

# Cabinet

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**Wednesday 21 November 2012 at  
2.00 pm**

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

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

## **Membership**

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Councillor Julie Dore  
Councillor Isobel Bowler  
Councillor Leigh Bramall  
Councillor Jackie Drayton  
Councillor Harry Harpham  
Councillor Mazher Iqbal  
Councillor Mary Lea  
Councillor Bryan Lodge  
Councillor Jack Scott

Chair/Leader of the Council  
Culture, Sport & Leisure  
Business, Skills & Development  
Children, Young People & Families  
Deputy Leader/Homes & Neighbourhoods  
Communities & Inclusion  
Health, Care & Independent Living  
Finance & Resources  
Environment, Waste & Streetscene

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## PUBLIC ACCESS TO THE MEETING

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

A copy of the agenda and reports is available on the Council's website at [www.sheffield.gov.uk](http://www.sheffield.gov.uk). You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday, or you can ring on telephone no. 2734552. You may not be allowed to see some reports because they contain confidential information. These items are usually marked \* on the agenda.

Members of the public have the right to ask questions or submit petitions to Cabinet meetings. Please see the website or contact Democratic Services for further information.

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

Cabinet decisions are effective six working days after the meeting has taken place, unless called-in for scrutiny by the relevant Scrutiny Committee or referred to the City Council meeting, in which case the matter is normally resolved within the monthly cycle of meetings. Further information on this or any of the agenda items can be obtained by speaking to John Challenger on 0114 273 4014.

If you require any further information please contact [committee@sheffield.gov.uk](mailto:committee@sheffield.gov.uk) or call us on 0114 273 4014.

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## FACILITIES

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

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

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**CABINET AGENDA  
21 NOVEMBER 2012**

**Order of Business**

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- 1. Apologies for Absence**
- 2. Welcome and Housekeeping Arrangements**
- 3. Exclusion of Public and Press**  
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest**  
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting**  
To approve the minutes of the meeting of the Cabinet held on 31<sup>st</sup> October, 2012.
- 6. Public Questions and Petitions**  
To receive any questions or petitions from members of the public
- 7. Items Called-In For Scrutiny**  
The Deputy Chief Executive will inform the Cabinet of any items called in for scrutiny since the last meeting of the Cabinet
- 8. Retirement of Staff**  
Report of the Deputy Chief Executive
- 9. Revenue Budget and Capital Programme Monitoring 2012-13 (Month 5)**  
Report of the Executive Director, Resources.
- 10. Primary School Places in Sheffield**  
Report of the Executive Director, Children, Young People and Families.
- 11. Gambling Act 2005 - Statement of Licensing Principles (Policy)**  
Report of the Executive Director, Place.

**NOTE: The next meeting of Cabinet will be held on Wednesday 12 December 2012 at 2.00 pm**

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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New standards arrangements were introduced by the Localism Act 2011. The new regime made changes to the way that members' interests are registered and declared.

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

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

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

You **must**:

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

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

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

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

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -
  - under which goods or services are to be provided or works are to be executed; and
  - which has not been fully discharged.
- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) -
  - the landlord is your council or authority; and
  - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
  - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
  - (b) either
    - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
    - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Under the Council's Code of Conduct, members must act in accordance with the Seven Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership), including the principle of honesty, which says that 'holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest'.

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

You have a personal interest where –

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

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously, and has been published on the Council's website as a downloadable document at [-http://councillors.sheffield.gov.uk/councillors/register-of-councillors-interests](http://councillors.sheffield.gov.uk/councillors/register-of-councillors-interests)

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

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

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

Further advice can be obtained from Lynne Bird, Director of Legal Services on 0114 2734018 or email [lynne.bird@sheffield.gov.uk](mailto:lynne.bird@sheffield.gov.uk)

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Cabinet

Meeting held 31 October 2012

**PRESENT:** Councillors Julie Dore (Chair), Isobel Bowler, Leigh Bramall, Harry Harpham (Deputy Chair), Mazher Iqbal, Mary Lea, Bryan Lodge and Jack Scott

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**1. APOLOGIES FOR ABSENCE**

1.1. An apology for absence was received from Councillor Jackie Drayton.

**2. EXCLUSION OF PUBLIC AND PRESS**

2.1 No items were identified where resolutions may be moved to exclude the public and press.

**3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

**4. MINUTES OF PREVIOUS MEETING**

4.1 The minutes of the meeting held on 17<sup>th</sup> October, 2012 were approved as a correct record.

**5. PUBLIC QUESTIONS AND PETITIONS**

5.1 Mr. Martin Brighton asked the following questions which were answered by the appropriate Cabinet Members as shown:-

5.2 How are senior personnel held accountable when eventually obliged to disclose information that should have been freely available in the first place?

5.3 Councillor Julie Dore (Leader) responded that she believed Mr Brighton was referring to a situation where he had asked for information under the Freedom of Information Act and had not received it and following Mr Brighton's further enquiries, he had then received the information requested, from which he had deduced that that the Council was obliged to provide the information. She added that she had been involved in two Freedom of Information requests and it had been difficult to determine when all the information in possession of the Council had been gathered to the satisfaction of the person requesting the information. Therefore, a certain amount of ambiguity could be created in these circumstances.

5.4 In this particular case, if someone within the Council or Sheffield Homes had not released the information, Councillor Dore would expect them to learn from this as she believed that any information not released had occurred due a misunderstanding or the belief that the information was not appropriate for

release.

- 5.5 Could the Leader respond to Mr Brighton's question asked at the Cabinet meeting on 17 October as to whether she knew why she had not received his e-mail she requested at the meeting of the Council on 3<sup>rd</sup> October, 2012 and Councillor Harpham's response, at the last Cabinet meeting, that he would refer this question to Councillor Dore?
- 5.6 Councillor Dore responded that, unless she knew what the e-mail was, she was unable to respond. She, therefore, asked Mr. Brighton to supply a written copy of the question in order that she could respond. However, she added that, as was the usual practice, the Council collated certain e-mails submitted by the public where it was thought that their content was inappropriate. She asked Mr Brighton whether he was prepared to forward to her a written copy of the e-mail in question, to which Mr Brighton responded that he would e-mail her the question.
- 5.7 Does the Leader believe that senior personnel should set an example for ensuring compliance with the Freedom of Information Act?
- 5.8 Councillor Dore responded that she believed that everyone should seek to comply with the Freedom of Information Act and that Council Members and officers strove to do so.
- 5.9 Who makes the decisions whether or not to disclose information under the Freedom of Information Act – elected Members or officers?
- 5.10 Councillor Dore responded that officers made original decisions but sometimes requests reached elected Members, usually in circumstances when those requesting information felt that they had not received the information they required. She had been involved in two cases and believed that the information requested had been sent in both cases.
- 5.11 Has there been any function ceded to the Sheffield Housing Company that has not been placed in the public domain and what was the ultimate function of the Sheffield Housing Company?
- 5.12 Councillor Harry Harpham (Cabinet Member for Homes and Neighbourhoods) responded that no function had been ceded to the Housing Company outside of the public domain. He also stated that the ultimate function of the Company was to build homes.

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

- 6.1 The Chief Executive reported that there had been no items of business called in for scrutiny arising from the meeting of the cabinet held on 17<sup>th</sup> October, 2012.
- 6.2 The Cabinet noted the information reported.

## **7. RETIREMENT OF STAFF**

7.1 The Deputy Chief Executive submitted a report on Council staff retirements.

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

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

<u>Name</u>	<u>Post</u>	<u>Years' Service</u>
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**Children, Young People and Families**

Pamela Blood	Senior Teaching Assistant Level 3, Talbot Specialist School	23
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Lynne Hammerton	Supervisory Assistant, Westways School	23
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**Communities**

Lynne Hincliffe	Information Librarian	25
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**Place**

Malcolm Gudgeon	Licensing Officer	38
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**Resources**

Janet Wilson	Project Manager	20
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Andrew Mark Globe	Plant and Transport Assessor/Instructor	35
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(b) extends to them its best wishes for the future and a long and happy retirement; and

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

**8. JOINT HEALTH AND WELL BEING STRATEGY**

8.1 The Executive Director, Communities submitted a report referring to the fact that the shadow Health and Wellbeing Board, comprising representatives from Sheffield's Clinical Commissioning Group, the Council and representatives from LINK/Healthwatch, in order to agree shared priorities to improve the health and wellbeing of Sheffield people, would assume statutory status in April 2013.

The report, therefore, sought approval of the Cabinet to the Joint Health and Well Being Strategy, which was formed from the evidence gathered under the Joint Strategic Needs Assessment and was the responsibility of the Board.

**8.2 RESOLVED:** That Cabinet:-

- (a) approves the Joint Health and Wellbeing Strategy;
- (b) commits to supporting the further development of the Strategy by the shadow Health and Wellbeing Board; and
- (c) commits to aligning the Council's commissioning plans according to the Strategy.

**8.3 Reasons for Decision**

Cabinet is asked to approve the Joint Health and Wellbeing Strategy so that the shadow Health and Wellbeing Board is able to continue to work to better the health and wellbeing of the people of Sheffield and use the strategy to assess its priorities.

**8.4 Alternatives Considered and Rejected**

The Joint Health and Wellbeing Strategy is a statutory responsibility of the shadow Health and Wellbeing Board, and therefore must be produced.

**8.5 Any Interest Declared or Dispensation Granted**

None

**8.6 Reason for Exemption if Public/Press Excluded During Consideration**

None

**8.7 Respective Director Responsible for Implementation**

Richard Webb, Executive Director, Communities

**8.8 Relevant Scrutiny and Policy Development Committee If Decision Called In**

Healthier Communities and Adult Social Care

**9. SHEFFIELD LOWER DON VALLEY FLOOD DEFENCE PROJECT**

9.1 The Executive Director, Place submitted a report on the work which had been undertaken by the City Council, Environment Agency (EA) and local

businesses to deliver a flood defence scheme in the Lower Don Valley (LDV) to protect the public infrastructure and vital manufacturing and engineering industry from the damage suffered through the floods in 2000 and 2007. Applications had been made for public sector funding through the European Regional Development Fund and the EA for 75% of the total cost of the project. Additionally, a Business Improvement District (BID) was proposed as the mechanism to secure contributions from private sector beneficiaries of the Scheme

The report, therefore, sought authority for officers to pursue the various financial elements of public and private sector contributions and cashflow options arranged by the Council.

9.2 **RESOLVED:** That Cabinet agrees that the Director of Development Services, in consultation with the Director of Finance, Director of Legal Services and Cabinet Members for Environment, Waste and Streetscene and Business, Skills and Development, be authorised to:-

- (a) negotiate, agree and complete the terms of funding contracts with external grant organisations including (but not limited to) the Department for Communities and Local Government (DCLG) and the Environment Agency (EA);
- (b) negotiate and agree the terms of a Business Improvement District (BID) for the Lower Don Valley Flood Defence Scheme and implement a ballot process;
- (c) explore finance options enabling the Council to cash flow the private sector contribution towards the construction phase of the project subject to businesses agreeing to the establishment of a Business Improvement District through which the Council's contribution would be recovered, including the possibility of reprioritising internal resources or securing external borrowing as prescribed by the Council's Constitution and Financial Regulations;
- (d) take other action necessary to develop and fund the scheme, including making any decision which is necessary or desirable under the provisions of agreements for external grants and submit the detailed project approval in line with the Council's Capital Approval process once the final funding arrangements become clear;
- (e) approve in principle the submission of an application for planning permission and other statutory consents for the LDV Flood Defence Scheme;
- (f) approve in principle measures to deliver works on privately owned properties or land essential to implement the scheme by enforcement if required, including available powers to gain entry to sites under the Flood and Water Management Act 2010 and Land

Drainage Act 1994, or the use of the Council's Compulsory Purchase Order (CPO) Powers to secure access to any parcels of land essential to implement the scheme; and

- (g) negotiate, agree and complete the contracts for detailed design and construction following a tender process and once a full funding package is in place.

### **9.3 Reasons for Decision**

- 9.3.1 The preferred approach is to deliver a comprehensive and holistic approach to flood management taking advantage of the limited availability of public funds.
- 9.3.2 The 'do nothing' option is not viable as it depends on the private sector leading which, in the current economic climate, would at best deliver a partial yet uncoordinated scheme, and, at worst, would deliver no defences at all. A 'reduced scheme' similarly will not provide adequate protection and security to the majority of businesses in the flood zone, while the 'alternative technology' and 'up-stream storage' options would be complementary solutions in the right circumstances but would not alone resolve the issue of flood risk in the LDV.
- 9.3.3 The proposed solution of a comprehensive programme of works would meet Environment Agency standards and would provide the greatest level of protection to business and employment premises and land in the Don Valley. It would thus give existing and new investors confidence in the area.
- 9.3.4 Furthermore, this solution is based on evidence of business enthusiasm which gives confidence that financial commitments may be forthcoming from key private sector stakeholders who have stated a desire for flood defences in the area. It also delivers the highest level of outputs, outcomes and benefits.
- 9.3.5 As a comprehensive and holistic solution, this preferred option does require the largest budget and therefore the largest amount of funding. Positive progress has been made in applying for ERDF and EA funding which could amount to around 75% of total costs. The aim is to complete detailed funding applications to ERDF and the EA to secure these funds. The majority of the private sector contribution relating to the construction phase would be cashflowed in the short term by Sheffield City Council with a view to retrieving this through the establishment of a Business Improvement District.

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

- 9.4.1 Details of the options considered to achieve '1 in 100 year event' protection are provided below with the recommended approach.

**9.4.2 Do nothing option**

Without a coordinated and comprehensive flood defence strategy, piece-meal and isolated interventions would be implemented by individual private sector business or landowners, at different times and possibly to different standards.

**9.4.3 Reduced funding option**

With less funding a smaller scheme tackling selected weak points could be led by the Council and attract private contributions from businesses. However, this would not achieve the '1 in 100 year event' standard with some weak points remaining and consequently a continued risk of flooding for many businesses.

**9.4.4 Alternative technology option**

New technologies are being developed which may be feasible components of a flood defence strategy for the LDV as alternatives to traditional walls, but will not remedy flood risk for the entire flood zone on their own.

**9.4.5 Up-stream storage option**

Managing lower water levels in up-stream reservoirs is a vital component of the wider flood defence strategy in Sheffield by reducing the amount of water arriving in the valley bottom, but will not alone prevent flooding in the LDV.

**9.5 Any Interest Declared or Dispensation Granted**

None

**9.6 Reason for Exemption if Public/Press Excluded During Consideration**

None

**9.7 Respective Director Responsible for Implementation**

Simon Green, Executive Director, Place

**9.8 Relevant Scrutiny and Policy Development Committee If Decision Called In**

Economic and Environmental Wellbeing

**10. SUPPORTING SHEFFIELD PEOPLE WITH DEMENTIA TO LIVE WELL**

- 10.1 The Executive Director, Communities submitted a report describing some of the changes needed to modernise the support for people with dementia who live at home, following a three month Involvement Exercise authorised by Cabinet on 23 May, 2012. The purpose of the involvement exercise had been to understand the key issues for people affected by

dementia in order to plan support for the future in light of the growing number of people with dementia representing a significant issue for the City and that existing support arrangements will not meet the increase in demand or the changing expectations of people with dementia.

The report summarised the results of the Involvement Exercise, made a number of proposals for the way in which the Council would invest in supporting people with dementia, described how the Sheffield Health and Social Care Trust would further consult on the shape of its services and set out how the identified service savings were to be achieved to meet the Council's budgetary requirements.

**10.2 RESOLVED:** That Cabinet:-

- (a) notes the outcome of the Involvement Exercise and, in particular, thanks the Alzheimer's Society for the production of the report on the views of people with dementia;
- (b) acknowledges in the light of this that support for people with dementia needs to change;
- (c) agrees to consult with people with dementia and their carers on how services can be changed in the light of these findings and to achieve the required savings and asks the Sheffield Health and Social Care Trust to work with the City Council in this consultation exercise.
- (d) agrees that the consultation exercise referred to in (c) above will include consulting on how alternative, and a wider range of support and services, and the increased use of personal budgets could be developed to allow the potential closure of Norbury by the end of March 2013 and Bole Hill View by March 2014.
- (e) grants delegated authority to the Executive Director, Communities to:-
  - (i) finalise arrangements for carrying out the consultation exercise referred to in (c) above, including making appropriate arrangements with Sheffield Health and Social Care Trust; and
  - (ii) implement such changes to the provision of services for people with dementia as he shall consider appropriate, such authority to be exercised following the conclusion of the consultation exercise and having due regard to its outcome, and in consultation with the Cabinet Member for Health, Care and Independent Living, and further provided that all associated costs are covered by available budgets.

**10.3 Reasons for Decision**



- 10.3.1 The responses to the Involvement Exercise summarised in this report identified some shortcomings in the existing support arrangements for people with dementia and the need for change. It also highlighted practice changes which will help them to live well at home.
- 10.3.2 The report recognises the need to ensure adequate investment in services to support people with dementia in the early stages and also for those people with complex needs.
- 10.3.3 In addition, it sets out the requirement to identify savings. It proposes to achieve those savings through exploring the potential to reduce the number of buildings needed to deliver the service whilst maintaining the overall service levels.
- 10.3.4 It sets out a plan for consultation on these proposals to be undertaken by the Sheffield City Council and Sheffield Health and Social Care Trust.

**10.4 Alternatives Considered and Rejected**

- 10.4.1 In consultation with Sheffield Health and Social Care Trust, the Council considered reducing the level of support across the service but this would have had a significant impact on people with dementia and the people who care for them. Sheffield Health and Social Care Trust undertook an options appraisal on which of the resource centre buildings should be retained which included criteria about the location, suitability for development capacity and the likelihood of achieving the necessary savings. The conclusion was that looking at existing buildings retaining Hurlfield View represented the most viable option.

**10.5 Any Interest Declared or Dispensation Granted**

None

**10.6 Reason for Exemption if Public/Press Excluded During Consideration**

None

**10.7 Respective Director Responsible for Implementation**

Richard Webb, Executive Director, Communities

**10.8 Relevant Scrutiny and Policy Development Committee If Decision Called In**

Healthier Communities and Adult Social Care

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## SHEFFIELD CITY COUNCIL Cabinet Report

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**Report of:** Deputy Chief Executive

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**Date:** 21<sup>st</sup> November 2012

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**Subject:** Staff Retirements

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**Author of Report:** John Challenger, Democratic Services

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

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### Recommendations:

Cabinet is recommended to:-

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

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**Category of Report:** OPEN

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**REPORT TITLE: RETIREMENT OF STAFF**

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

<u>Name</u>	<u>Post</u>	<u>Years' Service</u>
<b><u>Children, Young People and Families</u></b>		
Dennis Buck	Teacher, Lydgate Junior School	38
Susan Daniels	Headteacher, Greenland Nursery Infant School	38
David Foster	Headteacher, Stocksbridge Junior School	34
Richard Green	Health and Safety Technical Officer and Premises Manager, Bradfield School	29
Linda Hall	Catering Manager, Birley Community College	28
Stephen Sykes	Buildings Supervisor, Tinsley Junior School	29
Julie Toth	Teacher, Seven Hills School	34
Anita White	Teaching Assistant Level 1, Mossbrook Primary School	23
Carole Willis	Supervisory Assistant, Halfway Nursery and Infant School	35
Anne Wilson	School Manager, Longley Primary School	21
Elaine Wright	Teacher, Tupton School	22
<b><u>Resources</u></b>		
Diane Frost	Business Support Officer	27
Anne Hall	Operational Delivery Assistant	27

2. To recommend that Cabinet:-
- (a) place on record its appreciation of the valuable services rendered to the City Council by the above – mentioned members of staff in the Portfolios stated :-

- (b) extend to them its best wishes for the future and a long and happy retirement; and
- (c) direct that an appropriate extract of the resolution now made under the Common Seal of the Council be forwarded to those staff above with over twenty years service.

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## SHEFFIELD CITY COUNCIL Cabinet Report

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**Report of:** Eugene Walker

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**Date:** 21 November 2012

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**Subject:** Revenue Budget & Capital Programme Monitoring  
2012/13 – As at 31 August 2012

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**Author of Report:** Allan Rainford; 35108

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**Summary:** This report provides the month 5 monitoring statement on the City Council's Revenue and Capital Budget for 2012/13.

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

**Recommendations:**

Please refer to paragraph 99 of the main report for the recommendations.

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**Category of Report:** OPEN/CLOSED

## Statutory and Council Policy Checklist

<b>Financial implications</b>
YES/NO      Cleared by: Eugene Walker
<b>Legal implications</b>
YES/NO      Cleared by:
<b>Equality of Opportunity implications</b>
YES/NO      Cleared by:
<b>Tackling Health Inequalities implications</b>
YES/NO
<b>Human rights implications</b>
YES/NO      :
<b>Environmental and Sustainability implications</b>
YES/NO
<b>Economic impact</b>
YES/NO
<b>Community safety implications</b>
YES/NO
<b>Human resources implications</b>
YES/NO
<b>Property implications</b>
YES/NO
<b>Area(s) affected</b>
<b>Relevant Scrutiny Board if decision called in</b>
Strategic Resources and Performance
<b>Is the item a matter which is reserved for approval by the City Council? YES/NO</b>
<b>Press release</b>
YES/NO



## REVENUE BUDGET & CAPITAL PROGRAMME MONITORING 2012/13 – AS AT 31<sup>st</sup> AUGUST 2012

### PURPOSE OF THE REPORT

1. This report provides the Month 5 monitoring statement on the City Council's Revenue Budget and Capital Programme for 2012/13. The first section covers Revenue Budget Monitoring and the Capital Programmes are reported from paragraph 78.

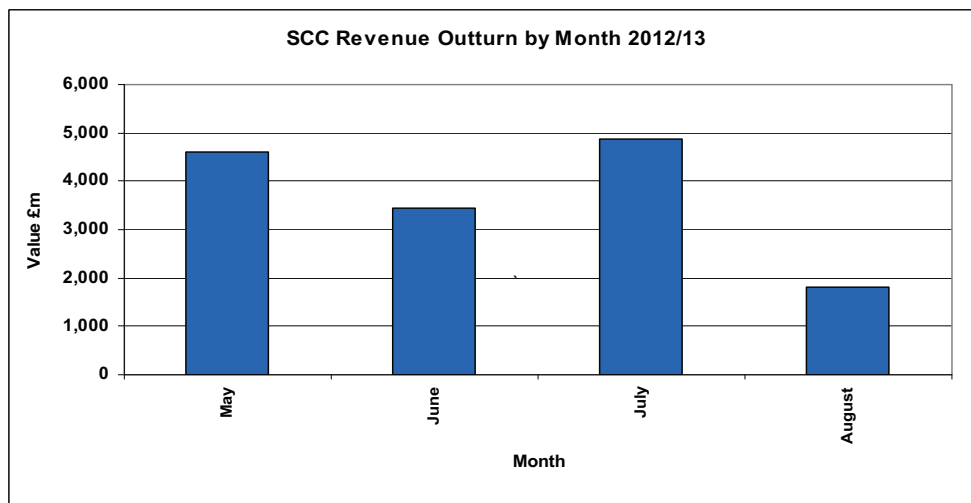
### REVENUE BUDGET MONITORING

#### Summary

2. The budget monitoring position at month 4 indicated a forecast overspend of £4.9m, based on expenditure incurred to date and forecasted trends to the year end. The latest monitoring position at month 5 shows a forecast overspend of £1.8m to the year end: i.e. a forecast improvement of £3.1m since last month. This is summarised in the table below:

Portfolio	FY Outturn £000s	FY Budget £000s	FY Variance £000s	Movement from Month 4
CYPF	71,822	71,603	219	↑
PLACE	159,919	159,497	422	↓
COMMUNITIES	160,250	159,588	662	↓
DEPUTY CHIEF EXECUTIVE	10,190	10,025	165	↔
RESOURCES	88,711	88,476	235	↔
CORPORATE	(489,093)	(489,190)	97	↓
<b>GRAND TOTAL</b>	<b>1,799</b>	<b>-</b>	<b>1,799</b>	<b>↓</b>

3. The forecast outturn position has shown an improvement since the start of the year. The position month by month is shown in the following chart:



4. In terms of the month 5 overall forecast position of £1.8m overspend, the key reasons are:
- Children Young People and Families (CYPF) are showing a forecast overspend of £219k, due mainly to the higher costs and the increasing number of people remanded into Local authority care within the Youth Justice Service.
  - Place are showing a forecast overspend of £422k, due primarily to additional grant payments being made as part of a wider stabilisation programme for Museums Sheffield £492k and £296k on the Waste Management Contract. These overspends are being partly offset by a reduction in spending of £428k in relation to staff savings arising from vacancy management and slippage in initial estimated start dates for staff supporting the new Highways PFI service.
  - Communities are showing a forecast overspend of £662k, due to a £2.4m overspend on Care and Support mainly due to additional costs in learning disabilities, which is offset by reductions in spending on Business Strategy £980k and Commissioning £900k.
  - Deputy Chief Executive's are showing a forecast overspend of £165k, due to increased cost of elections of £204k, which is offset by reductions in spending on staffing of £96k within Business Development.
  - Resources are showing a forecast overspend of £235k, due to £579k on Legal Services relating to reduction in non-core income, £330k on Business Information Solutions due to anticipated delays in the MER process and £124k on Property & Facilities Management. These overspends are offset by reductions in spending of £511k on Central Costs and £396k in Commercial Services.
5. The reasons for the movement from month 4 are:
- Children Young People and Families are forecasting an adverse movement of £171k, due to higher costs and the increasing number of people remanded into Local Authority care with the Youth Justice Service.
  - Place are forecasting an improvement of £467k. Development Services have identified a further £314k reduction in savings via vacancy management across the whole service area together with slippage in initial estimated start dates for some posts supporting the new Highways PFI service. The £192k improvement in HERS

predominantly relates to a £106k Transitional HMR grant received from the Homes and Communities Agency for the Sheffield City Region Partnership, which is subject to a proposal to carry forward.

