

# Co-operative Executive

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**Wednesday 17 November 2021 at 2.00 pm**

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

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

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## **Membership**

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Councillor Terry Fox	(Leader of the Council)
Councillor Julie Grocutt	(Deputy Leader and Executive Member for Community Engagement and Governance)
Councillor Mazher Iqbal	(Executive Member for City Futures: Development, Culture and Regeneration)
Councillor Jayne Dunn	(Executive Member for Education, Children and Families)
Councillor Cate McDonald	(Executive Member for Finance and Resources)
Councillor George Lindars-Hammond	(Executive Member for Health and Social Care)
Councillor Paul Wood	(Executive Member for Housing, Roads and Waste Management)
Councillor Douglas Johnson	(Executive Member for Climate Change, Environment and Transport)
Councillor Paul Turpin	(Executive Member for Inclusive Economy, Jobs and Skills)
Councillor Alison Teal	(Executive Member for Sustainable Neighbourhoods, Wellbeing, Parks and Leisure)

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## PUBLIC ACCESS TO THE MEETING

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The Co-operative Executive 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 Terry Fox.

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 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 Co-operative Executive meetings and recording is allowed under the direction of the Chair. Please see the [website](#) or contact Democratic Services for further information regarding public questions and petitions and details of the Council's protocol on audio/visual recording and photography at council meetings.

Co-operative Executive meetings are normally open to the public but sometimes the Co-operative Executive 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. Please see the Council's website for details of how to access the remote meeting.

Co-operative Executive 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.

PLEASE NOTE: Meetings of the Co-operative Executive have to be held as physical meetings. If you would like to attend the meeting, you must register to attend by emailing [committee@sheffield.gov.uk](mailto:committee@sheffield.gov.uk) at least 2 clear days in advance of the date of the meeting. This is necessary to facilitate the management of attendance at the meeting to maintain social distancing. In order to ensure safe access and to protect all attendees, you will be required to wear a face covering (unless you have an exemption) at all times when moving about within the venue.

It is also recommended that you undertake a Covid-19 Rapid Lateral Flow Test within two days of the meeting. You can order tests online to be delivered to your home address, or you can collect tests from a local pharmacy. Further details of these tests and how to obtain them can be accessed here - Order coronavirus (COVID-19) rapid lateral flow tests - GOV.UK ([www.gov.uk](http://www.gov.uk)). We are unable to guarantee entrance to observers, as priority will be given to registered speakers. Alternatively, you can observe the meeting remotely by clicking on the 'view the webcast' link provided on the meeting page of the website.

If you require any further information please contact Abby Brownsword on 0114 273 5033 or email [abby.brownsword@sheffield.gov.uk](mailto:abby.brownsword@sheffield.gov.uk).

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**CO-OPERATIVE EXECUTIVE AGENDA  
17 NOVEMBER 2021  
Order of Business**

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- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**  
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 5 - 8)  
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 9 - 28)  
To approve the minutes of the meeting of the Co-operative Executive held on 20<sup>th</sup> October 2021 and the Special Co-operative Executive held on 26<sup>th</sup> October 2021.
- 6. Public Questions and Petitions**  
To receive any questions or petitions from members of the public
- 7. Items Called-In For Scrutiny**  
The Director of Legal and Governance will inform the Cabinet of any items called in for scrutiny since the last meeting of the Cabinet
- 8. School Kitchen Equipment, Service and Maintenance Contract Re-tender** (Pages 29 - 40)  
Report of the Executive Director, People Services.
- 9. Secondary Mainstream School Expansions** (Pages 41 - 52)  
Report of the Executive Director, People Services.
- 10. Month 6 Capital Approvals 2021/22** (Pages 53 - 76)  
Report of the Executive Director, Resources.
- 11. Gambling Act 2005 - Statement of Principles (Policy) Approval Report** (Pages 77 - 158)  
Report of the Interim Executive Director, Place
- 12. Leisure and Entertainment Facility and Services Review** (Pages 159 - 174)  
Report of the Interim Executive Director, Place

**NOTE: The next meeting of Co-operative Executive will be held on Wednesday 15 December 2021 at 2.00 pm**

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

You **must**:

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

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

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

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

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

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

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

You have a personal interest where –

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

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

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

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

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

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

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Co-operative Executive

Meeting held 20 October 2021

**PRESENT:** Councillors Julie Grocutt (Deputy Chair), Jayne Dunn, Cate McDonald, George Lindars-Hammond, Douglas Johnson, Paul Turpin and Alison Teal

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**1. APOLOGIES FOR ABSENCE**

1.1 Apologies for absence were received from Councillors Terry Fox, Mazher Iqbal and Paul Wood.

**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 Councillor Jayne Dunn declared an interest in Agenda Item No. 10 - Procurement for the Care and Support Services at the new Buchanan Green - Retirement Living Scheme due to open Spring 2022 as a local ward member.

**4. MINUTES OF PREVIOUS MEETING**

4.1 The minutes of meetings of the Co-Operative Executive held on 22<sup>nd</sup> September 2021 were approved as a correct record.

**5. PUBLIC QUESTIONS AND PETITIONS**

5.1 Nigel Slack was in attendance, and asked the following questions:

Question One:

‘Today's agenda includes two items covering what might be referred to as the City's land utilisation and asset performance. Item 9. The Sheffield Plan & Item 10. The Sheffield Land & Property Plan.

**In respect of item 9**, I would simply ask whether, with a UDP from the previous century and a Core Strategy that is 12 years old, how will the city moderate the rapacious nature of property developers from damaging the city's heritage and exploiting local planning guidelines weaknesses?

**In respect of item 10**, I would ask a more complex question. The city's Property Services have performed poorly over the last 5 or more years in disposing of heritage assets. Mount Pleasant House took 3 years to complete a sale, there was confusion and obfuscation over the fate of Birley Spa, there was deceit and dissembling around the development of the General Cemetery, there are ongoing concerns over the redevelopment of Cambridge Street and this report does nothing to assuage many of those issues previously identified.

The main point however is that these disposal choices were made by Property Services with little or no consultation with Sheffield heritage groups or the residents of the city. Are these assets held in trust for the residents of the city or are they being treated as the personal assets of Property Services?

This report today gives no confidence that future disposals will be any better handled than previous bodge jobs. Will Council therefore consider this report in view of the changing nature of decision making in the city and this committee's commitment to inclusive decision making and the involvement of residents in these decisions? If so this report needs further review.'

Question Two:

'For those uncertain, Orchard Lane runs from Leopold Street towards Balm Green, alongside Leopold Square. It allows for rear access to the tenants of Leopold Square and to the Car Park beneath the Fountain Precinct.

Currently the land on this lane within the curtilage of Leopold Square is a literal tip. Broken window frames, broken furniture, dumped beer barrels, full plastic rubbish bags and general detritus. Some of which also appears to be blocking fire exits from Leopold Square properties.

I recognise that the hospitality trade is under pressure after the problems of lockdowns and staff shortages but, having seen the state of this lane I will not be visiting any of the businesses with such lax hygiene on display.

What can SCC do to support & enforce reasonable levels of cleanliness?'

Councillor Julie Grocutt responded to the first part of question one, linked to Item 9, the UDP and core strategies. She stated that the Council was able to use the National Planning Policy Framework to guide planning decisions where Local Plan policies were out of date. She added that a number of policies in the Core Strategies were consistent with the National Planning Policy framework and could therefore be given significant weight in planning decisions.

Councillor Cate McDonald responded to the second part of question one. She stated that the plan included on the agenda provided a high-level overview of what the Council would use its estate for and the principals for decision making. She said that this would be underpinned by a more detailed suite of policies and procedures which would set out how decisions would be made about the Council's estate, including the disposal of Council assets. Councillor McDonald stated that the Council was committed to inclusive decision making and would work to utilise

Local Area Committees to encourage input from local residents. She said that decisions about the Council's land and property were not made by Property Services but were instead made corporately through the appropriate governance arrangements. Councillor McDonald said that none of the assets mentioned in Mr Slack's question were held in trust, and added that any assets held in trust were brought to the Council's Co-Operative Executive meetings with Co-Operative Executive members acting as trustees.

Councillor Paul Wood was unable to attend the meeting, therefore Councillor Grocutt read a written response provided by Councillor Wood. The statement was as follows: A number of issues which have been highlighted in this question are already being looked into. Thank you for drawing these to our attention. Any fly tipping will be removed, and we will be contacting businesses who we believe to be disposing of waste illegally. Commercial bins on pavements are an issue on some streets in the surrounding area, and the Highways Enforcement team are already working on this and a number of issues in the local area. We will consider what further action needs to be taken in relation to the issues that you have raised and we will be happy to confirm the actions which have been taken once these have been completed.

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

- 6.1 It was noted that there had been no items called-in for scrutiny since the last meeting of the Co-Operative Executive.

## **7. PROCUREMENT FOR THE CARE AND SUPPORT SERVICES AT THE NEW BUCHANAN GREEN RETIREMENT LIVING SCHEME DUE TO OPEN SPRING 2022.**

- 7.1 The purpose of the report was to seek approval to develop a procurement strategy and then to tender for the contract for the delivery of adult's care and support services at Buchanan Green Retirement Living Scheme.

In order to do this, we would also like to seek approval from the Co-operative Executive to delegate authority to the Director of Adult Services to take the necessary steps to implement the Procurement Strategy and award the contract for Buchanan Green Retirement Living Scheme.

The report highlighted the importance of ensuring the delivery of care and support services that meet the needs of the people within the new Scheme, by procuring a care and support provider able to fully meet the requirements of the Service Specification.

- 7.2 **RESOLVED:** That Co-operative Executive:-

Delegate authority to the Director of Health and Adult Social Care in consultation with the Director of Legal and Governance Services, Director of Finance and Commercial Services and the lead Executive Member for Health and Social Care:

- i) To develop a procurement strategy and award contracts in line with this report; and
- ii) Take other such necessary steps not covered by existing delegations to achieve the outcomes and objectives of this report.

### **7.3 Reasons for Decision**

- 7.3.1 The Buchanan Green Scheme will be opening in Spring 2022. Potentially up to 50% of the tenants living in the scheme will have an assessed eligible personal care and support need. The procurement will be required for the delivery of planned care for those with an assessed care need, plus unplanned care and support service to all tenants living in the scheme. If a contracted provider is not established ready for the opening of the scheme, there would be no planned or unplanned care provision for tenants.
- 7.3.2 The majority of the tenants with eligible care needs will already have care and support packages in place prior to the move. The tenants who accessed council arranged Home Care services will potentially free up some much needed capacity within the Independent Sector and in most cases will reduce costs, with Home Care packages generally being charged at a higher rate.
- 7.3.3 Buchanan Green will be a vibrant independent living community, which is the central characteristic that differentiates it from a care home. The delivery of planned pre-assessed care and support services via an on-site care presence, and the provision of unplanned care and support where required to all tenants, is a key element to sustaining this ethos and promoting it as a feasible alternative to residential care.
- 7.3.4 This proposal also allows for the continued close working with Health, Housing and Public Health colleagues.
- 7.3.5 The flexibility of the on-site support easily supports outcomes-based care and support, with positive outcomes for all tenants including people living with dementia.
- 7.3.6 The proposed levels of care will help support a balanced community and enable tenants to have a 'home for life', at the same time preventing or delaying the need for permanent care.

### **7.4 Alternatives Considered and Rejected**

- 7.4.1 As part of the review of the Extra Care contracts the following alternative options were considered but scored poorly in the options appraisal against strategic fit, and neither option was recommended.
- 7.4.2 'To provide a service via the Home Support Framework'. Day time support arranged on a case-by-case basis from providers on the Home Care Framework and overnight support provided by City Wide Care Alarms. This is not consistent

with any of the important elements of independent living and would have an unacceptably high impact on the individuals.

7.4.3 To operate an onsite 24/7 dedicated care and support service via procurement of a care provider to deliver the service. The 24/7 service would include planned and unplanned support to all tenants, with the exception of planned overnight care, that would continue to be delivered via the 'Care at Night' service. This option was unsustainable as tenants do not pay any contribution toward the cost of the 'overarching' 24 hour support.

**7.5 Any Interest Declared or Dispensation Granted**

None

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

None

**7.7 Respective Director Responsible for Implementation**

Executive Director, People Services

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

Healthier Communities and Adult Social Care

**8. ELECTRIC VEHICLE CAR LEASE SALARY SACRIFICE SCHEME**

8.1 The purpose of this report is to outline the proposal to introduce a car lease salary sacrifice scheme (electric vehicles) for Council Employees and to seek approval to enter into a contract with the supplier.

8.2 **RESOLVED:** That Co-operative Executive:-

1. Approves the implementation of a Car Lease Salary Sacrifice Scheme (electric vehicles) to be made available to Sheffield City Council employees.
2. Approves the Council entering a Contract with a Supplier for the provision of the Scheme as outlined in this report.
3. Delegates authority to the Executive Director of Resources, in consultation with the Director of Finance and Commercial Services and the Director of Legal and Governance to:
  - a. agree the terms of the Scheme Policy.
  - b. take all other decisions necessary to meet the aims, objectives and outcomes of this report which are not already covered by existing delegations in the Leaders Scheme of Delegation.

**8.3 Reasons for Decision**

- 8.3.1 It is recommended that the Council approves the implementation of a Car Lease Salary Sacrifice Scheme (electric vehicles) to be made available to Sheffield City Council employees. This will help to meet the target of Net Zero by 2030.

**8.4 Alternatives Considered and Rejected**

- 8.4.1 Alternative options that were considered as part of this scheme are detailed below.

