planned for Budget Holders early next year.

## **11. LINKS TO CORPORATE OBJECTIVES & VALUES**

The details contained in the report support the Council's corporate value of being responsible with and accountable for public finances.

## **12. RESOURCE IMPLICATIONS**

There are no further resource implications arising from this report.

## **13. CONSULTATIONS**

Comprehensive consultation has previously been held during the construction of the 2007/08 Budget Framework. This report does not contain any proposals or recommendations that require further consultation. The relevant Departments have been consulted in projecting the levels of spending during the current year.

## **14. OTHER MATERIAL CONSIDERATIONS**

### **14.1 *Links to Corporate Objectives/Values***

The Council's Corporate Objectives and Values have guided the preparation of the 2007/08 Budget Framework throughout. Resource availability has been fully re-assessed and directed to assist in achieving the Council's key priorities as set out in the Corporate Plan. Particular emphasis has been placed on the following Corporate Values: -

- *Be responsible with and accountable for public finances.*
- *Consult with service users, customers and partners.*

### **14.2 *Risk Management***

The budget framework report to Council on the 27<sup>th</sup> February 2007 highlighted a number of risk areas that needed to be monitored to ensure the effective delivery of the 2007/08 spending plans.

There has been no further risks identified during the preparation of this report apart from the continued need by the relevant budget holders to monitor the budgets closely during the year to ensure that spending plans are met. Where potential overspends of expenditure or reduced levels of income are forecast early action should be taken to address the problems faced in order to achieve the performance targets set in the budget framework.

### **14.3 *Health and Safety***

No additional implications have been identified.

### **14.4 *Equality and Diversity***

No material considerations have been identified.

### **14.5 *Legal and Constitutional***

The Budget Framework has been prepared in accordance with the Council's Constitution and full account has been taken of new statutory requirements, e.g. the new statutory minimum concessionary fares scheme. No other legal or constitutional implications have been identified.

There are no other significant material considerations arising from the recommendations contained in this report.



## 15. OVERVIEW AND SCRUTINY IMPLICATIONS

Consultation and engagement with Overview and Scrutiny Committees has previously been held to develop and review the 2007/08 Budget Framework.

**Contact Officer:** John Hawes (Accountancy Services Manager)  
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**E-Mail:** jhawes@sedgefield.gov.uk

**Ward(s):** Not Ward Specific

**Background Papers:**

- ~ Report to Council 27<sup>th</sup> February 2007 – Budget Framework 2007-2008.
- ~ Report to Council 27<sup>th</sup> February 2007 – Treasury Management Strategy 2007-2008.
- ~ Report to Council 29<sup>th</sup> June 2006- Statement of Accounts 2006 - 2007
- ~ Report to Cabinet 27<sup>th</sup> September 2007 - Revenue Budgetary Control Report – Position at 31<sup>st</sup> July 2007.

### Examination by Statutory Officers:

	Yes	Not Applicable
1. The report has been examined by the Council's Head of the Paid Service or his representative.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Council's S.151 Officer or his representative.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Management Team has approved the report.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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# Item 10

## REPORT TO CABINET

22<sup>nd</sup> NOVEMBER 2007

## REPORT OF DIRECTOR OF RESOURCES

### BUDGETARY CONTROL REPORT 2007/2008

### CAPITAL PROGRAMME EXPENDITURE AND FINANCING POSITION TO 30<sup>TH</sup> SEPTEMBER 2007

#### 1.0 SUMMARY

- 1.1 This report provides a review of the position on the 2007/08 Capital Programme as at 30<sup>th</sup> September 2007.
- 1.2 It includes an overview of progress made to date in meeting spending targets, details the carry forward approved by Council of commitments unspent on the 2006/07 capital programme, summarises the available capital resources for financing the programme and based on the estimated outturn sets out the proposed financing of the programme in 2007/08.