- Communities are forecasting an improvement of £2.3m, due predominantly to the identification of significant recharges (£2.2m) to Health (PCT) for care arranged on their behalf, mainly in the Learning Disabilities Service. Commissioning Services are forecasting an improvement of £313k due to a further reduction in spend on Learning Disabilities Housing Related Support budgets of £200k and the inclusion in Month 5 of £113k Dementia Strategy funding. These improvements are partly offset by an adverse movement of £147k resulting from increased funding to South Yorkshire Pensions superannuation commitments in Mental Health.
- Resources are forecasting an improvement of £164k, due to the receipt of £411k additional income within Commercial Services, which is partly offset by an adverse movement of £124k on Capita Budgets and a number of other minor movements across the portfolio.
- Corporate budgets are forecasting an improvement of £500k, due to a short term reduction in the cost of borrowing and increased investment income within the capital financing budget.

## **INDIVIDUAL PORTFOLIO POSITIONS**

### **CHILDREN YOUNG PEOPLE AND FAMILIES (CYPF)**

#### **Summary**

6. As at Month 5, the Portfolio is forecasting a full year outturn of an overspend of £219k, an adverse movement of £171k from the month 4 position. The key reason for the adverse movement this period is due to additional expenditure of £111k in the Youth Justice Service, in Lifelong Learning, Skills and Communities, due to the higher costs and the increasing number of people remanded into Local authority care.

## Financials (Non – DSG activity)

Service	FY Outturn £000s	FY Budget £000s	FY Variance £000s	Movement from Month 4
BUSINESS STRATEGY	1,934	1,910	24	↔
CHILDREN & FAMILIES	54,524	54,466	58	↔
INCLUSION & LEARNING SERVICES	5,645	5,687	(42)	↔
LIFELONG LEARN, SKILL & COMMUN	9,719	9,541	179	↑
<b>GRAND TOTAL</b>	<b>71,822</b>	<b>71,603</b>	<b>219</b>	<b>↑</b>

## Commentary

### DSG and Non DSG Budgets

7. The following commentary concentrates on the changes from the previous month.

### **Lifelong Learning and Skills**

8. The key reason for the £171k adverse movement in Lifelong Learning, Skills and Communities, is in the Youth Justice Service which is due to higher costs and the increasing number of people remanded into Local Authority care.

## PLACE

### **Summary**

9. As at Month 5, Place Portfolio is forecasting a full year outturn of an overspend of £422k (prior to a request to carry-forward £183k of grant monies received), an improvement of £467k from the Month four position. The key reasons for the forecast outturn position are:
- **Business Strategy and Regulation** – are forecasting £296k overspend, due to delays in agreement with the contractor on planned waste management savings (£1.2m) largely offset by one off savings from the resolution of other contractual negotiations as well as some additional income into the service which mitigates this delay.
  - **Culture and Environment** – a forecast £492k overspend, due to additional grant payments being made as part of a wider stabilisation programme for Museums Sheffield.
  - **Development Services** – are forecasting £428k reduction in spending, due to staff savings arising from vacancy management and slippage in initial estimated start dates for staff supporting the new Highways PFI service.

## Financials

Service	FY Outturn £000s	FY Budget £000s	FY Variance £000s	Movement from Month 4
BUSINESS STRATEGY & REGULATION	30,476	30,180	296	↔
CREATIVE SHEFFIELD	3,874	3,878	(4)	↔
CULTURE & ENVIRONMENT	40,523	40,031	492	↔
DEVELOPMENT SERVICES	82,993	83,421	(428)	↓
HERS	1,501	1,688	(187)	↓
MARKETING SHEFFIELD	1,114	1,017	97	↔
STREET FORCE	(1,027)	(1,055)	28	↔
SUSTAINABLE DEVELOPMENT	465	337	128	↑
<b>GRAND TOTAL</b>	<b>159,919</b>	<b>159,497</b>	<b>422</b>	<b>↓</b>

## Commentary

10. The following commentary concentrates on the changes from the previous month.

### Business Strategy and Regulation

11. The current forecast for this activity is £296k over budget, an improvement of £74k this period, due to further small net cost reductions in waste management.
12. The key issue lies with waste management and is associated with the delivery of planned budget savings. Delays in agreement with the Contractor have impacted on the full delivery of savings this year for fortnightly collections and changes in waste collection hours, now estimated at £1.2m.
13. However these pressures are being largely offset by one-off savings as described in the Place summary section above.

### Development Services

14. The current forecast for this activity is £428k under budget (prior to a carry forward request of £77k made as part of the month 4 monitoring), an improvement of £314k this period.
15. The improvement is largely attributable to further reductions in forecast staff costs arising from continued vacancy management across the whole service area together with slippage in initial estimated start dates for some posts supporting the new Highways PFI service. Overall forecast staff costs are now estimated to be £500k below budget, with the potential (subject to recruitment timescales) that this could increase further.

16. The key risk remains securing the £10m planned external fee income from planning, building regulation and car parking activities. At this stage service manager forecasts show a £427k (4%) shortfall, in line with the actual position at the end of August.

<b>Summary of Key External Fee Income</b>			
Budget	Fee Type	Variance to Budget	
		Year to Date	Forecast
£'000		£'000	£'000
7,626	Car Parking	277	334
2,011	Planning	100	20
822	Building Regs	53	73
10,459	Total	430	427

17. The forecast shortfall is predominantly within car parking and includes delays in the implementation of approved budget savings on CCTV enforcement which are now due to commence in September.

### **HERS**

18. The current forecast for this activity is £187k under budget, an improvement of £192k on the previous period.
19. The improvement predominantly relates to a £106k Transitional HMR grant received from the Homes and Communities Agency for the Sheffield City Region Partnership to help safeguard capacity and knowledge, which is subject to a proposal to carry forward.
20. It should be noted that the budget includes around £750k of planned projects being funded by means of the new Local Growth Fund. Work is currently in progress to ascertain the likely phasing of spend on these projects, the outcome of which may result in a request for carry forward of a planned reduction in spend.

### **Sustainable Development**

21. The current forecast for this activity is £128k above budget, an adverse movement of £118k this period.
22. The key issue / risk is around the wind down of business relating to the 'Affordable Warmth Project' in the second half of the year in line with the cessation of funding for this activity.
23. The forecast / adverse movement this period relates to the cost of retaining project staff for the remainder of the financial year pending consideration of a business case on 'Sheffield's Low Carbon Pioneer City Proposals'. This is to be submitted to the Capital Programme Group in September and subsequently as a bid for funds from the Department

of Energy and Climate Change. Should this be approved the position would be in line with budget.

### Street Force

24. The provisional final outturn for Street Force was broadly in line with its trading account surplus for the part year leading up to the commencement of the PFI contract.
25. Work continues on business transfer / closure issues, including the pursuit of a £360k debt from developers, relating to work undertaken on a section 278 agreement (alterations to the highway).

## COMMUNITIES

### Summary

26. As at Month 5, the Portfolio is forecasting a full year outturn of an over spend of £662k, an improvement of £2.3m from the month 4 position. The forecasted outturn position reflects:
  - **Business Strategy** – Forecast £980k reduction in spending, due to contingencies held in Portfolio-Wide Services to offset overspends on care purchasing budgets (especially in Learning Disabilities (LD) services).
  - **Care and Support** – Forecast £2.4m overspend due, predominantly, to LD purchasing (£1.0m), LD Day Care & Accommodation Services (£400k), Provider Services (£800k), Assessment and Care Management (£250k) and some slippage on budget savings (previously reported). Also now emerging is an under recovery (£170k) on residential and nursing care income. These overspends are offset, to some degree, by underspend in Housing-Related Services of £240k. This forecast is an improvement of £2.2m from the previous month.
  - **Community Services** – are forecasting £125k overspend, due, mainly, to the Cleaning Contract increase at Central Library. This forecast is broadly in line with the previous month.
  - **Commissioning** – Forecast £900k under spend compared to budget due, primarily, to movement of Learning Disabilities Ex-Pool Reserves from the Balance Sheet into revenue. This forecast is an improvement of £300k from the previous month.

## Financials

Service	FY Outturn £000s	FY Budget £000s	FY Variance £000s	Movement from Month 4
BUSINESS STRATEGY	3,194	4,174	(980)	↓
CARE AND SUPPORT	107,347	104,930	2,417	↓
COMMISSIONING	38,421	39,321	(900)	↓
COMMUNITY SERVICES	11,289	11,164	125	↔
<b>GRAND TOTAL</b>	<b>160,250</b>	<b>159,588</b>	<b>662</b>	<b>↓</b>

## Commentary

27. The following commentary concentrates on the changes from the previous month.

### Business Strategy

28. The forecast under spend is slightly lower than last month as some contingency was used to fund increased South Yorkshire Pensions superannuation commitments in Mental Health.

### Care and Support

29. Care & Support outturn position has improved by £2.2m due to the identification of significant recharges to Health (PCT) for care that we have arranged on their behalf, mainly in Learning Disabilities Service. System and process developments are now under way to more accurately identify, capture and forecast this information.

### Commissioning

30. Commissioning; position has improved by £300k from last month due to a further reduction in spend on Learning Disabilities Housing Related Support Budgets of £200k and the inclusion in Month 5 of £113k carried forward from 2011/12 (Dementia Strategy funding).

## RESOURCES

### Summary

31. As at Month 5, the Portfolio is forecasting a full year outturn of an overspend of £235k, which is consistent with the month 4 position. The key reasons for the forecast outturn position are:

- Business Information Solutions: a forecast £330k overspend, due mainly to anticipated delay in MER process required to make staff savings;



- Commercial Services: a forecast £396k underspend, due to increased savings income;
- Legal Services: a forecast £579k overspend, due to reduction in non-core income;
- Central costs: a forecast £511k reduction in spending.

## Financials

Service	FY Outturn £000s	FY Budget £000s	FY Variance £000s	Movement from Month 4
BUSINESS INFORMATION SOLUTIONS	1,039	709	330	↔
COMMERCIAL SERVICES	1,525	1,469	56	↔
COMMERCIAL SERVICES (SAVINGS)	(1,216)	(820)	(396)	↓
CUSTOMER FIRST	5,853	5,853	(0)	↔
CUSTOMER SERVICES	2,226	2,228	(2)	↔
FINANCE	6,650	6,650	0	↔
HUMAN RESOURCES	2,681	2,655	26	↔
LEGAL SERVICES	1,625	1,046	579	↔
PROPERTY AND FACILITIES MGT	40,847	40,723	124	↔
TRANSPORT	105	106	(1)	↔
<b>TOTAL</b>	<b>61,335</b>	<b>60,619</b>	<b>716</b>	<b>↓</b>
CENTRAL COSTS	25,942	26,453	(511)	↑
PROGRAMMES AND PROJECTS	1,435	1,404	31	↔
<b>GRAND TOTAL</b>	<b>88,711</b>	<b>88,476</b>	<b>235</b>	<b>↔</b>

## Commentary

32. The following commentary concentrates on the changes from the previous month.

### Commercial Services (Invest to Save – savings)

33. The forecast for this service is £396k under budget due to increases in forecast income. This is an improvement of £411k from the previous month. The improvement this month is due to a reconciliation of the Council's gas contract resulting in a credit for overpayments and closed accounts dating back over the last 4 years.

### Legal Services

34. Legal Services are forecasting a full year outturn of £600k over budget, an adverse movement of £100k from the previous month. The key reason for the £100k adverse movement is due to reduced forecast Register Office income.

## Transport

35. The Transport Service is forecasting a balanced budget position, an adverse movement of £100k from the previous month. The key reason for the movement is a review of income from transfer of other assets to AMEY has resulted in lower assumed income. There is still some uncertainty over the final values of these transfers, and further review will be undertaken.

## Central Costs

36. Central Costs are forecasting a £511k reduction in spend an adverse movement of £124k from the month 4 position. The key reason for this is due to an adverse movement on the Capita budgets, offset by a further improvement on the Benefits subsidy.

Central Costs	Forecast Variance	Forecast Variance
	Month 5	Month 4
	£ 000	£ 000
Capita – Control Account	156	352
Capita – ICT BIS	657	92
Capita - Finance	288	294
Capita - HR	308	468
<b>Sub total Capita</b>	<b>1,409</b>	<b>1,206</b>
Benefits Subsidy	(1,513)	(1,427)
Other Costs	(407)	(413)
<b>Total</b>	<b>(511)</b>	<b>(634)</b>

## Approvals Required for Use of Invest to Save Funding

37. The paragraph below sets out a request for additional use of the Invest to Save reserve to fund two Resources led projects which are governed by the Modern Efficient Council board. Approval will be requested from Cabinet in the Month 5 budget monitoring report.

### Invest to Save (I2S) Reserve – approvals required

38. Cabinet are asked to approve the use of the Invest to Save reserve as follows:

#### Income Collection project

39. This project is looking to introduce modern and easy ways for our customers to pay for the services the Council provides as well as efficient methods for Services to process these payments. An investment of £105k is required to implement the project. This will be

repaid, over 2 years, to the I2S reserve through savings resulting from ceasing the cash imprest system.

### People Transformation Project

40. This project has previously had funding approved of £485k in order to develop and implement the leadership imperative framework and deliver a more flexible, sustainable and better value for money HR service. £270k has been spent on this work, leaving £215k of the original approved budget.
41. The Modern Efficient Council programme board has approved additional work which will fall under the scope of this project to provide an improved, efficient and value for money Human Resources and Payroll system. The additional funding required from the I2S is £484k.
42. This project will be funded from savings from other Invest to Save Projects. Overall the Invest to Save reserve is expected to break even by 2015/16 which is in line with previous reports to cabinet.

## DEPUTY CHIEF EXECUTIVE'S

### Summary

43. As at Month 5, the Portfolio is forecasting a full year outturn of an overspend of £165k, an adverse movement of £38k from the month 4 position. The key reasons for the forecast outturn position are:
- **Modern Governance** – a forecast £204k overspend, due to higher forecast election costs. This forecast is an improvement of £55k from the previous month.
  - **Performance and Communications** – a forecast £51k overspend, due to revised income forecasts. This forecast is an adverse movement of £83k from the previous month.

### Financials

Service	FY Outturn £000s	FY Budget £000s	FY Variance £000s	Movement from Month 4
ACCOUNTABLE BODY ORGANISATIONS	0	0	0	↔
BUSINESS DEVELOPMENT	1,469	1,565	(96)	↔
HEALTH IMPROVEMENT	170	170	0	↔
MODERN GOVERNANCE	3,934	3,730	204	↔
PERFORMANCE AND CORP PLANNING	1,064	1,013	51	↔
POLICY, PARTNERSHIP, AND RESEARC	3,553	3,547	6	↔
<b>GRAND TOTAL</b>	<b>10,190</b>	<b>10,025</b>	<b>165</b>	<b>↔</b>

## Commentary

The following commentary concentrates on the changes from the previous month.

### Modern Governance

44. A forecast £204k overspend, due to rising electoral registration and local election costs in order to meet required standards and to meet rising postage costs. This is an improvement of £55k from the previous month.
45. The improvement this month is due to an additional £37k of Election Funding being received from the Government.

### Performance and Communications

46. A forecast £51k overspend, this is an adverse movement of £83k from the previous month.
47. The adverse movement this month is due to revised income forecasts.

## CORPORATE ITEMS

### Summary

48. The month 5 forecast position for Corporate budgets is a £97k overspend, which represents an improvement of £500k from last month. The table below shows the items which are classified as Corporate and which include:

- Corporate Budget Items: corporate wide budgets that are not allocated to individual Services/portfolios, including capital financing costs and the provision for redundancy/severance costs.
- Corporate Savings: the budgeted saving on review of management costs and budgeted saving from improved sundry debt collection.
- Corporate income such as Formula Grant and Council tax income, some specific grant income and contributions from reserves.

## Financials

	<u>FY Outturn</u>	<u>FY Budget</u>	<u>FY</u> <u>Variance</u>
	<u>£'000</u>	<u>£'000</u>	<u>£'000</u>
Corporate Budget Items	46,805	47,305	-500
Savings Proposals	-1,195	-1,794	599
Income from Council Tax, RSG, NNDR, other grants and reserves	-534,703	-534,701	-2
<b>Total Corporate Budgets</b>	<b>-489,093</b>	<b>-489,190</b>	<b>97</b>

49. The forecast improvement of £500k from last month is due to the temporary reduced cost of borrowing and increased investment income within the capital financing budget. The forecast overspend on Savings Proposals, which is due to reassessment of the sundry debt collection rates, is consistent with the month four position.

## HOUSING REVENUE ACCOUNT

50. The revised budgeted position for the HRA is a draw down from reserves of £1.3m (excluding Community Heating). As at month 5 the position is a contribution of £4.4m into reserves, a reduction in spending of £5.7m on the budgeted position.
51. As previously reported, the main reasons for the variation in the overall budget position relate to an anticipated reduction in capital financing cost of £4.1m, primarily as a result of the access to more attractive interest rates.
52. Although some of this saving on interest rates is sustainable, some is a one off. Now that that HRA is self-financing, the Council will have to consider the longer term risks on interest rates and ensure that its 30 year business plan includes a sustainable level of debt, factoring in the cost of the additional capital investment required to fund the backlog maintenance. This will be considered as part of the refresh of the HRA business plan later this year.
53. Other main factors that contribute to the improved position include revised rental income £200k, a reduction in the level of vacant properties £300k and related council tax savings £200k, revised service charge income £300k, a reduction in running costs £400k and a delay in a number of projects £200k.
54. **Community Heating** – the budgeted position for Community Heating is a draw down from Community Heating reserves of £1m. As at month 5 the forecast position is a draw down of £700k from reserves, a reduction in spending of £300k. This is primarily due to an estimated reduction in the level of gas and electricity consumed due to the continuation of milder weather and invoiced consumption. This is an improvement compared to last month.

## CORPORATE FINANCIAL RISK REGISTER

55. The Council maintains a Corporate Financial Risk Register which details the key financial risks facing the Council at a given point in time. The most significant risks are summarised in this report for information

together with a summary of the actions being undertaken to manage each of the risks.

### **Digital Region**

56. The Council is providing £4m in loans to the Company and as a shareholder carries further rights and responsibilities. The Company's sales are proving slow to take off, leading to changes in the Business Plan and the procurement of a new private sector partner. The Council faces risks on its direct investment, as well as on guarantee clauses to key contractors. Provision has been made in the 2011/12 accounts for the potential capitalised costs of the losses on current operations and the procurement.

### **Capital Receipts & Capital Programme**

57. Failure to meet significant year on year capital receipts targets due to depressed market and reduced Right-to-Buys, resulting in potential over-programming / delay / cancellation of capital schemes.
58. Building Schools for the Future Programme Affordability – The £18m affordability gap in the capital programme for the secondary schools estate which must be underwritten by the Council. This requirement has been identified in the Council's Capital Programme.

### **Pension Fund**

59. Bodies whose Pension liability is backed by the Council are likely to find the cost of the scheme a significant burden in the current economic context. If they become insolvent the resulting liability may involve significant cost to the Council.

### **Electric Works**

60. The running costs of the business centre are not covered by rental and other income streams. The approved business plan set-aside contingency monies to cover potential deficits in its early years of operation. However, there remains a risk that the occupancy of units within Electric Works might be slower (lower) than that assumed within the business case, such that the call on the contingency is greater (earlier) than planned. A refresh of the financial model was undertaken for 2011/12 budgeting purposes and again for 2012/13. The assumed level of occupancy for 2011/12 was 68% and the actual achieved was 64%. Most of the income shortfall was made up from conference lettings and virtual services. A target of 78% has been set for 2012/13.

### **Contract Spend**

61. The high and increasing proportion of Council budgets that are committed to major contracts impairs the Council's flexibility to reduce costs or reshape services. This is exacerbated by the fact that in general these contracts carry year-on-year inflation clauses based on RPIx which quite probably will not be available to the Council's funding streams e.g. Council Tax and RSG.

### **Economic Climate**

62. There is potential for current adverse economic conditions to result in increased costs (e.g. increased homelessness cases) or reduced revenues.
63. The Council seeks to maintain adequate financial reserves to mitigate the impact of unforeseen circumstances.

### **NHS Funding Issues**

64. There are significant interfaces between NHS and Council services in both adults' and children's social care. The Council has prioritised these services in the budget process, but savings have nevertheless had to be found. Working in partnership with colleagues in the Health Service efforts have been made to mitigate the impact of these savings on both sides. However, ongoing work is required now to deliver these savings in a way that both minimises impacts on patients and customers and minimises financial risks to the NHS and the Council.

### **Housing Regeneration**

65. There is a risk to delivering the full scope of major schemes such as **Parkhill** and **SWaN** because of the severe downturn in the housing market. This could result in schemes 'stalling', leading to increased costs of holding the sites involved, and in the case of SWaN, potential exposure to termination payments. In addition, the ending of the Housing Market Renewal programme is causing funding pressure e.g. on site clearance work and in enabling further phases of commenced demolition schemes, such as Arbourthorne.

### **Trading Standards**

66. There is a low risk that it is not possible to recover outstanding contributions from the other South Yorkshire Authorities.

## External Funding

67. The Council makes use of a number of grant regimes, central government and European. Delivering the projects that these grants fund involves an element of risk of grant claw back where agreed outputs are not delivered. Strong project management and financial controls are required.

## Academies & Independent Schools

68. Local Authority community schools that choose to become independent academies are entitled, under current DfE finance regulations, to receive a proportion of the local authority's school related central spending budgets. Based on projected academy conversions for 2012/13 this could mean that up to £800k of DSG funding would be deducted from the Council's central spending budgets and given to the Academies.
69. From 2013/14 the DfE are proposing to introduce a new system of funding for central education support services for maintained schools and academies. Based on the current DfE consultation proposals and the projected number of academies this would mean that around £3.6 million of DCLG funding and £1.6 million of DSG funding would be deducted from the Council's budgets. The risk is that this would leave an inadequate level of funding to maintain the centrally retained services and thus cuts would have to be made to balance the budget.
70. There are also further potential risks if a school becoming an academy is a PFI school, it is still unclear how the assets and liabilities would be transferred to the new academy and whether the Council could be left with residual PFI liabilities.
71. Where new independent schools (free schools) or Academies are set up and attract pupils from current PFI schools, the funding base available to pay for a fixed long term PFI contract would reduce, leaving the Council with a larger affordability gap to fund.
72. Currently, 5 primary schools and 6 secondary schools have converted in 2012/13. It is anticipated that 26 schools, in total, will have converted to academy status (16 primary /10 secondary) by the end of the year.
73. In 2013/14 a further 14 academy conversions (13 primary / 1 secondary) are currently anticipated.
74. If an academy is a sponsored conversion then the Council will have to bear the cost of any closing deficit balance that remains in the Council's accounts.



## Treasury Management

75. The ongoing sovereign-debt crisis is subjecting the Council to significant counterparty and interest-rate risk. Counterparty risk arises where we have cash exposure to banks and financial institutions who may default on their obligations to repay to us sums invested. There is also a real risk that the Eurozone crisis could impact upon the UK's recovery, which in turn could lead to higher borrowing costs for the nation.
76. The Council is mitigating counterparty risk through a prudent investment strategy, placing the majority of surplus cash in AAA highly liquid and diversified funds. Ongoing monitoring of borrowing rates and forecasts will be used to manage our interest-rate exposure.

## Welfare Reforms

77. The government is proposing changes to the Welfare system, phased in over the next few years. The full detail and impact of the changes are not known at this stage. Changes proposed include:
- Housing Benefit changes – there are a number of proposals where the anticipated impacts are that a number of claimants will receive fewer benefits than they do now, thereby impacting on their ability to pay rent.
  - Abolition of council tax benefit – due from April 2013 to be replaced by a local scheme. It will be cash limited and subject to a 10% reduction from current levels.
  - Introduction of universal credit – from October 2013 administered by DWP. Along with the impact of reducing amounts to individuals and the financial issues that might cause, the biggest potential impact of this change is the impact on the HRA and the collection of rent. This benefit is currently paid direct to the HRA; in future this will be paid direct to individuals. This will potentially increase the cost of collection and rent arrears. There will also be an impact on the current contract with Capita and internal client teams.

## THE CAPITAL PROGRAMME FOR 2012/13

### Summary

78. At the end of August 2012, capital expenditure so far to date is £15m (23%) below budget. The outturn forecast is £30.5m (14%) below the Approved Capital Programme.

79. The variation in the year to date position across all portfolios is mainly from either operational delays or project slippage. During the month of August, expenditure was £1.1m above the programme budget of £15.7m predominantly in CYPF which was £4.9m above budget. This reflects the practical requirement to do construction works in school holidays but appears not to be in the project budget profile.
80. The forecast for the year shows all portfolios under spending against the approved programme. The forecast, at £30.5m, is £5.5m lower than the Month 4 position (£25m).

### Financials 2012/13

<b>Portfolio</b>	<b>Spend to date £000</b>	<b>Budget to Date £000</b>	<b>Variance £000</b>	<b>Full Year forecast £000</b>	<b>Full Year Budget £000</b>	<b>Full Year Variance £000</b>
CYPF	24,335	24,240	95	73,935	77,297	(3,362)
Place	9,046	11,234	(2,188)	24,681	32,116	(7,436)
Housing	15,388	23,692	(8,304)	59,530	71,887	(12,357)
Communities	497	1,335	(838)	2,654	3,465	(811)
Resources	1,808	5,634	(3,825)	19,255	25,770	(6,516)
<b>Grand Total</b>	<b>51,074</b>	<b>66,134</b>	<b>(15,061)</b>	<b>180,054</b>	<b>210,535</b>	<b>(30,481)</b>

### Commentary

81. The CYPF forecast shows a projected reduction in spend against the approved programme of £3.4m. The main variances are £900k each on the BSF and Primary maintenance programmes, £300k behind on the Population Expansion Programme plus an expected £600k slippage on the Foster Carers Housing Extension project.
82. Delays in forecasting by project managers accounts for £12m (31%) of the projected shortfall on the annual programme.

### Children, Young People and Families Programme

83. CYPF capital expenditure is £4.9m (25%) below the profiled budget for the year to date and forecast to be £10.9m (13%) below the programme by the year end for the reasons set out in the table below.
84. The CYPF forecast shows a projected reduction in spend against the approved programme of £3.4m. The main variances are £900k each on the BSF and Primary maintenance programmes, £300k behind on the Population Expansion Programme plus an expected £600k slippage on the Foster Carers Housing Extension project.