***Alternative Option 1 – ULEV Scheme – Vehicles under 75 g/km***

Advice from the Sustainability and Climate Change Service suggests that supporting the purchase of ULEV to include hybrid vehicles may help to achieve a reduction in specific vehicle emissions if this is replacing a diesel vehicle or one with higher emissions. However, it could increase the amount of carbon dioxide emissions and continues to produce higher carbon emissions if the new vehicle is not a replacement for an existing vehicle.

***Alternative Option 2 - Green Scheme – Vehicles under 120 g/km***

Manufacturers are continually improving the efficiency of engines and reducing CO2 emissions. There are several hundred vehicles that will fall into this category offering a wide selection of vehicles. As a result, employees who are considering a new vehicle purchase could purchase a vehicle with lower emissions than their current vehicle. Employees who have purchased a car more recently e.g. in the last 3 or 4 years, may already have a vehicle with emissions lower than 120 g/km. Therefore, it is possible that offering vehicles within this category may not result in lower emissions. In any event, the scheme should exclude diesel vehicles to support a reduction in carbon emissions.

***Alternative Option 3 - Do Nothing***

The scheme will support the Council's clean air agenda and should result in a positive impact resulting in a reduction in vehicle emissions in Sheffield.

**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**

Executive Director, Resources

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

Overview and Scrutiny Management Committee

**9. SHEFFIELD LOCAL DEVELOPMENT SCHEME AND SHEFFIELD (LOCAL) PLAN SPATIAL OPTIONS**

- 9.1 The report sought approval for a revised Local Development Scheme (LDS) (which set out the development plan documents that SCC will prepare and consult on and the timetable for producing them) and to secure the bringing into effect of the LDS on 21 October 2021.

The report also set out the process for engaging with Members on the overall spatial options, with the aim of reaching agreement on a preferred approach by January 2022 (in advance of producing the Publication Draft Sheffield Plan; to be published for public consultation in October 2022).

Approval was also sought for the establishment of a new Sheffield Plan Member Working Group to provide an ongoing political steer for officers on the content of the Plan.

- 9.2 **RESOLVED:** That Co-operative Executive:-

1. approves the revised Local Development Scheme attached as an Appendix to this report;
2. resolves that it is to have effect from 21 October 2021;
3. agrees to the LDS being published on the Council's website;
4. approves the process for cross-party engagement with Members on the overall spatial options; and
5. approves the establishment of a new Sheffield Plan Member Working Group, with membership drawn from the Climate Change, Economy and Development Transitional Committee

**9.3 Reasons for Decision**

- 9.3.1 As explained in the report, the local planning authority is legally required to produce a Local Development Scheme and keep it up to date and so the recommendations in this report are made to secure compliance with that statutory requirement. The LDS sets the timetable for delivery of a new Local Plan, which will be designed to contribute towards securing a strong economy, thriving neighbourhoods and communities, improving health and wellbeing, addressing inequalities across the city, mitigating and adapting to climate change and increasing biodiversity.

- 9.3.2 The changes to national planning policy and practice guidance mean it is

appropriate to allow more time for the new administration to consider the overall spatial options. Officers require a clear political steer on the preferred broad approach before the details can be worked in the full Publication Draft Plan and before public consultation takes place in autumn 2022.

- 9.3.3 Establishment of a new cross-party Sheffield Plan Member Working Group will enable officers to obtain an ongoing political steer on the content of the Plan in advance of the Plan being submitted to Government for public examination.

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

- 9.4.1 The preparation, bringing into effect and revision of a Local Development Scheme are statutory requirements and in that regard there is no alternative option. Otherwise the Secretary of State can prepare an LDS and direct the local planning authority to bring it into effect and the Council would have very little, if any, input into that. However, the time periods allocated to each stage of the process in the revised LDS have been carefully considered. It is important that timely progress is made but it is equally important that the timetable can be adhered to. The time periods included in the revised LDS are considered to be the most appropriate and realistic.

- 9.4.2 In the proposed revised LDS, we have allowed for additional time after submission of the Plan because experience elsewhere suggests that the process from the date of submission to adoption typically takes 18-24 months. Given the size of Sheffield and the number of sites that are likely to be the subject of representations at examination, we believe that a period of 20 months is a reasonable estimate for that stage in the process.

#### 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**

Interim Executive Director, Place

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

Overview and Scrutiny Management Committee

### 10. **SHEFFIELD LAND AND PROPERTY PLAN**

- 10.1 The report sought approval of the Sheffield Land and Property Plan (Corporate Asset Management Plan).



The City Council's land, property and assets have a significant role to play in delivering services and shaping the future of the city and its communities. The 'Sheffield Land and Property Plan' sets out at a high level, how the City Council will use and manage its assets to deliver its ambitions for Sheffield. It provides a framework and principles to guide decision making, and maximise the benefits for the City and its people.

10.2 **RESOLVED:** That Co-operative Executive:-

1. Approve the Sheffield Land and Property Plan attached to this report.
2. Note that more detailed policies and procedures to support the Plan will be brought forward for approval in accordance with the appropriate corporate decision-making process.

10.3 **Reasons for Decision**

10.3.1 The Council's land and property portfolio is a finite resource, expensive to hold and maintain. Since the publication of the last plan, there have been a number of changes which have resulted in new challenges and opportunities for the city. It is therefore increasingly important that the City Council's assets are used to best effect in delivering vital services and priorities, whilst minimising the cost.

10.3.2 The Plan provides local people, Members and officers with a clear statement of how the council's estate will be used to maintain and enhance service delivery and contribute to the wider ambitions of the City balanced against the financial constraints within which the Council now operates.

10.4 **Alternatives Considered and Rejected**

10.4.1 The Council could do nothing; but this would result in ad hoc decision making and a lack of focus. With operational costs and maintenance demands far outstripping available resources the whole estate will continue to deteriorate eventually resulting in the closure of key council buildings and the subsequent knock on effect on service delivery for the people of Sheffield.

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**

Interim Executive Director, Place

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

Overview and Scrutiny Management Committee

**11. MEDIUM TERM FINANCIAL ANALYSIS (MTFA) 2022/23 TO 2025/26**

11.1 To provide Members with details of the forecast financial position of the Council for the next 4 years (2022/23 to 2025/26) and to set the financial constraints within which the budgeting and business planning process will need to work to achieve a balanced budget position over the medium term.

11.2 **RESOLVED:** That Co-operative Executive:-

1. Note the forecast position;
2. Note, as a planning assumption, core Council Tax increases of 2% each year;
3. Note the additional pressures caused by the COVID crisis, and in response consider what further transformation savings are required, and lobby Central Government for additional financial support;
4. Note that the Council's current level of reserves provides a limited amount of time for action to be taken strategically in response to the COVID crisis and the more general financial position, but that firm actions will be needed, on current projections, to maintain financial stability in the short to medium term. These actions will include further co-operation with other key stakeholders, in particular the NHS; and
5. Note that unless firm action is taken to contain pressures, deliver agreed savings, and focus any new spending on a small number of key priorities, the Council's financial position will soon spiral out of control

**11.3 Reasons for Decision**

11.3.1 To inform Co-operative Executive Members of the latest changes to the Council's medium term forecasts, and to provide a strategic framework for the development of budget proposals and the business planning process beyond 2022/23.

**11.4 Alternatives Considered and Rejected**

11.4.1 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.

**11.5 Any Interest Declared or Dispensation Granted**

None

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

None

**11.7 Respective Director Responsible for Implementation**

Executive Director, Resources

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

Overview and Scrutiny Management Committee

**12. MONTH 5 CAPITAL APPROVALS 2021/22**

12.1 The report provided details of proposed changes to the Capital Programme as brought forward in Month 5 2021/22.

12.2 **RESOLVED:** That Co-operative Executive:-

Approve the proposed additions and variations to the Capital Programme listed in Appendix 1, including the procurement strategies and delegate authority to the Director of Finance and Commercial Services or nominated Officer, as appropriate, to award the necessary contracts

**12.3 Reasons for Decision**

12.3.1 The proposed changes to the Capital programme will improve the services to the people of Sheffield.

12.3.2 To formally record changes to 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.

12.3.3 Obtain the relevant delegations to allow projects to proceed.

**12.4 Alternatives Considered and Rejected**

12.4.1 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.

**12.5 Any Interest Declared or Dispensation Granted**

None

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

None

12.7 **Respective Director Responsible for Implementation**

Executive Director, Resources

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

Overview and Scrutiny Management Committee

# SHEFFIELD CITY COUNCIL

## Co-operative Executive

### Meeting held 26 October 2021

**PRESENT:** Councillors Terry Fox (Chair), Julie Grocutt (Deputy Chair), Jayne Dunn, Cate McDonald, George Lindars-Hammond, Douglas Johnson, Paul Turpin and Alison Teal

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#### **1. APOLOGIES FOR ABSENCE**

1.1 Apologies for absence were received from Councillors Mazher Iqbal and Paul Wood. An apology for absence was also received from Kate Josephs (Chief Executive)

#### **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 made at the meeting.

#### **4. PUBLIC QUESTIONS AND PETITIONS**

4.1 The Leader reported that two petitions and questions from three members of the public had been received prior to the published deadline for submission of petitions and questions for this meeting. A representation for one of the petitions was made in writing on behalf of the petitioners.

4.2 Petitions

4.3 Petition requesting a mix fleet of Hackney Carriage Vehicles licensed by Sheffield City Council

The Council received an electronic petition containing 101 signatures requesting a mix fleet of Hackney Carriage Vehicles licensed by Sheffield City Council.

Representations on behalf of the petitioners was made by Ibrar Hussain. Mr. Hussain addressed the Co-operative Executive and explained that 101 Hackney Carriage drivers had signed the petition which highlighted the concerns felt regarding the recommendations in the Clean Air Plan report and the consequences for the trade.

There needed to be a Licensing Policy review on the specification for Hackney

Cabs as options will be limited and this could impact on disabled passengers. There were now 610 licenced Hackney Carriages in Sheffield and this number was continuing to fall.

The Hackney Carriage drivers were asking to work with the Licensing Department and have an immediate review of the policy in 6-8 weeks and ensure proper consultation with stakeholders.

The Leader referred the petition to Councillor Douglas Johnson (Executive Member for Climate Change, Environment and Transport). Councillor Johnson thanked Mr. Hussain for presenting the petition and explained that there would be full consultation on the Clean Air Zone which Hackney Carriage Drivers would be able to feed in to. Changes had been made to the original proposal and it was important to minimise any impact on disabled persons.

#### 4.4 Petition requesting the Council save space for walking and cycling in Sheffield.

The Council received an electronic petition containing 939 signatures requesting the Council save space for walking and cycling in Sheffield. There was no speaker for this petition, but the Monitoring Officer read out a supporting statement from the lead petitioner.

The Leader referred the petition to Councillor Douglas Johnson (Executive Member for Climate Change, Environment and Transport). Councillor Johnson undertook to supply a response in writing, but noted that the petition summed up why it was so important to make the city healthier and happier. Younger people and children need clean air to grow up with. Cycling and walking measures will be retained.

#### 4.5 Public Questions

#### 4.6 Mr Hafeas Rehman from Sheffield Taxi Association attended the meeting and asked the following question:

The Sheffield Taxi Association was not against the Clean Air Zone – everyone needs clean air to breathe. Members of the Sheffield Taxi Association had been consulted with and had really thought about what needed to happen and how to make the city cleaner. They had also given thought to alternative vehicle specifications.

The proposal for a mixed fleet was the perfect solution and was used in other cities such as Newcastle and Leeds. Why wasn't it right for Sheffield?

The Clean Air Zone wasn't needed to improve vehicle specifications. Disabled people preferred rear loading taxi's which enabled them to be forward facing and had a better passenger experience in Newcastle and Leeds.

What else had been done to improve air quality in Sheffield. The most polluted area of the city was outside Sheffield Station and the taxi rank was under the canopy which was even more polluted. Does the health of the taxi drivers not

matter?

Time was needed to change vehicle specification and allow drivers time to purchase new vehicles before the Clean Air Zone was implemented. Reductions in the number of taxi's in the city also presented a risk to the public and Uber prices would increase.

Mr. Ibrar Hussain asked the following questions:

What will happen to those vehicle's where the owner of current licenced hackney carriage or private hire wants to replace vehicle engine euro 4 petrol or euro 6 diesel in a vehicle that's currently licensed will you allow that to happen?

(Some vehicles its cheaper to replace an engine than buy an vehicle under current climate, as long as the vehicle full fills the criteria of euro4 or euro6 engines)

When will the licensing go paperless at Sheffield City Council as it has in other authorities? This would make it easier for drivers. Also, When will the Licensing Department open up for drivers to visit and when will consideration be given to taxi drivers using bus lanes?

The Leader referred the questions to Councillor Douglas Johnson (Executive Member for Climate Change, Environment and Transport) whilst noting that the Council had worked throughout the pandemic to deliver the best service that it could for the public.

Councillor Johnson responded to the questions and understood the point about keeping consultations short. Those driving taxis were among the most affected by air quality and improved working conditions were needed. There were issues with the supply of vehicles and the delay in the Clean Air Zone had caused uncertainty in the industry.

The decision to implement and the consultation would allow the decisions to be made. There would be a requirement to move forward with electric vehicles, but there should be some grant funding available.

The permitted age of the vehicle was not just to do with the engine, but also applied to roadworthiness.

Councillor Grocutt added that the issue regarding the railway station issue was important and the Council would look to work with the Rail Authority to look at the matter.

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

- 5.1 It was noted that there had been no items called-in for scrutiny since the last meeting of the Co-Operative Executive.

## **6. CITY CENTRE STRATEGIC VISION - PROGRESS REPORT**

6.1 To provide a short report on progress on delivering the City Centre Strategic Vision as set out in the One Year Plan. Also, to provide an overview of the topics to be considered and to approve the delivery timetable.