#### 2.0 RECOMMENDATIONS

It is recommended that:

- (i) Cabinet notes the six-month spend position to 30<sup>th</sup> September 2007 and amendments to the Capital Programme.
- (ii) Further reports be submitted to Cabinet and all Strategic Working Groups detailing the position as at 31<sup>st</sup> December and final outturn as at 31<sup>st</sup> March in line with the Budgetary Control Monitoring Arrangements 2007/08 reported to Management Team on 2<sup>nd</sup> April 2007.
- (iii) Additional funds amounting to £300,000 be made available from existing Housing Revenue Account resources to fund the backlog of works in relation to Disabled Persons Adaptations

### 3.0 CAPITAL SPEND AND RESOURCES MONITORING 2007/08

#### Initial Spending Targets / Revised Capital Programme Budget

3.1 The revised spending target as reported to Special Cabinet 1<sup>st</sup> November 2007 (paragraph 3.2) is detailed below:

Portfolio / Capital Programme	Approved Net Budget £'000	Approved Revision to Programme £'000	Additional External Funding £'000	Revised Gross Budget £'000
<b>Strategic Leadership:</b>				
- ICT	1,599	(371)	-	1,228
- Green Lane	350	(250)	-	100
- Chilton Depot	86	-	-	86
<b>Healthy Borough:</b>				
- Community Health	84	-	-	84
- Leisure and Culture	1,679	215	-	1,894
<b>Prosperous Borough:</b>				
- Social Regeneration	870	-	-	870
- Learning & Employment	362	-	189	551
- Major Regeneration	8,013	865	-	8,878
<b>Attractive Borough:</b>				
- Environment	38	-	-	38
- Planning & Development	140	-	-	140
<b>Strong Communities:</b>				
- Housing (HRA)	8,743	226	-	8,969
- Housing (General Fund)	2,418	-	-	2,418
- Safer Communities	131	-	38	169
Contingency	<b>200</b>	<b>(80)</b>	-	<b>120</b>
<b>Total</b>	<b>24,713</b>	<b>605</b>	<b>227</b>	<b>25,545</b>

#### Progress on Capital Programme / Developments during 2007/08

3.2 This section of the report summarises all known developments on each Portfolio's Capital Programme Budgets that have arisen since the original spending targets for 2007/08 were approved. The Report of the Director of Resources to Cabinet on 1<sup>st</sup> November 2007 detailed the major changes to the programme.

##### 3.2.1 Strategic Leadership

The ICT Capital Programme has since been substantially revised due to uncertainties relating to capital receipts and the impact of Local Government Review. Schemes removed from the Capital Programme 2007/08 include, document management system, stores and fuel recording, corporate back scanning and performance management systems. CRM developments will be reduced by £20,000. This results in a total reduction of £371,000, leaving a revised net budget of £1,228,000. Spend as at 30<sup>th</sup> September 2007 totalled £335,700.

The Capital Programme budget for Council Offices, Green Lane was initially £350,000 to include mechanical and electrical improvements, window replacements, the refurbishment of the boiler house, and refurbishment of the toilets. However, in light of the uncertainty due to Local Government Review, some schemes in the Green Lane Capital Programme have been suspended

until further information on the future of the Green Lane offices has been obtained. As such, the revised budget now stands at £100,000.

### **3.2.2 Healthy Borough - Leisure & Culture**

Approval has been given for a further £200,000 capital allocation for use on Newton Aycliffe Leisure Centre Refurbishment in the public circulation areas and toilets.

In addition to this extra funding, approval has also been given to use £800,000 of Major Regeneration Initiatives Programme capital to finance a design and build project team to redevelop the Cobbler's Hall area and £15,000 for football pitch provision at Sedgfield

### **3.2.3 Prosperous Borough - Learning & Employment**

This Programme continues to benefit from significant levels of external funding. A Single Capital Programme Grant allocation of £189,000 is available in 2007/08 towards the major programme of works being undertaken on Aycliffe Industrial Park.

### **3.2.4 Prosperous Borough - Major Regeneration**

The Programme Budget for 2007/08 has been broken down into the following broad areas:-

Brought forward Commitments	£973,000
Other Portfolio Schemes	£860,000
Housing Market Renewal	£3,000,000
Local Improvement Programmes	£1,265,000
Capital Programme Team	£221,000
Area Programme & Strategic Investments	£894,000
Cobbler's Hall Development	£800,000
Neighbourhood Enhancement Programme	£865,000
<b>Total Budget</b>	<b>£8,878,000</b>

Approval has been given to use £800,000 of Major Regeneration Initiatives Programme capital to finance a design and build project team to redevelop the Cobbler's Hall area. This project will be managed by Leisure and Culture.

The Neighbourhood Empowerment Programme has been established to allow Members to respond to areas of concern of their constituents. A total of £865,000 is to be set aside for this programme that is due to commence 1<sup>st</sup> January 2008.