Cause of change on Budget	Year to date £000	Full Year forecast £000
Slippage to be carried forward	0	-600
Operational delays in projects due to planning, design or changes in specification	-2,487	0
Revised profile for Building Schools for the Future programme	4,451	0
Incorrect budget profiles	-829	
Delayed forecasts	0	-115
Underspending on project estimates	-270	-2,837
Other variances	-769	190
	<b>95</b>	<b>-3,362</b>
	<hr/>	<hr/>
Spend rate per day	236.3	298.1
Required rate to achieve Outturn	396.8	
Rate of change to achieve forecast	68.0%	

85. £2.5m of the variation in the year to date position arises from operational delays principally on the Primary Maintenance programmes (£1.9m).

### Place Programme

86. The Place portfolio programme (excluding Housing) is £2.2m (19%) below the profiled budget for the year to date and forecast to be £7.4m (23%) below the programme by the year end for the reasons set out in the table below. The majority of the under spend to date (£516k) is on Highways schemes where the Local Transport Programme and other Highways schemes have been submitted late for approval. Other significant programme under spending is on City Centre area improvement projects such as the Moor, Edward and Arundel Street offset by New Retail Quarter CPOs ahead of profile (£624k) and Parks schemes (£320k).
87. The forecast projects some recovery of slippage during 2012-13 against the approved programme compared to that reported last month.

<b>Cause of change on Budget</b>	<b>Year to date £000</b>	<b>Full Year forecast £000</b>
Operational delays in projects due to planning, design or changes in specification	-923	-304
Incorrect budget profiles	-1,053	0
Delayed forecasts	0	-7,989
Overspending on project estimates	400	400
Other variances	-613	457
	<b>-2,188</b>	<b>-7,436</b>
Spend rate per day	87.8	99.5
Required rate to achieve Outturn	125.1	
Rate of change to achieve forecast	42.4%	

### Housing Programme (Place Portfolio)

88. The Housing capital programme is £8.3m (35%) below the profiled budget for the year to date and forecast to be £12.4m (17%) below the programme by the year end for the reasons set out in the table below:

<b>Cause of change on Budget</b>	<b>Year to date £000</b>	<b>Full Year forecast £000</b>
Slippage to be carried forward	-1,478	-5,154
Operational delays in projects due to planning, design or changes in specification	-2,442	0
Incorrect budget profiles	-2,724	0
Projects submitted for Approval	0	-7,048
Home Improvement grants held on behalf of other local authorities	-304	0
Underspending on project estimates	-73	0
Other variances	-1,284	-155
	<b>-8,304</b>	<b>-12,357</b>
Spend rate per day	149.4	240.0
Required rate to achieve Outturn	353.1	
Rate of change to achieve forecast	136.4%	

89. The forecast shows a further £3.8m reduction against the approved programme compared to last month. Even so, the current rate of spend on projects needs to increase by 136% if the forecast is to be met. £1.5m of the reduction relates to potential slippage on the Decent Homes programme managed by Sheffield Homes. Schemes forecast to underspend in the year and slip into 2013-14.

### Communities

90. The year to date spend on the Communities portfolio capital programme is £800k (63%) below the profiled budget, which relates to:

- £832k on the implementation of the ICT infrastructure project.

### Resources

91. The year to date spend is £3.8m (68%) below the programme for the reasons set out in the table below:

<b>Cause of change on Budget</b>	<b>Year to date £000</b>	<b>Full Year forecast £000</b>
Slippage b/fwd from 2011/12		
Slippage to be carried forward	-460	-524
Operational delays in projects due to planning, design or changes in specification	-2,254	-1,839
Incorrect budget profiles	-193	0
Delayed forecasts	0	-3,297
Other variances	-918	-856
	<b>-3,825</b>	<b>-6,516</b>
Spend rate per day	17.6	77.6
Required rate to achieve Outturn	139.6	
Rate of change to achieve forecast	695.0%	

- slippage on the new Moor Market (£1.8m) following late agreement of the details of the contract, and this is expected to continue to the end of the year;
- slippage on the Accommodation strategy projects (£460k);
- £326k behind profile on the Asset Realisation project;
- £592k behind on small schemes across the Council's estate;

- £432k behind profile on Civic Building refurbishment schemes;
  - £193k behind on the Vehicle Replacement programme.
92. The year end forecast has decreased by a further £2.2m from last month and is now expected to be £6.5m (25%) below the approved programme comprising:
- £2.6m Accommodation strategy;
  - £1.8m slippage on the Moor Indoor market;
  - £326k slippage on the Asset Realisation project which is designed to make vacant sites more attractive to potential developers raising cash for the Council much faster;
  - £529k on roof and lift replacement at the Town Hall; and
  - £294k slippage on the Road Transport fleet replacement programme.

### Approvals

93. A number of schemes have been submitted for approval in line with the Council's agreed capital approval process.
94. Below is a summary of the number and total value of schemes in each approval category:
- 6 additions to the capital programme with a total value of £829k;
  - 4 variations to the capital programme creating a net decrease of £5.173m;
  - 1 slippage request of £612k;
  - 4 contract awards;
  - 1 instance where Executive Directors and Cabinet Members have exercised their delegated powers to make emergency approvals;
  - 5 instances where directors have exercised their delegated powers to vary approved expenditure levels.
95. Further details of the schemes listed above can be found in Appendix 1.

### FINANCIAL IMPLICATIONS

96. The primary purpose of this report is to provide Members with information on the City Council's Budget Monitoring position for 2012/13

and, as such it does not make any recommendations which have additional financial implications for the City Council.

### **EQUAL OPPORTUNITIES IMPLICATIONS**

97. There are no specific equal opportunity implications arising from the recommendations in this report.

### **PROPERTY IMPLICATIONS**

98. Although this report deals, in part, with the Capital Programme, it does not, in itself, contain any property implications, nor are there any arising from the recommendations in this report.

### **RECOMMENDATIONS**

99. Members are asked to:

- (a) Note the updated information and management actions provided by this report on the 2012/13 budget position.
- (b) Approve requests on Invest to Save projects in paragraph 37.
- (c) Note the carry forward request in paragraph 19 but withhold approval until the Place portfolio achieves and maintains a balanced position as per EMT's Recommendation.
- (d) In relation to the Capital Programme:
  - (i) the proposed additions to the capital programme listed in Appendix 1, including the procurement strategies and delegations of authority to the Director of Commercial Services or Delegated Officer, as appropriate, to award the necessary contracts following stage approval by Capital Programme Group;
  - (ii) the proposed variations in Appendix 1;
  - (iii) that the emergency approvals and variations approved by Directors under their delegated authority; and note;
  - (iv) the latest position on the Capital Programme including the current level of forecasting performance .

**REASONS FOR RECOMMENDATIONS**

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

**ALTERNATIVE OPTIONS CONSIDERED**

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

**Eugene Walker**  
**Director of Finance**



Scheme Description	Approval Type	Value £000	Procurement Route
<p><b>ADDITIONS:-</b></p> <p><b>Hackenthorpe Skate and BMX Facility</b>                      The project is to design and build a new skate and BMX facility in Hackenthorpe. There are no purpose built skate facilities in the South East of the city and the proposal is to draw up a design using the modular skate ramp system (similar to that at Parson Cross Park) that will allow the site to be extended as funding allows.</p> <p>The capital element of the project is to be funded by contributions from the South East Community Assembly (£18.5k) and Section 106 (£22.8k).</p> <p>Total project funding comprises a £25.0k contribution from the Community Assembly (towards capital and maintenance costs) and £25.9k S106 funding. Thus there is provisionally £9.6k available to support future maintenance costs at the site; being £3.1k from Section 106 and, subject to an approved carried forward request, £6.5k from the Community Assembly budget.</p> <p><b>Hollinsend Park Multi Use Games Area</b>                      The project is to design and build a new Multi Use Games Area (MUGA) with basketball, football and cricket sports markings within Hollinsend Park in order to upgrade two of the existing, derelict tennis courts.</p> <p>The scheme is funded by Landfill Tax Credits (£36k from Viridor and £39k from Veolia) and Section 106 contributions (£8.4k). The Section 106 agreement is being paid in instalments and a further £2.6k is expected prior to commencement of the build. If necessary, a small variation will be submitted for approval.</p> <p>There is £2.7k from Section 106 contributions to maintain the site for the next 5 years.</p>	<p>Addition</p>	<p>41</p>	<p>Full Competitive Tender</p>
<p><b>Hollinsend Park Multi Use Games Area</b>                      The project is to design and build a new Multi Use Games Area (MUGA) with basketball, football and cricket sports markings within Hollinsend Park in order to upgrade two of the existing, derelict tennis courts.</p> <p>The scheme is funded by Landfill Tax Credits (£36k from Viridor and £39k from Veolia) and Section 106 contributions (£8.4k). The Section 106 agreement is being paid in instalments and a further £2.6k is expected prior to commencement of the build. If necessary, a small variation will be submitted for approval.</p> <p>There is £2.7k from Section 106 contributions to maintain the site for the next 5 years.</p>	<p>Addition</p>	<p>83</p>	<p>Full Competitive Tender</p>

<p><b>Mosborough Nature Trail</b></p> <p>The project is linked to a flagship Eco Schools project in South-East Sheffield in conjunction with Mosborough Primary School and the local community to develop a nature trail adjacent to existing school grounds to promote biodiversity and encourage greater use of the area and a reduction in litter and anti social behaviour.</p> <p>The local community – including Mosborough Primary School , local volunteers, Air Cadets and the Moss Valley Environment Group – will be fully involved in delivering the project and will continue to aid its upkeep in the coming years (e.g. by litter picking).</p> <p>The works will be carried out by Sheffield Landscape Trust, a working partnership of several local conservation and regeneration groups who work through minimal staff, relying instead of volunteers and the local community to deliver projects and ensure community ‘ownership’ of the assets for the years to come.</p> <p>The works are fully funded from various Section 106 Agreements.</p>	<p>Addition</p>	<p>21</p>	<p>Existing Waiver (Procurement Strategy waived as &lt;£50k)</p>
<p><b>Angram Bank Park Improvements</b></p> <p>This project is to provide play equipment and surrounding safety surfacing suitable for toddlers at Angram Bank playground. This is an extension (phase 2) of the earlier Playbuilder project. The project may also provide some wildflower planting and multiuse bins.</p> <p>There is currently £19k Section 106 monies secured for the project, with a further £20k anticipated in December 2012. It will be possible to progress the project without the additional funding but the scope of the works will be increased, by way of extra play equipment, if the extra funding is secured.</p>	<p>Addition</p>	<p>19</p>	<p>In House Provider</p>

<p>There is also £2.6k of Section 106 monies available to maintain the site for the next 5 years.</p>	<p><b>Recycling Roll-Out (Phase 1; Sheffield Homes)</b>                  This project is part of the 2009 Waste Strategy which aims to reduce the environmental impact of Sheffield's waste by helping residents and businesses to recycle by introducing a programme of education and enforcement to minimise waste that goes into landfill. This project will assist the implementation of the strategy.</p> <p>The resources for this project are currently assigned to the Block Budget Allocation Q00069. There will be £2.457m left for recycling work in the Q number to complete the red and amber phases in addition to the £543k requested in this addition for the green phase of the recycling work.</p> <p>A new recycling service was introduced in 2010 allowing residents to recycle glass, cans and plastic bottles from the kerbside in addition to paper and card. This service has been introduced city wide apart from Council tenants in flats or maisonettes in approximately just over 3000 blocks.</p> <p>All the sites have been surveyed and graded red (re-modelling required to facilitate the bins), amber or green (simple to do). In order to progress the scheme Phase one will provide recycling facilities to sites that require little or no investment. Work has been completed to identify these sites and a pilot project in the North West area has provided the basis for the cost estimates. 299 sites in the green category will require a budget of £543k and the work will be done in 2012 to 2014.</p>	<p>Addition</p>	<p>543</p>	<p>Kier Sheffield LLP</p>
<p><b>Cornhill Tower Block Concierge, Netherthorpe</b>                  This project comprises alterations and remodelling work to the Entrance / Concierge area of Cornhill Tower Block together with refurbishment and conversion of office areas, provision of new interview rooms and will also release accommodation for</p>	<p>Addition</p>	<p>120</p>	<p>Full Competitive Tender</p>	

<p>additional bed spaces and sundry minor works.</p> <p>The main benefit will be a vastly improved Concierge area for the public and residents together with new secure interview facilities and office space for staff. The reception area will be used to monitor tenants entering and exiting the building and acting as a point of contact for tenant queries.</p> <p>There have been issues in the past with undesirable activity within the Block and it is envisaged that the concierge system, which will be manned 24 hours a day, will create a safer environment for staff and residents. There is provision in the HRA for staffing cost for five years starting in 2013/14.</p> <p>The capital works, expected to start in January 2013, are fully funded from HRA Revenue reserves.</p>			
<p><b>VARIATIONS:-</b></p>			
<p><b>BSF (Building Schools for the Future)</b></p> <p>This variation is to reflect a net reduction in budget on several of the BSF projects in Wave 4 of the programme as a result of confirmed savings against original budgeted figures due to favourable market conditions and identification of efficiencies since the original budgets were first set.</p> <p>The £3.8m reduction variation, is part of a larger £8.1m confirmed savings cost reduction as detailed below, £4.3m of which has already been adjusted for through a reduction in respect of Abbeydale Grange budgeted costs.</p> <p>The proposed variation is after having adjusted for additional works at Myers Grove on enhanced kitchen specifications, fire sprinkler systems, workshop</p>	<p>Variation</p>	<p>(3,813)</p>	

## Capital Schemes

## Appendix 1

<p>manufacturing/tooling equipment and additional CCTV equipment to meet health and safety and curriculum requirements.</p> <p>There still remains an affordability gap of over £10m to close.</p>	Variation	(922)	
<p><b>Insulation</b>                  This variation is for a reduction in the planned Insulation programme from £2.661m to £1.749m due to lower up take by householders than planned. There is considerable competition amongst energy providers to sign-up customers to the insulation measures and many have opted to go to schemes from other providers. The scheme will now deliver 6,313 (17%) fewer output measures. The reduction in outputs will result in the Council receiving reduced CERT rewards, therefore no additional capital funds will be created as a result of this variation.</p>	Variation	35	
<p><b>Thornbridge Structural</b>                  This project requires an increase of £35k to a total project cost of £185k. The scheme was subject to a full competitive tender but the lowest return is higher than the estimate. The additional £35k is to be funded through a Revenue Contribution via the Standards Fund in DSG which was the original funding source for this project.</p>	Variation	(543)	
<p><b>Q00069 HRA Capital Projects Block Budget Allocation</b>                  This is the adjustment to the block allocation to fund the Recycling Roll-Out (Phase 1: Sheffield homes) as detailed in the Additions section above. The remaining balance unallocated balance on the block allocation is £128k..</p>			

	<p><b>SLIPPAGE / ACCELERATED SPEND:-</b></p>		
	<p><b>Disabled Facilities Grant (Private Housing)</b>                  This variation is to re-profile the budget over the next three years taking £612k from 2012/13 and re-profiling £398k to 2013/14 by and £214k to 2014/15.</p> <p>The DFG budget currently stands at £2.377m which is significantly higher than can be delivered this financial year based on the first five months of spend this year, and the total spend last year of £1.7m. The 2012-13 budget has been reduced and spread across 2013-14, and 2014-15 where there is currently no SCC contribution towards the scheme. This would set a more achievable and realistic target for the project whilst securing future delivery of the scheme ensuring that the demand for the grants can still be met. Further efficiencies are being sought through the use of Occupational Therapy specialist advising on the best adaptations for people's needs.</p>	Slippage	612
	<p><b>STAGE APPROVALS:-</b></p>		
	<p>There are no additional procurement strategies to approve other than those cited above.</p>		

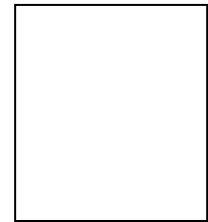
<b>EMERGENCY APPROVALS:-</b>				
<b>Green Deal Early Start</b> The Works on this project primarily comprise the provision of solid wall insulation, “hard to treat cavity” measures, under-floor insulation, draught-proofing and some full replacement heating systems to various properties around the City. Extremely tight timescales for assembling the proposals, identifying workable delivery and procurement options and sign-off of the funding agreement have meant that emergency approval arrangements have been evoked.	Addition	708	Existing contract	
<b>DIRECTOR VARIATIONS:-</b>				
<b>Spital Hill – Ellesmere Green</b> This variation was to increase the budget by £5k to £605k as the original budget was incorrectly recorded as £600k. The total expenditure is covered by income from the Local Growth Fund which has approved a budget for this project of £605k.  The works on Phase B - Ellesmere Green and Market Square, are funded by the Local Growth Fund, and are critical to give investors the confidence that Spital Hill is the right area in which to invest.	Director Variation	5		
<b>Manor Fields Toddler Play</b> This variation was to transfer £22k of S106 monies from Manor Fields Wetland Project and similarly, £3k from Manor Fields Boundary Works, to this project as the projects have now been combined to mirror the procurement arrangements which now comprise one contract for all works on the site.	Director Variation	25		
<b>Manor Fields Wetland Project</b> This variation was to transfer £22k of S106 to Manor Fields Toddler Play as above.	Director Variation	(22)		
<b>Manor Fields Boundary Works</b>	Director	(3)		

<p>This variation was to transfer £3k of S106 to Manor Fields Toddler Play as above.</p>	<p><b>Stocksbridge Thriving LDC</b></p>	<p>This variation was to accept an anonymous donation of £500 by a member of the community to enhance the public realm works; it is specifically to purchase trees for the site. An Individual Cabinet Member Decision approved accepting the contribution.</p>	<p>Variation</p>	<p>Director Variation</p>	<p>0.5</p>	
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## SHEFFIELD CITY COUNCIL Cabinet Report



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**Report of:** Jayne Ludlam

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**Date:** 21<sup>st</sup> November 2012

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**Subject:** Primary School Places in Sheffield

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**Author of Report:** Joel Hardwick (Ext: 35476)

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### **Summary:**

The first new primary schools in Sheffield in a generation are now needed in order to meet the aspirations of Sheffield families for a place in a good local school. The Council has a statutory duty to ensure that there are enough school places available for children in the area that need them. This report gives a full account of why more primary school places are needed, the Council's role in delivering new places, and the next steps required.

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### **Reasons for Recommendations:**

Having access to a good local primary school place is at the heart of ensuring successful outcomes for children and young people and making every area of Sheffield a great place to live. With the new primary schools proposed in this report children in the north east of Sheffield will continue to be able to get a place at a school in their community.

### **Recommendations:**

Cabinet are requested to:

- i. Authorise the Cabinet Member for Children's Services and Lifelong Learning to work with the Executive Director, Children, Young People and Families, and in respect of the Skinnerthorpe Road site in consultation with Cabinet Member for Homes and Neighbourhoods and the Executive Director for Place, to take all necessary steps to secure the additional primary school places.
  - ii. Approve the element of Basic Need funding required to enable recommendation (i) to be fulfilled on the Skinnerthorpe Road and Watermead sites.
  - iii. Agree that the Skinnerthorpe Road aspects of the Burngreave and Firvale Masterplan are no longer a material consideration in the planning process as far as they would be relevant to the proposals of this report
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### **Background Papers:**

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**Category of Report:** OPEN

## Statutory and Council Policy Checklist

<b>Financial Implications</b>
YES Cleared by:
<b>Legal Implications</b>
YES Cleared by: Deborah Eaton
<b>Equality of Opportunity Implications</b>
YES Cleared by: Bashir Khan
<b>Tackling Health Inequalities Implications</b>
NO
<b>Human rights Implications</b>
NO:
<b>Environmental and Sustainability implications</b>
NO
<b>Economic impact</b>
NO
<b>Community safety implications</b>
NO
<b>Human resources implications</b>
NO
<b>Property implications</b>
YES
<b>Area(s) affected</b>
<b>Relevant Cabinet Portfolio Leader</b>
Cllr Jackie Drayton
<b>Relevant Scrutiny Committee if decision called in</b>
Children, Young People & Family Support
<b>Is the item a matter which is reserved for approval by the City Council?</b>
NO
<b>Press release</b>
YES/NO

## **PRIMARY SCHOOL PLACES IN SHEFFIELD**

### **1. SUMMARY**

- 1.1 The first new primary schools in Sheffield in a generation are now needed in order to meet the aspirations of Sheffield families for a place in a good local school. The Council has a statutory duty to ensure that there are enough school places available for children in the area that need them. This report gives a full account of why more primary school places are needed, the Council's role in delivering new places, and the next steps required.
- 1.2 Demand for primary school places is growing nationally following the rise in the birth rate since 2002. Sheffield's population has followed this national trend and the Council has already undertaken a number of projects to expand schools, and over 2,500 primary places have been added to schools over the last five years (see Appendix 2). However, the pace of this demographic growth has increased since 2006 and with the level of births remaining high, the primary school system remains tight and many schools are at capacity.
- 1.3 The most significant area of growth is the north east of the city, covering the communities of Southey Green, Shirecliffe, Longley, Burngreave, Fir Vale, and Firth Park. The pre-school population in this area has continued to grow since a number of local primary schools were last expanded. The growth is such that there is a forecast deficit in places across the area in September 2013 and beyond. With local schools already at capacity and temporary expansions due to end, the proposal is to commission two new primary schools as the long-term response to the population growth in the north east of the city. The report describes the options for working within the new government framework to ensure a solution that meets the needs of Sheffield and these local communities.

### **2. WHAT DOES THIS MEAN FOR SHEFFIELD PEOPLE?**

- 2.1 Having access to a good local primary school place is at the heart of ensuring successful outcomes for children and young people and making every area of Sheffield a great place to live. With the new primary schools proposed in this report, children in the north east of Sheffield will continue to be able to get a place at a school in their community.
- 2.2 As well as providing equitable access to places, it is important to ensure the highest possible quality of education. The establishment of new schools offers the opportunity to create new provision with strong leadership, whilst protecting the quality and ongoing improvement of the existing local schools. Making sure there are enough local school places also has wider benefits. A local school place encourages good attendance, walking to school, community cohesion, and enables families to access services locally.

### **3. OUTCOME AND SUSTAINABILITY**

- 3.1 The Council's priority is to ensure the delivery of high quality services that families and local communities really need. Proposals to add school places must therefore complement strategies to improve outcomes for children and support parental preference. The new framework means that, in nearly all circumstances, a new school would be an Academy. It is important that any new school and potentially a new provider retain the collaborative ethos that underpins the Sheffield system. The outcome of this proposal should therefore be new school provision, working in partnership with other local schools, to ensure the success of all local children.
- 3.2 Forecasts indicate that the population growth is sustained for the foreseeable future. Should that change beyond the forecast period, all local schools, including the proposed new schools, would be of a sustainable size to withstand any reduction in the local population in the long term.

### **4. CONTEXT**

- 4.1 The number of births has been rising nationally since a low point in 2001. Sheffield followed this national trend, with births rising steadily from 5549 in 2001/2 to 6602 by 2009/10. That means around 1000 more children seeking a primary school place in the city over a relatively short period.
- 4.2 As a result proposals have been brought forward over recent years to increase the number of primary school places in the city (see Appendix 2). Expansions in Burngreave and Fir Vale from 2006 were an early sign of the growing trend. In other areas of the city places that were previously surplus began to fill. The overall trend led to a citywide review in 2011 resulting in eleven primary schools expanding to meet the increasing need. The work continued in 2012 with two schools permanently increasing their intake and short-term bulge years at other schools.
- 4.3 Sheffield, like most other parts of the country, is operating in a tighter system as fewer surplus places means less flexibility to meet families' preferences for a school place. So far, with the extra places already put in, the city has managed to maintain the high level of successful first preferences, with around 90% of applicants getting their first preference and around 97% getting one of their three preferences over the last three years. It is important that action is taken where necessary to maintain this situation.
- 4.4 The 2,500 places added to the primary system so far have all been expansions of existing schools. With the population continuing to grow, this approach is not sustainable in the long-term. Expanding school buildings on small sites and increasing the number of children in a school can be challenging and it is right to consider new schools where the long-term demand is sufficient and sustainable.

### **5. THE FUTURE NEED FOR PLACES**

- 5.1 The most significant area of population growth in the next period is the north east of the city, covering the communities of Southey Green, Shirecliffe, Longley,

Burngreave, Fir Vale, and Firth Park (see map at Appendix 1). This area currently has 15 primary schools offering up to 1,000 Reception places each year. Alongside an assessment of the population growth we also need to consider any existing problems for local families accessing school places, any planned local housing developments, and the current pattern of local schools. In order to see more localised trends the area is split into three sub-areas.

### **Population Growth**

- 5.2 Southey/Longley/Shirecliffe: This area is served by Longley, Meynell, Southey Green and Watercliffe Meadow Primary Schools. Across these schools there are a total of 270 permanent Reception places offered each year. Longley, Meynell and Watercliffe Meadow all have bulge year groups where additional Reception places have had to be offered. The school populations have risen over the last seven years from around 200 in older year groups to over 300 pupils taking places in the latest Reception round.
- 5.3 Forecasts indicate that there will be demand for around 325-330 Reception places in this area in 2013/14. The growth in pre-school population is concentrated in the Southey catchment and around Watercliffe Meadow. This level of demand is expected to be sustained in the following two intakes, beyond which forecasts are not available as children are yet to be born. If no action is taken it would be expected that around 25-30 pupils would not be able to access a local place in September 2013 and this would rise to 50-60 pupils in the following two years. In these cases pupils would be referred to the nearest available schools outside this area. Historically the nearest available places would be at schools such as Fox Hill, Mansel, and Hartley Brook. The general growth in population and the number of pupils involved mean it is likely that a proportion of these pupils could be referred farther afield.
- 5.4 Burngreave/Fir Vale: This area is served by Byron Wood, Firs Hill, Owler Brook, Pye Bank CE, St Catherine's RC and Whiteways Primary Schools. Across these schools there are now a total of 360 permanent Reception places offered each year. The population in this area has been rising for some time and 90 of the current Reception places are the result of expansion proposals since 2006. The school populations have risen over the last seven years, in line with the number of places offered, from around 300 in older year groups to 360 pupils taking all available places in the latest Reception round.
- 5.5 Forecasts indicate that there will be demand for over 400 Reception places in this area in 2013/14. The forecasts are based on current uptakes and we know that in some years there have not been enough local places, this means that standard forecasts are expected to be an underestimate. The growth in pre-school population is strongest in Owler Brook catchment area. At present the level of demand is expected to vary over the following two intakes, beyond which forecasts are not available as children are yet to be born. If no action is taken it would be expected that of pupils applying on time for a reception place, between 20 and 45 pupils would not be allocated a local place in September 2013 and September 2014. In previous years when there have not been enough places, pupils have been referred to available places at schools in Darnall, Firth Park and Walkley. As for the area described above, the general growth in population and the number of pupils involved mean it is likely that a proportion of these pupils could be referred

farther afield.