6.2 **RESOLVED:** That Co-operative Executive:-

1. Note progress on the delivery of the City Centre Strategic Vision;
2. Note the proposed content of the report and the link to the Transport Strategy, Connecting Sheffield programme including how we use Pinstone Street and Clean Air Zone requirements; and
3. Approve the delivery timetable, enabling adequate Member & Public Engagement.

### **6.3 Reasons for Decision**

- 6.3.1
- To provide clarity regarding the overall content of the City Centre Strategic Vision;
  - To be clear on the importance of other policy decisions such as the Clean Air Zone as an enabler for sustainable city centre development; and
  - To agree the timetable for delivery to enable adequate engagement from Members of the Council and the public.

### **6.4 Alternatives Considered and Rejected**

6.4.1 The alternative option would be not to produce a City Centre Strategic Vision. However, given the need for the centre's continued regeneration in the light of retail re-structuring and other economic challenges along with the need to address the delivery of more homes in Sheffield, the need to deliver a strategy outweighs the option not to deliver one.

### **6.5 Any Interest Declared or Dispensation Granted**

None

### **6.6 Reason for Exemption if Public/Press Excluded During Consideration**

None

### **6.7 Respective Director Responsible for Implementation**

Executive Director, Place

### **6.8 Relevant Scrutiny and Policy Development Committee If Decision Called In**



Overview and Scrutiny Management Committee

**7. SHEFFIELD AND ROTHERHAM CLEAN AIR PLAN**

7.1 The report updates Co-operative Executive on the development of the Sheffield and Rotherham Clean Air Plan (CAP) to tackle Nitrogen Dioxide (NO<sub>2</sub>) exceedances and sets out the actions required to achieve compliance with our Direction by Government to reach legally compliant annual average levels of NO<sub>2</sub>. In summary these are:

- Proceeding with the recommended CAP proposals which includes establishing a Category C charging Clean Air Zone (CAZ) within Sheffield City Centre with wider traffic management measures.
- Accepting the grant funding received from Government in March 2020
- Commencing public consultation in November 2021.
- Submission of the Full Business Case to Government early in 2022 including any revisions arising from the consultation
- Completing the procurement, and thereafter contract awards, for any necessary infrastructure, goods and services required, together with any other such steps, to implement and meet the aims and objectives of the Clean Air Plan.
- To report to the Executive on the consultation findings early in 2022.

**Background**

In common with other cities, air pollution is a major public health challenge that is damaging the health and life chances of people in Sheffield, contributing to the deaths of around 500 people a year in the city. Multiple places across our road network are in breach of legal limits for air quality with road vehicles (and particularly diesel vehicles), exposing communities to invisible but harmful concentrations of Nitrogen Dioxide (NO<sub>2</sub>).

In 2017 Government placed Sheffield and Rotherham under a legal duty to improve the city's air quality by reducing NO<sub>2</sub> emissions below the legal limits in the shortest possible time.

In response, SCC and RMBC developed and submitted an Outline Business Case (OBC) to Government in December 2018, which identified the option to deliver compliance was a Category C+ Charging Clean Air Zone on and within the Inner Ring Road, along with a number of additional traffic management measures.

In February 2020 Government issued a further Ministerial Direction under which SCC are legally obliged to implement a CAZ C charging Clean Air Zone.

Having announced a review of our Clean Air Plan in September 2020, to consider the implications of Covid-19 and the lengthy period between the submission and Government's approval of the OBC, this is now complete.

The outcome of the review of the Clean Air Plan has confirmed that in order to achieve legally compliant levels of air quality in Sheffield we need to deliver a Class C Clean Air Zone along with wider traffic management measures. The

review has also confirmed that the original proposals around the compliance standards for taxis can be amended to incorporate the current standards without major additional burdens on the majority of the existing taxi fleet .

The primary goal of the proposed Clean Air Zone is to encourage and support the removal of the most polluting vehicles from the city's roads in order to make our air cleaner and safer to breathe. It is not the intention to penalise drivers or companies and the report sets out the proposed financial support measures that will be offered to certain drivers to upgrade and replace non-compliant vehicles. In addition, the report includes details of specific fleet where circumstances determine that an exemption to charges is appropriate.

The CAP proposals are significant and form part of Sheffield's ambitions to deliver clean air for everyone and support the development of safe, reliable and clean transport options in the city.

Given the proposals to see the continued regeneration of the City Centre and the delivery of approximately 21,000 new homes in the central area, the importance of making our air cleaner and safer to breathe must be a pre-requisite to continued development. The proposals for the City Centre Vision will highlight this aspect further.

Whilst a major consultation on our CAP proposals was undertaken in Summer 2019, given the time that has elapsed and the development of the scheme, it is now proposed that consultation on the final Clean Air Plan proposals is undertaken. This will provide an opportunity for people to give feedback on the full details of the scheme, including financial support measures and exemptions, the detail of which was not previously available.

Alongside this, the Full Business Case will be developed in liaison with Government's Joint Air Quality Unit (JAQU), but only finalised once the outcome of the consultation is known and any final amendments to the scheme are made where necessary. In addition, arrangements to distribute funds to support those businesses, individuals and organisations who need to upgrade their vehicle to become compliant will be finalised and in line with existing delegated authority the delivery of the Clean Air Zone infrastructure will continue to be progressed.

**7.2 RESOLVED:** That Co-operative Executive:-

1. Approve acceptance of the grant funding of £23,967,436 awarded in March 2020 from the Department for Environment Food & Rural Affairs (DEFRA) and the Department for Transport to enable the Council to comply with its statutory duty through the measures described in the report;
2. Approves the launch of further consultation on the Clean Air Plan in November 2021 as detailed in the report;
3. Delegates authority to the Executive Director, Place to enter into the contract for the successfully tendered infrastructure work required for the charging zone including supply, installation and maintenance of Automatic

Number Plate Recognition cameras;

4. Delegates authority to the Executive Director Place in consultation with the Leader of the Council and the Executive Member for Climate Change, Environment and Transport to submit to Government a Full Business Case to deliver a Category C Charging Zone as outlined in the report; and
5. Where no existing authority exists under the LSOD, delegate authority to the Executive Director, Place, in consultation with the Executive Member for Climate Change, Environment and Transport, and with the Director of Financial and Commercial Services to approve such procurements and thereafter contract awards for any necessary infrastructure, goods and services required together with any other such steps to implement and meet the aims and objectives of the Clean Air Plan.

### **7.3 Reasons for Decision**

- 7.3.1 The recommended proposal is predicted to reach legal compliance within the shortest time to achieve the outcome of protecting public health by minimise exposure to harmful NO<sub>2</sub> pollution.
- 7.3.2 Other recommendations within this report are included to ensure that in the CAP actions can be progressed as quickly as possible to achieve the outcome above.

### **7.4 Alternatives Considered and Rejected**

- 7.4.1 In assessing options, the primary success factor required by Government is ensuring 'compliant levels of Nitrogen Dioxide (NO<sub>2</sub>) emissions within the shortest time'. The Full Business Case (FBC) appraisal process will follow HM Treasury guidance and be consistent with the approach taken at OBC.

Post Covid 19, remodelling work was undertaken to establish whether any alternative CAZ approaches would be sufficient to meet the legal obligations. A CAZ C continues to be the model most suited to achieving compliance within the shortest time and this remains the requirement mandated by Government. No other form of CAZ is permissible without Ministerial consent.

A set of technical documents detailing the analytical modelling work will be submitted to Government, forming part of the Full Business Case. These documents are currently being drafted and will be submitted to the JAQU for review by their technical assurance panel prior to FBC submission. Further detail will be published on the SCC Clean Air website after JAQU technical review process is completed.

### **7.5 Any Interest Declared or Dispensation Granted**

None

### **11.6 Reason for Exemption if Public/Press Excluded During Consideration**

None

**11.7 Respective Director Responsible for Implementation**

Executive Director, Place

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

Overview and Scrutiny Management Committee

NOTE: The above item is not subject to call-in as the recommendations are removed from the call-in process to progress the Clean Air Plan to implementation to achieve legal compliance within the shortest possible time, predicted to be 2022. This is dependent on committing resources and expenditure to commence the implementation programme in November 2021.



**Author/Lead Officer of Report: Leah Barratt,  
Service Manager**

**Tel: 07711799131**

**Report of:** *Executive Director of People Services, John Macilwraith*

**Report to:** *Co-operative Executive*

**Date of Decision:** *17 November 2021*

**Subject:** *Re-tender of the School Kitchen Equipment Service and Maintenance Contract 4<sup>th</sup> April 2022 to 31<sup>st</sup> July 2025 with an option to extend for two further periods of 12 months each.*

Is this a Key Decision? If Yes, reason Key Decision:-	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
- Expenditure and/or savings over £500,000	<input checked="" type="checkbox"/>	
- Affects 2 or more Wards	<input checked="" type="checkbox"/>	
Which Executive Member Portfolio does this relate to? <i>Education, Children and Families</i>		
Which Scrutiny and Policy Development Committee does this relate to? <i>Children, Young People and Family Support Scrutiny and Policy Development Committee</i>		
Has an Equality Impact Assessment (EIA) been undertaken?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If YES, what EIA reference number has it been given? <i>Sharepoint 590/Amended LB/BK/23/09/21</i>		
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-		
<i>"The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended)."</i>		

**Purpose of Report:**

This report seeks approval to procure a new School Kitchen Equipment Service & Maintenance Contract from 4<sup>th</sup> April 2022 for 3 years plus 4 months, to 31<sup>st</sup> July 2025 with an option to extend for two further periods of 12 months each.

The council will enter into the new contract to support the School Catering Contract and those schools that participate in it. All costs are charged back to schools as part of a traded subscription service.

**Recommendations:**

That the Co-operative Executive:

1. Approves the procurement for re-tendering the School Kitchen Equipment Service & Maintenance Contracts from 4<sup>th</sup> April 2022 to 31<sup>st</sup> July 2025 as outlined in this report with an option to extend for two further periods of 12 months each.
2. Approves the award of the contracts to the most economically advantageous tenderers.
3. Delegates authority to the Executive Director of People Services in consultation with Co-operative Executive Member for Education, Children and Families, the Director of Finance and Commercial Services and the Director of Legal and Governance, to take all other necessary steps not covered by existing delegations to achieve the outcomes outlined in this report.

<b>Lead Officer to complete:-</b>							
1	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;">I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.</td> <td style="width: 50%; vertical-align: top;"> <b>Finance:</b> Helen Damon </td> </tr> <tr> <td></td> <td style="vertical-align: top;"> <b>Legal:</b> David Cutting </td> </tr> <tr> <td></td> <td style="vertical-align: top;"> <b>Equalities:</b> Bashir Khan </td> </tr> </table>	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	<b>Finance:</b> Helen Damon		<b>Legal:</b> David Cutting		<b>Equalities:</b> Bashir Khan
I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	<b>Finance:</b> Helen Damon						
	<b>Legal:</b> David Cutting						
	<b>Equalities:</b> Bashir Khan						
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>							

2	<b>EMT member who approved submission:</b>	John Macilwraith
3	<b>Co-operative Executive Member consulted:</b>	Councillor Jayne Dunn
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
<b>Lead Officer Name:</b> Leah Barratt		<b>Job Title:</b> Service Manager, School Food Service
<b>Date: 2 November 2021</b>		

## **Background Papers:**

**Project Mandate** – to set out the scope of the project to re-tender the current contract.

### **1. PROPOSAL**

- 1.1 The proposal is to engage specialist, accredited contractors to deliver a high-quality solution for managing the kitchen environment for schools who participate in the School Catering Contract. Currently, 91 schools have selected that contract method to discharge their statutory school meals duty. This contract solution gives best value for schools and a consistent standard of service that supports the catering services operating in all participating schools.
- 1.2 The maintenance of school kitchen premises and commercial catering equipment has been independently managed by the school meals service since the early 1990s, prior to catering being outsourced. Since 2001, following the outsourcing of the catering service, the council has offered schools a 'buy back' option for school meals and has continued to broker successive catering contracts from the private sector on behalf of participating schools. Part of this offer to schools was also to include management of the kitchen environment. The School Catering Contract secures a skilled education catering company to produce the food and provide the catering staff, whilst the School Kitchen Equipment Service & Maintenance Contract directly links with it to support and underpin the safe and effective delivery of the catering contract objectives. The current contract has been in operation since 1<sup>st</sup> April 2017. It has also provided some commercial catering equipment support for SCC corporate buildings, community buildings and other non-school sites.
- 1.3 The current School Kitchen Equipment Service and Maintenance Contract is split into 2 lots which are delivered by 2 specialist contractors. It is proposed to offer the contract in the same way so that prospective tenderers can choose to bid for one or both Lots:
  - Lot 1: Kitchen ventilation & Air Handling Units – Testing, servicing, maintenance and responsive repairs.
  - Lot 2: Kitchen Gas and Electrical Equipment – Testing, servicing, maintenance, approved purchase and responsive repair.
- 1.4 The Council will run a bespoke open tender process using the Council's tailored specification and contract terms.
- 1.5 The new contract will run from 4<sup>th</sup> April 2022 to 31<sup>st</sup> July 2025 with an option to extend for two further periods of 12 months each.
- 1.6 The pricing structure will be to request a fixed price for a service and maintenance programme for the four month period, 4<sup>th</sup> April 22 to 31<sup>st</sup>



July 2022 and for the following 12 month period, 1st August 2022 to 31<sup>st</sup> July 2023. Each year thereafter will be subject to a review of prices until 31 July 2025.

- 1.7 The annual value of the contract is approximately £289k. For the length of the contract set out in 1.5 above, including both extension periods, this gives a whole contract value of potentially £1.54m.
- 1.8 There will be flexibility built-in to the contract to allow for any fluctuation in numbers of participating school sites.
- 1.9 The School Food Service (acting on behalf of schools) will manage the contract(s) to minimise risks for individual schools as part of the schools catering provision.