### **3.2.5 Strong Communities – Safer Communities**

Shildon Town Council has provided funding of £38,000 towards the cost of installing CCTV cameras to be placed in Hackworth Park.

### **3.2.6 Strong Communities – Housing Revenue Account**

The level of funds set aside to meet the demand for Disabled Adaptations to tenants homes is insufficient and as a consequence an additional £300,000 is being provided in order to reduce the backlog and tenants aspirations.

## Revised Capital Programme and Actual Spend to 30<sup>th</sup> September 2007

- 3.3 The adjustments explained above have resulted in a revised spending target of £24.94 million for 2007/08. A summarised statement of actual spend to 30<sup>th</sup> September 2007 across all portfolios is shown as follows:

<b>Portfolio</b>	<b>Revised Gross Budget £'000</b>	<b>Actual Gross Spend £'000</b>
<b>Strategic Leadership:</b>		
- ICT	1,228	336
- Green Lane	100	29
- Chilton Depot	86	3
<b>Healthy Borough:</b>		
- Community Health	84	27
- Leisure and Culture	1,894	679
<b>Prosperous Borough:</b>		
- Social Regeneration	870	239
- Learning & Employment	551	144
- Major Regeneration	8,878	2,006
<b>Attractive Borough:</b>		
- Environment	38	22
- Planning and Development	140	55
<b>Strong Communities:</b>		
- Housing (HRA)	8,969	2,724
- Housing (General Fund)	2,418	270
- Safer Communities	169	11
Contingency	<b>120</b>	-
<b>Total</b>	<b>25,545</b>	<b>6,545</b>

- 3.4 A gross total of £6.545 million has been spent in the first six months to 30<sup>th</sup> September 2007 or 26% of the gross capital programme budget of £25.245 million.
- 3.5 Due to the nature of capital projects it is difficult to predict exactly when financial payments will be made, unlike revenue budgets that can be profiled accurately. Therefore an accurate assessment of expected spending at this point in time cannot be made. Capital spending has traditionally been concentrated in the latter half of the year, particularly in the last quarter, and this is again likely to be the case for 2007/08. Some capital projects have significant lead-in times, major programmes of works may require a dedicated staffing resource and in other cases there may be a need to secure funding approval from other agencies before expenditure is incurred. All of these issues can all lead to delays in capital projects.
- 3.6 Budgetary Control reports that are being presented to the Strategic Working Groups now include some commentary from the relevant budget holder on the progress of their current years projects to enable a view to be taken on the overall delivery of the capital programme.

The following table gives a progress report on the main areas of the programme

<b>Portfolio</b>	<b>Comment</b>
Strategic Leadership	<p>A full reappraisal of the ICT and Green Lane programmes has been undertaken in the light of Local Government review and several schemes delayed or cancelled. Spend on the remaining projects will increase in the final half of the year as planned schemes already contracted will be implemented.</p> <p>Acquisition of vehicle / plant and works to Chilton Depot are dependant on the Housing Partnering arrangements being finalised. Progress on delivering the identified schemes is being reviewed now the successful contractor has been determined.</p>
Healthy Borough	<p>The majority of the programme for this portfolio relates to the Leisure service. Most of the schemes identified are currently underway or start dates have been confirmed, some projects have already been completed. The major outstanding schemes still to start are the recently approved schemes for Alterations to circulation areas Newton Aycliffe Leisure Centre, the Oakwood bar refurbishment and the Cobblers Hall redevelopment works amounting to £1.08m, plans are well in hand to progress these schemes by 31<sup>st</sup> March 2008</p>
Prosperous Borough	<p>This portfolio covers three specific areas</p> <p>The Social and Regeneration programme concentrates on delivering environmental improvements in Town Centres and specific Neighbourhoods Several of the schemes are subject of significant consultation processes and the subsequent development of master plans. It is anticipated that the majority of the projects will be underway by the 31<sup>st</sup> March 2008.</p> <p>The Learning and Employment schemes relate to specific economic regeneration activities on some of the Council's industrial estates. The majority of the projects are underway and it is anticipated that the programme will be completed by 31<sup>st</sup> March 2008.</p> <p>The final element of this portfolio relates to the Council's Major Regeneration Initiative funded by specific housing capital receipts. The total programme amounts to £8.878m, though this relates in part to future commitments rather than specific spend that is likely to materialise in 2007/08. Several of the schemes are progressing well [e.g. Playground Equipment programme] and spend will be maximised by the end of the financial year. Progress in relation to the Local Improvement programme is fully dependant on the successful applicants making progress in commencing works; unspent commitments will be automatically carried forward into 2008/09.</p>