- 5.6 **Firth Park:** This area is served by Beck, Hartley Brook, Hatfield, Hucklow, and St Patrick's. Places in this area are expected to be tight for the next three years. The current uptake includes small numbers of pupils referred to these schools from the neighbouring areas described above. Additional places in those areas would therefore relieve some of the expected pressure and the schools would be expected to have enough places to continue serving their local communities. Hucklow is the school where local population pressure is most likely to require extra places and is also the school with the closest ties to the community around Fir Vale. Additional places in Fir Vale would therefore offer a reasonable alternative for families in the Hucklow catchment.

### **In-Year Applications**

- 5.7 On the standard measure of in-year pupil movement, the schools in this area, with the exception of the Catholic schools are all above the citywide average in 2010/11. This in-year movement has the potential to hide actual demand for local school places in this area. The Local Authority has coordinated in-year admissions for the last two years, so data on in-year preferences is in its infancy. In 2010/11, amongst those who applied in-year, around six children per year group in the Burngreave/Fir Vale area could not be offered a local place. Early analysis shows that this issue almost doubled in 2011/12. These problems extend to families arriving mid-year who may either not get a local place or be offered places for siblings across different local schools. Families who arrive from abroad are often some of the most vulnerable, and a lack of flexibility in the school system can impact directly on them, placing them at a disadvantage compared to others.

### **Late Applications**

- 5.8 Late applications are proportionately higher in the North East than the city average with around 150-200 late applications each year, meaning this area accounts for nearly a third of the late applications received citywide. Applications received after the closing date are handled after all on-time applications have been allocated. Families who submit late applications for local schools are therefore at risk of losing out to on-time applications from outside the area. As with in-year applications, this is likely to impact on the most vulnerable families. In the 2011 intake, 35 late applications in the Burngreave/Fir Vale area have been allocated places at a number of schools outside the immediate local area. Mainly this is to schools within the North East such as Hartley Brook, but a handful have been allocated to schools in Darnall and Walkley. It is clear that, once late applications are taken into account, the current population level created demand for more places than were available in 2011.

### **Housing**

- 5.9 A total of 800 new homes are planned across this area of the city between 2012 and 2027. Once complete, this could increase the demand for local school places further by approximately 25 pupils per year on Sheffield's average household size. The timing and impact of this is yet to be clear and forecasts must only be used with caution until the actual details of developments become clear.

### **Current Schools**

- 5.10 The north east is covered by a mix of 2 Form Entry (60 places per year) and 3 FE

(90 places per year) schools. Pupil outcomes are improving in a challenging context, yet the majority of the schools in this area have been below floor targets in one or more of the last five years. The area also has the highest proportion of pupils with special educational needs and the highest proportion of pupils eligible for free school meals in the city.

- 5.11 It is the Local Authority's view, as the commissioner of school places and the advocate of families and young people, **that we have reached a point where simply continuing to expand the existing primary schools is not sustainable.** Taking these schools permanently beyond their current size would increase the challenge for those schools and this would be an unnecessary risk to the education of existing and future pupils. The local schools are all of a viable and a sustainable size to withstand changes to the local population in the long-term. The key question must be around providing enough local places in a pattern that best supports improving the outcomes for local young people.

### **Other Areas of the City**

- 5.12 In recent years the issue of population growth has affected a number of areas of the city, with some areas requiring additional places in 2011 and 2012. While this report focuses on the north east of the city, pressure is being felt in other areas. A small number of schools turned away catchment applicants in 2012. They are Hucklow, Lydgate, Netherthorpe, Dore, Totley, and Watercliffe Meadow. In most of these areas additional places have been made available as they are a result of population growth. In Dore, Totley and Lydgate it was the result of changing patterns of preference rather than population growth, with a general increase in the number of applications for the local Community schools. Work is being undertaken to assess the impact should the increased uptake continue in future years. If necessary, this work would result in proposals for additional places being brought forward in those areas at some point in the future. The key factors that distinguish the north east are the extent of the expected shortfall in places, the likely distance to the nearest available school places, and the existing issues with late/in-year applications.

### **Summary**

- 5.13 Sustained population growth is driving a need for new school places in this area. In Shirecliffe/Longley/Southey this growth alone demonstrates demand for an additional 50-60 places per year in the long-term. Although the population growth in Burngreave and Fir Vale is less consistent in the immediate future, when taken together with the existing undersupply, proposed new housing, and current late/in-year applications across the area it is clear that up to 60 additional places per year would be required in order to secure enough local places for all families in the long-term.
- 5.14 In order to safeguard and support the work being done by the local schools to improve outcomes, it is proposed that the required places are provided through two new 2 Form Entry primary schools, one in Shirecliffe/Longley/Southey and one in Burngreave/Fir Vale. This would be the most secure way of ensuring the provision of sufficient high quality local places for these communities in the long-term.
- 5.15 In order to support the progress and improvement of existing schools it is proposed to allow the temporary expansions that are currently in place to lapse following

their planned term in order to allow those schools who have extended to 90 reception places to revert to 60.

- 5.16 In advance of any new school provision being established, it will be necessary to address the issue of access to places in-year. Options are currently being explored to secure some additional places across the schools in the Burngreave/Fir Vale area in the short-term. These may involve some schools offering small numbers of places over their published number, or possibly the establishment of small additional groups across key stages. These options would not require statutory decision making processes, but may have capital implications and could require some additional revenue support. Appropriate decision making routes will be sought when options are clear.

## **6. DELIVERING NEW SCHOOL PLACES IN SHEFFIELD**

### **Role of the Council**

- 6.1 The Council has a statutory duty to ensure there are enough school places for the local population. The priority is to provide the highest possible quality of services, however they are delivered. In order to deliver the places described in the previous section, the Council must work within the new framework set out by the Government, acting in its role as the commissioner of places. In practice this means that the Council's role is to establish where school places are needed and use its leadership and influence to ensure they are provided and meet local need.
- 6.2 In practice this means that, having identified the need for new school provision, the Council should seek expressions of interest from prospective providers to set up and run a new Academy. The Council cannot propose a new Community School financially maintained by the Council and must seek expressions of interest from external parties. All expressions of interest would be passed to the Secretary of State along with the Local Authority's recommendations. The Secretary of State would decide which one to accept and would then work directly with them to set up the new school.
- 6.3 In seeking expressions of interest the Council would ask all prospective providers to sign up to the Sheffield 'asks' as they would apply to a new school. They are that all schools:
- agree to deliver city wide services in consultation with the Sheffield "family of schools" and sign up to the City Wide Learning Body, for the benefit of all children across the city;
  - remain part of the common admissions policy, allowing for fair access and inclusive treatment of all children and young people;
  - act as the custodian for the land and premises, whoever owns the land, ensuring access to facilities for the children of the city as well as the local community;
  - welcome community and Local Authority representatives onto the school governing body and recognising the right of staff to trade union membership;
- 6.4 Any new school set up in this way would be an academy. The provider chosen by the Secretary of State would be the 'sponsor' of the academy, although not in the



sense of an underperforming school. Sponsors come from a wide range of backgrounds including other academies such as a local school, universities, businesses, independent schools and faith communities. The sponsor is responsible for setting up an academy trust, the legal body responsible for running the school. The trust ensures compliance with the statutory and contractual obligations placed on academies through legislation, and their funding agreements.

### **Options for Sites and Buildings**

- 6.5 It has been important to assess all options for how the additional school places could be accommodated. This includes looking at the feasibility of new purpose-built facilities alongside whether any existing publicly-owned buildings could add to the local capacity. This means exploring the uses of buildings and spaces not conventionally used for education. It could also mean a link up with other local schools to get the best out of the sum total of publically-owned buildings in these areas. Work has been undertaken to date to identify potential sites and buildings within these areas that could provide the required land or accommodation. The map at Appendix 1 shows the sites and buildings.
- 6.6 Possible sites for a newly built primary school have been identified at Skinnerthorpe Road in the Burngreave/Fir Vale area and the former Watermead school site in the Southey/Longley/Shirecliffe area. Both are located in the right position to meet the increased demand for places.
- 6.7 The Skinnerthorpe Road site is included in wider plans for the regeneration of the Fir Vale area and the site was acquired and cleared using Housing Market Renewal funding. This would therefore offer a significant opportunity to join up with wider community regeneration aspirations and provide a boost to the local area beyond the positive impact of a new school. Cabinet approved acquisition of the site in January 2006 for redevelopment in line with the Burngreave and Fir Vale Masterplan which was approved as a material consideration in the planning process in May 2005. The proposed use for housing was however significantly limited when a large part of the site was designated by the Environment Agency as part of the flood plain. New school places are a key local priority and the impact of this designation is less restrictive for a school as it could be overcome through the design. The background of the site does bring three attendant requirements if it was to be used for a school. Firstly, in May 2005 Cabinet adopted a Residents' and Businesses Charter which provided that there should be discussions with the community about the redevelopment proposal. In this case, discussions with the local community on the future need for school places would include consideration of a joined up plan for wider regeneration. Secondly, there is a need to discuss any plans with the Homes and Community Agency (HCA) to ensure they would support the proposal and would waive any potential right to clawback the funding that was used to acquire the site, given that the funding was given to support housing market renewal rather than education. Thirdly, that the masterplan would need to be a material consideration in any planning application for the school. The identified issues with underground drainage and water services may require additional expenditure to mitigate, however pending the conclusion of discussions with the Environment Agency regarding the feasibility of construction on the flood plain, development is considered feasible.
- 6.8 The Watermead site has fewer issues in terms of development. The advice from

feasibility is that planning permission would not be given to add sufficiently to the existing footprint and the only way to add enough capacity on this site would be to redevelop the site with a new building. Further, the size, condition and space within the existing Watermead building mean that there is no significant cost advantage in attempting to incorporate this into a new school. Both of these sites are therefore deemed feasible for the development of new primary schools of the size required.

- 6.9 There are a number of Council-owned buildings in the Burngreave/Fir Vale area that are identified as potentially surplus. These include office space, a hostel site, the old Pye Bank school, Forum House and remaining space in Sorby House (if the plan to relocate other services to the lower floors of the building is approved). Of these, only the old Pye Bank school and Sorby House have enough floor space to accommodate a primary school of this size. The balance of need in this area is greater towards Fir Vale and therefore these buildings are not ideally located to meet the growth in demand. An initial assessment does highlight some issues with these buildings. For example, the former Pye Bank school building is listed, restricting the potential development internally and externally and increasing the estimated cost. A provisional estimate for refurbishment would be £4m with little difference between providing a 1 or 2FE as both would require refurbishment of the whole building. Sorby House has suitability issues, with no outdoor space beyond a car park and roof terrace and safeguarding issues with the number and type of other users having access to the building.
- 6.10 All of these buildings could add to the sum total of accommodation available to local schools. They could form part of a proposal linked to a local secondary school, possibly to add capacity such that space within the secondary school buildings are freed up. However, we would not expect primary-aged pupils to share space within the secondary buildings. Primary provision on a secondary site would need to be in separate areas, with separate access and playspace. It should also be noted that as more pupils start at primary school, more places are likely to be required in the secondary system seven years on. Any potential to increase capacity identified at this stage may therefore be more appropriately used to increase capacity for Year 7-11 pupils further down the line.
- 6.11 The only Council-owned potentially surplus building in the Southey/Longley/Shirecliffe area is the former Watermead school building itself. As described above, planning constraints on the site mean a new building would be required in place of the current building.

### **Local Views**

- 6.12 In order to make sure that any new school meets local needs, the Council is keen to ensure a strong local voice and character within this process. Above all, any new places must be high quality and serve to improve outcomes for local children. It is also vital that any new provision is a good fit for Sheffield and the local community it would serve.
- 6.13 In seeking expressions of interest, this would mean holding a discussion with the local community and stakeholders to establish what qualities would be required from a new school and from those who express an interest in running it. At the end of the period for local discussion, the key desired qualities can be matched to the expressions of interest received. This could then be provided to the Secretary of

State as a commentary to provide a local voice in the decision-making. If appropriate this commentary could include identifying Sheffield's 'preferred' proposal.

### **Risks & Issues**

- 6.14 Impact on existing schools: It is important that changes to the pattern of local provision serve to improve outcomes for children across the area. This includes those who would continue to attend the existing schools as much as those that would attend new provision. Creating new provision as the response to the additional need for places will support local primary schools in maintaining their focus on increasing and sustaining recent improvements. The alternative of expansion would add significantly to that challenge with an extra 210-420 pupils on the site.
- 6.15 It will also be important that the provider of any new provision is committed to working in partnership with local schools, the local community, and the Council. This will be important as the proposal progresses in working up the admissions policy, the ways of working, and ultimately in making sure new provision works in harmony with other local schools to support local families and improve outcomes for local children.
- 6.16 No sponsor comes forward: It will be important that potential sponsors are encouraged to come forward. The Council has the option to work with the Department for Education to seek out strong potential sponsors to express interest if necessary. If no sponsor came forward the next step in the new framework is to go down a formal competition route. This is unlikely as it would be expected that sponsors would come forward at the initial stage.
- 6.17 Further Population changes: At present there is no indication of a change to current trends. The local schools are all of a sustainable size to withstand the impact of a future reduction in the population. If that happened, there may be opportunities to reduce the sizes of schools that are already established permanently at 3 forms of entry. Should the population rise again, clearly consideration would have to be given to a further increase to the number of places.
- 6.18 New Schools do not fill: In order to gain the confidence of local parents, it is important that we engage in the early stages to get their input into shaping a proposal for a new school or ensure that the provider is already known to the local community. Families must also be convinced about the performance of the school and a strong known provider may help in securing that confidence.
- 6.19 New schools do not perform well: The process outlined is aimed to ensure a strong proposal can come forward, with a high calibre provider committed to working alongside other local schools to serve the local community. This should give the foundations for a successful proposal. The Council would continue to work in partnership with all local schools and, as with all schools, would seek appropriate routes for challenge if standards fall below expectation.

## **7. NEXT STEPS**

- 7.1 The following table provides an overview of the next steps and key dates:

Need for primary school places established	
Local discussions	December 2012
New school places offered in short term	December-July 2014
Expressions of Interest	December 2012
Decision from Secretary of State	January 2013
New schools open	September 2014

### **Implementation**

- 7.2 Work to assess the potential use of sites and buildings will continue in the interim period to ensure that places can be offered in appropriate spaces as soon as possible and that there is no delay to new buildings being fully operational.

### **Short-term Options**

- 7.3 In order to ensure there are sufficient places in the short term for in-year applicants and for September 2013 Reception applications, work is underway to assess the options for providing small numbers of additional places at the local schools for this period. These will be considered and appropriate decision-making routes taken depending upon the options that come forward.

## **8. FURTHER IMPLICATIONS**

### **Legal**

- 8.1 Local Authorities have a duty under section 14 of the Education Act 1996 to ensure sufficient primary schools are available for their area. Under the Education and Inspections Act 2006 as amended by the Education Act 2011, if the Council thinks that a new school needs to be established it must first seek proposals for the establishment of an Academy. It would then be for the Secretary of State to determine which, if any, proposals he determines should be implemented by way of entering in to Academy arrangements. In the case of existing Academies, any changes would be negotiated directly between the Academy and the Education Funding Agency.
- 8.2 In the event that sponsors did not come forward or proposals are made but are not approved by the Secretary of State and did not result in Academy arrangements being entered in to then pursuant to Section 11(A2) of the Education and Inspections Act 2006 the Council may start a statutory competition process to find a suitable provider. The Council could decide to enter the competition by publishing its own proposals to establish a new community school. In that event the Adjudicator would be the decision maker under Schedule 2 of that Act and must have regard to the statutory guidance.

### **Financial Implications**

- 8.3 The main source of capital available to the Council is the annual allocation for Basic Need. Recently this has been circa £2.6m per year but increased to £4.6m in 2012/13. In some areas amounts may be available from developer contributions where housing is planned. Where an existing secondary academy is applying to extend its age range to 5-16, they could also apply for capital from the Academies capital pot as part of their application to the Secretary of State.

- 8.4 The potential capital cost of a new 420-place primary school building is £5.5m. The potential call on the Council's Basic Need allocation is therefore £11m. Subject to the 13/14 allocation being at £4.6m, there will be more than sufficient funding to cover the costs of the new schools.
- 8.5 In order to maximise resources officers will work with schools to explore options for reducing the call on the basic need allocation. Supporting applications for 5-16 schools gives potential access to a different capital source held centrally by the DfE for Academies. The Council should also consider any opportunities to make use of existing buildings, both on and off school sites, to reduce the need for new buildings where possible.
- 8.6 It should be recognised that there will be other competing priorities in a dynamic capital programme. There would seem little option but to commit capital to a basic responsibility of the Council, that is providing sufficient pupil places. This is a duty which has been recently confirmed by the Secretary of State in the regulations concerning the Cabinet Member and Director of Children's Services. However, we know there is a longstanding commitment to replacing the Tinsley schools, both because of their location and the need for pupil places. If this is to be completed, it should be noted that this is likely to be during the funding period 2014/15 to 2015/16. Additionally, from 2016 onwards, we know that the growing primary school numbers will start to feed into secondary thus causing the need for more places. To match the increasing numbers, there will be funding from the DfE so we can plan for this with the confidence that funding will flow through from the centre.
- 8.7 The feasibility, design, procurement and build process takes on average around two years, with flexibility required for consulting on designs and delays in construction. In order to achieve the expected completion date of August 2014, it is important to carry out an element of the feasibility, design and initial procurement work on the sites. This is currently taking place, which is being funded from the Basic Need Capital Allocation. The full capital allocation of £11m will be approved in the usual way through the capital report being submitted to Cabinet of 12<sup>th</sup> December 2012.

#### **Human Resources**

- 8.8 There are no direct Human Resource implications as a result of this proposal. Officers from the School Organisation Team would manage the local discussions, coordinating officer support and advice from other key departments within the Council as necessary.

#### **Equality of Opportunity**

- 8.9 The overall aim of this report is to ensure that access to quality primary school provision is available to all children of primary school age across Sheffield. An Equalities Impact Assessment has been completed for this project.
- 8.10 This project will support the Council's priority to enable a better life for children and young people by providing access to an education and help to raise attainment and aspirations.

#### **Environmental & Sustainability**

- 8.11 Providing additional local school places will increase the number of families who

are able to go to their local school. This will reduce the number of longer journeys and should therefore increase the number of pupils who are able to travel to school in a sustainable way.

## **9. ALTERNATIVE OPTIONS CONSIDERED**

- 9.1 One option would be to continue the expansion of existing schools. As described within the report, the scale of the additional demand, the current challenges, the existing school sizes, and the school sites combine to offer a strong argument that we have reached the point where expansion is no longer sustainable in the areas described.
- 9.2 A second option would be to take a 'free market' approach. The free schools programme could allow the Council to take a step back and see whether other providers come forward of their own volition to meet the demand. However, the Council is uniquely placed to offer a precise and considered assessment of the need for places. The free market approach would not be a secure way of fulfilling the Council's statutory duty to provide sufficient school places. Stepping back would also be to neglect the Council's ability to secure both a strong local voice and a strong educational voice in securing successful outcomes for local children.
- 9.3 A third option considered was support for existing secondary schools to expand their age range to become 5-16 schools. This option has the potential to build on the existing secondary schools as known providers in the locality which parents already know and have confidence in. However, by supporting a particular secondary school, the Local Authority may have prevented other providers from coming forward and expressing an interest in running new primary provision.
- 9.4 Finally, the Council could attempt to pursue the establishment of new Council-maintained Community schools. Under the new framework this can only happen in the event that the Secretary of State considers no suitable expressions of interest have been received. At that point the Council could start a formal competition process and only if no suitable proposal comes forward can the Local Authority propose a new Community school. If that were to happen, again the Secretary of State, through the Schools Adjudicator, would be the ultimate decision maker. Given the Government Academies programme and the number of potential sponsors currently in the 'market', it is very unlikely that a proposal would reach that stage. However, the first step in that process is the seeking of expressions of interest as outlined in this report and therefore this route, whilst unlikely, would remain open.

## **10. REASONS FOR RECOMMENDATIONS**

- 10.1 Having access to a good local primary school place is at the heart of ensuring successful outcomes for children and young people and making every area of Sheffield a great place to live. With the new primary schools proposed in this report children in the north east of Sheffield will continue to be able to get a place at a school in their community. The approach suggested would ensure a local voice within the new government framework.

- 10.2 In providing the places through new provision there are a number of key issues. The sponsor must have the strength and capacity to make the provision successful in terms of improving outcomes, the new places must work within and serve to strengthen the local family of schools, and the provision must start with confidence of local families.
- 10.3 In order to best meet the additional demand, make the most efficient use of resources and provide high quality primary school places, it is proposed that new buildings on the Skinnerthorpe Road site and the Watermead site are taken forward as the best locations for the new provision.

## **11. RECOMMENDATIONS**

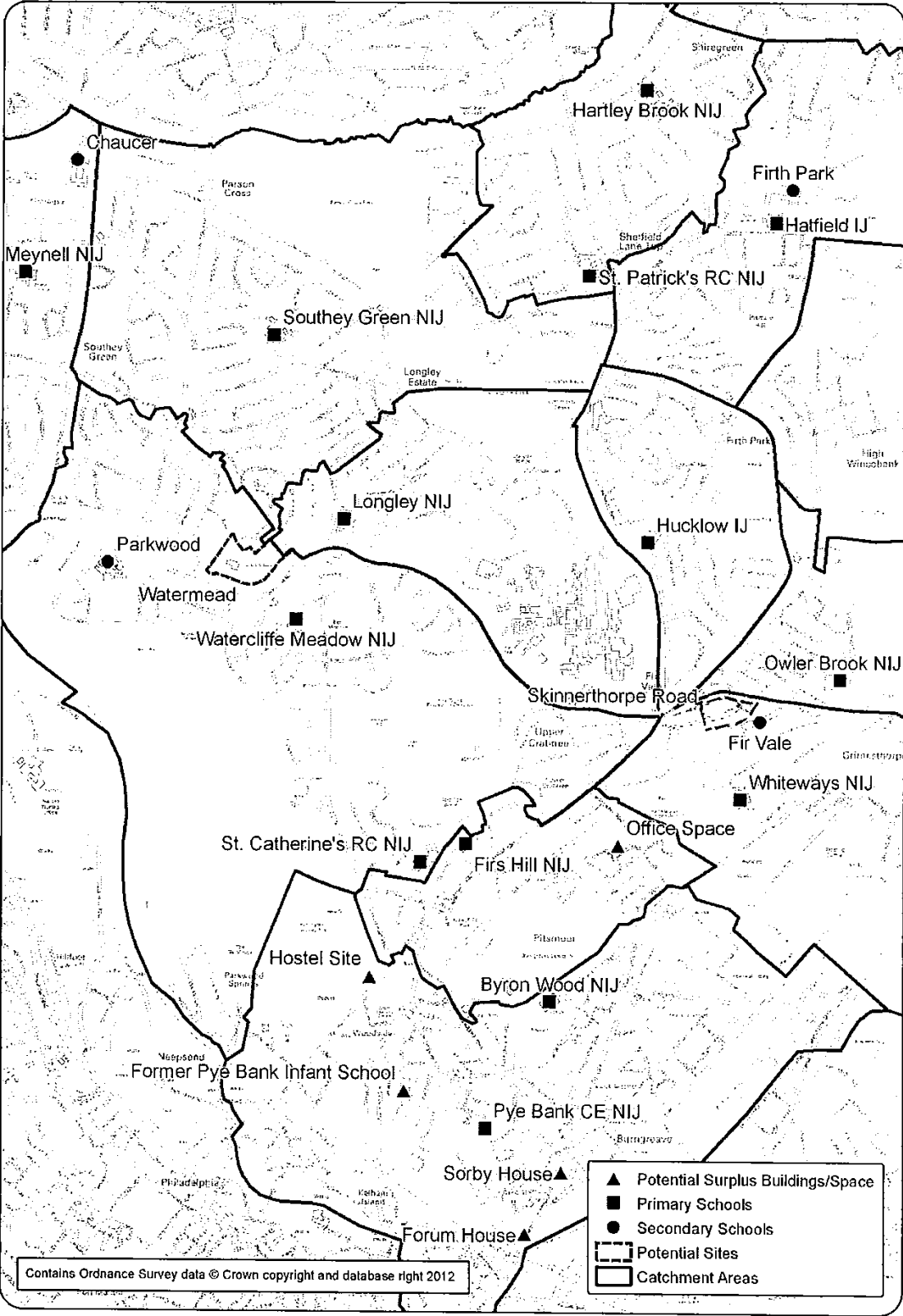
11.1 Cabinet are requested to:

- i. Authorise the Cabinet Member for Children's Services and Lifelong Learning to work with the Executive Director, Children, Young People and Families, and in respect of the Skinnerthorpe Road site in consultation with Cabinet Member for Homes and Neighbourhoods and the Executive Director for Place, to take all necessary steps to secure the additional primary school places.
- ii. Approve the element of Basic Need funding required to enable recommendation (i) to be fulfilled on the Skinnerthorpe Road and Watermead sites.
- iii. Agree that the Skinnerthorpe Road aspects of the Burngreave and Firvale Masterplan are no longer a material consideration in the planning process as far as they would be relevant to the proposals of this report

## **APPENDICES**

1. Map of current schools, potential buildings and sites
2. Recent expansion proposals

**Appendix 1: Map of current schools, potential buildings and sites**





## Appendix 2: Recent Expansions Proposals

First Year	School(s)	Details	Places Added	
			Per Year	School(s) Total
2006/07	St. Catherine's RC Primary School	Initially temporary for 3 years, permanent from 2009/10	30	210
2009/10	Greystones Primary School	4 years in total: 1 year in 2009/10 and 3 years from 2011/12	30	120
2009/10	Meynell Primary School	3 years	30	90
2009/10	Owler Brook Nursery Infant & Whiteways Junior Schools	Permanent	30	210
2009/10	Pye Bank CE Primary School	Permanent	30	210
2010/11	Watercliffe Meadow Primary School	1 year	30	30
2011/12	Abbey Lane Primary School	Permanent	30	210
2011/12	Carfield Primary School	Permanent	15	105
2011/12	Longley Primary School	3 years	30	90
2011/12	Lowedges Primary School	Permanent	30	210
2011/12	Lowfield Primary School	Permanent	15	105
2011/12	Mosborough Primary School	Permanent	15	105
2011/12	Mundella Primary School	Permanent	20	140
2011/12	The Nether Edge Primary School	Permanent	15	105
2011/12	Walkley Primary School	Permanent	20	140
2011/12	Westways Primary School	Permanent	30	210
2012/13	Acres Hill Primary School	1 year	30	30
2012/13	Hillsborough Primary School	Permanent	15	105
2012/13	Hinde House Primary Phase	Permanent	15	105
2012/13	Oughtibridge Primary School	1 year	15	15
2012/13	Tinsley Nursery Infant	3 years	8	24
			483	2,569

Other schools have admitted above their published admission number during this period to accommodate peaks in demand, without additional capital work being required.