## **2. HOW DOES THIS DECISION CONTRIBUTE?**

- 2.1 In line with its aims to support the health and well-being of children and families, and to promote a vibrant, sustainable and strong economy, the School Food Service has recently procured and manages a strategically important school meals contract on behalf of schools. It delivers approximately 20,000 meals per day across participating Sheffield nurseries, Infant, Junior, primary, secondary and special schools, as well as the University Technical College sites both here and in Derby in line with the high standards and statutory obligations set by national and local government.
- 2.2 The new School Kitchen Equipment Service & Maintenance contract will continue to be an essential part of ensuring that the kitchen facilities of participating schools are safe, suitable, efficient and effective work environments that underpin the ability of the School Catering Contract to achieve its required objectives.
- 2.3 The health & safety risks are managed and minimised for the catering contractors' employees who operate in each of the participating school kitchens. The risk of disruption to the production of school meals due to mechanical failure and/or safety concerns are reduced.

## **3. HAS THERE BEEN ANY CONSULTATION?**

- 3.1 This was done as part of the wider consultation on the School Catering Contract as the proposed contract underpins that activity. Consultation was conducted with schools during 2018-19 with the School Catering Contract commencing 1<sup>st</sup> August 2021. Locality meetings have been attended that cover all schools and academies as well as specific individual meetings with groups of school staff and individual headteachers. Schools were also surveyed to see if they wished to have a 'whole kitchen' catering offer from the council which included the management of the kitchen. For some schools, this was particularly

important and a key reason to participate in the School Catering Contract.

## **4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

### **4.1 Support for Equality of Food Provision**

The School Catering Contract is open for all schools and academies to participate in, with the exception of PFI schools, who operate under different contract terms. With the School Catering Contract comes equality of provision for those pupils who are entitled to receive a free meal due to their family's income. Medical dietary needs can be safely met and managed and religious requirements can also be catered for when requested by schools in line with council policies. The School Kitchen Service & Maintenance Contract underpins this catering contract to facilitate an inclusive service that represents the diverse nature of the city. There is a hot, nutritious meal available for all pupils who request one, in line with the legal and equality requirements, every day of the school year.

### **4.1. A Shared Risk Approach.**

1

The School Food Service manages the kitchens and equipment on behalf of schools, ensuring that all Health & Safety and Food Safety legislation is followed, as befits the commercial kitchen environment. The school kitchens therefore are always accessible so that the education catering contractor can fulfil their contract obligations to serve hot, nutritious food to all pupils who want a meal throughout the year.

By the underpinning of the School Catering Contract arrangements, school leaders can concentrate on teaching and learning, rather than managing the various aspects of running a high risk, specialist and legislatively challenging facility.

### **4.2 Financial and Commercial Implications**

The School Kitchen and Equipment Service & Maintenance Contract is procured on behalf of schools that have elected to join the School Catering Contract. It is funded entirely by those schools via the Dedicated Schools Grant as a subscription charge based on the kitchen size and managed by the Peoples' Strategy and Commissioning teams.

The new School Kitchen and Equipment Service and Maintenance contract will be let for a minimum of three years and four months to bring it in line with the length of the School Catering Contract.

The current value of the contract is £289k per annum, which is fully recovered from the schools in the School Catering Contract. It is anticipated that the costs of this contract will continue to be fully recovered from these schools and therefore there is no cost to the Council's budget.

## Commercial Considerations

The Council has a duty to ensure that all of its procurement is based on value for money principles, achieving the optimum mix of quality and effectiveness for the least outlay. In addition to this duty the value of the services in scope and the overarching Public Contract Procurement Regulations (PCR) relating to transparency and equality of treatment, the value of the services in scope is above the PCR threshold and so requires a number of specific procedural steps to be followed. In undertaking the tender process the Council will ensure compliance with the necessary legal and regulatory provisions relating to procurement, whilst encouraging innovation and competition from the market and allowing the Council to choose the optimum solution for our specified products based on a balance of quality and price.

The Procurement Strategy has explored our best value options via a full open Sheffield City Council tender route or direct award or mini competition under an existing PCR compliant framework.

All the third party compliant Framework providers are not for profit procurement consortiums established to serve the procurement needs of the corporate and housing maintenance clients.

All the identified Frameworks are compliant with the Procurement Regulations. This means as potential clients we would not have to openly advertise the opportunity or follow the full procedural rules. Some Frameworks are not however always a seamless fit with our requirements.

A Framework approach has previously been considered for these areas of activity, however Frameworks are very much a "one size fits all" approach & therefore contain a generic specification.

The frameworks that currently exist and where only part of our requirements could be met are not costed, they are generalist and non-specific in their offer. The contract size, unique needs and specific circumstances of our requirements for contracted schools mean that a broader market should be sought, which could also include more locally based providers and the incumbents.

The service provided to schools by SCC via these contracts is an integral - and critical - part of the Council's School Food Offer to educational establishments, hence it's essential that a service level of sufficient quality is achieved & maintained. This is accomplished via SCC's utilisation of a bespoke specification - therefore the usage of a Framework would not provide the required outcomes in this case without much additional work.

Sheffield City Council is also committed to ensuring a high standard of ethical practice across our supply chain.

The Council expects all internal staff, partners and suppliers to work to these augmented standards which assure we will:

- Trade with those who comply with an Ethical Code of Conduct
- Exclude suppliers committing acts of Grave Misconduct
- Improve Social Outcomes for the citizens of Sheffield
- Increase the power of procurement and its local economic impact.

It is for the reasons above that the recommendation is to compete these services under a Council run bespoke tender using our tailored specification and contract terms and that this will then satisfies both the legal requirements of Contract Standing Orders, PCR compliance and the clients third party health, safety and service level requirements.

#### 4.3 Legal Implications

The legal responsibility for the provision of school meals transferred to the school governing bodies as a consequence of the School Standards and Framework Act 1998.

The provision of free school meals by maintained schools and academies to pupils of all ages that meet the criteria is a statutory provision within the Education Act 1996 (as amended) and the Children and Families Act 2014. Each school governing body has a duty to provide free lunches for eligible pupils and the opportunity for other pupils to buy a lunch each day. Therefore, schools have a duty to provide catering facilities with the consequent responsibilities under Health & Safety at Work Act 1974, Workplace (Health & Safety & Welfare) Regulations 1992 and all other associated regulations specific to the catering environment.

The Localism Act 2011 at section 1 provides local authorities with a 'general power of competence' which enables them to do anything an individual can do as long as the proposed action is not specifically prohibited. A purpose of the Act is to enable local authorities to work in innovative ways to develop services that meet local need. The arrangement for the school catering facilities by the Council (acting on behalf of schools) conforms to this power by helping schools maximise their economies of scale, and access to economical but high-quality kitchen maintenance services.

The proposed procurement outlined in this report has a value in excess of the threshold for contracts for services under the Public Contracts Regulations 2015 and will be procured and awarded to comply with those Public Contracts Regulations and the Council's Contract Standing Orders.

#### 4.4 Other Implications

- 4.4.1 There are no HR implications as staff employed as commercial kitchen specialists are not transferred to the council for the purposes of this contract. They are therefore not considered subject to TUPE.

The contract operates in both locally maintained and academy premises and all insurances and liabilities are covered within the terms and conditions of the contract to protect all parties.

There are no direct Public Health implications.

### 5. **ALTERNATIVE OPTIONS CONSIDERED**

#### 5.1 **Including Kitchen Equipment contracts in the School Catering Contract obligations**

During the first School Catering Contract with the private sector (2001 to 2006), it was decided to make kitchen maintenance part of the obligations of the catering supplier. It was a poor decision as it led to repairs being delayed or postponed and replacement equipment put on hold for lengthy periods. This element of the work was an area where funds could be saved, whereas covering labour and food costs were essential, so repair to and replacement of equipment was often curtailed. It is also not the area of skill for education catering suppliers and the work was subcontracted out by the catering contractor at the outset of the contract. The council had little or no control over decisions made and therefore were at risk if site safety became compromised through accidents with equipment or lack of a robust servicing regime. When the contract ended, and an inventory was carried out, extra funds were needed to bring sites back up to a proper operating level, ready for the next education catering supplier.

#### 5.2 **To Not Provide the Kitchen Equipment element for schools The Do Nothing Option**

Part of the offer to Headteachers when catering was outsourced was that they had a full 'buy back' option available to them as they did not wish to deal with equipment issues or kitchen safety, alongside managing a food service. It also makes the catering operation very difficult to manage if an essential part of that function is dependant on a decision by a Headteacher to spend resources on repairing or replacing equipment. Site safety would in many cases be compromised and some services temporarily halted while decisions to release funds for essential maintenance were confirmed. The caterer would then not be able to fulfil their contractual duties. Schools would have to make their own arrangements for kitchen maintenance and the council would have to navigate through many different arrangements with individual school staff

to ensure safety was not compromised.

Headteachers agreed to sign up for a catering offer that has a 'whole kitchen' approach, with all the responsibility for the service managed by skilled and knowledgeable contractors, overseen by the council's School Food Team. To not do this would mean informing Heads that they would need to find a solution themselves by April 2022 which would create a problem for schools not used to managing this element of the service.

## **6. REASONS FOR RECOMMENDATIONS**

- 6.1 By procuring and managing Kitchen Equipment Service and Maintenance directly with the specialist commercial kitchen industry, the council has better control, operationally and financially. Although the premises are managed by the schools, and in the case of academies, owned in entirety, schools understand the need to keep the two elements of catering and equipment safety running in close harmony. It makes for safer premises and a safer catering service, while ever the school opts to participate in the School Catering Contract. This arrangement has always worked well in the past and in consulting with schools, this element of the offer was a major consideration when electing to join the School Catering Contract.
- 6.2 With this contractual arrangement, schools can then focus on teaching and learning and not become involved in kitchen premises issues. The on-site catering teams have instant access to specialist and accredited kitchen maintenance contractors, and repairs, maintenance and replacements are managed smoothly. This keeps all school kitchens in operation during term time providing hot lunches for thousands of pupils every day, as well as swift action when problems occur.
- 6.3 As a direct result of letting this contract, other SCC corporate buildings, community buildings and other non-school sites can have their kitchen premises serviced by agreement.

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**Author/Lead Officer of Report:** Nicola Shearstone  
**Tel:** 07917 077541

**Report of:** *Executive Director, People Services*  
**Report to:** *Co-Operative Executive Board*  
**Date of Decision:** *17<sup>th</sup> of November 2021*  
**Subject:** *Secondary Mainstream School Expansions*

Is this a Key Decision? If Yes, reason Key Decision:-	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
- Expenditure and/or savings over £500,000	<input checked="" type="checkbox"/>	
- Affects 2 or more Wards	<input checked="" type="checkbox"/>	
Which Cabinet Member Portfolio does this relate to? <i>Education Children and Families</i>		
Which Scrutiny and Policy Development Committee does this relate to? <i>Children's Scrutiny and Policy Development Committee</i>		
Has an Equality Impact Assessment (EIA) been undertaken?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If YES, what EIA reference number has it been given? <i>People/HA/BK/050521</i>		
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-		

**Purpose of Report:**

The report outlines the pressures on secondary school places in the city, particularly in the southwest of the city, between now and the turn of the decade. The report also explains the capital funding available whilst recognising the LAs current financial position in relation to this.

The purpose of the report is to seek Co-operative Executive approval for the use of Basic Need funding alongside corporate financial support to address the pressures on school places to deliver permanent and temporary secondary provision. This would include the potential expansion of two secondary schools in southwest of the city and temporary expansions in specific parts of the city.

**Recommendations:**

That the Co-operative Executive:

- I. Approve the use of up to £1.5 million corporate resource to support the development of secondary school places
- II. Delegate authority to the Chief Property Officer in consultation with the Director of Legal and Governance to proceed in the sale of caretaker properties to reimburse the corporate investment and the preparation of all necessary legal documentation.
- III. Notes that allocation of future Basic Need funding, to support the development of permanent and temporary secondary provision in the city, will be approved via the Capital Approvals Process.

**Background Papers:**

N/A

Lead Officer to complete:-	
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.
	Finance: <i>Damian Watkinson</i>
	Legal: <i>Nadine Wynters</i>
	Equalities: <i>Bashir Khan</i>
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	<b>EMT member who approved submission:</b> <i>John Macilwraith</i>
3	<b>Cabinet Member consulted:</b> <i>Cllr Jayne Dunn</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.
	<b>Lead Officer Name:</b> <i>Nicola Shearstone</i>
	<b>Job Title:</b> <i>Head of Commissioning for Prevention and Early Intervention – All age</i>
<b>Date:</b> <i>21<sup>st</sup> of October 2021</i>	

## **1. PROPOSAL**

- 1.1 The LA has statutory duties under the Education Act to ensure sufficient school places, promote parental choice, diversity and fair access. This means providing a school place for every child when pupil populations are high and managing excess surplus places when they fall.
- 1.2 Following the national picture, births in Sheffield rose by 25% between 2002 and 2012. This larger birth cohort has moved its way through the early years & primary sector and is coming through into the secondary sector. Throughout this period of growth, places have been added through the primary and secondary sector to manage the larger birth cohort.
- 1.3 The current city-wide picture for secondary school places forecasts a potential deficit of places across the city from 2020-2024, reaching a high point in 2023/24 after which a surplus is forecast to develop.
- 1.4 However, the demand is not evenly distributed across the city and within the southwest (SW) of the city, there is a pressure on secondary school places by local children who live within this catchment area and this is forecast to continue until the end of the decade.
- 1.5 The secondary sector has generally supported a tight system over the past 5-6 years to ensure sufficient places each year in the SW were available. Since 2015/16 the initial larger Year 7 year groups have moved through the schools in each year, this has caused a compounding effect causing the SW schools to reach their maximum overall capacities due to the additional pupils taken each year and those moving through the year groups from previous years.
- 1.6 In 2016, the LA commissioned a new 11-18 school on the former Bannerdale site to help address the future demand on places in the SW. Mercia School opened in 2018 with a Year 7 PAN of 180 places, thus allowing all pupils in the SW area to apply for a school place at Mercia School. Mercia School therefore in essence allows greater parental preference and supports schools in the area who are reaching their overall capacities. However, the demand in the area is still increasing and the additional places created by Mercia School have not been enough.