	<p>A significant element of this programme relates to the delivery of the Housing Regeneration Masterplan in the former coalfield areas. Spend levels are dependant upon the successful completion of the purchase of designated dwellings and the development of the loans package scheme which is due to commence in November / December.</p>
Attractive Borough	<p>The programme for this portfolio area is relatively small and good progress is being made on delivering the schemes identified in the respective report to Cabinet on the 14<sup>th</sup> June 2007. Some delays in implementing the scheme associated with replacement recycling bins are as a result of a review of the Kerbit Scheme due to be considered by Cabinet shortly</p>
Strong Communities	<p>This portfolio covers three service areas.</p> <p>The majority of the schemes associated with the Housing Revenue Capital programme have either been let or are in the process of being awarded. Progress on delivering these schemes is traditionally slower in the first half of the year and it is anticipated that overall spend by the 31<sup>st</sup> March 2008 will be within 5% of the overall budget allocation. It is anticipated that the awarding of the Housing partnering Contract will assist in the effective delivery of this programme and meet our Decent Homes targets.</p> <p>The delivery of the Private Sector Housing programme is proceeding well, the two major components are the grants schemes which traditionally see expenditure being maximised in the latter half of the year as approved applications are completed and the Group Repair Scheme commences.</p> <p>The schemes relating to the Safer Communities portfolio in the main refer to works associated with the upgrading and extension to the Council's CCTV network and control room. Progress on implementing the planned schemes is well in hand.</p>

## Capital Resources

- 3.7 Based on current projections the total level of capital resources likely to be available to finance this year's (and future years) Capital Programme are summarised in the table below. Capital resources are split between those brought forward from 2006/07 and those which are anticipated to be received in 2007/08.



Available Capital Resource	Brought Forward Resources £'000	Received/ Anticipated In Year £'000	Total Anticipated Resources £'000
<b>Capital Receipts:</b>			
- Right To Buys	1,538	1,380	2,918
- Housing Land Sales	13,568	13,184	26,752
- General Fund Receipts	17	1,329	1,346
- Section 106 Agreements	300	-	300
<b>Total Capital Receipts</b>	<b>15,423</b>	<b>15,893</b>	<b>31,316</b>
<b>Capital Grants:</b>			
- Single Programme	-	285	285
- SHIP	-	1,300	1,300
- DFG	5	150	155
- Other Grants	265	69	334
<b>Total Capital Grants</b>	<b>270</b>	<b>1,804</b>	<b>2,074</b>
<b>Capital Contributions</b>	<b>226</b>	<b>76</b>	<b>266</b>
<b>Supported Capital Expenditure</b>	<b>-</b>	<b>213</b>	<b>213</b>
<b>Major Repairs Allowance (HRA)</b>	<b>-</b>	<b>5,061</b>	<b>5,061</b>
<b>Direct Revenue Financing (HRA)</b>	<b>-</b>	<b>1,637</b>	<b>1,637</b>
<b>Use of Asset Management Fund</b>	<b>-</b>	<b>100</b>	<b>100</b>
<b>Use of Private Sector Housing Fund</b>	<b>-</b>	<b>100</b>	<b>100</b>
<b>Use of HRA Balances</b>	<b>343</b>	<b>500</b>	<b>843</b>
<b>Total Available Resources</b>	<b>16,262</b>	<b>25,384</b>	<b>41,610</b>

### Financing the Capital Programme

- 3.8 Assuming that revised spending targets are achieved at the year-end, and that the above capital resources are realised, the financing of the 2007/08 capital programme is likely to be as follows:

	Initial 2007/08 £'000	Revised* 2007/08 £'000
<b>Gross Capital Spending Target *</b>	<b>20,000</b>	<b>25,545</b>
<b>Financed by:</b>		
Government Allocations:		
- Supported Capital Expenditure	213	213
- Capital Grants	1,450	2,047
- Major Repairs Allowance	5,061	5,061
Capital Receipts		
- General Fund	1,555	1,346
- Housing (RTB)	2,049	2,918
- Regeneration	7,083	11,211
Capital Contributions	-	69
Direct Revenue Financing – HRA	1,637	1,637
Use of HRA Balances	500	843
Use of Private Sector Housing Fund	100	100
Use of Asset Management Fund	100	100
<b>Total Resources</b>	<b>20,000</b>	<b>25,545</b>