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## SHEFFIELD CITY COUNCIL Cabinet Report

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**Report of:** Report of the Executive Director - Place

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**Date:** 21 November, 2012

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

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**Author of Report:** Steven Lonnia

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

The report also gives background information as to the legal requirement to have a Statement of Principles (Policy)

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**Reasons for Recommendations:**

To comply with the Council's statutory obligations and in doing so promote the Council's strategic objectives and vision.

**Recommendations:**

That Cabinet approve the Statement of Principles (Policy) for referral to Full Council on 5<sup>th</sup> December 2012.

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**Background Papers:** Attached

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**Category of Report:** OPEN

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## Statutory and Council Policy Checklist

<b>Financial Implications</b>
YES/NO      Cleared by:
<b>Legal Implications</b>
YES/NO      Cleared by:
<b>Equality of Opportunity Implications</b>
YES/NO      Cleared by:
<b>Tackling Health Inequalities Implications</b>
YES/NO
<b>Human rights Implications</b>
YES/NO:
<b>Environmental and Sustainability implications</b>
YES/NO
<b>Economic impact</b>
YES/NO
<b>Community safety implications</b>
YES/NO
<b>Human resources implications</b>
YES/NO
<b>Property implications</b>
YES/NO
<b>Area(s) affected</b>
All
<b>Relevant Cabinet Portfolio Leader</b>
Councillor Isobel Bowler (Culture, Sport and Leisure)
<b>Relevant Scrutiny and Policy Development Committee if decision called in</b>
Economic and Environmental Well - being
<b>Is the item a matter which is reserved for approval by the City Council?</b>
<b>YES</b>
<b>Press release</b>
YES/NO

# REPORT OF THE EXECUTIVE DIRECTOR - PLACE

## GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES (POLICY)

### 1.0 SUMMARY

- 1.1 The report sets out the details of the revised Statement of Principles (Policy) to be published under the Gambling Act 2005 and details of the consultation process that has been undertaken.
- 1.2 The report also gives background information as to the legal requirement to have a Statement of Principles (Policy)

### 2.0 WHAT DOES THIS MEAN FOR THE PEOPLE OF SHEFFIELD

- 2.1 The policy will assist the Licensing Service in administering and enforcing the Gambling Act in accordance with the promotion of the three licensing objectives:
  - Preventing Gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
  - Ensuring that gambling is conducted in a fair and open way.
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.2 It will provide new small businesses, current licensees and the residents of Sheffield with a reference document to assist them in understanding the Gambling Act process.
- 2.3 The policy will assist the Council in achieving the key priorities in the Corporate Plan 2011-14;
  - Standing up for Sheffield
  - Supporting and Protecting Communities
  - Focusing on Jobs
  - Business Friendly
- 2.4 The document also recognises the need to protect children and vulnerable people from the negative impacts of gambling. To ensure this the Licensing Service is working closely with the Safeguarding Children Service and GAMCARE.
- 2.5 In revising our policy we have improved the content and design.
- 2.6 The overarching benefits are that the new policy will assist in “Making Sheffield a Great Place to Be” by supporting the following strategic outcomes;
  - A Strong & Competitive Economy – working with businesses
  - A Great Place to Live – place management / effective service delivery
  - Vibrant City – night time economy / destination of choice
  - Safe & Secure Communities – working with police, safer neighbourhood officers etc. around “Crime Prevention”
  - Successful Young People – protect and promote the welfare of children

### **3.0 OUTCOME AND SUSTAINABILITY**

3.1 The expected outcomes are that;

- Sheffield City Council has an up-to-date and effective gambling policy;
- The policy ensures that premises are well managed and that they integrate in to the local community;
- Children are protected from the potential harms of gambling;
- It supports the priorities, values and outcomes set out in “Standing Up For Sheffield” the Corporate Plan 2011-14.

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

3.3 The revised policy will be supplemented by a new “City Wide Licensing Strategy”.

### **4.0 BACKGROUND**

4.1 The Statement of Principles (Policy) is a guide to officers and to the Licensing Board when dealing with matters placed before them relating to the 2005 Act.

4.2 The Statement of Principles (Policy) is a clearly written document that will assist not only applicants but businesses, local residents and any other persons that may have an interest in the 2005 Act.

4.3 The Statement of Principles (Policy) allows the discretion of the Council and for every application to be dealt with individually on its merits.

4.4 The Statement of Principles (Policy) will assist the Licensing Authority in carrying out its powers in a socially responsible manner to deliver the three core objectives;

- Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open manner; and
- Protecting children and other vulnerable people from being harmed or exploited by gambling.

4.5 The Statement of Principles (Policy) states how it will secure the proper integration with local crime prevention, child protection, planning and any other plans introduced for the management of the city as a whole or each individual area.

4.6 There is a firm commitment within the document to avoid duplication with other regulatory regimes such as Planning, Health & Safety and Fire Safety Legislation.

4.7 The Statement of Principles (Policy) sets out in Section 18 of Part A the recommended delegation of functions under the 2005 Act.

## **5.0 GAMBLING RELATED HEALTH AND ADDICTION**

- 5.1 As the Licensing Authority we have no statutory (legal) capability to impose a financial charge on applications to fund either health or addiction prevention work.
- 5.2 The Head of Licensing will set up a voluntary project team. This will include local authority services, stakeholders and local operators to investigate potential need for such work. The project aims to agree a statement of intent and duty of co-operation with all local operators, and to explore the potential to set up a voluntary fund to assist in tackling gambling related health and addiction issues in Sheffield.

## **6.0 LEGISLATION**

- 6.1 Section 349 (1) of the 2005 Act states:

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

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

- 6.2 Sheffield City Council’s first Statement of Licensing Principles (Policy) was published on 2<sup>nd</sup> January 2007 and then revised and published again in January 2010. The Licensing Authority has revised the policy as required under section 349 (1) of the 2005 Act and has followed the same process as it did when consulting with previous policies.
- 6.3 Revisions have been made to the previous policy in all sections to ensure compliance of the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006. The revised policy provides more detailed information for each of the processes.
- 6.4 The document has been produced in accordance with the 2005 Act; the guidance issued by the Gambling Commission and guidance issued by LACORS and the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006

## **7.0 CONSULTATION**

- 7.1 The formal consultation process commenced on 2<sup>nd</sup> April 2012 for a period of twelve weeks, and concluded at 5:00pm on the 25<sup>th</sup> June 2012.

- 7.2 Section 349 (3) of the 2005 Act states:

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

- (a) either-
  - (i) in England and Wales, the chief officer of police for the authority’s area, or
  - (ii) in Scotland, the chief constable of the police force maintained for the police area comprising that area,
- (b) one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area, and

(c) one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the authority's functions under this act."

7.3 Over 2,600 invitations to respond to the consultation have been issued. A list showing the range of consultees is attached at Appendix 'A' - this list is not exhaustive.

7.4 These included a link to the Statement of Principles (Policy) website. Consultees had the option of obtaining a copy of the Policy from us, a hard copy was also available in the Town Hall, First Point for Business, Howden House and the Central Library.

7.5 We had a total of 18 responses of which the vast majority were stating no comment or simply requesting a copy of the document.

## **8.0 AMENDMENTS TO THE STATEMENT OF PRINCIPLES (POLICY)**

8.1 During the consultation period, only three consultees responded requesting amendments and /or proposed additions, details of which are listed at Appendix 'B' of this report.

8.2 Amendments have been made where appropriate to the draft policy in response to the comments received.

8.3 A further addition was requested by CMT/EMT at 4.7.3 of the policy to include 'Community Buildings' this has been included in the policy. Pictures on the electronic version of the policy will also be changed to pictures of Sheffield.

8.4 An electronic copy of the policy will be provided with this report.

## **9.0 WHAT DOES THE POLICY DEAL WITH**

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

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

9.2 The policy deals with all types of applications including the grant, variation and transfer of licences as well as the review of a licence.

9.3 The policy sets out how the Licensing Authority intends to deal with applications under the Gambling Act and is also a guide to applicants, residents, responsible authorities, interested parties and the Licensing Committee.

9.4 It will provide new small businesses, current licensees and the residents of Sheffield with a reference document to assist them in understanding the Gambling Act processes.

9.5 It is intended that the Statement of Principles (Policy) will assist the Licensing



Authority in carrying out its powers in a socially responsible manner, whilst promoting the three core objectives, which are:

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

## **10.0 A BRIEF TIMETABLE FOR DETERMINATION OF THE STATEMENT OF PRINCIPLES (POLICY)**

10.1 For the benefit of Members, I have set out below the key dates in the process of determining the revised Statement of Principles (Policy):

- |                          |   |                                |
|--------------------------|---|--------------------------------|
| • Report to Cabinet      | - | 21 <sup>st</sup> November 2012 |
| • Report to Full Council | - | 5 <sup>th</sup> December 2012  |
| • Publish Policy         | - | 2 <sup>nd</sup> January 2013   |

## **11.0 FINANCIAL AND RESOURCE IMPLICATIONS**

11.1 The work on the revision of the Statement of Principles (Policy) is a Statutory Duty placed upon us as the Licensing Authority and the work is undertaken within the current resources of the Licensing Service and the costs are fully recovered through licence fees under the Gambling Act 2005.

11.2 Therefore there are no additional financial and resource implications to the Council.

## **12.0 LEGAL IMPLICATIONS**

12.1 Failure to formally review or consult on a Statement of Policy within the timescales required by the Gambling Act 2005, Regulations and Associated Guidance would mean that the council would not be complying with its statutory duty and would leave itself open to legal challenge.

12.2 If the revised document referred to within this report is approved by full Council in December then the Council as the Licensing Authority have fulfilled its statutory duties.

## **13.0 ENVIRONMENTAL IMPLICATIONS**

13.1 There are no environmental implications arising from this report. The consultation has been carried out generally through electronic means where possible and the draft document was also available electronically.

13.2 The Statement of Principles (Policy) when approved will be available to download from the Councils website.

## **14.0 EQUALITY OF OPPORTUNITY IMPLICATIONS**

14.1 There is no equality of opportunity implications arising from this report. An Equality of Impact Assessment has been prepared and retained.

14.2 Part 6 of the document in relation to Equality, Disabled People, Racial Equality and Sexual Equality has been written in consultation with the Equalities Team.

## **15.0 REASONS FOR RECOMMENDATIONS**

15.1 To comply with the Council's statutory obligations and in doing so promote the Council's strategic objectives and vision.

## **16.0 RECOMMENDATIONS**

16.1 That Cabinet approve the Statement of Principles (Policy) for referral to Full Council on 5<sup>th</sup> December 2012.

Simon Green  
Executive Director Place  
October 2012

# Appendix 'A'

## List of Persons / Bodies Consulted - 2012

### **Responsible Authorities**

Sheffield Safeguarding Children Board  
Environmental Protection Service (Noise Nuisance)  
Head of Planning  
Health Protection Service (Health & Safety)  
South Yorkshire Fire and Rescue  
South Yorkshire Police  
The Gambling Commission  
The Navigation Authority  
The British Waterways Board

### **Other Local Authorities in the Region**

Barnsley Metropolitan Borough Council  
Doncaster Metropolitan Borough Council  
Rotherham Metropolitan Borough Council

### **Solicitors**

DLA Piper Rudnick Gray Cary UK LLP  
John Gaunt and Partners  
Popleston Allen  
Ford and Warren  
Gosschalks  
Law Society  
Maitland Walker  
Irwin Mitchell  
Hickmotts  
Ashton Morton Slack  
HLW Commercial Lawyers

### **Sheffield City Council Contacts**

Brian Messider, Access Officer  
Community Assemblies  
Sheffield Schools  
Sonia Sharp, Executive Director, Children and Young People  
Sheffield City Council Councillors

### **Gambling Industry Contacts**

Amusement Caterers (Sheffield) Limited  
British Association of Leisure Park, Piers and Attractions  
Casino Machines Manufacturers Group (CMMG)  
Gamblers Anonymous  
Independent Bookmakers Association (IBA)  
Racecourse Promoters Association (RCPA)  
Rails Bookmakers Association Ltd  
BBPA Midland Counties  
Northern Bookmakers Protection Association  
Association of British Bookmakers

Betting Exchange Trade Association  
Bingo Association  
British Amusement Catering Trades Association (BACTA)  
British Beer and Pub Association  
British Casino Association  
Casino Operators Association (COA)  
GamCare  
National Association of Bookmakers  
British Beer and Pub Association  
Scottish Beer and Pub Association

### **Local Members of Parliament**

Angela Smith  
Meg Munn  
Nick Clegg  
Clive Betts  
Richard Caborn  
David Blunkett

### **Religious Contacts**

Central United Reformed Church  
Father D Sexton, Parish Priest, Cathedral Church of St. Marie  
Diocesan Secretary  
The Right Reverend Jack Nicholls, The Bishop of Sheffield  
The Very Reverend Peter Bradley. The Cathedral Church of St. Peter and St. Paul  
St John The Baptist C Of E Church

### **Others**

Chamber of Commerce  
CIU  
Sheffield Drug, Alcohol Action Team  
Sheffield Licence Watch  
South East Sheffield Citizens Advice Bureau  
Institute of Licensing  
South Yorkshire Ambulance Service  
The Navigation Authority  
Weights and Measures Authority  
Yorkshire Forward  
Casinos / Operators  
Betting Offices / Operators  
Tracks / Pool Betting Licence Holders  
Bingo Hall / Operators  
Premises Licence Holders  
Club Premises Certificate Holders  
Holders of Small Lotteries Registrations  
Sheffield First Partnership  
The Law Society  
Primary Care Trusts  
Scouts Association  
Chairman of BETA  
Betfair

## Appendix 'B'

### Consultation Comments Received

No.	Name	Organisation / Details		Overview of comments	Type of comment	Have comments been included?
1	Phil Lowther	Director of Compliance The A & S Leisure Group	1	To bring the statement into the present tense.	Amendments and proposed additions	1. Yes - The revised policy has already been amended to this
			2	To include summaries of the mandatory and default conditions for the various gambling sectors.		2. No - Reference is made to both type of conditions throughout the policy and full details can be found in the Regulations.
			3	To include brief summaries of 'primary purpose' for each gambling sector.		3. Reference to primary purpose has been added at 7.1.8 which covers all gambling sectors.
2	Victoria Beauchamp	Rivelin Primary and Nursery School	1	To make clearer when the returns following a raffle is required to be submitted to the Licensing Authority.	Proposed additions	1. Yes – This has been included in our revised policy at section 5.9.11.
3	Julie Hague	Sheffield Safeguarding Children Board (Responsible Authority)	1	Updated information regarding issues of children and vulnerable persons throughout the document.	Amendments and proposed additions	Yes

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**SHEFFIELD CITY COUNCIL**  
**GAMBLING ACT 2005**  
**STATEMENT OF PRINCIPLES**

**2013 - 2016**

**Licensing Service  
Place Portfolio  
Business Strategy and Regulation  
Block C, Staniforth Road Depot  
Staniforth Road  
Sheffield  
S9 3HD**

**Telephone Number: 0114 203 7752  
Fax Number: 0114 273 4073**

**Or visit our website: [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing)  
Or email us at: [general.licensing@sheffield.gov.uk](mailto:general.licensing@sheffield.gov.uk)**

**Opening Times  
Monday to Friday 09:00 to 17:00**



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# The three licensing objectives underpinning the Gambling Act 2005 are

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

**IT SHOULD BE NOTED THAT THE GAMBLING COMMISSION HAS STATED THAT THE REQUIREMENT IN RELATION TO CHILDREN IS EXPLICITLY TO PROTECT THEM FROM BEING HARMED OR EXPLOITED BY GAMBLING.**

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

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

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

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

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

- Standing up for Sheffield
- Supporting and protecting communities
- Focusing on jobs
- Business friendly

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

# Foreword



# Part 1

## Overview

## 1.1 KEY DEFINITIONS

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

**‘the Licensing Authority’** refers to Sheffield City Council which carries out its functions as Licensing Authority under the Gambling Act 2005 in the Sheffield City boundary.

**‘the Council’** refers to Sheffield City Council.

**‘Policy’** refers to this Statement of Principles (Policy) as required under section 349(1) of the Gambling Act 2005.

**‘the Act’** refers to the Gambling Act 2005.

**‘the Commission’** refers to the Gambling Commission.

**‘Guidance to the Act’** refers to the guidance issued by the Gambling Commission as required under section 25 of the Gambling Act 2005.

**‘Codes of Practice’** refers to Codes of Practice issued by the Gambling Commission under section 24 of the Gambling Act 2005.

## 1.2 SCOPE OF LICENSING POLICY

- 1.2.1 This Policy is the Council’s Statement of Principles that the Licensing Authority is required to prepare under Section 349(1) of the Gambling Act 2005. This requires that the Licensing Authority shall, before each successive period of three years, prepare a Statement of Principles that they propose to apply in exercising their functions under the Gambling Act and publish the Statement.
- 1.2.2 The Statement must be reviewed from time to time and where it is considered necessary in the light of a review, revised and that revision published before it is given effect. The preparation or revision of the Statement of Principles is subject to a requirement to consult certain persons and the Secretary of State may make regulations about the form of Statements, the procedure to be followed in relation to the preparation, review or revision of the Statements and their publication.
- 1.2.3 The Secretary of State has made regulations, which impose minimum statutory requirements on all Licensing Authorities when preparing, reviewing, revising and publishing their Statements of Principles. Subject to compliance with those minimum requirements, the form of the Statement of Principles is a matter for the Licensing Authority itself.
- 1.2.4 The Council recognises the policy objective on imposing minimum requirements which was one of providing transparency, and to some extent, consistency, for persons wishing to apply for a licence or permission under the Gambling Act 2005, whilst minimising the imposition of unnecessary financial or administrative burdens on Licensing Authorities and the industry and enabling local circumstances to be reflected in licensing policy statements.

- 1.2.5 These minimum statutory requirements are set out in the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006, which state that subject to compliance with Regulations 4, 5 and 6, the form of the statement or any revision is to be for the Licensing Authority to determine.
- 1.2.6 This document sets out Sheffield City Council's Statement of Principles (Policy), which will guide the Licensing Committee when considering applications under the Gambling Act 2005 and aims to provide guidance to applicants, objectors, Responsible Authorities and all Interested Parties on the general approach to gambling in the City. Although each and every application will be dealt with separately and on its own individual merits, the Council in writing this Statement of Principles (Policy) is offering guidance on the wider considerations that will be taken into account.
- 1.2.7 This Statement of Principles (Policy) covers all the items set out in Section 2.3, Licensing Authority Functions. It should be noted that any application for a licence, permit, statement, notice or registration will be dealt with on its own individual merits and by reference to the Licensing Objectives, the Gambling Act 2005, the guidance issued by the Gambling Commission and any associated Codes of Practice.
- 1.2.8 This Policy is not intended to limit the power or fetter the discretion of the Licensing Committee who will listen to and determine on its own individual merits any application placed before it.
- 1.2.9 The aim of this Policy is to promote the following Licensing Objectives: -
- preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime;
  - ensuring that gambling is conducted in a fair and open way; and
  - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.2.10 This document should be read in conjunction with the Gambling Act 2005, the guidance issued by the Gambling Commission and the three Licensing Objectives.

### **1.3 SUMMARY OF MATTERS DEALT WITH IN THIS STATEMENT**

- 1.3.1 This introductory section is included in accordance with Regulation 4 of the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006, and as required by that provision it summarises the matters dealt with under Sheffield City Council's Statement of Principles.
- 1.3.2 Part 1, Section 1.4 contains a description of the geographical area in respect of which this Licensing Authority exercises its functions under the Act as required under Regulation 4.
- 1.3.3 Part 1, Section 1.5 states whom the Authority has consulted in preparing this Statement of Principles and required under Regulation 4.
- 1.3.4 The remainder of Part 1 details the Council's legal obligations and the monitoring and review of this Statement.
- 1.3.5 Part 2, Section 2.4 details the principles to be applied by the Authority in exercising



the powers under section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. This is detailed as a separate section to comply with Regulation 5.

- 1.3.6 Part 2, Section 2.5 sets out the principles to be applied by the Authority in exercising the powers under section 158 of the Act to determine whether a person is an interested party in relation to a premises licence, or an application for, or in respect of a premises licence. This is detailed as a separate section to comply with Regulation 5.
- 1.3.7 Part 2, Section 2.7 details the principles to be applied by the Authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act. This is detailed as a separate section to comply with Regulation 5.
- 1.3.8 The remaining sections of Part 2 details of the functions of the Licensing Authority and how the Authority will deal with the Gambling Act whilst adopting a multi disciplinary approach to the integration of local and national strategies and avoiding duplication.
- 1.3.9 Part 3 of this Statement details the licensing objectives in more detail.
- 1.3.10 Parts 4 and 5 detail the authorisations available under the Gambling Act 2005 which include our local standards relevant to the specific types authorisation.
- 1.3.11 Part 6 details the Authority's legal obligations in regards to equality and the different types of legislation which affect the Council as a whole and in regards to the Gambling Act 2005.
- 1.3.12 Part 7 details information regarding applications, fees and reviews under the Act. Part 7, section 7.4 details the principles to be applied by the Authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified in that section. This again is detailed as a separate section to comply with Regulation 5.
- 1.3.13 Part 8 contains useful contact information including the Responsible Authorities and details of our Ward Councillors.

## **1.4 THE SHEFFIELD AREA**

- 1.4.1 Sheffield is situated in the County of South Yorkshire and has a population of 555,500 making Sheffield the 4th largest City in the UK. A map of Sheffield City Council's area is attached at section 9.2.
- 1.4.2 Sheffield benefits from a rich mix of cultural diversity and is fast becoming one of the leading cities for the provision of a wide variety of entertainment and cultural activities.
- 1.4.3 Sheffield is at the cutting edge of new technology, with two internationally renowned universities, a city of young people which continues to grow in population, a friendly place with vibrant and friendly communities, a thriving city centre, and beautiful



parks and green open spaces.

1.4.4 Sheffield City Council's Corporate Plan 2011- 14 highlights our values:

- to be **fair**;
- to **spend public money wisely** to get the best outcome;
- to have a **long term view**;
- to **prevent** problems;
- **enabling** individuals and communities to have an influence;
- to challenge individuals, communities and the City to be more **aspirational**;  
and
- to be **working better together** in partnership.

1.4.5 As a Licensing Service we are committed to delivering the service in a way that supports and contributes not only to the Council's Corporate Plan but to the Council's four priorities:

- Standing up for Sheffield
- Supporting and protecting communities
- Focusing on jobs
- Business friendly

1.4.6 In turn this contributes to the delivery of our 'Sheffield City Strategy – Sheffield 2020 – Where People Shape The Future' where our vision is to be a 'city of global significance, distinctive, successful, inclusive, vibrant and sustainable.' 'A great city, where people from across the world want to live, learn, work, invest and visit'.

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

1.4.8 Planning policies include the:

- Unitary Development Plan;
- Supplementary Planning Guidance on City Centre Living; and
- Interim Guidance on Night Time Uses
- Sheffield Development Framework - Core Strategy

1.4.9 It is essential that applicants for premises licences are aware of and have regard to these policies and others when considering making an application.

1.4.10 The Council is committed to helping businesses, if you are starting up a new business or are an established business needing advice, free help is available from the Council's 'First Point for Business'.

1.4.11 First Point for Business is one point of contact with the Council for all your business needs. If you are setting up a new business, for example, you may need to speak to Licensing, Planning, Building Standards and a number of other Council services.

1.4.12 The First Point for Business team is on hand to help you access Council services and specialist advice, so you get all the support you need. For further details please see section 8.2.

## **1.5 CONSULTATION**

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

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

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

1.5.3 A list of all those persons consulted is attached at section 9.3.

1.5.4 The Licensing Authority following the closing date for comments on the 25th June 2012 gave consideration to all of the comments made and gave each comment appropriate weight before deciding to accept or reject the comment made.

1.5.5 The Policy was approved at a meeting of the Full Council on the 5th December 2012 and was published via the Council's website and sent out to appropriate persons on the 4th January 2013. Copies have also been placed in public libraries within Sheffield and at the Council's main offices and at the Licensing Service reception.

1.5.6 It should be noted that this Statement of Principles (Policy) does not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own individual merits and according to the statutory requirements of the Gambling Act 2005.

## **1.6 DECLARATION**

1.6.1 In producing this Statement of Principles (Policy), this Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

## **1.7 THE COUNCIL'S LEGAL OBLIGATIONS**

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

- duty to have regard to the interests of Sheffield's tax payers;

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

1.7.2 The Gambling Act 2005 itself places an obligation on the Council to carry out its licensing functions with a view to promoting the three licensing objectives, namely:

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

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

## **1.8 MONITORING AND REVIEW OF THIS STATEMENT**

1.8.1 The Licensing Authority is required by the Act to publish a Statement of the Principles which it proposes to apply when exercising its functions. This statement must be published at least every three years and will be reviewed and revised from time to time, subject to consultation on those parts that are revised and the statement then will be re-published.