### **Current Picture**

- 1.7 The SW schools are already operating at, or above their capacities and forecast suggest that some SW schools are unable to meet the demand from their school's catchment. Even with Mercia School in the SW, pressure in the SW is forecast to continue beyond the point at which the citywide numbers are expected to reduce again. In addition, there are also other parts of the city that are forecast to see an increase in demand, with spikes in demand for specific years, impacting the ability of schools to accommodate this localised increase.
- 1.8 Although, forecasts suggest that city wide there will not be enough places to meet

our statutory duty in 2023/24, surplus begins to appear in the system following the 2023/24 peak. However, the deficit of places in the SW of Sheffield is maintained indicating that it is not a short-term issue. The challenge therefore is to meet to conflicting needs across the city:

1. Sufficiency: demand for school places from local/catchment families in the SW is expected to remain above capacity until the end of the decade
2. Sustainability: managing the increasing surplus in the school system to ensure the sustainability of schools moving forward

1.9 Through the LA's work with the school sector, a subgroup of the Secondary Heads Partnership was set up to create a Working Group to explore options moving forward. There was an agreement that a hybrid option is required to address the citywide peak & SW demand – a combination of permanent and temporary expansions.

1.10 All parties acknowledge the need for additional permanent capacity in the SW with the aim of not creating any over-capacity which would negatively impact the sustainability of other schools across the city when a surplus of places will present itself towards the end of the decade. There is also a consensus of preventing any further inequality and socio-economic divide in the city by maintaining diversity in the SW schools to ensure access of good quality education for students in the inner-city areas who are less socio-economically advantaged and most vulnerable.

### **Planning to Meet Demand**

1.11 It is important to note that current forecasts predict SW school places would be needed for local, southwest children throughout the decade. Officers recognise that permanent capacity in the form of permanent expansions is required to address the long-term pressure on secondary school places within the SW.

1.12 Currently the forecast deficit in the SW (Planning Areas 1 & 7) is an average of 3.5-4 Forms of Entry (FE) over the coming years. 1 FE is equal to 30 places. As this demand in the SW is sustained until the end of the decade, the LA is proposing small localised permanent expansions between 3-4FE to target this localised SW demand, coupled with temporary solutions where required in other parts of the city. This combination of permanent and temporary expansions should prevent any issues of sustainability in future years.

1.13 The LA approached the Department for Education (DfE) regarding the pressure on citywide and SW places with the intention of securing any additional funding outside of existing Basic Need Funding & Condition Improvement Fund (CIF - funding Academy Trusts can apply directly to the DfE for).

1.14 Simultaneously, two local Multi Academy Trusts, Mercia Trust and Chorus Trust, approached the Regional Schools Commissioner (RSC) directly to try and secure additional funding for permanent expansion of their respective SW school - King Ecgbert School and Silverdale School.

### **DfE & Capital Funding**

- 1.15 In October 2020 the DFE approved the LA's request and provided £14.67m of future Basic Need capital funding, to address sufficiency risk for the coming academic year and over subsequent years through the expansions.
- 1.16 It has been confirmed that for the purpose of future Basic Need funding calculations, it will be treated as an adjustment to our 2020-21 shortfall to fund. This means that the department's funding allocation model will reflect an additional 913 secondary places funded in 2020-21 and these places will be abated from calculations of future Basic Need funding.
- 1.17 As the allocation is future Basic Need capital funding, the LA must consider the financial implication of utilising the allocation solely on two projects within the SW of the city to add 535 places as this funding is not in fact additional money, but money brought forward from future years.
- 1.18 The LA has to consider retaining some of the allocation monies for future years as the funding provided is not additional funding. As mentioned earlier, the pressure in the SW and other parts of the city, where a further spike is forecast needs to be factored into decisions regarding allocations. Additionally, the funding will also need to cover the pressure on places in other parts of the city. This includes the requirement for any temporary provision that may be required.
- 1.19 As the demand moves into Post 16 over the next decade there will be a future pressure on Post 16 provision across the city. Basic Need funding is allocated for primary and secondary places, therefore with such pressure on the requirement to expand at secondary level and meet our statutory duty, Post 16 places need to be considered within these proposals. However, the LA are mindful of the challenge that this creates as some pupils will not have the opportunity to transition through the year groups to continue their education and will have to look for alternative provision at that stage.
- 1.20 In addition to the sufficiency concerns in mainstream secondary schools, SEND is an area of the system which is also under significant pressure. In the last two years, over 200 additional places have been created, an increase of over 20%, yet provision of places is a significant challenge. This challenge is reflected nationally – the number of children in specialist settings has risen by 27% since 2014 and continues to increase. It is currently forecast that demand for special school places will rise by 30% over the next five years, this could rise to 50% in a worst-case scenario. This means at least 300 additional places are needed.
- 1.21 In terms of need, autism and mental health are the needs underpinning the rising demand for SEND places. Sheffield's rate of autism is three times higher than the national average. This is reflected in where places have been developed in the last two years – focusing on provision for children with these needs in schools such as Mossbrook and Bents Green.

## **Proposals**

- 1.22 LA officers are currently participating in ongoing negotiations with Silverdale and King Ecgbert schools and are developing feasibilities. The proposals would support the development of 535 year 7 to 11 places in the SW of the city, contributing to

meeting the local demand. Recognising the demand moving through the school into post 16, each scheme would deliver a number of post 16 places.

- 1.23 Discussions are also taking place with each Trust to develop some SEND provision as part of these developments. The potential offer of additional Integrated Resource and Post 16 SEND students supports a significant pressure on SEND sufficiency, this will help the Local Authority fulfil its statutory duties in this area.
- 1.24 The LA will provide oversight of the proposals to ensure they meet with the requirements for the expansion and ensure value for money is achieved. To allow sufficient time for delivery of schemes within timescales for September 2023, capital approval is required to kickstart lengthy processes such as: feasibility studies, planning permission, tendering, PFI negotiations, construction etc.

## **2. HOW DOES THIS DECISION CONTRIBUTE ?**

- 2.1 As part of laying the foundations for our future, we want pupils in Sheffield to have access to a wide range of educational opportunities to achieve their full potential as set out in the 'Our Sheffield: One Year Plan'. Working alongside city partners such as schools and Trusts, with ambition, openness and purpose, towards a bright future for our city and its pupils.
- 2.2 The proposals will ensure that the LA meets its statutory duties under the Education Act to provide sufficient school places, promote parental choice, diversity and fair access.
- 2.3 Ensuring that there are enough school places for every school-age child is a fundamental responsibility of local government and is essential to the Sheffield City Council's focus on enabling children to have a great start in life, achieve their full potential, and contribute to the success of the city. At the heart of the vision for increasing school places in Sheffield is the Council's role in guaranteeing excellent education outcomes and equitable access for all.
- 2.4 The vision is for all Sheffield families to have access to great, inclusive schools in every area of the city. This means schools ensuring each child reaches their potential, equal access for the most vulnerable children, schools at the heart of their communities, and getting the best value from all funding opportunities. The expansions will contribute to:
  - Need for places: without additional places in the area, the impact on families of not getting a local place will be significant as well as the impact on neighbouring schools.
  - Children's outcomes: the standard of education that are provided at the two schools is of a high quality – both schools are rated by Ofsted as "Outstanding".
  - Equality: the inner-city school catchment areas are characterised by deprivation and a higher proportion of BME population. By increasing places at these two schools the needs of all children are met, in particular the needs of more vulnerable children and families located in the inner-city areas.

- 2.5 By expanding the two schools, the plan proposed would provide sufficient secondary places for the SW of Sheffield into the next decade without creating over capacity within the school system.

### **3. HAS THERE BEEN ANY CONSULTATION?**

- 3.1 LA officers have been working with the Secondary Heads Partnership group to identify appropriate interventions both in the short and longer term to address the increasing demand in school places. The group acknowledge that permanent expansions of schools in the SW are required to address the high demand in the area.
- 3.2 The development of additional school places has a consultation process that will be followed. All proposals outlined would be subject to consultation and would follow the relevant statutory process. This will mean the publication of statutory proposals relating to the changes as part of this process.

### **4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

#### **4.1 Equality of Opportunity Implications**

- 4.1.1 The SW neighbourhoods closer to the city centre are characterised by deprivation and a higher proportion of BME population. Typically, the SW schools are located in the more advantaged suburban areas and have catchment areas that slice in towards the city centre meaning each secondary school has an element of mixed socio-economic intake. If additional places were created to address the rising demand by commissioning permanent expansions in the SW, inner-city catchment children would be more able to obtain a place at these schools maintaining diversity in these schools. The inner-city areas are furthest away from the SW schools location, therefore insufficient places at SW schools would mean inner-city children would be the first to miss out. The intakes of SW schools are skewed towards the more advantaged, suburban areas as the key admissions tie-breaker is distance and the inner-city areas are further away from the SW schools. The lack of places in this area would drive further inequality socio-economic divide in the city.
- 4.1.2 Pupils with special needs can and do fit in a mainstream school and the importance of this experience is invaluable. Mainstream school introduces SEN pupils to a range of different people with varying abilities and needs, which most closely replicates the people and environments they will encounter throughout their lives. The development of any proposals which include SEND elements will support the wider SEND sufficiency plan which is aiming to ensure sufficient provision city wide and support the development of SEND pupils.

#### **4.2 Financial and Commercial Implications**

- 4.2.1 Capital: The Council receives an annual capital allocation from central government

to provide school places known as 'Basic Need'. Due to a large growth in pupil numbers in previous years, in February 2016 Sheffield City Council endorsed a major schools expansion programme including the creation of 2 new schools, The Mercia Academy on the former Bannerdale site and Astrea Academy at the former Pye Bank site.

- 4.2.2 This major investment required SCC to cashflow the costs of delivery of these projects from its own limited resources, in advance of the annual allocations received from government. The intention being this would eventually be recovered from future Basic Need allocations by 2021/22.
- 4.2.3 However, central government allocations have not kept pace with the costs of providing school places so that the Basic Allocation announced for 2021/22 left approx. £4m cash flow outstanding and the overall funding position £10m worse than originally anticipated.
- 4.2.4 Further pressures were identified requiring the provision of an additional 535 years 7-11 places in the South West of the city and a further temporary provision may be required city wide (east of the city).
- 4.2.5 In January 2021 the DfE granted SCC an advance on future years Basic Need allocations of £14.67m toward the new pressures identified in the South West. However, in the context of the existing cashflow deficit this amount is not sufficient to meet the costs of the proposed schemes and existing commitments as demonstrated below.

**SCHOOLS BASIC NEED FUNDING**

Basic Allocation 20/21	(1.7)
Additional Allocation for SW Schools	(14.7)
<b>TOTAL AVAILABLE 20/21</b>	<b>(16.4)</b>
Project Spend 20/21	2.4
Repaid previous cash flow funding	6.1
<b>TOTAL UTILISED 20/21</b>	<b>8.5</b>
Brought Forward Balance 21/22 (following repayment of o/s cashflow)	(7.9)
Basic Allocation 21/22	(4.6)
<b>TOTAL AVAILABLE 21/22</b>	<b>(12.5)</b>
Committed Spend on existing schemes	2.7
Estimated costs of South West schools expansions	9.8
Allowance for City Wide Temporary Expansions	1.5
<b>TOTAL FUNDING REQUIRED</b>	<b>14.0</b>
<b>Balance Required from Council Resources</b>	<b>1.5</b>

- 4.2.6 In order to deliver sufficient school places for September 2023 a commitment of up to £1.5m will need to be made from the council's own resources, funded through the corporate Investment fund. Due to the way that DfE have calculated it is



unlikely this will be able to be recovered from any future allocations of Basic Need funding.

4.2.7 However, a commitment to sell vacant surplus caretaker properties on school sites could generate up to £0.75m to offset this commitment. Wisewood, Gleadless and Netherthorpe have been identified as possible sites however a number of sites are under consideration at present.

4.2.8 Reducing this commitment from SCC's own resources is vital in the context of further increasing pressure on school places in the SEND sector which is also requires a similar cash flow arrangement while a long-term funding strategy is established.

#### 4.3 Legal Implications

4.3.1 To meet its statutory duty under section 14 of the Education Act 1996, as amended, the Local Authority has a key role in securing funding to provide sufficient education provision in schools. The Secretary of State for Education assists local authorities with this duty by making grant determinations under section 31 of the Local Government Act 2003. All proposals outlined in this report would be subject to consultation and would follow the relevant statutory process and approval route. This will include the publication of statutory proposals relating to the changes as part of the consultation process. Any legal implications will be considered at that time.

#### 4.4 Other Implications

4.4.1 No further implications have been identified.

### 5. **ALTERNATIVE OPTIONS CONSIDERED**

#### Do nothing

5.1 This option has been ruled out as the LA would be in breach of its statutory duties under the Education Act to ensure sufficient school places, promote parental choice, diversity and fair access.