*\* The target has been increased to reflect the approved carry forward from 2006/07 and the phasing in of additional grants and contributions secured in respect of specific capital schemes and additional commitments such as the Cobblers Hall developments,*

3.9 Assuming the revised spending targets are achieved, there will be unused capital receipts and other resources of around £16.065 million available at the end of the financial year which can be used to support future spending commitments in line with estimations made in the Medium Term Financial Plan. However, it should be noted that all of this figure relates to Housing Land Sales and must therefore be ring-fenced against capital schemes meeting the Regeneration or Affordable Housing definitions. There are no other resources available to support the General Fund Programme in later years.

#### **4.0 CORPORATE POLICY CONSIDERATIONS**

4.1 This report does not contain proposals that would require any changes to the Council's agreed policy framework and corporate objectives.

#### **5.0 RESOURCE IMPLICATIONS**

5.1 There are no further resource implications arising from this report.

#### **6.0 CONSULTATIONS**

6.1 Comprehensive consultation has previously been held during the construction of the 2007/08 Budget Framework. This report does not contain any proposals or recommendations requiring further consultation.

#### **7.0 OTHER MATERIAL CONSIDERATIONS**

##### **7.1 *Links to Corporate Objectives/Values***

The Council's Corporate Objectives and Values have guided the preparation of the 2007/08 Budget Framework throughout. Resource availability has been fully re-assessed and directed to assist in achieving the Council's key priorities as set out in the Corporate Plan. Particular emphasis has been placed on the following Corporate Values:-

- *Be responsible with and accountable for public finances.*
- *Consult with service users, customers and partners.*

##### **7.2 *Risk Management***

The major risks of the overall capital programme can be identified and mitigated within the process of effective budgetary monitoring and control.

The efficient delivery of the capital programme can only be facilitated by the reporting of financial issues and progress reports which can identify overspends or delays within a project.

The council pursues value for money through quarterly financial/progress reports and these can highlight delays which may result in less effective purchasing in the last quarter of the financial year.

The Capital Programme relies heavily on capital receipts from the sale of land and buildings. Should the anticipated capital receipts not be received in year the Capital Programme would not be deliverable in its entirety.

### 7.3 **Health and Safety**

No additional implications have been identified.

### 7.4 **Equality and Diversity**

No material considerations have been identified.

### 7.5 **Legal and Constitutional**

The Budget Framework has been prepared in accordance with the Council's Constitution and full account has been taken of new statutory requirements. No other legal or constitutional implications have been identified.

## 8.0 OVERVIEW AND SCRUTINY IMPLICATIONS

8.1 Consultation and engagement with Overview and Scrutiny Committees has previously been held in development and review of the 2007/08 Budget Framework.

**Contact Officer:** Joanne Smart (Principal Accountant)  
**Telephone No.:** 01388-816166 ext. 4673  
**E-Mail Address:** [jsmart@sedgefield.gov.uk](mailto:jsmart@sedgefield.gov.uk)

**Ward(s):** Not Ward Specific

### **Background Papers:**

1. Report to Council 27<sup>th</sup> February 2007 – Budget Framework 2007/2008.
2. Report to Management Team 2<sup>nd</sup> April 2007 – Budgetary Control Monitoring Arrangements 2007/08
3. Report to Council 5<sup>th</sup> July 2007 – Statement of Accounts 2006/07
4. Report to Cabinet 15<sup>th</sup> March 2007 – Leisure and Culture Capital Programme 2007/08
5. Report to Cabinet 26<sup>th</sup> April 2007 - Council Offices, Green Lane, Spennymoor Capital Programme 2007/08
6. Report to Cabinet 26<sup>th</sup> April 2007 - ICT Capital Programme 2007/08
7. Report to Cabinet 21st May 2007 - Community Health Capital Programme 2007/08
8. Report to Cabinet 16<sup>th</sup> March 2006 - Housing Capital Programme and Repairs and Maintenance Service – Review of Future Programmes of Work and Procurement of Service 2006-2010
9. Report to Cabinet 26<sup>th</sup> April 2007 – Housing Capital and Improvement Works 2007/08
10. Report to Cabinet 7th June 2007- Private Sector Housing Capital Programme 2007/08
11. Report to Cabinet 7th June 2007 – Community Safety Capital Programme 2007/08
12. Report to Cabinet 7th June 2007- Environment Capital Programme 2007/08
13. Report to Cabinet 7th June 2007- Regeneration Services Mainstream Capital Programme 2007/08 [Revised programme]
14. Report to Cabinet 14<sup>th</sup> July 2005 - Children's Fixed Play Equipment 2005-07
15. Report to Cabinet 1<sup>st</sup> November 2007 – Interim Capital Programme Review 2007/08