1.8.2 This Statement of Principles will have effect from January 2013 to January 2016 subject to any amendments.





## Part 2

# General Principles

## **2.1 A SUMMARY OF PROCESS**

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

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

2.1.2 Nothing in this Statement of Policy will:

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

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

## **2.2 PROMOTION OF THE LICENSING OBJECTIVES**

2.2.1 In exercising their functions under the Gambling Act 2005, Licensing Authorities must have regard to the Licensing Objectives as set out in Section 1 of the Act. The Licensing Objectives are: -

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

2.2.2 It should be noted that the Gambling Commission has stated that the requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.

2.2.3 The Licensing Authority expects applicants to offer their own measures to meet the licensing objectives; however appropriate measures / licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Door Supervisors
- Supervision of entrances / machine areas
- Physical separation of areas



- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets and helpline number for organisations such as GamCare (see contact details at section 8.2) available for those addicted to gambling.

2.2.4 This list is not mandatory or exhaustive and is merely indicative of example measures.

2.2.5 Further information regarding the licensing objectives can be found at sections 3.1 to 3.3 of this Statement of Principles.

## **2.3 THE FUNCTIONS OF THE LICENSING AUTHORITY**

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

- gaming means playing a game of chance for a prize
- betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not
- a lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance

2.3.2 Licensing Authorities are required under the Gambling Act 2005 to:

- be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences;
- issue Provisional Statements;
- regulate members’ clubs and miners’ welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and / or Club Machine Permits;
- issue Club Machine Permits to Commercial Clubs;
- grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres;
- receive notifications from alcohol licensed premises (under the Licensing Act 2003) for use of two or fewer gaming machines;
- issue Licensed Premises Gaming Machine Permits for premises licensed to sell / supply alcohol for consumption on the licensed premises (under the Licensing Act 2003), where there are more than two machines;
- register small society lotteries;
- issue Prize Gaming Permits;
- receive and endorse Temporary Use Notices;
- receive Occasional Use Notices;
- provide information to the Gambling Commission regarding details of licences (see Section 2.7 of this policy on “Exchange of Information”); and
- maintain registers of the permits and licences that are issued under these functions.

2.3.3 For information:

- Spread betting is regulated by The Financial Services Authority.
- Remote Gambling is dealt with by the Gambling Commission via operating licences.
- The National Lottery is regulated by The National Lottery Commission.

## **2.4 RESPONSIBLE AUTHORITIES**

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

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

2.4.3 The bodies identified as Responsible Authorities are:

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

2.4.4 In the case of vessels, the following should also be included:

- the Environment Agency
- the British Waterways Board; and
- the Secretary of State. (Note: in practice, the Secretary of State for Transport who acts through the Maritime and Coastguard Agency.)

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

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

- 2.4.6 The Licensing Authority has designated Sheffield Safeguarding Children's Board of Sheffield City Council for this purpose.
- 2.4.7 The contact details of all the Responsible Authorities are set out in section 8.1 and available on the Licensing Authority's website at [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing).

## **2.5 INTERESTED PARTY**

- 2.5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. Section 158 sets out the persons to be treated as Interested Parties under the Act.
- 2.5.2 For the purpose of this part a person is an "Interested Party" in relation to an application for, or in relation to a Premises Licence if in the opinion of the Licensing Authority issuing the licence, the person-
- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
  - b) has business interests that might be affected by the authorised activities; or
  - c) represents persons who satisfy paragraph (a) or (b)
- 2.5.3 The Licensing Authority is required by Regulations to state the principles it applies in exercising its powers under the Gambling Act 2005 to determine whether a person is an Interested Party.
- 2.5.4 The Licensing Authority will apply the following principles in determining whether a person or body is an interested party for the purposes of the Gambling Act 2005:
- a) each case will be decided upon its own merits subject to the licensing objectives and to any requirements imposed by the Gambling Act 2005;
  - b) the Licensing Authority will not apply a rigid rule to its decision making.
- 2.5.5 The Licensing Authority will have regard to any guidance issued by the Gambling Commission with regard to the status and interpretation of 'Interested Parties'.
- 2.5.6 The Licensing Authority will also consider the Gambling Commissions Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- 2.5.7 The Gambling Commission has also recommended that Licensing Authorities state that 'Interested Parties' are to include trade associations, trade unions, and residents and tenants associations. This Authority will not, generally view these bodies as 'Interested Parties' unless they have a member who can be classed as an 'Interested Party' under the terms of the Gambling Act 2005 (i.e. lives sufficiently close to the premises to be likely to be affected by the activities applied for).
- 2.5.8 Interested Parties can be persons who are democratically elected such as Councillors and Members of Parliament (MP's). No specific evidence of being asked to represent an interested person will be required as long as the Councillor / MP represents the Ward likely to be affected. Likewise, Parish Councils likely to be affected will be considered as Interested Parties.
- 2.5.9 This Authority will however, require written evidence that a person / body (e.g. an



advocate or relative) “represents” someone who either lives sufficiently close to the premises so that they are likely to be affected by the authorised activities and / or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

- 2.5.10 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillor(s) are not part of the Licensing Committee dealing with the licence application. (Note: If there is any doubt then please contact the Licensing Service, see contact details at section 8.1.

## **2.6 REPRESENTATIONS**

- 2.6.1 Representations to applications or requests for a review should be based on the licensing objectives of the Gambling Act which are set out at the start of the Statement.
- 2.6.2 Representations received outside the statutory period for making such representations or which otherwise does not comply with the regulations will be invalid and will not be taken into consideration when the application is determined.
- 2.6.3 In addition the Licensing Authority expects representations to include the following:
- (i) the name, address and a contact number for the person making the representation.
  - (ii) the capacity in which the representation is made (i.e. Interested Party or Responsible Authority) and if made as a representative should indicate who is being represented.
  - (iii) the name and address of the premises in respect of which the representation is being made.
  - (iii) the licensing objective(s) relevant to the representation.
  - (iv) why it is felt that the application:
    - is not reasonably consistent with the licensing objectives; or
    - is not in accordance with this Policy, the Commission’s Guidance or the relevant Code’s of Practice or;
    - otherwise should not be granted or;
    - should only be granted subject to certain specified conditions(one or more of the above reasons should be listed)
  - (v) details of the evidence supporting the opinion in (iv).
- 2.6.4 Whilst representations which are not in the preferred form or which do not fully comply with the above will not automatically be rejected, they may be less likely to comply with the law relating to representations resulting in them ultimately being rejected or given little or no weight.
- 2.6.5 The above criterion is to ensure that the representation is made by a Responsible Authority or Interested Party and that it is relevant and directly related to the premises the application refers to.
- 2.6.6 It is in the interest of those making representations that they include as much detail and evidence as possible at the time the representation is made. The Authority will determine whether a representation should be excluded as frivolous or vexatious

based on the normal interpretation of the words. A representation may therefore be excluded if it obviously lacks seriousness or merit, or is designed to be antagonistic. An example may be a representation received from a rival operator which is based solely on the fact that the new premises would compete with their own.

- 2.6.7 Ordinarily where representations are received the Authority will hold a hearing. However, a hearing does not have to be held where the Authority thinks that a representation is frivolous, vexatious, or will certainly not influence the Authority's determination of the matter. It is for the Licensing Authority to determine whether a representation falls within these categories.

## **2.7 EXCHANGE OF INFORMATION**

- 2.7.1 Licensing Authorities are required to include in their Statement of Principles (Policy) the principles to be applied in exercising their functions under Sections 29 and 30 of the Act.
- 2.7.2 The principles are in respect of the exchange of information between the Licensing Authority and the Gambling Commission, and the functions under Section 350 of the Act with respect to the exchange of information between the Licensing Authority and those persons listed in Schedule 6 to the Act.
- 2.7.3 The Licensing Authority will apply the general principle of dealing with any exchange of information in accordance with the provisions of the Gambling Act 2005 and in accordance with the provisions of the Data Protection Act 1998.
- 2.7.4 Any information supplied must only be used for the purposes for which it is obtained, it must be securely retained whilst in the possession of the party that has requested it, and must be securely disposed of when no longer required. It must not be further transmitted to a third party without the consent of the original authority that supplied the information.
- 2.7.5 The Licensing Authority will also have regard to any guidance issued by the Gambling Commission on this matter as well as any relevant Regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

## **2.8 INTEGRATING STRATEGIES**

- 2.8.1 The Licensing Authority in dealing with the Gambling Act 2005, will adopt a multi disciplinary approach to ensure proper integration of local and national strategies to promote the Licensing Objectives.
- 2.8.2 Sheffield's Statement of Principles (Policy) works alongside existing Council strategies (e.g. local crime prevention, planning, transport, tourism, culture strategy and protection of children and vulnerable persons) and the Licensing Authority will ensure continuing co-ordination and integration of these policies to include the setting up of separate working groups.
- 2.8.3 Relevant plans and strategies include:

- **Standing up for Sheffield – Corporate Plan 2011-2014**

Our Corporate Plan sets out Sheffield's strategic direction and priorities

which include; 'Standing up for Sheffield', 'Supporting and Protecting Communities', 'Focusing on Jobs' and being 'Business Friendly'. The plans sets out how we go on about achieving them whilst incorporating the Council's values.

- **City Strategy – 'The Sheffield City Strategy 2010-2020'**

Sheffield First Partnership brings together the public, private, voluntary, community and faith sectors to work together to make Sheffield a successful city. In doing so a City Strategy – Sheffield 2020 was produced, this outlines a vision for Sheffield by the year 2020. Our Vision for 2020 is to be a city of global significance, distinctive, successful, inclusive, vibrant and sustainable.

- **Culture Strategy**

Our culture strategy is a direct follow on from Sheffield's 2010 UK City of Culture bid. The strategy has three themes; participation, excellence, and economic impact. It stakes our claim to be a City of culture with creativity at the heart of everything we do.

- **Community Involvement Strategy**

This strategy sets out why extending citizen and community involvement in the work of the Council and in the city generally is important to us. It also sets out what the Council will do to lead such work, support local people and communities to be involved and encouraged to take action themselves, and how the Council will change and develop to continuously improve involvement and democracy in Sheffield.

- **Safer Communities Partnership**

The Council will fulfil its duty under section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough. As far as possible, licensing decisions will reflect local crime prevention strategies.

- **Economic Strategies**

The Sheffield Economic Master plan sets a broad agenda for the sustainable growth and improved performance of the Sheffield economy.

- **Racial Equality**

The Council is required under race relations legislation to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. The impact on these issues of the Gambling Policy will be monitored and amendments will be made as necessary.

- **Human Rights**

The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a Local Authority to act in a way which is incompatible with a Convention right. The Council will have particular regard to the following relevant provisions of the European Convention on Human Rights:-

- Article 6 that 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 that everyone has the right to respect for his or her home and private and family life;
- Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of his or her possessions, including for example the possession of a licence.

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

2.8.5 To ensure proper integration with the Council's Planning functions, the Licensing Committee can provide reports, when appropriate to the Council's Planning Committee on the situation regarding licensed premises in the area under the Gambling Act 2005.

2.8.6 Sheffield's overall vision is to be 'a city of global significance, distinctive, successful, inclusive, vibrant and sustainable. A great city, where people from across the world want to live, learn, work, invest and visit'.

## **2.9 DUPLICATION**

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

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



## Part 3

# Licensing Objectives

### 3.1 OBJECTIVE 1

#### **'Preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime.'**

- 3.1.1 The Gambling Commission will play a leading role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling.
- 3.1.2 Anyone applying to the Licensing Authority for a premises licence will have to hold an operating licence from the Commission before a licence can be issued. Therefore, the Licensing Authority will not generally be concerned with the suitability of an applicant and where concerns about a person's suitability arise the Licensing Authority will bring those concerns to the attention of the Commission.
- 3.1.3 If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with crime, the Licensing Authority will, in consultation with the police and other relevant authorities, consider whether specific controls need to be applied to prevent those premises from being a source of crime. If representations are made or the Authority considers it necessary to impose or exclude a condition on the licence then a hearing will be held and specific conditions may then be imposed. This could include, but is not limited to, a requirement for door supervisors.
- 3.1.4 Under the Crime & Disorder Act 1998 Sheffield City Council, as the Licensing Authority, must have regard to the likely effect of the exercise of its licensing function and do all it can to prevent crime and disorder within Sheffield.
- 3.1.5 In doing so the Licensing Authority in considering licence applications will particularly take into account the following having regard to the likely impact of licensing and related crime and disorder:
- location of the premises;
  - the design and layout of the premises;
  - the training given to staff in crime prevention measure appropriate to those premises;
  - physical security features installed in the premises. This may include matters such as the position of the cash registers or the standard of CCTV that is installed;
  - where premises are subject to age restrictions, the procedures in place to conduct age verification checks; and
  - the likelihood of any violence, public nuisance, public order or other crimes and policing problems if the licence was granted.
- 3.1.6 All applicants will be expected to demonstrate to the satisfaction of the Licensing Authority how they intend to promote this objective.
- 3.1.7 It is recommended that applicants seek advice from South Yorkshire Police when addressing this issue as well as taking in to account local Planning and Transport Policies, Tourism, Cultural and Crime Prevention Strategies. Information relating to crime reduction is available at the South Yorkshire Police website [www.southyorks.police.uk](http://www.southyorks.police.uk).



- 3.1.8 The steps to be taken to promote the objective will be a matter for each applicant to consider, depending upon the nature of the premises and the licensable activities for which a licence is sought. These steps will therefore differ from one premise to another and each application for a Premises Licence will be considered upon its own individual merits.
- 3.1.9 Examples of measures that the Licensing Authority may expect applicants to consider and address include:
- provision, standard and quality of CCTV;
  - the use and number of door supervisors that are registered with the Security Industry Authority, where required;
  - training to be given to staff in crime prevention and drugs awareness measures; and
  - measures to be taken to prevent the use and supply of illegal substances.
- 3.1.10 Conditions may be attached to Premises Licences in order to promote this licensing objective, and will, so far as possible, reflect local crime prevention strategies.

## **3.2 OBJECTIVE 2**

### **‘Ensuring that gambling is conducted in a fair and open way’**

- 3.2.1 This Licensing Authority has noted that the Gambling Commission states that it generally does not expect Licensing Authorities to be concerned with ensuring that gambling is conducted in a fair and open way. This is because this will usually be concerned with either the management of the gambling business (and therefore subject to the operating licence), or the suitability and actions of an individual (and therefore subject to a personal licence). These permissions both fall within the remit of the Gambling Commission.
- 3.2.2 Licensing Authorities must consider factors relevant to any one or more of the three licensing objectives.
- 3.2.3 The exception to the above is for occupiers of tracks who do not propose to offer gambling themselves. This means there will be more of a role for Licensing Authorities in this area which is explained in more detail in the ‘tracks’ section at 4.11.

## **3.3 OBJECTIVE 3**

### **‘Protecting children and other vulnerable persons from being harmed or exploited by gambling’**

- 3.3.1 The Act defines children as meaning an individual who is under 16 years old (persons under the age of eighteen are ‘young persons’). The objective here is specific to protecting children from being harmed or being exploited by gambling.
- 3.3.2 This Licensing Authority has noted the Gambling Commission’s Guidance that this objective means preventing children from taking part in gambling, and should be prevented from entering those gambling premises which are adult only environments. This also includes the restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children.

- 3.3.3 The Licensing Authority will therefore consider, as suggested in the Gambling Commissions Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.
- 3.3.4 All applicants will be expected to demonstrate to the satisfaction of the Licensing Authority how they intend to promote this objective, including a description of any existing safeguarding measures.
- 3.3.5 The Licensing Authority is also aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos.
- 3.3.6 Examples of measures that the Licensing Authority may expect applicants to consider and address for the protection of children and other vulnerable persons, include:
- a risk assessment to be undertaken with reference to the Sheffield Safeguarding Children Board Risk Assessment Guidance available at [www.sheffield.gov.uk/childprotection](http://www.sheffield.gov.uk/childprotection). The outcome of the risk assessment should inform staff training and the operating policy;
  - a member of staff to be designated to have lead responsibility for the operating systems relating to the protection of children and other vulnerable persons;
  - a recognised Proof Of Age Scheme to be operated in all areas of the premises where alcohol is on sale and at entrances to areas of the premises which give access to adult gambling facilities;
  - staff shall receive induction and refresher training in relation to procedures and operating systems for the protection of children and vulnerable others. Staff training records shall be maintained and be available for inspection at the reasonable request of the Responsible Authorities;
  - a written record shall be maintained of all staff interventions that are made with customers for the protection of children and other vulnerable persons including refusals, the provision of self-help information (literature or self-barring arrangements) and interventions with parents/carers who fail to behave responsibly at the premises;
  - signage to be displayed in areas where children are admitted stating that adults must supervise their children at all times;
  - areas for adult gambling activities should be segregated by physical barriers and the point of entrance should be physically supervised and signage displayed to prevent access to children;
  - signage displayed on age restricted games;
  - self-help notices and literature should be viable and accessible to customers;
  - staff to be trained to recognise when people appear to be under duress when placing a bet or who appear to lack capacity (meaning they are unable at the time to understand the risks and likely implications of Gambling); and
  - establish links with the Sheffield Safeguarding Children Board as the Responsible Authority under the Gambling Act 2005 and with the Sheffield Adult Safeguarding Board as an advisory service regarding vulnerable adults.



- 3.3.7 As regards the term “vulnerable persons” it is noted that the Gambling Commission is not seeking to offer a definition, but states that “it will for regulatory purposes assume that this group of people includes those who gamble more than they want to; those who gamble beyond their means; and those who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.”
- 3.3.8 The Licensing Authority will consider this licensing objective on a case by case basis and each application for a Premises Licence will be considered upon its own individual merits.





# Part 4

## Premises licences

## 4.1 GENERAL PRINCIPLES

4.1.1 Gambling may be authorised in various ways dependant on the nature of the gambling activity involved. In general either a premises licence or permit will be needed, though certain activities may be authorised by way of notification. The involvement of Responsible Authorities, Interested Parties and the degree of control and discretion available to the Licensing Authority varies, dependent upon the type of authorisation necessary. Part 4 and 5 of this statement addresses the local standards applicable to the various types of authorisation.

4.1.2 The Licensing Authority is aware that in making decisions about Premises Licences it should aim to permit the use of premises for gambling as far as it thinks it is:

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant Guidance issued by the Gambling Commission;
- reasonably consistent with the Licensing Objectives; and
- in accordance with the Authority's Statement of Principles (Policy).

## 4.2 DEFINITION OF A 'PREMISES'

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

4.2.2 Section 152 therefore prevents more than one premises licence applying to any one place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises.

4.2.3 This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or a shopping mall to obtain discrete premises licences, where appropriate safeguards are in place.

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

4.2.5 The Gambling Commission states in the Guidance to Licensing Authorities that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the decision is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises".

4.2.6 The Licensing Authority takes particular note of the Gambling Commissions Guidance to Licensing Authorities which states that: Licensing Authorities should take particular care in considering applications for multiple licences for a building

and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

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

4.2.7 The Guidance also gives a list of factors for the Licensing Authority to consider:

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

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

### **4.3 PREMISES READY FOR GAMBLING**

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

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

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

- 1) whether the premises ought to be permitted to be used for gambling; and
- 2) whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

4.3.4 Applicants should note that the Licensing Authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant



such a licence.

## **4.4 TYPES OF PREMISES LICENCES AND PROVISIONAL STATEMENTS**

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

- Betting premises (including tracks)
- Casino premises
- Bingo premises
- Adult gaming centres
- Licensed family entertainment centres (i.e. one which operates machines with a £35 maximum prize)

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

## **4.5 PROVISIONAL STATEMENTS**

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

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

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

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

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

4.5.5 The holder of the provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The Licensing Authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow grant of a provisional statement, no further representations from Responsible Authorities or Interested Parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change to the applicant's circumstances.

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

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

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

## **4.6 ADULT GAMING CENTRES (AGC'S)**

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

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

- up to four category B machines; and
- unlimited category C and D machines.

4.6.3 The Category B machines are limited to B3 and B4.

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

- the location; and
- the ability of operators to minimise illegal access to the premises by under 18's

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

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

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

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

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

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

#### 4.6.10 **Access**

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

## **4.7 LICENSED FAMILY ENTERTAINMENT CENTRES**

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

- FECs with category C and D machines require a Premises Licence from the Licensing Authority
- Unlicensed FECs provide only category D machines and are regulated through FEC gaming machine permits (see section 5.2 of this Statement)

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

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

- proximity of premises to schools, vulnerable adult centres (e.g. a centre for gambling addicts), and community buildings
- proximity to residential areas where there may be a high concentration of families with children; and
- whether the premises have a town centre or edge of town centre location.

4.7.4 The Authority will again have specific regard to the third licensing objective (the need to protect children and vulnerable persons from harm or being exploited by

gambling) and will expect the applicant to satisfy the Authority in this respect (i.e. that there will be sufficient measures to ensure that persons under 18 years of age do not have access to the adult only gaming machine areas).

4.7.5 Conditions may be applied by the Authority in support of the licensing objectives if it is felt necessary in addition to the mandatory conditions attached by regulations issued by the Secretary of State. Applicants are encouraged to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions imposed by the Authority may cover issues such as:

- CCTV
- supervision of entrances / machine areas
- physical separation of areas
- location of entry
- notices / signage
- specific opening hours
- self-barring schemes
- provision of information leaflets / helpline numbers for organisations such as GamCare.
- measures / training for staff on how to deal with suspected truant school children on the premises

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

#### 4.7.7 **Access**

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

## 4.8 **CASINOS**

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

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

4.8.3 Sheffield City Council has a number of casinos licensed in its area. The Gambling Commission’s code of practice deals with matters including access to casino premises by children and young persons, the giving of credit and the ban on



gambling taking place on Christmas Day. In particular the code specifies that no one under the age of 18 is allowed to enter certain casino premises and entrances to the casino gambling area would be required to be properly supervised.

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

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

#### 4.8.6 **Access**

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

#### 4.8.7 **Casinos and competitive bidding**

- Where a Licensing Authority area is enabled to grant a premises licence for a new style casino (i.e. where the Secretary of State has made such regulations under section 175 of the Gambling Act 2005 applying to the particular Authority) there are likely to be a number of operators who will seek the right to run the casino. In such situations the Local Authority will run a competition in line with any regulations / codes of practice issued under the Gambling Act 2005.

## 4.9 **BINGO PREMISES**

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

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

4.9.3 The Gambling Commission has issued guidance about the need for Licensing Authorities to take into account the suitability and layout of bingo premises. Therefore plans should make clear what is being sought for authorisation under the bingo premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence. It would be helpful to the Authority and the Responsible Authorities if the plans were marked using a colour-coded scheme or at a minimum by use of a key to denote the use of those areas shown.

4.9.4 The Licensing Authority will need to be satisfied that bingo can be played in any bingo premises for which a premises licence is issued. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

4.9.5 The Authority also notes the Guidance regarding the unusual circumstances in which the splitting of pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate eight category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

#### **4.9.6 ACCESS**

- No customers must be able to access a bingo premises directly from any of the following:
  - a casino;
  - an adult gaming centre; and
  - a betting premises, other than a track
  
- A limited number of gaming machines may also be made available at bingo licensed premises. If children and young persons are allowed to enter premises licensed for bingo it is important that that they do not participate in gambling, other than on category D machines. Mandatory Conditions apply in such circumstances to ensure that children cannot gain access to other types of gaming machines.

#### **4.10 BETTING PREMISES**

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

4.10.2 Licensable activities include:

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

4.10.3 Factors for consideration by the Licensing Authority when determining the application will be:

- location, particularly in relation to vulnerable persons;
- suitability of the premises;
- size of premises in relation to the number of betting machines;
- the ability of staff to monitor the use or abuse of machines and;
- the provision for licence holders to ensure appropriate age limits are adhered to.

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

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

4.10.6 **Access**

- Access must be from a street (as defined under the Gambling Commission's guidance) or from another premises with a betting premises licence.
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services.

## 4.11 TRACKS

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

4.11.2 Tracks may be subject to one or more premises licence provided each licence relates to a specified area of the track. The Licensing Authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) in the determination of premises licence applications for tracks and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

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

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

4.11.5 The Licensing Authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult-only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

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

- proof of age schemes;
- CCTV;

- supervision of entrances / machine areas;
- physical separation of areas;
- location of entrances;
- notices / signage;
- specific opening hours;
- self-barring schemes; and
- provision of information leaflets / helpline numbers for organisations such as GamCare.

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

#### 4.11.8 **Access**

- No customer should be able to access a track premises directly from any of the following:
  - a casino; or
  - an adult gaming centre.
- There must be clear segregation between category C and D machines, to ensure children do not have access to the category C machines.

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

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

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

#### **Betting Premises on Tracks**

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

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

4.11.13 In line with the Commission's Guidance the Licensing Authority will expect operators of self-contained units on tracks, to seek an ordinary betting premises licence to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

## **Betting machines on Tracks**

- 4.11.14 The Licensing Authority will take into account the size of the premises and the ability of staff to monitor the use of these machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion that Licensing Authorities will want to consider restricting the number and location of such machines in respect of applications for Track Betting Premises Licences.
- 4.11.15 When considering whether to exercise its power to restrict the number of betting machines at a track the Council will consider the circumstances of each individual application and, among other things will consider the potential space for the number of machines requested, the ability of track staff to supervise the machines especially if they are scattered around the site, and the ability of the track operator to prevent children and young persons and vulnerable people betting on the machines.

## **Applications and plans for Tracks**

- 4.11.16 Regulations set out specific requirements for applications for premises licences. In accordance with the Gambling Commission's suggestion to ensure that Licensing Authorities gain a proper understanding of what it is being asked to licence, the Authority requests the following information:
- detailed plans for the racetrack itself and the area(s) that will be used for temporary "on-course" betting facilities (often known as the "betting ring");
  - in the case of dog tracks and horse racecourses, fixed and mobile pool betting facilities operated by the "Tote" or "Track Operator", as well as any other proposed gambling facilities;
  - plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.
- 4.11.17 The Licensing Authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this Authority can satisfy itself that the plan indicates the main areas where betting might take place.
- 4.11.18 It would be helpful to the Authority and the Responsible Authorities if the plans were marked using a colour-coded scheme or at a minimum by use of a key to denote the use of those areas shown.