#### SW schools offer places above current admission numbers

5.2 This will involve negotiating with SW schools to accommodate the shortfall of places. Schools may be provided with Growth Funding as they have agreed to offer above current admission numbers on a temporary basis to provide a flexible solution that meets the Year 7 demand in the short term. This may reduce the threat of overcapacity in later years towards end of the decade also. However, SW schools will not be able to absorb the increasing demand over the next decade within existing accommodation as they are already near full capacity due to compounding effect of offering places above PAN the past few years. Health & Safety concerns around overall building capacity – corridor space etc have also been highlighted to the LA. There is a high risk that the LA will be unable to fulfil its statutory duties if the required places are not offered by the SW schools.

### City wide allocation

- 5.3 This would involve allocating pupils who are unable to obtain a place at a local school to travel outside of their local area/catchment to access a place in other parts of the city where places are available. This would keep a tight system as city moves into a surplus in future years and reduces need to invest substantial capital funding.
- 5.4 However, this could have a disproportionate impact on families. SW schools will have a less balanced socio-economic intake as children from deprived inner-city areas in the SW may miss out on admission to SW schools. This risks significant appeals from parents and puts pressure on schools outside of SW. If parents are successful on appeal, SW schools risk unplanned numbers through this process and have a further compounding effect on the overall capacity of the school. This would also have a greater level of impact on transport, impact on environment, cost for LA to transport these pupils out of area and cost to parents.

## **6. REASONS FOR RECOMMENDATIONS**

6.1 The preferred option is to:

- I. Approve the use of up to £1.5 million corporate resource to support the development of secondary school places
- II. Delegate authority to the Chief Property Officer in consultation with the Director of Legal and Governance to proceed in the sale of caretaker properties to reimburse the corporate investment and the preparation of all necessary legal documentation.
- III. Notes that allocation of future Basic Need funding, to support the development of permanent and temporary secondary provision in the city, will be approved via the Capital Approvals Process.

6.2 This option has been chosen because it helps ensure that the LAs statutory duties relating to mainstream and SEND place are met, improve outcomes for pupils in the southwest of the city and also the potential to recoup funds through the sale of caretaker properties across the city.

6.3 The intended outcomes are:

- Development of permanent and temporary secondary provision in the city by utilising future Basic Need funding to meet statutory duties
- Supporting the SEND strategy across the city
- Reimburse the corporate investment through the sale of caretaker properties



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**Author/Lead Officer of Report:**  
Damian Watkinson,  
Finance Manager

**Tel:** 0114 273 6831

**Report of:** *Eugene Walker*

**Report to:** *Co-operative Executive*

**Date of Decision:** *17<sup>th</sup> November 2021*

**Subject:** *Capital Approvals for Month 06 2021/22*

Is this a Key Decision? If Yes, reason Key Decision:-	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
- Expenditure and/or savings over £500,000		<input checked="" type="checkbox"/>		
- Affects 2 or more Wards		<input checked="" type="checkbox"/>		

Which Individual Executive Member Portfolio does this relate to? ***Finance and Resources***

Which Scrutiny and Policy Development Committee does this relate to?  
***Overview and Scrutiny Management Committee***

Has an Equality Impact Assessment (EIA) been undertaken? Yes  No

If YES, what EIA reference number has it been given? *(Insert reference number)*

Does the report contain confidential or exempt information? Yes  No

If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-

*“The (**report/appendix**) is not for publication because it contains exempt information under Paragraph (**insert relevant paragraph number**) of Schedule 12A of the Local Government Act 1972 (as amended).”*

**Purpose of Report:**

*This report provides details of proposed changes to the Capital Programme as brought forward in Month 6 2021/22.*

- (i) Approve the proposed additions and variations to the Capital Programme listed in Appendix 1, including the procurement strategies and delegate authority to the Director of Finance and Commercial Services or nominated Officer, as appropriate, to award the necessary contracts
- (ii) Note the receipt of advance funding in relation to the Stocksbridge Towns Fund at Appendix 2

**Background Papers:  
Appendix 1, Appendix 2**

<b>Lead Officer to complete:-</b>	
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.
	Finance: <i>Tim Hardie</i>
	Legal: <i>Nadine Sime</i>
	Equalities: No
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	<b>EMT member who approved submission:</b> <i>Eugene Walker</i>
3	<b>Individual Executive Member consulted:</b> <i>Councillor Cate McDonald Individual Executive Member for Finance and Resources</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.
	<b>Lead Officer Name:</b> <i>Damian Watkinson</i>
	<b>Job Title:</b> <i>Finance Manager Business Partner Capital</i>

# MONTH 06 2021/22 CAPITAL APPROVALS

## 1. SUMMARY

- 1.1 A number of schemes have been submitted for approval in line with the Council's capital approval process during the Month 05 reporting cycle. This report requests the relevant approvals and delegations to allow these schemes to progress.
- 1.2 Below is a summary of the number and total value of schemes in each approval category:
- 4 additions of specific projects to the capital programme creating a net increase of £2.283m
  - 9 variations creating a net reduction of £2.659m;
  - 1 reprofile of expenditure with net nil impact on budget
- 1.3 Further details of the schemes listed above can be found in Appendix 1.

## 2. WHAT DOES THIS MEAN FOR SHEFFIELD PEOPLE

- 2.1 The proposed changes to the Capital programme will improve the recreational leisure facilities, schools, roads and homes used by the people of Sheffield, and improve the infrastructure of the city council to deliver those services.

## 3. BACKGROUND

This report is part of the monthly reporting procedure to Members on proposed changes to the Council's capital programme.

## 4. OUTCOME AND SUSTAINABILITY

- 4.1 By delivering these schemes the Council seeks to improve the quality of life for the people of Sheffield.

## 5. OTHER IMPLICATIONS

### 5.1 Finance Implications

The primary purpose of this report is to provide Members with information on the proposed changes to the City Council's Capital Programme further details on each scheme are included in Appendix 1 in relation to schemes to be delivered and Appendix 2 in relation to grants received

### 5.2 Procurement and Contract Award Implications

This report will commit the Council to a series of future contracts. The procurement strategy for each project is set out in Appendix 1. The award of

the subsequent contracts will be delegated to the Director of Financial and Commercial Services.

### **5.3 Legal Implications**

Any specific legal implications in this report are set out in Appendix 1 and Appendix 2 in relation to grants received.

### **5.4 Human Resource Implications**

There are no direct Human Resource implications for the Council.

### **5.5 Property Implications**

Any specific property implications from the proposals in this report are set out at Appendix 1.

## **6. ALTERNATIVE OPTIONS CONSIDERED**

- 6.1 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.

## **7. REASONS FOR RECOMMENDATIONS**

- 7.1 The proposed changes to the Capital programme will improve the services to the people of Sheffield
- 7.2 To formally record changes to 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.
- 7.3 Obtain the relevant delegations to allow projects to proceed.

**Finance & Commercial Services | Commercial Business Development**

**November 2021**



Scheme name / summary description		Value £'000		
<b>A</b>	<b>Economic growth</b>			
	New additions			
	None			
	Variations and reasons for change			
Page 57	<p><b>Parkwood Springs Access Scheme</b></p> <p><b>Scheme description</b></p> <p>This project was initially approved to conduct feasibility works to design and construct an access road to Sheffield City Council's land interests at the former Parkwood Springs ski village and adjoining land, to enable redevelopment.</p> <p>The project was to be funded from Sheffield City Region income in lieu of a £6m grant award.</p> <p><b>What has changed?</b></p> <p>The project is deemed to be unviable at the moment and will not be progressing at this time, although the design work and plans now completed remain valid and will be utilised when opportunities arise to move the scheme forward. The feasibility works were originally budgeted to cost £300k this has now increased to £470k and will be funded by a contribution from Sheffield City Region</p> <p><b>Variation type: -</b></p> <ul style="list-style-type: none"> <li>Budget increase</li> </ul>	+170		
	<table border="1"> <tr> <td><b>Funding</b></td> <td>Sheffield City Region</td> </tr> </table>	<b>Funding</b>	Sheffield City Region	
	<b>Funding</b>	Sheffield City Region		
	<table border="1"> <tr> <td><b>Procurement</b></td> <td>N/A</td> </tr> </table>	<b>Procurement</b>	N/A	
<b>Procurement</b>	N/A			
<b>B</b>	<b>Transport</b>			
	New additions			
	None			
	Variations and reasons for change			

Page 58	<p><b>Nether Edge &amp; Crookes Active Travel Neighbourhood [ATN]</b></p> <p><b>Scheme description</b></p> <p>The aim of this project is to provide two Active Travel Neighbourhoods [ATN's] in Nether Edge and Crookes that link to the emerging Nether Edge active travel route to the city centre, and compliment other work currently underway to provide high quality active travel options.</p> <p>The objective of the ATNs is to reduce through traffic movements, which in turn can create severance and safety concerns for those living in those neighbourhoods. Reducing through traffic will create a more pleasant, safer environment in which to travel on foot or by bicycle.</p> <p>Approval has previously been granted for £16k Active Travel funding to proceed with feasibility and initial design works to develop the scheme and the interventions required.</p> <p><b>What has changed?</b></p> <p>The project budget has been increased by £78k to £94k to enable temporary measures to be implemented ahead of the main project works including the cost of the Experimental Traffic Regulation Order [ETRO]. Is it envisaged these measures will be in the form of planters to form temporary road-closures.</p> <p>Traffic counts will also be collected as the project will be closely monitored. These will be tendered through Sourcing.</p> <p>The increase will be funded by Active Travel funding and equals the Stage 2 funding award expected in November 2021.</p> <p><b>Variation type: -</b></p> <ul style="list-style-type: none"> <li>Budget increase</li> </ul>		+78
	<b>Funding</b>	Active Travel funding	
	<b>Procurement</b>	<ul style="list-style-type: none"> <li>i. Multi-disciplinary professional services undertaken by a range of in-house services across SCC portfolios.</li> <li>ii. Traffic counts by competitive quotes.</li> <li>iii. Supply and install of planters by Amey Hallam Highways via direct appointment under the Streets Ahead PFI.</li> </ul>	
<p><b>Sheaf Valley Cycling</b></p> <p><b>Scheme description</b></p> <p>The provision of a strong cycling and walking network is a key part of the transport strategy and the South West area of Sheffield provides an excellent opportunity to capture an increase in cycle movements.</p> <p>This project is to provide a high quality 3.36km cycle route between Norton Hammer and Sheaf Quay. The project will be delivered in two phases;</p> <ul style="list-style-type: none"> <li>Phase 1 will see interventions delivered on Cherry Street Harmer Street &amp; Little London Road. These will mostly consist of road closures using planters that will be positioned at locations facilitated by Emergency Traffic Regulation Orders [ETRO's].</li> </ul>		+105	

Page 59	<ul style="list-style-type: none"> <li>Phase 2 will be the completion of the full scheme</li> </ul> <p>The commuted sum is estimated at £75k based on the preliminary designs.</p> <p><b>What has changed?</b></p> <p>Following completion of the stage 1 preliminary design, the budget is to be increased by £105k [to a total overall budget of £380k]. The project is funded by Active Travel funding.</p> <p><b>Variation type: -</b></p> <ul style="list-style-type: none"> <li>Budget increase</li> </ul>		
	<b>Funding</b>	Active Travel funding	
	<b>Procurement</b>	<ul style="list-style-type: none"> <li>i. Outline design and project management undertaken in-house by SCC Design &amp; Assurance and SCC Transport Planning respectively.</li> <li>ii. Supply and install of planters by Amey Hallam Highways via direct appointment under the Streets Ahead PFI.</li> </ul>	
	<b>Quality of life</b>		
	New additions		
	None		
	Variations and reasons for change		
	None		
<b>D</b>	<b>Green and open spaces</b>		
	New additions		
	None		
	Variations and reasons for change		
	<b>Parkwood Springs Active Park – Work Package 2</b>		+325

**Scheme description**

The overall objective of the project is to deliver a range of improvement phases from the masterplan. This will help make Parkwood Springs a vibrant place to visit with a variety of new facilities and infrastructure which will create an ‘Active Park’ and destination site for the people from the local area, the city, and region.

Currently visitor facilities and access infrastructure are very limited, in turn limiting the potential number and range of users willing and able to access this potentially extremely valuable local resource.

**What has changed?**

Work Package 2 (WP2) has now been costed for the design and build of site Kiosk & Toilets including groundwork, foundations, utilities, etc.

The proposed facilities to be provided as part of WP2 will be a refreshment kiosk, toilet, and community hub. Located close to the principal access point and car parking, overlooking open space in a highly visible location, these new facilities will provide a community resource, attracting, encouraging, and better enabling active use by a wide range of local people. As well as accommodating use by additional visitors to the expanded network of cycling trails.