**Examination by Statutory Officers**

	<b>Yes</b>	<b>Not Applicable</b>
1. The report has been examined by the Councils Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Councils S.151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input checked="" type="checkbox"/>	<input type="checkbox"/>

# Item 11a

## SEDGEFIELD BOROUGH COUNCIL AREA 4 FORUM

Shildon Sunnydale Leisure  
Centre

Tuesday,  
25 September 2007

Time: 6.30 p.m.

- Present:** Councillor B. Stephens (Chairman) – Sedgefield Borough Council and
- Councillor V. Chapman – Sedgefield Borough Council
  - Councillor D.M. Hancock – Sedgefield Borough Council
  - Councillor Ms. I. Jackson – Sedgefield Borough Council
  - K. Vasey – County Durham Primary Care Trust
  - Sergeant S. Rogers – Durham Constabulary
  - D. Sadler – County Durham PPI Forum
  - J. Johnson – New Shildon Residents Association
  - C. Fletcher – Shildon Community Safety Group
  - B. Carr – Shildon Community Safety Group
  - L. Rowley – Shildon Scout Memorial Field
  - C. Hind – Local Resident
- Apologies:** Councillor G.M. R. Howe. - Sedgefield Borough Council
- Councillor J.G. Huntington – Sedgefield Borough Council
  - Councillor H. Robinson – Eldon Parish Council

**AF(4)7/07 DECLARATIONS OF INTEREST**  
Members had no interests to declare.

**AF(4)8/07 MINUTES**  
The Minutes of the meeting held on 10<sup>th</sup> July, 2007 were confirmed as a correct record and signed by the Chairman.

**AF(4)9/07 POLICE REPORT**  
Sergeant S. Rogers was present at the meeting to give the crime statistics for the area.

The reported crime figures for July and August, 2007 were as follows :-

	<u>July :</u>	<u>August :</u>
Total recorded crime	80	114
Violent crime	15	28
Robbery	0	0
Burglary (Dwelling)	9	9
Burglary (Other)	5	6
Vehicle Crime	5	8
Theft of Vehicle	3	2
Shoplifting	3	2
Total Theft	17	28
Nuisance	65	70

Discussion was held regarding the considerable increase in theft of scrap metal. It was explained that scrap metal had a high value and the theft of items such as copper piping, cables etc., had increased. Police were monitoring the situation and attempting to deal with the problem.

It was explained that there was a meeting of the New Shildon Residents Association, the second Thursday of each month in the Salvation Army building to which the police were invited to attend to discuss crime statistics and associated issues.

Discussion was held regarding the vacancy at the Shildon Police Office. It was noted that the post would be filled as soon as possible.

The problems of anti-social behaviour particularly in relation to drivers of motorbikes was discussed. The Police requested that in respect of anti-social behaviour incidents from drivers of motorbikes, registration numbers be forwarded to the Police if possible.

**AF(4)10/07**

**COUNTY DURHAM PRIMARY CARE TRUST**

K. Vasey, County Durham Primary Care Trust attended the meeting to answer any questions from the Forum relating to local health matters.

Reference was made to discussions held at previous meetings regarding doctors surgeries using premium rate telephone numbers. It was explained that calls were charged at 5p per minute and not at premium rate.

**AF(4)11/07**

**SEDGEFIELD BOROUGH LOCAL IMPROVEMENT PROGRAMME - APPLICATION - SHILDON SCOUTS MEMORIAL FIELD BUILDING - TECHNICAL STUDY**

Consideration was given to a report detailing an application submitted to be appraised by the Regeneration Section for funding from the Local Improvement Programme. (For copy see file of Minutes).

The report detailed information for Area 4 Forum for their consideration and comment which would be used to formulate a report and recommendations which would be submitted to Sedgefield Borough Council's Cabinet.