## **Conditions on rules being displayed**

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



# Part 5

## Permits, Notices and Lottery Registrations



## 5.1 GAMING MACHINES - GENERAL

- 5.1.1 Permits are generally required for the use of gaming machines on premises which do not require a premises licence under this Act. Applications for permits are not required to be notified to the public in the same way as applications for premises licences and the right to make representations is limited to certain specified Responsible Authorities.
- 5.1.2 In exercising its duties in relation to these functions the Licensing Authority is not under a duty to aim to permit the use of premises for gambling and need not in all cases have regard to the licensing objectives.
- 5.1.3 A gaming machine can cover all types of gambling activity which can take place on a machine, including betting on 'virtual' events. Legislation prescribes the number and category of gaming machines that are permitted in each type of licensed gambling premises. Subject to the provisions of the Act however, gaming machines can also be made available in a variety of other premises, including:
- family entertainment centres;
  - clubs;
  - pubs and other alcohol licensed premises; and
  - travelling fairs
- 5.1.4 A machine is not a gaming machine if the winning of a prize is determined purely by the player's skill. However, any element of 'chance' imparted by the action of the machine would cause it to be deemed a gaming machine.
- 5.1.5 The Authority encourages permit and premises licence holders to apply relevant codes of practice which may be introduced by the amusement industry from time to time, to their operations.

## 5.2 UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS

- 5.2.1 Where premises do not hold a premises licence but wish to provide gaming machines, the occupier or user may apply to the Licensing Authority for an unlicensed FEC Gaming Machine Permit.
- 5.2.2 As per Section 238 of the Gambling Act 2005 the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use and may only offer category D machines (which can be played by a young person).
- 5.2.3 An application for a permit may only be granted if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the Police have been consulted on the application. The application process for such permits is for the Licensing Authority to determine as below.

### **Statement of Principles (Schedule 10 paragraph 7 of the Act)**

- 5.2.4 The Council has a prescribed form which it requires applicants to use; this is available from the Licensing Service or at our website at [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing).
- 5.2.5 Applicants are required to obtain an enhanced disclosure from the Criminal Records

Bureau as part of the application process and regard will be given to any “Relevant Convictions” (defined by Schedule 7 of the Act) which may be revealed.

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

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

5.2.8 The Licensing Authority will expect applicants to demonstrate:

- that the applicant is over 18 years of age;
- that proper and appropriate procedures are in place to protect children and vulnerable persons from harm (harm in this context is not limited to gambling and includes wider issues around the protection of children and vulnerable others);
- that all staff have been fully trained in all the relevant issues;
- that the applicant has no relevant convictions (i.e. submit a criminal record);
- that there are measures set out to promote the Licensing Objectives;
- the location of premises (in relation to schools etc.);
- that a member of staff is designated with lead responsibility for safeguarding children and vulnerable others;
- there are policies available for safeguarding children and vulnerable others;
- that the application has been copied to South Yorkshire Police and the Sheffield Safeguarding Children Board;
- the premises can be inspected before it opens;
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; and
- that staff are appropriately trained to have a full understanding of the maximum stakes and prizes.

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

5.2.10 The Licensing Authority may grant or refuse the permit but cannot attach conditions to this type of permit.

### **5.3 ALCOHOL LICENSED PREMISES GAMING MACHINE PERMITS**

5.3.1 The Act provides for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines, of categories C and/or D. However, to rely on this automatic entitlement the person who holds the premises licence under the Licensing Act 2003 must formally notify the Licensing Authority and pay the prescribed fee. Failure to do so means that the gambling is unauthorised and the premises owner or any person who makes the machine available



for use commits an offence. A suitable form of notification is available from the Licensing Service or at our website [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing).

- 5.3.2 The Authority can remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
  - gaming has taken place on the premises in breach of the automatic entitlement provisions contained in Section 282 of the Act;
  - the premises are mainly used for gaming; or
  - an offence under the Gambling Act 2005 has been committed on the premises.
- 5.3.3 The applicant will be expected to ensure that persons under the age of 18 years do not have access to the adult only gaming machines. This could include positioning the machines in sight of the bar, or in sight of staff who can monitor that the machines are not used by those under 18.
- 5.3.4 If a premises wishes to have more than two machines they would be required to apply for a 'licensed premises gaming machine permit'.
- 5.3.5 In determining such an application, regard will be given to the licensing objectives and any guidance issued by the Gambling Commission. In particular, the applicant must satisfy the Licensing Authority that there will be sufficient measures to ensure that persons under the age of 18 years do not have access to the adult only gaming machines.
- 5.3.6 Measures which will help satisfy the Authority of the applicant's commitment that there will be no under 18 access may include that the adult machines will be in sight of the bar and that suitable notices and signage will be on display.
- 5.3.7 Premises are encouraged to put into effect procedures intended to prevent underage gambling. This should include procedures for:
- checking the age of apparently underage customers; and
  - refusing access to anyone who appears to be underage, and who tries to use category B or C gaming machines and cannot produce any acceptable form of identification.
- 5.3.8 As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare are available, clearly positioned and maintained at or near to gaming machines.
- 5.3.9 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence or a Family Entertainment Centre (either licensed or unlicensed) dependent upon the classification of the machines intended to be used.
- 5.3.10 It should be noted that the Licensing Authority can decide to grant the application for a licensed premises gaming machine permit with a smaller number of machines

and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

- 5.3.11 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

## **5.4 PRIZE GAMING PERMITS**

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

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

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

- the limits on participation fees, as set out in Regulations, must be complied with;
- all chances to participate in gaming must be allocated on the premises on which the gaming is taking place and on the day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in Regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

- 5.4.4 The application process for such permits is for the Licensing Authority to determine, requirements are set in the principles below.

### **Statement of Principles (Schedule 14 paragraph 8 of the Act)**

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

- 5.4.6 The Licensing Authority will expect the applicant to set out the types of gaming that he or she is intending to offer and be able to demonstrate:

- that the applicant is over 18 years of age;
- that proper and appropriate procedures are in place to protect children and vulnerable persons from harm;
- that all staff have been fully trained in all the relevant issues;
- that the applicant has no relevant convictions;
- that there are measures set out to promote the Licensing Objectives;
- the location of premises (in relations to schools etc);
- that a member of staff is designated with lead responsibility for safeguarding children and other vulnerable others;

- there are policies available for safeguarding children and vulnerable others;
- that the application has been copied to South Yorkshire Police and the Sheffield Safeguarding Children Board;
- the premises can be inspected before it opens;
- that they understand the limits to stakes and prizes that are set out in Regulations; and
- that the gaming offered is within the law.

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

## **5.5 CLUB GAMING PERMITS & CLUB MACHINE PERMITS**

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

5.5.2 Club gaming permits authorise qualifying clubs to provide gaming machines as well as equal chance gaming and games of chance as prescribed in regulations.

5.5.3 Club machine permits allow the provision of gaming machines where the licence holder does not wish to operate equal chance gaming or games of chance.

5.5.4 Commercial clubs may in some circumstances operate with club machine permits but not club gaming permits.

5.5.5 In both cases the gaming machines are limited to any three of category B, C, or D Machines (Nb, Commercial clubs may not site category B3A gaming machines offering lottery games in their clubs).

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

- a) the applicant does not fulfil the requirements for a members’ or commercial club or Miners’ Welfare Institute and therefore is not entitled to receive the type of permit for which it has applied;
- b) the applicant’s premises are used wholly or mainly by children and / or young persons;
- c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- d) a permit held by the applicant has been cancelled in the previous ten years; or
- e) an objection has been lodged by the Commission or the Police; and in the case of (a) or (b) must refuse the permit.

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

permit are reduced. The grounds on which an application under the process may be refused are that:

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

5.5.8 The Authority may grant or refuse a permit, but it may not attach conditions to a permit.

## **5.6 TEMPORARY USE NOTICES**

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

5.6.2 The maximum period by which a “set of premises” may be the subject of a Temporary Use Notice is 21 days within a period of 12 months.

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

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

5.6.5 The Licensing Authority can only grant a temporary use notice to a person or company holding a relevant operating licence i.e. a non-remote casino operating licence.

5.6.6 In order to do so the operator must serve a temporary use notice (or notices) on the Licensing Authority, the Commission and the Police. These are the only bodies who may object to such a notice. In such circumstances a hearing may be held and the Licensing Authority may prevent the notice from taking effect or limit the activities or impose conditions.

## **5.7 OCCASIONAL USE NOTICES**

5.7.1 Betting on unlicensed tracks may also be authorised for up to 8 days in a calendar year by the service of an Occasional Use Notices by the occupier of the track or the person responsible for the administration of the event.

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

## **5.8 TRAVELLING FAIRS**

- 5.8.1 Travelling fairs have traditionally been able to provide various types of low stake gambling without the need for a licence or permit, provided that certain conditions are met.
- 5.8.2 It is the duty of the Licensing Authority to decide whether, where category D machines and / or equal chance prize gaming without a permit are made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 5.8.3 The Licensing Authority will carefully consider whether an operator falls within the statutory definition of a travelling fair (provided by section 286 of the Act) and be 'wholly or principally' providing amusements.
- 5.8.4 It is noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that this applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Licensing Authority shall endeavour to work with neighbouring authorities to ensure that land which crosses their boundaries is monitored so that the statutory limits are not exceeded.

## **5.9 REGISTRATION OF SMALL SOCIETY LOTTERIES**

- 5.9.1 The purpose of permitted lotteries is to raise money for causes that are non-commercial and therefore the Act requires that a minimum proportion of the money raised by the lottery is channelled to the goals of the society that promoted the lottery.
- 5.9.2 A lottery is unlawful unless it is run in accordance with an operating licence issued by the Gambling Commission or it is an 'exempt' lottery as defined by the Act. One of those exemptions is in respect of what are termed "small society lotteries".
- 5.9.3 Small society lotteries are distinguished from large society lotteries by the amount of the proceeds that they generate. A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less. Other lotteries are dealt with by the Gambling Commission.
- 5.9.4 If a small society lottery breaches these limits it will be in breach of the Act and will be liable to prosecution. Guidance for persons wishing to operate a small society lottery is available from the Licensing Service or at [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing).
- 5.9.5 Small society lotteries are required to be registered with the Local Authority in the area where their principal office is located. A society with its principle office within Sheffield must register with the Authority if it is a 'non-commercial' lottery; for example, if it is established and conducted:
- for charitable purposes;
  - for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity;
  - below the permitted maximum financial limits; or
  - for any other non-commercial purpose other than for private gain.

- 5.9.6 Application forms are available from the Licensing Service or from our website at [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing).
- 5.9.7 Refusal of registration shall be in accordance with the Act and Guidance and in particular a registration may be refused or revoked if it is believed that:
- the applicant is not a non-commercial society;
  - a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence;
  - information provided in or with the application for registration is false or misleading; or
  - an operating licence held by the applicant for registration has been revoked or an application for an operating licence has been refused.
- 5.9.8 As part of the application the Authority will ask applicants to set out the purposes for which the society is established in order to ensure that they represent a bona fide non-commercial society and have no relevant convictions. Where the Authority feels it appropriate on the circumstances of each case it will consider whether there are factors which suggest that further enquiry is needed before registration occurs.
- 5.9.9 The Authority will only refuse an application to register after the society has had the opportunity to make representations. The Authority will inform the society of the reasons why it is minded to refuse registration and the evidence on which it has reached that preliminary conclusion. Persons wishing to make representation about an application for registration may request a copy of the procedures that will be followed by contacting the Licensing Service.
- 5.9.10 A registration may be revoked if the Authority would have been entitled to refuse an application for registration had it been made at that time. No revocation can take place unless the society has had the opportunity to make representations.
- 5.9.11 Schedule 11 of the Act details the information that must be returned to the Authority no later than 3 months after the lottery. The returns required to be made must be sent to the Licensing Authority. Operators are recommended to send these by recorded delivery to ensure receipt. Statements submitted over the previous 18 months must be available for inspection. Failure to provide a statement is an offence.
- 5.9.12 The Commission recommends that operators maintain written records of unsold and returned tickets for a period of one year. The Licensing Authority is permitted to inspect the records of the lottery for any purpose related to the lottery and expect operators to maintain the aforementioned written records.
- 5.9.13 If a registered society fails to comply with any of the other conditions of a small society lottery, laid down in Part 4 of Schedule 11, it will be operating in an illegal manner. Under these circumstances the society may be prosecuted by the Commission, the Police or the Licensing Authority.

## **5.10 VESSELS AND VEHICLES**

- 5.10.1 The Act allows pleasure boats to apply for a premises licence. As with multi-purpose buildings the part of the vessel where gambling takes place will be licensed and the usual restrictions on access for children will apply. The Act applies in relation to a



vessel which is not permanently moored or berthed as if it were premises situated in a place where it is usually moored or berthed. In relation to vessels that may be moored or berthed in more than one Authority's administrative area this Authority will make arrangements as necessary with those other Authorities that are involved to agree who will receive and determine the application.

- 5.10.2 Vehicles (trains, road vehicles, aircraft, sea planes and amphibious vehicles other than a hovercraft) may not be the subject of a premises licence and therefore all forms of commercial betting and gaming will be unlawful in a vehicle in Great Britain. Certain allowances are made for private and non-commercial gaming or betting to take place in a vehicle, but these are subject to a number of stringent requirements. These ensure that at no point can the gambling become a commercial activity and are dealt with by the Gambling Commission.





# Part 6

## Equality, Hearings, Conditions and Appeals



## **6.1 EQUALITY**

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

## **6.2 DISABLED PEOPLE**

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

6.2.2 Applicants / licensees and businesses are reminded that this is a statutory requirement and we strongly recommend everyone works towards compliance with this legislation.

## **6.3 RACIAL EQUALITY**

6.3.1 The Licensing Authority recognises its responsibilities under the Race Relations Act, 1976, as amended by the Race Relations (Amendment) Act, 2000 or any subsequent and similar legislation including the Equality Act 2010, and the need to eliminate unlawful discrimination; and to promote equality of opportunity and good relations between persons of different black and minority ethnic groups.

6.3.2 Applicants / licensees and businesses are reminded that this is a statutory requirement and we strongly recommend everyone works towards compliance with this legislation.

## **6.4 SEX EQUALITY**

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

6.4.2 Applicants / licensees and businesses are reminded that this is a statutory requirement and we strongly recommend everyone works towards compliance with this legislation.

## **6.5 EQUALITIES ACT 2010**

6.5.1 The Licensing Authority will at all times have regard to the Equality Act 2010, including the protected characteristics or age, sex, race, religion or belief, disability, sexual orientation, pregnancy and maternity, marriage and civil partnership and gender re-assignment.

6.5.2 Applicants/licensees and businesses are reminded that this is a statutory

requirement and we strongly recommend everyone works towards compliance with this legislation.

## **6.6 EQUALITY IMPACT ASSESSMENT (EIA)**

- 6.6.1 EIAs are a way of systematically and thoroughly assessing the effects that a proposed policy or project is likely to have on different groups within the city. Policies will affect different people in different ways and it is possible that they have the potential to indirectly discriminate against certain groups, even if this is not an intention.
- 6.6.2 As a Council we have a legal duty to carry out an assessment of our policies, projects and functions in relation to all of the protected characteristics listed in section 6.5 under the Equality Act 2010. We also have a legal duty to make our impact assessments available to the public upon request.
- 6.6.3 An EIA will not necessarily provide all the answers, but it will ensure that equality is considered as a core part of project planning, rather than after the policy or project has been implemented.

## **6.7 DELEGATION OF FUNCTIONS**

- 6.7.1 The Licensing Authority has established a Licensing Committee to administer the wide range of licensing decisions and functions which the Council will be involved in.
- 6.7.2 The Licensing Committee has delegated certain decisions and functions to a number of sub-committees. This will provide an efficient and cost effective service for all parties involved in the licensing function.
- 6.7.3 The grant of non-contentious applications has been further delegated to officers.
- 6.7.4 The table at section 9.4 sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committees and Officers.

## **6.8 RIGHTS OF THE APPLICANT**

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

## **6.9 HEARINGS BEFORE THE LICENSING COMMITTEE**

- 6.9.1 Where Interested Parties or Responsible Authorities raise concerns about the suitability of premises to provide gambling, a hearing may be held. Hearings will be heard before the Licensing Committee constituted of locally elected councillors. In Sheffield the Licensing Committee is responsible for hearing Gambling Act applications.
- 6.9.2 A Licensing Sub-Committee of five councillors will sit to hear applications where

representations have been received from Interested Parties and Responsible Authorities. Ward Councillors will not sit on a Sub-Committee involving an application within their ward.

- 6.9.3 Every determination of a Licensing decision by the Licensing Committee or a Licensing Sub-Committee shall be accompanied by clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the applicant and those who have made relevant representations as soon as practicable. A summary of the decision shall also be posted on the Council's website as soon as possible after the decision has been confirmed, where it will form part of the statutory licensing register required to be kept by the Council.
- 6.9.4 All other licensing applications where either no representation has been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary, will be dealt with by the Council's Licensing Officers under delegated powers.
- 6.9.5 Sheffield City Council has a responsibility under the Gambling Act 2005 to decide whether to grant or reject applications and in the case of premises licence applications to decide any conditions to apply where the decision is taken to grant.
- 6.9.6 Where we receive an application for a gambling premises licence, the Licensing Committee will aim to permit the use of premises for gambling where it is considered:
- a) in accordance with any relevant code of practice issued by the Gambling Commission;
  - b) in accordance with any relevant guidance issued by the Gambling Commission;
  - c) reasonably consistent with the licensing objectives (subject to (a) and (b)); and
  - d) in accordance with this policy (subject to (a) – (c)).
- 6.9.7 Please note: The Licensing Committee has no discretion to either grant or refuse premises licences in circumstances that would mean departing from the above e.g. the Committee cannot reject applications on moral grounds. The Gambling Commission advises that Licensing Authorities 'should rely on reasons that demonstrate the licensing objectives are not being met'. Each case will be decided upon its own individual merits. Additionally, the Licensing Authority will not have regard to any demand issues for the premises.

## **6.10 IMPOSING CONDITIONS ON A LICENCE**

- 6.10.1 The majority of premises licences will have mandatory and / or default conditions attached to the licence. These conditions are detailed in the Gambling Act 2005 (Mandatory and Default conditions) Regulations 2007.
- 6.10.2 The Act provides that conditions may be attached to premises licences in a number of ways:
- automatically by the Act;
  - through regulations made by the Secretary of State;
  - by the Commission through operating and personal licences; or
  - by Licensing Authorities.

- 6.10.3 Conditions may be general in nature and attached to all licences or all licences of a particular class, or they may be specific to a particular licence.
- 6.10.4 The Authority will not normally interfere with default conditions which apply by reason of regulations unless an applicant can demonstrate that alternative controls will be operated by him that achieve the same or similar effect or where the Authority is of the opinion that a more stringent condition should be imposed.
- 6.10.5 In both cases the Authority will give notice of its reasons for departing from the default conditions to the applicants and all parties making representation on the matter.
- 6.10.6 The Authority will not generally impose conditions that limit the use of premises for gambling unless it is considered necessary as a result of the requirement to act in accordance with the Codes of Practice, Gambling Commission's guidance, this Statement of Principles or in a way that is reasonably consistent with the licensing objectives.
- 6.10.7 Conditions imposed by the Authority will be proportionate to the circumstances they are intended to address and:
- relevant to the need to make the premises suitable as a gambling facility;
  - directly relevant to the premises and the type of licence applied for;
  - fairly and reasonably related to the scale and type of premises; and
  - reasonable in all other respects.
- 6.10.8 The Authority will not consider imposing conditions:
- which make it impossible to comply with an operating licence condition imposed by the Gambling Commission.
  - relating to gaming machine categories or method of operation.
  - which specify that membership of a club or other body is required.
  - in relation to stakes, fees, winnings or prizes.
- 6.10.9 Duplication with other statutory or regulatory regimes will be avoided as far as possible. Each application will be determined on its own merits.

## **6.11 APPEALS AGAINST LICENSING AUTHORITY DECISIONS**

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

## **6.12 ONGOING RESPONSIBILITIES OF LICENSED PREMISES**

- 6.12.1 The responsibility to promote the licensing objectives does not stop when an authorisation is granted. In fact it is only just beginning. Operators must continue to tackle the risks associated with the activities they provide.
- 6.12.2 We expect all customer-facing and management staff in licensed premises to have sufficient knowledge to tackle risks associated with gambling and know how to

promote responsible gambling. Amongst other elements, staff knowledge should include (where appropriate):

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

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

### **Self-exclusion scheme**

6.12.4 We expect all premises to operate a voluntary exclusion scheme. This means that wherever a customer requests to be excluded from the premises, they are excluded for an agreed time-frame. A self-exclusion facility should be supported by a written agreement drawn up in accordance with the relevant Codes of Practice and trade association advice. The premises take responsibility for ensuring the person who requests voluntary exclusion is not readmitted during the agreed period unless a counselling session has first been held and re-admittance agreed.



## Part 7

# Applications, Reviews and Enforcement



## 7.1 APPLICATIONS

- 7.1.1 The Act places a duty on the Licensing Authority to aim to permit the use of premises for gambling in so far as the Authority thinks the application is in accordance with:
- the Codes of Practice,
  - the Commission's Guidance,
  - this Statement of Principles; and
  - where the application is reasonably in accordance with the licensing objectives.
- 7.1.2 As these are the criteria against which an application is to be assessed, representations which address these issues are more likely to be accepted and given weight.
- 7.1.3 This Statement of Principles will not override the right of any person to make an application, make representations about an application or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.
- 7.1.4 Forms and notices relevant to activities within the Licensing Authority's remit are available from the Licensing Service at the address given in at section 8.1.
- 7.1.5 Licences will only be issued in accordance with the Act. Premises licences are transferable to someone else holding a valid Operating Licence. The Act provides that Licensing Authorities may attach conditions to Premises Licences. Guidance has been issued by the Commission that suggests what conditions might be considered in relation to each type of Licence.
- 7.1.6 When considering applications for premises licences the Licensing Authority will not take into consideration either the expected 'demand' for facilities or the likelihood of planning permission or building regulations approval being granted, except in the case of a Provisional Statement or an application to allow a track to be used for betting where other persons will provide the betting facilities.
- 7.1.7 Applicants for a premises licence will need to show to the satisfaction of the Authority that they have a right to occupy the premises concerned; hold a valid Operating Licence from the Commission or have applied for an Operating Licence and meet such other criteria set out in law. The Premises Licence can be only issued once the Operating Licence is issued. In the case of a Provisional Statement where the applicant does not currently have a right to occupy the application premises, the Authority will require written confirmation that the applicant may reasonably expect to acquire that right within a reasonable time.
- 7.1.8 Applicants will need to demonstrate that the primary purpose of the premises will be fulfilled and are encouraged to provide to the Licensing Authority the precise arrangements for primary and ancillary gambling activities at the premises.
- 7.1.9 In relation to an application to split existing licensed premises thereby creating multiple sites, the Licensing Authority will expect the primary use of each area to be the main business in accordance with the type of licence held. Any activities other than the primary use will be considered ancillary to the main business.

## **7.2 FEES**

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

7.2.2 A list of current fees can be obtained from our website [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing) or from the Licensing Service, contact details can be found at section 8.1.

## **7.3 REVIEWS**

7.3.1 Requests for a review of a premises licence can be made by 'Interested Parties' or 'Responsible Authorities'; however, it is for the Licensing Authority to decide whether the review is to be carried out.

7.3.2 This will be on the basis of whether the request for the review is relevant to the matters listed below:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the Licensing Authority's Statement of Principles.

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

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

7.3.4 The Licensing Authority can also initiate a review of a licence, on the basis of any reason which it thinks is appropriate.

7.3.5 The Act provides that Licensing Authorities may initiate a review of either a particular class of premises licence or a particular premises if it has reason to suspect that licence conditions are not being observed, or for any other reason (such as a complaint from a third party) which gives it cause to believe that a review may be appropriate. Officers of the Council or of a responsible authority may be involved in the initial investigations of complaints leading to a review, or may try informal mediation or dispute resolution techniques prior to a full scale review being conducted.



- 7.3.6 Once a valid application for a review has been received by the Licensing Authority, representations can be made by Responsible Authorities and Interested Parties during a 28 day period. This period begins 7 days after the application was received by the Licensing Authority, who will publish notice of the application within 7 days of receipt.
- 7.3.7 The Licensing Authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 7.3.8 A review hearing will be held before the Council's Sub-Committee and the review will be determined once the representations have been considered and the licence holder has been given the opportunity to respond.
- 7.3.9 The onus will be on the Responsible Authority/Interested Party initiating the review to provide evidence in support of the matters for concern.
- 7.3.10 Representations and review applications will be considered by the Authority in accordance with the relevant legislation, guidance issued by the Commission, this Statement of Principles and Codes of Practice.
- 7.3.11 The purpose of the review will be to determine whether the Licensing Authority should take any action in relation to the licence. In determining what action, if any, should be taken, the Licensing Authority will have regard to the principles set out in section 153 of the Act as well as any relevant representations.
- 7.3.12 Once the review has been completed, the Licensing Authority must, as soon as possible, notify its decision to:
- the licence holder,
  - the applicant for review (if any),
  - the Gambling Commission,
  - any person who made representations,
  - the chief officer of police or chief constable; and
  - Her Majesty's Commissioners for Revenue and Customs.

## **7.4 ENFORCEMENT**

- 7.4.1 Licensing Authorities are required by Regulation under the Gambling Act 2005 to state the principles to be applied by the Authority in exercising its functions under Part 15 of the Act with respect to the inspection of premises; and the powers under Section 346 of the Act to institute criminal proceedings in respect of offences specified.
- 7.4.2 The Licensing Authorities principles are that:
- 7.4.3 It will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:
- **Proportionate:**  
Regulators should only intervene when necessary; remedies should be appropriate to the risk posed, and costs identified and minimised;
  - **Accountable:**

Regulators must be able to justify decisions, and be subject to public scrutiny;

- **Consistent:**

Rules and standards must be joined up and implemented fairly;

- **Transparent:**

Regulators should be open, and keep regulation simple and user friendly; and

- **Targeted:**

Regulation should be focused on the problem, and minimise side effects.