*Outcomes/ Benefits*

- Improved existing changing facilities
- Increased usage of the park and associated activities to engage with local community
- Provide new community hub for everyone enjoying the Parkwood active country park
- Deliver a key ambition of the Parkwood Masterplan

**Variation type:** Budget increase

**Budget**

Previous Years' Actuals	£0.8K		£0.8K
Current 21/22 Budget	£496.8K +	£27.6K =	£524.4K
<u>Current 22/23 Budget</u>	<u>£77.4K +</u>	<u>£297.4K =</u>	<u>£374.8K</u>
Total Budget	£575.0K +	£325.0K =	£900.0K

**Funding**

*WP1*

British Cycling Grant	£500.0K	
S106	£17.7K	(£84.3K available in total)
<u>Public Health Funding</u>	<u>£57.3K</u>	<u>(£150K available in total)</u>
Total	£575.0K	

*WP2*

NCSEM Contribution	£324.8K	(£400K available in total)
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	<p>Existing RCC                    £0.2K (£1.7K available in total) Total                                £325.0K</p> <p><b>Total Funding                £900.0K</b></p>	
	<p><b>Funding</b>                    See Section above</p>	
	<p><b>Procurement</b></p> <ul style="list-style-type: none"> <li>i. Construction related professional services undertaken in-house by the Capital Delivery Service.</li> <li>ii. Principal Contractor by closed competitive tender using the Constructionline database to shortlist Sheffield / Sheffield City Region contractors to tender.</li> <li>iii. Surveys by competitive quotes.</li> </ul>	
<b>E</b>	<b>Housing growth</b>	
	New additions	
Page 61	None	
	Variations and reasons for change	
	<p><b>Council Housing New Build Phase 10 – General Needs Daresbury &amp; Berners</b></p> <p><b>Scheme description</b> This project is in the process of delivering 73 new build affordable Council homes to the existing SCC housing stock at the following sites:</p> <p>Daresbury – Daresbury View, Arbourthorne – 10 units Berners – Berners Road and Berners Place, Arbourthorne – 63 units</p> <p><b>What has changed?</b> Additional ground consolidation and foundation work has been necessary on the Berners site at a cost of £319.9K, which has been funded from the £366.5K project contingency. The remaining £46.6K is a reasonable amount given the contingency spend to date on other issues is £45K, and only 7 months of the total contract period remains. However, due to Anti-Social Behaviour issues on the Daresbury site it has also been necessary to implement additional security measures to enable Daresbury works to continue in a safe manner. The additional measures include metal fencing, CCTV, extended guard times and boundary treatment changes costing £120.4K.</p> <p>With the additional security costs being more than the remaining £46.6K contingency, the project is now forecast to be overspent by £73.8K. An increase in budget by the additional security cost figure of £120.4K is therefore requested, which will reinstate the remaining contingency to a reasonable and manageable £46.6K.</p>	+120

	<p><b>Variation type:</b> Budget increase</p> <p><b>Updated Costs</b></p> <table border="0"> <tr><td>Fees</td><td>£485.0K</td></tr> <tr><td>Client Directs</td><td>£106.9K</td></tr> <tr><td>Construction</td><td>£11,968.1K</td></tr> <tr><td>Contingency</td><td>£46.6K</td></tr> <tr><td><b>Total</b></td><td><b>£12,606.6K</b></td></tr> </table>	Fees	£485.0K	Client Directs	£106.9K	Construction	£11,968.1K	Contingency	£46.6K	<b>Total</b>	<b>£12,606.6K</b>	
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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 62</p>	<p><b>Council Housing Stock Increase Programme Block Allocation</b></p> <p><b>Scheme description</b> Block allocation of funding for schemes to increase the Council's Housing Stock.</p> <p><b>What has changed?</b> A variation report has been proposed for the Daresbury and Berners New Build scheme highlighting extra costs incurred, using more than the contingency and therefore creating an overspend. Funding for some of these costs therefore needs drawing down from this Block Allocation to reinstate a reasonable amount of contingency. See separate entry above.</p> <p><b>Variation type:</b> Budget decrease</p> <p><b>Budget</b></p> <table border="0"> <tr><td>Current 21/22 Budget</td><td>£2,078.3K - £120.4K =</td><td>£1,957.9K</td></tr> <tr><td>Total 21-26 Budget</td><td>£126,848.4K - £120.4K =</td><td>£126,728.0K</td></tr> </table>	Current 21/22 Budget	£2,078.3K - £120.4K =	£1,957.9K	Total 21-26 Budget	£126,848.4K - £120.4K =	£126,728.0K	<p style="text-align: right;">-120</p>				
Current 21/22 Budget	£2,078.3K - £120.4K =	£1,957.9K										
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<b>Procurement</b>	N/A											
<p><b>F</b></p>	<p><b>Housing investment</b></p>											
	<p>New additions</p>											
	<p><b>Tower Blocks Fire Risk Assessment works FEASIBILITY</b></p> <p><b>Why do we need the project?</b></p>	<p style="text-align: right;">+333</p>										

This project is to address Phase 3 of the risk-based approach to dealing with Fire Risk Assessment works within the existing SCC housing stock.

Phase 1 is complete and has addressed external cladding replacement at Hanover Tower Block; Phase 2 is in progress and will deliver fire compartmentation and renewal of fire safety systems at Hanover and Stannington Tower Blocks.

Phase 3 will involve fire compartmentation and renewal of fire safety systems at 20 no. residential tower blocks.

**How are we going to achieve it?**

Carry out a feasibility study into fire compartmentation and renewal of fire safety systems at 20 no. tower blocks in the SCC housing estate.

The feasibility study will cover:

- Review of fire safety policies
- Overarching review for each group of blocks in scope including specific variations
- Review of existing waste disposal chute systems; how to close these off and implement alternative management of waste.
- Upgrades to communal areas including fire doors, screens, and flooring as with Phase 2 works at Hanover and Stannington
- All fire doors to attain BM Trada Q mark for fire safety

**What are the benefits?**

*Objectives*

Complete a feasibility study into fire compartmentation and renewal of fire safety systems at:

- Gleadless – 6 no. blocks (including Handbank which has an existing sprinkler system installed in 2011)
- Leverton Gardens – 3 no. tower blocks
- Netherthorpe – 4 no. tower blocks (including the higher risk Cornhill block used for temporary accommodation)
- Upperthorpe – 7 no. blocks

*Benefits*

- An understanding of how to deliver fire compartmentation and up to date fire safety systems at the 20 no. tower blocks in scope
- Up to date fire strategies for each block
- Recommendations regarding the current stay put policy for emergencies
- Overarching approach to each group of tower blocks in scope
- Options for replacing waste disposal chute systems with appropriate management approaches
- Recommendations for upgrades to communal areas including fire doors, screens, and flooring
- Options for ensuring that all fire doors attain the BM Trada Q mark for fire safety
- Contributes towards SCC fulfilling its statutory responsibilities for fire safety as a landlord

**When will the project be completed?**

Feasibility November 2021

**Costs 21/22**

	CDS Fees £252.7K Surveys £50.0K Consultant Fees £30.0K Total £332.7K						
	<b>Funding Source</b>	HRA via Block Allocation for Health & Safety Essential Work	<b>Amount</b>	£332.7K	<b>Status</b>	Funds available to drawdown from Block Allocation	<b>Approved</b>
	<b>Procurement</b>	i. Construction related professional services undertaken in-house by the Capital Delivery Service. ii. Surveys by competitive quotes.					
Page 64	Variations and reasons for change						
	<b>Council Housing Block Allocation for Health &amp; Safety Essential Work</b>						
	<b>Scheme description</b> Block allocation of funds for projects to improve Health and Safety.						
	<b>What has changed?</b> Following the submission of an Initial Business Case for feasibility on Tower Block FRAs, a drawdown of £332.7K is required to fund the costs. See the separate entry above.						
<b>Variation type:</b> Budget decrease							
<b>Budget</b>							
Current 22/23 Budget £2,303.1K - £332.7K = £1,970.4K Current 21-26 Budget £27,522.6K - £332.7K = £27,189.9K							
	<b>Funding</b>	HRA					
	<b>Procurement</b>	N/A					
<b>G</b>	<b>People – capital and growth</b>						
	New additions						



	None					
	Variations and reasons for change					
Page 65	<p><b>Talbot-Seven Hills Special Educational Needs &amp; Disabilities (SEND) school places (revised Outline Business Case)</b></p> <p><b>Scheme description</b></p> <ul style="list-style-type: none"> <li>• There is a growing demand for SEN (Special Educational Needs) placements within Sheffield.</li> <li>• Pressures are growing at a primary and secondary level relating to phased transfers (into primary and into secondary).</li> <li>• A primary placement shortfall of 25 places and a secondary placement shortfall of 90 places is forecast for September 2022 with an additional 40* to 50 SEN pupil secondary places being delivered through a development on the Talbot – Seven Hills site.</li> <li>• An initial scope of works was agreed in February 2021 which presumed a modular only solution which was estimated at £1.1m</li> </ul> <p><b>What has changed?</b></p> <ul style="list-style-type: none"> <li>• Scope change: scheme now to create a modular facility within the grounds of Talbot (site behind Learn Sheffield facility) <b>and</b> remodelling of the existing Bridge building.</li> <li>• The £2.275m cost increase on the previous (estimated) cost is due to the increase in scope following development of the project brief with CYPF together with Talbot and Seven Hills Schools as outlined in the Table 2 below : The increased scope of works includes required ancillary accommodation, dining and PE space, and additional car parking /minibus drop off space, following planning advice.</li> </ul> <p>Table 2: change in scope</p> <table border="1" data-bbox="170 906 1848 1391"> <thead> <tr> <th data-bbox="170 906 757 965">Benefits as per Previous OBC</th> <th data-bbox="757 906 1848 965">Changes from Previous OBC</th> </tr> </thead> <tbody> <tr> <td data-bbox="170 965 757 1391"> <ul style="list-style-type: none"> <li>• 4no. class bases</li> <li>• 4no. breakout rooms</li> <li>• 1no. sensory room</li> <li>• 1no. multi-use room</li> <li>• 1no. Hygiene room</li> <li>• 2no. offices</li> <li>• Pupil and adult WCs</li> </ul> </td> <td data-bbox="757 965 1848 1391"> <ul style="list-style-type: none"> <li>• Additional 2no. classroom</li> <li>• Additional 1no. cleaners store</li> <li>• Additional 6no. classroom stores</li> <li>• Additional 1no. general store</li> <li>• Additional 1no. plant room</li> <li>• Omission 1no. staff office</li> <li>• Addition 1no. reception office</li> <li>• Addition 1no. parent / group room</li> <li>• Addition of scope for further extension through the addition of a second floor at a later date (proposed structure and foundations designed to facilitate this)</li> <li>• Addition of Bridge building provision of assembly hall, PE, servery and dining spaces</li> <li>• Addition of outdoor multi-use space</li> <li>• Addition of car parking</li> <li>• Addition of reconfiguration of the existing car park to create a minibus and private car drop off point.</li> <li>• Addition of new site boundary fencing and controlled gated access</li> </ul> </td> </tr> </tbody> </table> <p><b>Variation type: -</b></p> <ul style="list-style-type: none"> <li>• Budget increase: +£2.275m above previously authorised OBC budget of £1.1m, taking the total budget to £3.375m.</li> </ul>	Benefits as per Previous OBC	Changes from Previous OBC	<ul style="list-style-type: none"> <li>• 4no. class bases</li> <li>• 4no. breakout rooms</li> <li>• 1no. sensory room</li> <li>• 1no. multi-use room</li> <li>• 1no. Hygiene room</li> <li>• 2no. offices</li> <li>• Pupil and adult WCs</li> </ul>	<ul style="list-style-type: none"> <li>• Additional 2no. classroom</li> <li>• Additional 1no. cleaners store</li> <li>• Additional 6no. classroom stores</li> <li>• Additional 1no. general store</li> <li>• Additional 1no. plant room</li> <li>• Omission 1no. staff office</li> <li>• Addition 1no. reception office</li> <li>• Addition 1no. parent / group room</li> <li>• Addition of scope for further extension through the addition of a second floor at a later date (proposed structure and foundations designed to facilitate this)</li> <li>• Addition of Bridge building provision of assembly hall, PE, servery and dining spaces</li> <li>• Addition of outdoor multi-use space</li> <li>• Addition of car parking</li> <li>• Addition of reconfiguration of the existing car park to create a minibus and private car drop off point.</li> <li>• Addition of new site boundary fencing and controlled gated access</li> </ul>	+2,275
Benefits as per Previous OBC	Changes from Previous OBC					
<ul style="list-style-type: none"> <li>• 4no. class bases</li> <li>• 4no. breakout rooms</li> <li>• 1no. sensory room</li> <li>• 1no. multi-use room</li> <li>• 1no. Hygiene room</li> <li>• 2no. offices</li> <li>• Pupil and adult WCs</li> </ul>	<ul style="list-style-type: none"> <li>• Additional 2no. classroom</li> <li>• Additional 1no. cleaners store</li> <li>• Additional 6no. classroom stores</li> <li>• Additional 1no. general store</li> <li>• Additional 1no. plant room</li> <li>• Omission 1no. staff office</li> <li>• Addition 1no. reception office</li> <li>• Addition 1no. parent / group room</li> <li>• Addition of scope for further extension through the addition of a second floor at a later date (proposed structure and foundations designed to facilitate this)</li> <li>• Addition of Bridge building provision of assembly hall, PE, servery and dining spaces</li> <li>• Addition of outdoor multi-use space</li> <li>• Addition of car parking</li> <li>• Addition of reconfiguration of the existing car park to create a minibus and private car drop off point.</li> <li>• Addition of new site boundary fencing and controlled gated access</li> </ul>					