It was explained that funding was still available to be used within the Area 4 Forum area and any prospective project would be welcomed. The criteria for projects had been set by Government and related mainly to bringing derelict land/buildings back into effective use and bring wider community use to buildings and land.

L. Rowley from Shildon Scout Memorial Field was present at the meeting to provide details of the proposed project – involving undertaking a technical study. The study would consider a number of issues regarding the development of the project.

Details of proposed use/activities etc., if the project were developed were outlined.

The Area Forum supported the study at a cost of £4,113.

*AGREED : That Cabinet be recommended to support a technical report for Shildon Scout Memorial Field Building Technical Study.*

**AF(4)12/07**

**DATE OF NEXT MEETING**

20<sup>th</sup> November 2007 at Shildon Sunnydale Leisure.

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**ACCESS TO INFORMATION**

Any person wishing to exercise the right of inspection, etc., in relation to these Minutes and associated papers should contact Mrs. Gillian Garrigan Tel 01388 816166 Ext 4240, [ggarrigan@sedgefield.gov.uk](mailto:ggarrigan@sedgefield.gov.uk)

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# Item 11b

## SEDGEFIELD BOROUGH COUNCIL AREA 1 FORUM

Community Centre,  
Tudhoe

Monday,  
29 October 2007

Time: 6.30 p.m.

**Present:** Councillor C. Nelson (Vice-Chairman) – Sedgefield Borough Council and

Councillor Mrs. B. Graham	– Sedgefield Borough Council
Councillor A. Gray	– Sedgefield Borough Council
Councillor J.M. Khan	– Sedgefield Borough Council
Councillor Mrs. E. Maddison	– Sedgefield Borough Council
Councillor B.M. Ord	– Sedgefield Borough Council
Councillor K. Thompson	– Sedgefield Borough Council
Councillor Mrs E. M. Wood	– Sedgefield Borough Council
Sergeant M. Hall	– Durham Constabulary
Councillor E. Foster	– Durham County Council
A. Lamb	– Greenways Residents Association
C. Darkes	– Greenways Residents Association
J. Darkes	– Greenways Residents Association
E. Croft	– Neighbourhood Watch
Councillor J. Graham	– Spennymoor Town Council
Reverend L. Gough	– St. Paul's Church
A. Heslop	– St. Paul's Church
P. Storey	– St. Paul's Church
I. Lessiter	– St. Paul's Residents Association
N. Ashley	– Tudhoe Resident
A. Beel	– Tudhoe Resident
Councillor C. Maddison	– Elected Member Tudhoe and Low Spennymoor Ward
D. Gordon	– Local Resident
E. Jewitt	– Local Resident

### In

**Attendance:** Mrs. G. Garrigan and Mrs. L. Goundry - Sedgefield Borough Council

**Apologies:** Councillor Mrs. A.M. Armstrong - Sedgefield Borough Council  
Councillor A. Smith – Sedgefield Borough Council  
Councillor W. Waters – Sedgefield Borough Council  
Councillor Miss S.J. Armstrong – Spennymoor Town Council  
I. Geldart – UK Youth Parliament  
Inspector W. Bentham – Durham Constabulary

### AF(1)15/07 **DECLARATIONS OF INTEREST**

Councillors Mrs. B. Graham and J. M. Khan indicated that they would be declaring a prejudicial interest in Item No: 5 – Local Improvement Programme – Application St. Paul's Parish Church – Technical Study – as they were Members of Sedgefield Borough Council Cabinet.

**AF(1)16/07 MINUTES**

The Minutes of the meeting held on 3<sup>rd</sup> September, 2007 were confirmed as a correct record and signed by the Chairman. (For copy see file of Minutes).

**AF(1)17/07 POLICE REPORT (LOCAL ISSUES AND ROAD SAFETY)**

Sergeant M. Hall was present at the meeting and gave details of the crime figures for the area.

The reported crime figures for August and September 2007 were as follows:

	<u>August 2007</u>	<u>September 2007</u>
Vehicle Crime	6	9
Violent Crime	37	24
Burglary (Dwelling)	2	2
Burglary (Other)	6	5
Rowdy Nuisance	85	104
Alcohol Related Incidents	16	30
Sexual Offences	1	1
Criminal Damage	31	39

With regard to violent crime, it was noted that 24 of the reported number of incidents in August had been detected and 20 in September.