7.4.4 Enforcement will be carried out in accordance with the Gambling Commissions Guidance, to endeavour to avoid duplication with other regulatory regimes so far as possible.

7.4.5 The Licensing Authority will, as recommended by the Gambling Commission, adopt a risk based inspection programme, based on:

- the licensing objectives;
- relevant Codes of Practice;
- guidance issued by the Gambling Commission; and
- the principles set out in this Statement of Principles (policy).

7.4.6 The main enforcement and compliance role for the Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises.

7.4.7 The Gambling Commission is the enforcement body for the operating and personal licences. Concerns about manufacture, supply or repair of gaming machines are not dealt with by the Licensing Authority but should be notified to the Gambling Commission.

7.4.8 The Licensing Authority will be guided by complaints from Responsible Authorities and Interested Parties in establishing the level of risk from any premises in the City.

7.4.9 The Licensing Authority will investigate complaints about licensed premises where appropriate. In the case of a valid representation the Licensing Authority where appropriate will endeavour to seek a resolution through mediation.

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

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

## 7.5 DEPARTURE FROM POLICY

- 7.5.1 The Licensing Authority may depart from this Policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the Licensing Objectives and fairness. In the event of departure from this Policy the Licensing Authority will give full reasons for the decision to do so. (i.e. each case will be dealt with upon its own individual merits).
- 7.5.2 Any advice about this Policy and general advice about the Gambling Act 2005 can be obtained from the Licensing Service, see contact details at section 8.1.
- 7.5.3 **Please Note:** The Licensing Service will be unable to give legal advice on the Gambling Act 2005. Applicants etc. should obtain any such advice from their own Solicitor or Legal Advisor.





## Part 8

# Useful Information and Contact Details

## 8.1 RESPONSIBLE AUTHORITIES:

### **The Licensing Authority**

Licensing Service  
Sheffield City Council  
Business Strategy & Regulation  
Block C, Staniforth Road Depot  
Staniforth Road  
Sheffield, S9 3HD

Tel: 0114 203 7752  
Fax: 0114 273 4073  
Email: [general.licensing@sheffield.gov.uk](mailto:general.licensing@sheffield.gov.uk)  
Website: [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing)

You can also visit our reception service at Staniforth Road Depot where you can discuss your query with one of our Licensing Officers. The Licensing Service is open Monday to Friday 9:00am to 5:00pm.

### **Gambling Commission**

Victoria Square House  
Victoria Square  
Birmingham, B2 4BP

Tel: 0121 230 6666  
Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)  
Website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

### **South Yorkshire Police**

The Licensing Team  
1st Floor  
Attercliffe Police Station  
60 Attercliffe Common  
Sheffield, S9 2AD

Tel: 0114 252 3617  
Email: [Sheffield.Liquor-Licensing@southyorks.pnn.police.uk](mailto:Sheffield.Liquor-Licensing@southyorks.pnn.police.uk)  
Website: [www.southyorks.police.uk](http://www.southyorks.police.uk)

### **South Yorkshire Fire & Rescue**

Sheffield Fire Safety Office (Licensing)  
197 Eyre Street  
Sheffield, S1 3FG

Tel: 0114 2727202  
Website: [www.syfire.gov.uk](http://www.syfire.gov.uk)



**The Planning Authority**

Head of Planning Services  
Licensing Applications  
Sheffield City Council  
Howden House  
1 Union Street  
Sheffield, S1 2SH

Tel: 0114 273 4215  
Email: [planningdc@sheffield.gov.uk](mailto:planningdc@sheffield.gov.uk)  
Website: [www.sheffield.gov.uk/planning](http://www.sheffield.gov.uk/planning)

**Health Protection Service (Health & Safety)**

The Information Officer  
Sheffield City Council  
2 –10 Carbrook Hall Road  
Sheffield, S9 2DB

Tel: 0114 273 4616  
Email: [healthprotection@sheffield.gov.uk](mailto:healthprotection@sheffield.gov.uk)  
Website: [www.sheffield.gov.uk](http://www.sheffield.gov.uk)

**Environmental Protection Service (Noise Nuisance)**

The Information Officer  
Sheffield City Council  
2 –10 Carbrook Hall Road  
Sheffield, S9 2DB

Tel: 0114 273 4658  
Email: [epsadmin@sheffield.gov.uk](mailto:epsadmin@sheffield.gov.uk)  
Website: [www.sheffield.gov.uk](http://www.sheffield.gov.uk)

**Sheffield Safeguarding Children Board**

Sheffield City Council  
Floor 2, Redvers House  
Union Street  
Sheffield, S1 2JQ

Tel: 0114 273 6753  
Email: [sscb@sheffield.gov.uk](mailto:sscb@sheffield.gov.uk)  
Website: [www.safeguardingsheffieldchildren.org.uk](http://www.safeguardingsheffieldchildren.org.uk)

**HM Revenue & Customs**

National Registration Unit (Betting & Gaming)  
Portcullis House  
21 India Street  
Glasgow, G2 4PZ

Tel: 0141 555 3339  
Email: [nrubetting&gaming@hmrc.gov.uk](mailto:nrubetting&gaming@hmrc.gov.uk)

## **In relation to gambling on a vessel –**

### **The Navigation Authority**

Association of Inland Navigation Authorities  
Fearn's Wharf  
Neptune Street  
Leeds, LS9 8PB

Tel: 0113 243 3125  
Website: [www.aina.org.uk](http://www.aina.org.uk)

### **The British Waterways Board**

British Waterways  
Yorkshire Office  
Fearn's Wharf  
Neptune Street  
Leeds, LS9 8PB

Tel: 0113 281 6800  
Website: [www.britishwaterways.co.uk](http://www.britishwaterways.co.uk)

## **8.2 OTHER USEFUL CONTACTS:**

### **First Point for Business**

Information is available for anyone considering setting up a new business or would like help or advice regarding an existing business.

If you are starting up a new business or are an established business needing advice, you can access help from the Council's First Point for Business.

Anyone can use First Point for Business – from companies to social enterprise to self-employed people.

First Point for Business is your one point of contact with the Council for all your business needs. If you are setting up a new business, for example, you may need to speak to Licensing, Planning, Building Standards, Business Rates and a number of other Council services.

The First Point for Business team is on hand to help you access Council services and specialist advice, so you get all the support you need. If you need practical business support such as start up advice, business planning, marketing or workforce training and skills they will put you in touch with the right people.

First Point for Business work on your behalf. You will deal with a Key Account Advisor who will identify your needs and help you get the right information and advice.

If they cannot give you all the answers straight away, then they will do the leg work and get back to you.

The Key Account Advisors will also help you to find out about the advice and support you could receive from outside the Council.

You are welcome to visit in person at the First Point for Business office in the Town Hall, just contact them for an appointment or simply drop in.

**First Point for Business**

Town Hall  
Pinstone Street  
Sheffield, S1 2HH

Tel: 0114 224 5000  
Email: [firstpointforbusiness@sheffield.gov.uk](mailto:firstpointforbusiness@sheffield.gov.uk)

There is also wireless broadband in the First Point for Business office, so you can use your own laptop if needed.

**GamCare**

GamCare provides support, information and advice to anyone suffering through a gambling problem.

Contact details for Gamcare are as follows:

**GamCare**

2nd Floor  
7-11 St John's Hill  
London, SW11 1TR

Tel: 020 7801 7000  
Email: [info@gamcare.org.uk](mailto:info@gamcare.org.uk)  
Website: [www.gamcare.org.uk](http://www.gamcare.org.uk)

**Gamble Aware**

Gamble Aware provides a gateway to information about gambling in the UK encompassing regulation, social responsibility and industry funding of research education and treatment. It also explains how to get advice for gambling related problems.

Contact details are as follows:

**Gamble Aware**

c/o The GREaT Foundation  
35 Piccadilly  
London  
W1J 0DW

Tel: 020 7287 1994  
Fax: 020 7734 4561  
Email: [info@thegreatfoundation.org.uk](mailto:info@thegreatfoundation.org.uk)



## **LOCAL WARD COUNCILLORS**

Details of your ward Councillor can be found on our website at [www.sheffield.gov.uk/councillors](http://www.sheffield.gov.uk/councillors) or by telephoning 0114 273 4096.

## **COMMUNITY ASSEMBLY TEAMS**

To find your local Community Assembly see [www.sheffield.gov.uk/in-your-area/community-assemblies](http://www.sheffield.gov.uk/in-your-area/community-assemblies).

### **For General enquiries:**

Community Services  
Sheffield City Council  
Town Hall  
Sheffield  
S1 2HH

Tel: 0114 273 6849  
Email: [communityassemblies@sheffield.gov.uk](mailto:communityassemblies@sheffield.gov.uk)

Other telephone / fax numbers and email addresses for local Community Assembly Teams are below:

### **Northern**

Tel: 0114 203 7153 Fax: 0114 203 7708  
[communityassemblynorthern@sheffield.gov.uk](mailto:communityassemblynorthern@sheffield.gov.uk)

### **North East**

Tel: 0114 203 7562 Fax: 0114 256 1452  
[communityassemblynortheast@sheffield.gov.uk](mailto:communityassemblynortheast@sheffield.gov.uk)

### **East**

Tel: 0114 273 5708  
[communityassemblyeast@sheffield.gov.uk](mailto:communityassemblyeast@sheffield.gov.uk)

### **Central**

Tel: 0114 273 6849 Fax: 0114 273 6878  
[communityassemblycentral@sheffield.gov.uk](mailto:communityassemblycentral@sheffield.gov.uk)

### **South**

Tel: 0114 205 3281  
[communityassemblysouth@sheffield.gov.uk](mailto:communityassemblysouth@sheffield.gov.uk)

### **South East**

Tel: 0114 273 6929  
[communityassemblysoutheast@sheffield.gov.uk](mailto:communityassemblysoutheast@sheffield.gov.uk)

### **South West**

Tel: 0114 203 7212  
[communityassemblysouthwest@sheffield.gov.uk](mailto:communityassemblysouthwest@sheffield.gov.uk)



# Part 9 Appendix

## 9.1 GLOSSARY OF TERMS

This section explains the key terms used in the Statement of Principles (Policy). These terms are all defined in the Act and the Guidance to the Act.

This glossary is only intended to clarify the general meaning of each of the terms. The list is not exhaustive, nor are the definitions legally comprehensive. The Act stands as the legal reference for the terms.

### **Adult Gaming Centre**

Provides that the holder of an adult gaming centre premises licence may make available for use up to four category B machines; any number of category C machines; and any number of category D machines. In regulations, the Secretary of State will specify that the category B machines should be restricted to subcategory B3 and B4 machines. They require an operating licence and a premises licence. No one under the age of 18 years is permitted to enter an Adult Gaming Centre.

### **Authorisation**

Refers to all licences, permits, notices and registrations under the Gambling Act 2005.

### **Betting**

Making or accepting a bet on the outcome of a race, competition, or any other event or process; the likelihood of anything occurring or not occurring; or whether anything is true or not.

### **Betting machines**

Means a machine designed or adapted for use to bet on future real events.

### **Betting Premises**

Betting premises are premises for off-course betting. They will be able to make category B2, B3, C or D gaming machines (a maximum of 4) available to their customers. They will also be able to provide betting machines for use to bet on live or future events.

### **Bingo Premises**

Bingo premises are premises that will be able to offer both cash and prize bingo. They will also be able to make category B3 or B4 (a maximum of 4), C or D gaming machines available to their customers. Children are allowed to enter premises licensed for bingo but not allowed access to areas where category C or above gaming machines are situated.

### **Casino**

Casinos are premises where people can participate in one or more casino games. These are games of chance which are not equal chance gaming (i.e. they may involve playing or staking against a bank and the chances may not be equally favourable to all participants. Casinos can also make category B, C or D machines available to their customers.

### **Children**

Section 45(1) defines a 'child' as an individual who is less than 16 years old.

### **Christmas Day Period**

The period of 24 hours from midnight on 25 December.

**Club Gaming Permit**

A permit to enable the premises to provide gaming machines (three machines of Categories B C or D), equal chance gaming and games of chance.

**Club Gaming Machine Permit**

A permit to enable the premises to provide gaming machines (three machines of Categories B, C or D)

**Codes of Practice**

Any relevant Codes of Practice issued by the Gambling Commission under section 24 of the Gambling Act 2005.

**Default Condition**

A specified condition provided by Regulations to be attached to a licence, unless excluded by Sheffield City Council.

**Equal Chance Gaming**

Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants

**Family Entertainment Centre**

The Act creates two classes of Family Entertainment Centres –

- Licensed: which provide category C and D gaming machines and require a premises licence
- Unlicensed: which provide category D gaming machines in reliance on a Gaming machine Permit

No one under the age of 18 is permitted to enter areas where category C machines are being used.

**Gaming**

Playing a game of chance for a prize

**Gaming Machine**

A machine which is designed or adapted for use by individuals to gamble as defined by Section 235 of the Gambling Act

**Guidance**

Guidance issued to Licensing Authorities by the Gambling Commission as required by section 25 of the Gambling Act.

**Interested Party**

For the purpose of the Gambling Act 2005 a person is an Interested Party in relation to an application for, or in relation to a Premises Licence if in the opinion of the Licensing Authority issuing the licence, the person-

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

**Licensed Premises Gaming Machine Permit**

The Licensing Authority can issue such permits for any number of category 'C' or 'D' machines in licensed premises. There is an automatic entitlement for alcohol

on-licence holders to make available 2 gaming machines of category 'C' or 'D' for use in alcohol licensed premises.

### **Licensing Authority**

Refers to Sheffield City Council which carries out its functions as Licensing Authority under the Gambling Act 2005 in the Sheffield City boundary

### **Licensing Committee**

A committee of 10 to 15 Councillors appointed by the Council to represent the Licensing Authority.

### **Licensing Sub-Committee**

A sub-committee of members appointed from the Licensing Committee to whom the functions of the Licensing Committee can be delegated under the Act to determine applications.

### **Licensing Objectives**

The three licensing objectives are:

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

### **Lottery**

Where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.

### **Mandatory Conditions**

Conditions that must be attached to a licence. This may apply to all premises licences, to a class of premises licences or licences for specified circumstances.

### **Members Club**

A club that must:

- Have at least 25 members;
- Be established and conducted "wholly or mainly" for purposes other than gaming;
- Be permanent in nature;
- Not established to make commercial profit; and
- Controlled by its members equally.

### **Notification**

Notifications of temporary and occasional use notices

### **Occasional Use Notice**

Provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence. Licensing Authorities and track operators and occupiers should note that the processes set out in the Act for applying for an occasional use notices are different to those for temporary use notices.

**Off Course Betting**

Betting that takes place other than at a track, i.e. at a licensed betting shop.

**Off Course Betting – Tracks**

Betting that takes place in self contained betting premises within the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. Normally operate only on race days.

**On Course Betting - Tracks**

Betting that takes place on a track while races are taking place

**Operating Licence**

Authorises individuals or companies to provide facilities for certain types of remote or non remote gambling. These licences are issued by the Gambling Commission and generally cover the principal commercial forms of gambling operation. A single licence cannot authorise both remote and non remote activities; separate operating licences are needed for this. Conditions may be attached.

**Personal Licence**

Except for small scale operations, each operating licence, at least one person who holds a specified management office must hold a personal licence. These licences are issued by the Gambling Commission with the aim of ensuring that individuals who control facilities for gambling or are able to influence the outcome of gambling are suitable to carry out those functions. These licences are not transferable and cannot be held by companies but companies are likely to want their key staff to hold a personal licence.

**Pool Betting – Tracks**

Betting offered at a horse racecourse by the Tote and at a dog track by the holder of the premises licence for the track.

**Premises**

Any place, including a vehicle, vessel or moveable structure.

**Premises Licence**

Authorises the provision of facilities for gambling on premises for casinos, bingo, betting including tracks, adult gaming centres and family entertainment centres. The premises licence may also include details of conditions. These licenses will be valid for the life of the premises, subject to any review that may be triggered and lapse in certain circumstances, with no annual renewal required, although there is an annual fee. These licences are transferable to someone else holding a valid operating licence.

**Prize Gaming**

Where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.

**Prize Gaming Permit**

This permit allows the provision of facilities for gaming with prizes on specified premises.

**Provisional Statement**

Where an applicant can make a provisional application to the Licensing Authority in respect of

premises that he:

- Expects to be constructed
- Expects to be altered
- Expects to acquire a right to occupy.

## **Regulations**

Regulations made under the Gambling Act 2005

## **Remote Gambling**

Gambling in which persons participate by the use of remote communication as defined by Section 4 of the Gambling Act

## **Remote Communication**

Communication using –

- The internet
- Telephone
- Television
- Radio, or
- Any other type of electronic or other technology as defined by Section 4(2) of the Gambling Act.

## **Representation**

Representations that relate to the Gambling Licensing Objectives, or that raise issues under the Licensing Policy or the Gambling Commissions Guidance or Codes of Practice.

## **Responsible Authorities**

The bodies identified as Responsible Authorities are:

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

In the case of vessels, the following should also be included:

- the Environment Agency
- the British Waterways Board; and
- the Secretary of State. (Note: in practice, the Secretary of State for Transport who acts through the Maritime and Coastguard Agency.)



**SIA (Security Industry Authority)**

The Security Industry Authority was set up by the Private Security Industry Act 2001. The key role for the SIA involves the managing and issuing of licences for people working in particular areas of the private security business. Another crucial area for the future is developing an approved contractor scheme. More details are available at [www.the-sia.org.uk](http://www.the-sia.org.uk).

**Small Lottery**

Where the total value of tickets in a single lottery is £20,000 or less and the aggregate value of the tickets in a calendar year is £250,000 or less.

**Small Society Lottery**

A lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.

**Statement of Licensing Principles**

Policy statement issued by the Licensing Authority which indicate those matters which will be taken into account when considering an application for a licence or permit.

**Temporary Use Notice**

These allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice would include hotels, conference centres, and sporting venues.

**Tracks**

Tracks are sites, including horse racecourses and dog tracks, where races or other sporting events take place. There is no automatic entitlement to provide gaming machines but if the track operator holding the premises licence also holds a pool betting operators licence up to 4 gaming machines in categories B2,B3,B4, C or D may be provided.

**Travelling Fair**

A fair wholly or principally providing amusements and that has been provided wholly or principally by persons who travel from place to place for the purpose of providing fairs, and On a site used for fairs for no more than 27 days per calendar year

**Unlicensed Family Entertainment Centre**

These allow the use of category „D gaming machines in these premises to a person who occupies or plans to occupy the premises to be used as an unlicensed family entertainment centre. An application for this permit cannot be made where a premises licence is in effect on the same premises.

**Vessel**

Anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water; a hovercraft; or anything, or part of any place, situated on or in water.



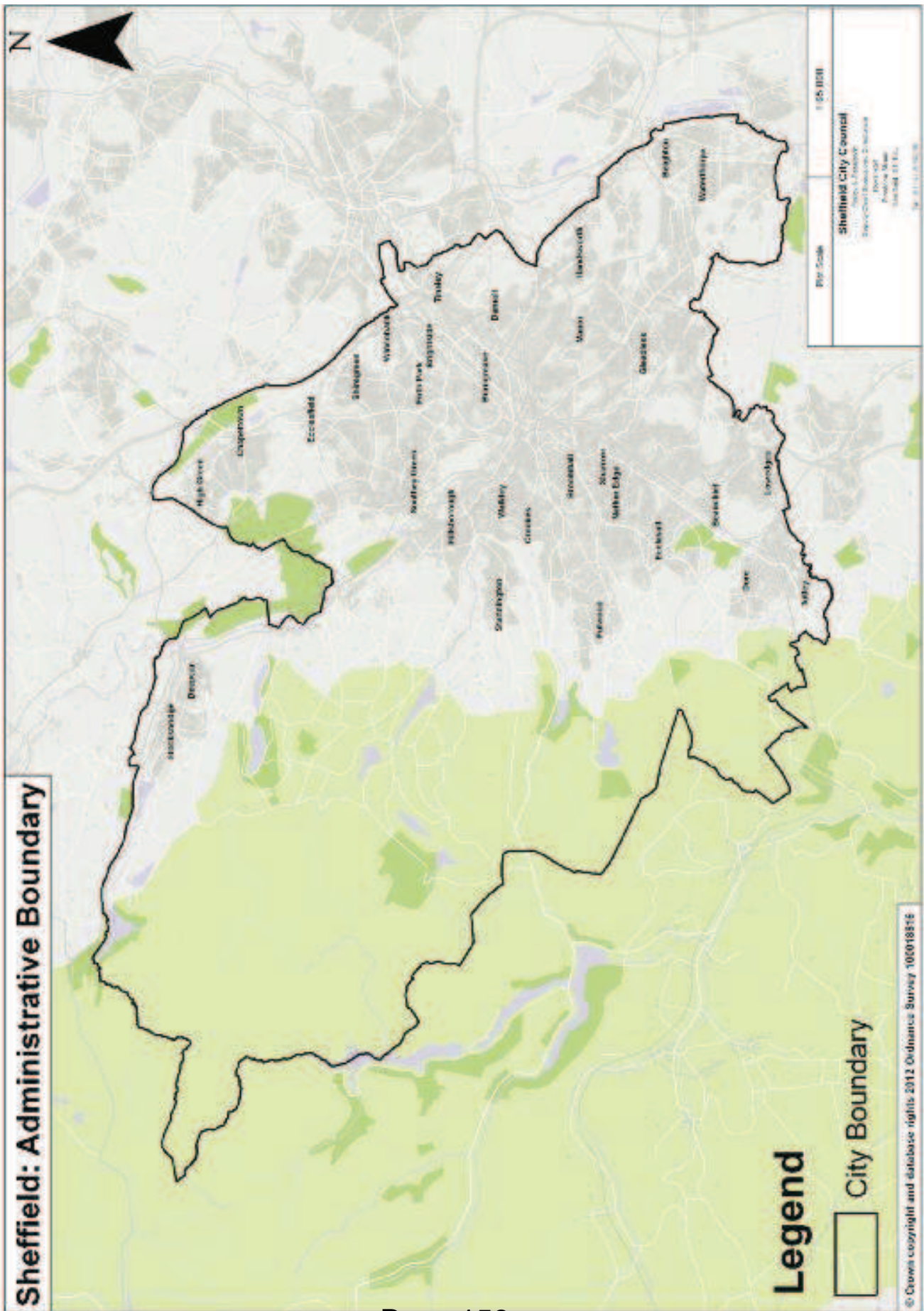
### **Vulnerable Person**

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

### **Young Person**

Section 45(2) of the Gambling Act 2005 defines a young person as an individual who is not a child but who is less than 18 years old, i.e. 16 or 17 years old.





**Responsible Authorities**

Sheffield Safeguarding Children Board  
 Environmental Protection Service (Noise Nuisance)  
 Head of Planning  
 Health Protection Service (Health & Safety)  
 South Yorkshire Fire and Rescue  
 South Yorkshire Police  
 The Gambling Commission  
 The Navigation Authority  
 The British Waterways Board

**Other Local Authorities in the Region**

Barnsley Metropolitan Borough Council  
 Doncaster Metropolitan Borough Council  
 Rotherham Metropolitan Borough Council

**Solicitors**

DLA Piper Rudnick Gray Cary UK LLP  
 John Gaunt and Partners  
 Poppleston Allen  
 Ford and Warren  
 Gosschalks  
 Law Society  
 Maitland Walker  
 Irwin Mitchell  
 Hickmotts  
 Ashton Morton Slack  
 HLW Commercial Lawyers

**Sheffield City Council Contacts**

Brian Messider, Access Officer  
 Community Assemblies  
 Sheffield Schools  
 Sonia Sharp, Executive Director, Children and Young People  
 Sheffield City Council Councillors

**Gambling Industry Contacts**

Amusement Caterers (Sheffield) Limited  
 British Association of Leisure Park, Piers and Attractions  
 Casino Machines Manufacturers Group (CMMG)  
 Gamblers Anonymous  
 Independent Bookmakers Association (IBA)  
 Racecourse Promoters Association (RCPA)  
 Rails Bookmakers Association Ltd  
 BBPA Midland Counties  
 Northern Bookmakers Protection Association  
 Association of British Bookmakers  
 Betting Exchange Trade Association  
 Bingo Association  
 British Amusement Catering Trades Association (BACTA)  
 British Beer and Pub Association  
 British Casino Association

Casino Operators Association (COA)  
GamCare  
National Association of Bookmakers  
British Beer and Pub Association  
Scottish Beer and Pub Association

**Local Members of Parliament**

Angela Smith  
Meg Munn  
Nick Clegg  
Clive Betts  
Richard Caborn  
David Blunkett

**Religious Contacts**

Central United Reformed Church  
Father D Sexton, Parish Priest, Cathedral Church of St. Marie  
Diocesan Secretary  
The Right Reverend Jack Nicholls, The Bishop of Sheffield  
The Very Reverend Peter Bradley, The Cathedral Church of St. Peter and St. Paul  
St John The Baptist C Of E Church

**Others**

Chamber of Commerce  
CIU  
Sheffield Drug, Alcohol Action Team  
Sheffield Licence Watch  
South East Sheffield Citizens Advice Bureau  
Institute of Licensing  
South Yorkshire Ambulance Service  
The Navigation Authority  
Weights and Measures Authority  
Yorkshire Forward  
Casinos / Operators  
Betting Offices / Operators  
Tracks / Pool Betting Licence Holders  
Bingo Hall / Operators  
Premises Licence Holders  
Club Premises Certificate Holders  
Holders of Small Lotteries Registrations  
Sheffield First Partnership  
The Law Society  
Primary Care Trusts  
Scouts Association  
Chairman of BETA  
Betfair  
TSE International Ltd



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

This document can be supplied in alternative formats,  
please contact 0114 203 7752

Sheffield City Council  
Licensing Service  
Tel: 0114 203 7752  
[www.sheffield.gov.uk](http://www.sheffield.gov.uk)



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