With regard to road traffic accidents the figures were as follows:

	<u>August 2007</u>	<u>September 2007</u>
Damage Only Accidents	12	5
Minor Injuries	4	6
Fatalities	0	0

Concern was expressed regarding the number of youths drinking alcohol in public places. Specific reference was made to the number of empty alcohol containers found beside the two seats in 'Valley' area of Spennymoor, particularly on Friday, Saturday and Sunday mornings. It was reported that the Police were aware of the hotspots within the town and patrolled them as regularly as possible. They also patrolled off-licences on Fridays and Saturday nights between the hours of 4.00 p.m. and 7.00p.m. It was, however, pointed out that much of the alcohol consumed by juveniles had been purchased by parents.

A request was made for consideration be given to the introduction of a Designated Public Places Order to give the police greater powers to deal with the disturbance and anti-social behaviour linked to the consumption of alcohol. Sergeant Hall agreed to inform his Inspector of the request.

Concern was expressed regarding criminal damage and anti-social behaviour around Tudhoe Community Centre and in Kirk Merrington. It was requested that residents should notify the Police of any problems as all incidents were logged and as a result hotspots were regularly patrolled.

The question was raised on whether it would be more beneficial for Police Officers and Community Support Officers to undertake patrols singularly rather than in pairs during daylight hours. Sergeant Hall agreed to raise the matter with his Inspector.

Local residents also expressed concern regarding the number of vehicles parked on footpaths. It was reported that all complaints were investigated, however, given the limited Police resources this offence was not classed as a 'priority'.

With regard to road safety, reference was made to the erection of a new Community Fire Station on Yorkhill Road and the potential increase in traffic using Yorkhill Road as a result of the development. Concern was also expressed regarding the narrow width of Yorkhill Road and the need for improvements at the junction of Yorkhill Road and the A167 at the Coach and Horses Public House. Councillor E. Foster agreed to raise the concerns with the County Engineer.

**AF(1)18/07**

**LOCAL IMPROVEMENT PROGRAMME - APPLICATION ST.PAUL'S PARISH CHURCH - TECHNICAL STUDY**

**NB: In accordance with Section 81 of the Local Government Act 2000 and the Members' Code of Conduct Councillors Mrs. B. Graham and J.M. Khan declared a personal and prejudicial interest in the above item and left the meeting for the duration of discussion on the item.**

Consideration was given to a report of the Assistant Chief Executive regarding the above. (For copy see file of Minutes)

The Reverend Linda Gough, St. Paul's Church, Spennymoor, was in attendance to present the application.

The Church was requesting funding to undertake a technical study to look at the options available to refurbish and extend the dilapidated Church Hall, located behind the Church. The project would examine the technical requirements of either a structural renovation and development of the existing premises or newbuild premises, with the aim of providing facilities for increased general use by community groups such as a coffee shop, meeting rooms and stage, as well as a base for three to five small social enterprise businesses. An initial community consultation process had demonstrated a clear need for the proposed facilities and enthusiastic support from all sections of the community. A more comprehensive

household consultation and a series of public meetings would take place to ensure that all residents in the area could comment on the concept and give input into the project. Discussions would also take place with the Police, Spennymoor Comprehensive and potential users of the Hall.

The amount of funding requested for the study was £6,848 – 100% funding. Once a preferred option had been decided upon, the Church would look to secure match-funding.

The Forum agreed to support the project.

**AF(1)19/07**

**QUESTIONS**

**Area Action Plan for Spennymoor Town Centre**

Reference was made to a recent newspaper article regarding the above.

It was reported that the Council's Cabinet at its meeting on 27<sup>th</sup> September 2007 had approved the commissioning of suitable experienced consultants to produce an Area Action Plan for Spennymoor Town Centre. The purpose of the Plan was to provide a comprehensive regeneration framework that challenged the existing use, targeted change and inspired action to guide future investment in activity in Spennymoor Town Centre.

**Local Development Framework**

With regard to the large number of homes to be built in Spennymoor in the future, it was queried what consideration had been given to the infrastructure requirements such as schools, shops, roads. etc.

It was reported that documents regarding the Local Development Framework for Spennymoor were available for viewing on the Council's website and any queries should be directed to Chris Myers in Planning Services Section.

**AF(1)20/07**

**DATE OF NEXT MEETING**

Monday 10<sup>th</sup> December 2007 at 6.30 p.m. at the Borough Council Offices, Spennymoor.

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**ACCESS TO INFORMATION**

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