	<ul style="list-style-type: none"> <li>Full scheme now to be funded from High Needs Revenue contribution and Corporate Investment Fund pending 22/23 Special Needs Capital funding settlement</li> </ul>		
	<b>Funding</b>	High Needs Revenue Contribution - £563k Corporate Investment Fund - £2,812k	
	<b>Procurement</b>	i. Construction related professional services undertaken by the Capital Delivery Partner. ii. Programme management and Clerk of Works undertaken in-house by the Capital Delivery Service. iii. Principal Contractor by mini competition via the LHC framework iv. Furniture and equipment procured either through the primary contract or directly by the school.	
Page 66	<p><b>Manor Lodge School Integrated Resource (IR) – Special Educational Needs</b></p> <p><b>Scheme description</b></p> <ul style="list-style-type: none"> <li>The Local Authority supported Manor Lodge’s application to create a 16 place SEND provision. This consisted of 8 Integrated Resource (IR) places and 8 alternative provision (AP) places. However, the DfE only approved the delivery of a 12 place IR provision.</li> <li>Manor Lodge IR development contributes to the overall SEND Strategy and reduces the pressure on special schools by creating specialist mainstream provision.</li> <li>Initial capital costs for the refurbishment were in the region of £240k, with an agreed LA contribution of £120k.</li> </ul> <p><b>What has changed?</b></p> <ul style="list-style-type: none"> <li>Due to external factors and Covid delays, there has been a significant increase in the building costs c£90k, this is mainly due to the increase in demand nationally for building works, which also led to a low response rate to the tender process and contractors finding it difficult to obtain competitive prices for building materials or sub-contracted elements such as mechanical and electrical works.</li> <li>A contract was awarded and following an SSET (Sheffield South East Trust) request, the contractor reviewed their pricing which resulted in them being able to reduce their price from £325k to £299k, with a total project outturn of £329k, this represents a c£90k increase to the £240k budgeted.</li> <li>To manage the overspend, SSET has requested support from the LA, to help reduce the impact on other Trust budgets.</li> <li>The Trust has now committed a total of £180,000 towards the capital build. This includes the original ring-fenced amount of £120k and an additional £60k that can be allocated to the pressure (this commits most of the Trust’s 21-22 Devolved Formula Capital budget)</li> </ul> <p><b>Variation type: -</b></p> <ul style="list-style-type: none"> <li>Budget increase: +£39k SCC contribution above previously authorised budget of £120k, taking the total budget to £159k.</li> </ul>		+39
	<b>Funding</b>	<ul style="list-style-type: none"> <li>Original £120k – from Special Provision Capital – SEND</li> <li>Increased contribution +£39k - from SEND Revenue funding (Funding Agreement to note amendment)</li> </ul>	
	<b>Procurement</b>	N/A	

H	Essential compliance and maintenance	
	New additions	
Page 67	<p><b>Various Fire Risk Assessment Schemes: 10 x Corporate sites</b></p> <ul style="list-style-type: none"> <li>• 95629 Meersbrook Park Offices*: +£362.3k (repairing responsibility retained by SCC)</li> <li>• 95631 Spring Street Kennels*: +£195.8k</li> <li>• 95632 Mather Road Recreation*: +£ 90.1k</li> <li>• 95633 Heeley Green Community Centre*: +£ 94.9k</li> <li>• 95639 Abbeyfield Park**: +£168.4k</li> <li>• 95640 Chapelton Library**: +£147.7k</li> <li>• 95641 Concord Park**: +£191.2k</li> <li>• 96543 Lowedges Housing Office**: +£119.2k</li> <li>• 95644 Mount Pleasant Park**: +£ 89.5k</li> <li>• 95645 Shiregreen Cemetery**: +£182.8k</li> </ul> <p><b>Why do we need the project?</b></p> <ul style="list-style-type: none"> <li>○ Fire Risk Assessments have highlighted shortfalls in the provision of necessary Fire Precautions in a number of SCC Corporate buildings. These issues are being mitigated by short term management actions. In the medium to longer term, physical improvements to these buildings are required to make them compliant.</li> <li>○ This scheme allows SCC to maintain required statutory compliance and to protect lives and property.</li> </ul> <p><b>How are we going to achieve it?</b></p> <ul style="list-style-type: none"> <li>○ Review Fire Strategy and ensure appropriate strategy is in place.</li> <li>○ Identify necessary works to fire compartmentations and instal appropriate fire safety systems</li> <li>○ Fire Plan in place within each site</li> <li>○ 3rd Party Certification to verify completed works</li> </ul> <p><b>What are the benefits?</b></p> <ul style="list-style-type: none"> <li>• Outputs                     <ul style="list-style-type: none"> <li>○ Fire Strategy plans for each site;</li> <li>○ Detailed survey and design information for each site;</li> <li>○ Tender documentation and evaluation report;</li> <li>○ Final Business Case and Contract Award;</li> <li>○ Fire Safety information within O&amp;Ms.</li> </ul> </li> </ul>	+1,639

Page 68	<ul style="list-style-type: none"> <li>• Benefits                             <ul style="list-style-type: none"> <li>○ Address identified fire safety issues</li> <li>○ Provide suitable protection to staff and visitors to the building</li> <li>○ Provide compartmentation to the building to allow SYFRS adequate protection to fight any future fires</li> </ul> </li> </ul> <p><b>When will the project be completed?</b> 02/12/2022</p>							
	<b>Funding Source</b>	Corporate Investment Fund (Essential Compliance Allocation)	<b>Amount</b>	£51.9k* (1st 4; Oct 20) + £51.8k4** (next 6; Feb 21) IBCs - Feasibility <u>+£1,639k works</u> £1,742.7k Total	<b>Status</b>		<b>Approved</b>	
	<b>Procurement</b>	i. Majority of construction related professional services undertaken in-house by the Capital Delivery Service. Some minor design work through the Capital Delivery Partner. ii. Specialist Contractor by mini competition via the Fusion21 framework.						
<p><b>Millhouses Park Gabion Wall (delivery stage)</b></p> <p><b>Why do we need the project?</b></p> <ul style="list-style-type: none"> <li>○ A short section of gabion walling used to retain and stabilise a section of riverbank of the River Sheaf in Millhouses Park was reported to have collapsed. Repairs are needed to retain the riverbank and prevent erosion or further collapse of the gabion wall.</li> <li>○ Following inspection of both sides of the riverbank along the length of the River Sheaf a report was issued in August 2021:                             <ul style="list-style-type: none"> <li>▪ 8 sections were identified as Red, in urgent need of repair (within 12 months of the issue date of the report)</li> </ul> </li> <li>• <b>What is the proposed solution / recommended option?</b> <ul style="list-style-type: none"> <li>○ Repair 8 sections of riverbank to the River Sheaf in Millhouses Park identified as Red, in urgent need of repair.</li> </ul> </li> </ul> <p>What are the benefits?</p> <p>Objectives Address repairs to a total of 8 sections of the riverbank in Millhouses Park identified in the structural survey report as Red (8 sections) at inspection in 2021.</p> <p>Outputs</p> <ul style="list-style-type: none"> <li>• 8 sections of riverbank repaired.</li> </ul>								+159.2

Page 69	Benefits <ul style="list-style-type: none"> <li>Addresses risk of vulnerable sections of riverbank to the River Sheaf in Millhouses Park collapsing.</li> </ul> When will the project be completed? <ul style="list-style-type: none"> <li>12/08/2022</li> </ul>							
	<b>Funding Source</b>	Corporate Investment Fund (Essential Compliance Allocation)	<b>Amount</b>	£ 4.4k - Feasibility <u>+£159.2k works</u> £ 163.6k Total	<b>Status</b>		<b>Approved</b>	
	<b>Procurement</b>	i. Construction related professional services undertaken in-house by the Capital Delivery Service. ii. Principal Contractor by open tender with Suitability Assessment.						
	<b>Town Hall CCTV Control Room</b> <b>Why do we need the project?</b> <ul style="list-style-type: none"> <li>The allocated CCTV control room Town Hall has been identified as unsafe for use without significant adaptations. This has resulted in the short-term relocation into the current Emergency Planning however this room is not suitable for longer term CCTV use.</li> <li>Should an emergency occur one of the services (Emergency Planning or CCTV) would have to take primacy in the room, potentially putting public safety and security at risk as the other service couldn't operate effectively.</li> <li>A potential replacement location for CCTV has been identified in the Town Hall in the Urban Traffic Control (UTC) room on ground floor. UTC employees are currently working from home for the majority of the time, apart from occasional activity that can only be done from UTC.</li> <li>A longer-term ambition to co-locate Emergency Planning, CCTV and UTC in a combined space had been proposed by the Corporate Resilience Group and supported by the Director of Operational Services last year. The immediate need for CCTV to be relocated provides the catalyst to deliver the longer-term ambition to co-locate the 3 services. As well as relocation, CCTV will review the IT hardware and network options to make the service more resilient to denial of access incidents in future, enabling it to operate from other locations.</li> <li>This move needs to take place quickly to de-risk the public safety and provide a suitable working location for CCTV. CCTV cannot operate remotely. The town hall is the only suitable location due to the specific IT hardware and network connectivity.</li> </ul> <b>How are we going to achieve it?</b> <ul style="list-style-type: none"> <li>Relocation and partial upgrade of CCTV system, including upgrade of recording equipment.</li> </ul> <b>What are the benefits?</b> <ul style="list-style-type: none"> <li>Enable an initial phase to move CCTV into the UTC room in the shortest time possible. There will be hardware, software and network</li> </ul>							+147.4

Page 70	<p>changes required to facilitate the move.</p> <ul style="list-style-type: none"> <li>o Detailed design information. CCTV relocation into UTC and partial upgrade of system to extend its serviceable life.</li> <li>o Improved accommodation for the CCTV control room equipment and staff.</li> <li>o The longer-term solution should make the service more resilient to denial of access incidents in future, enabling it to operate from other locations.</li> </ul> <p><b>When will the project be completed?</b> 31/01/2022</p>						
	<b>Funding Source</b>	Revenue Contribution to Capital from service	<b>Amount</b>	£147.4k	<b>Status</b>		<b>Approved</b>
	<b>Procurement</b>	<ul style="list-style-type: none"> <li>i. Construction related professional services undertaken in-house by the Capital Delivery Service.</li> <li>ii. Electrical works by instruction via an existing capital contract.</li> <li>iii. CCTV relocation / upgrade via call-off from SCC's existing security contract.</li> </ul>					
Variations and reasons for change							
<p><b>Transport Efficiency 21-22 (slippage)</b></p> <p><b>Scheme description</b></p> <ul style="list-style-type: none"> <li>• In the first two years of the vehicle replacement programme we will have replaced 353 of the oldest, most polluting vehicles. This scheme seeks to continue to address the excessive age of SCC's vehicle and plant fleet.</li> </ul> <p><b>What has changed?</b></p> <ul style="list-style-type: none"> <li>• October 21: -£2.3m slippage, as we now anticipate most of the expense starting Oct/Nov 2021. Reasons: due diligence regarding sourcing Electric Vehicles where suitable, and delays in vehicle build times from manufacturers arising from parts shortages.</li> </ul> <p><b>Variation type: -</b></p> <ul style="list-style-type: none"> <li>• Slippage: of £2.3m from 2021-22 into the early couple of months of 2022-23, due to procurement delays caused by due diligence sourcing and parts shortages, as noted above.</li> </ul>							<p>20/21 -2,300</p> <p>21/22 +2,300</p>
<b>Funding</b>	<b>Prudential Borrowing</b>						
<b>Procurement</b>	N/A						

I	<b>Heart of the City II</b>
	New additions
	None
	Variations and reasons for change
	None

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	Scheme name / summary description of key terms	Funder	Value £'000
A	<b>Economic growth</b>		
	<p><b>Stocksbridge Towns Fund – Development Allocation</b></p> <p><b>Background</b></p> <p>In June 2021 the Co-operative Executive noted the notional allocation of £24.1m of Towns Fund funding by the Ministry of Housing, Communities and Local Government (MHCLG) to Sheffield City Council in relation to the Stocksbridge Towns Fund bid. Initial communication from MHCLG indicated that no funds would be released until Final Business cases were submitted for the individual schemes in the programme. However, it has been recognised that to reach Final Business Case Stage requires significant investment. As such MHCLG have now released 5% of the £24.1m to fund Business Case Development costs.</p> <p><b>Financial, Commercial &amp; Legal Implications</b></p> <p>Please note that the £1.2m of funding has already been received from the Ministry of Housing, Communities and Local Government (MHCLG) as an early capital payment of 5% of the Council's total Heads of Terms offer. The intention of the funding is to enable early-stage activity in project development. This will be used towards Stocksbridge Towns Fund projects which were previously approved as being cash flowed by the Council.</p> <p>There are no formal terms and conditions attached to the funding, however, key points to be aware of from the frequently asked questions and the Heads of Terms for the wider offer are:</p> <ul style="list-style-type: none"> <li>• Funding should only be spent on projects listed in the Grant Offer Letter.</li> <li>• Future payments will be adjusted to take account of the early drawdown.</li> <li>• Funding should be spent in year.</li> <li>• The Council should expect to report on this early funding.</li> </ul>	Ministry for Housing Communities and Local Government	1,205

	<ul style="list-style-type: none"> <li>If a specific project that has been identified in the funding offer does not progress, MHCLG cannot guarantee that funding can be assigned to alternative projects or that, if it is, it will be to the same value.</li> </ul> <p>Decisions will be sought for further funding when confirmation of approval of projects and funding amounts have been received from MHCLG.</p>		
<b>B</b>	<b>Transport</b>		
	None		
<b>C</b>	<b>Quality of life</b>		
	None		
<b>D</b>	<b>Green and open spaces</b>		
	None		
<b>E</b>	<b>Housing growth</b>		
	None		
<b>F</b>	<b>Housing investment</b>		
	None		
<b>G</b>	<b>People – capital and growth</b>		
	None		

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<b>H</b>	<b>Essential compliance and maintenance</b>		
	None		
<b>I</b>	<b>Heart of the City II</b>		
	None		

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**Author/Lead Officer of Report:** *Shimla Finch,  
Licensing Strategy & Policy Officer for the  
Licensing Service*

**Tel:** 0114 2734264

**Report of:** *Executive Director of Place*

**Report to:** *Co-operative Executive*

**Date of Decision:** *17<sup>th</sup> November 2021*

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

Is this a Key Decision? If Yes, reason Key Decision:-	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
- Expenditure and/or savings over £500,000	<input type="checkbox"/>	
- Affects 2 or more Wards	<input type="checkbox"/>	
Which Cabinet Member Portfolio does this relate to? <i>Place</i>		
Which Scrutiny and Policy Development Committee does this relate to? <i>Licensing Committee</i>		
Has an Equality Impact Assessment (EIA) been undertaken?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If YES, what EIA reference number has it been given? <i>936</i>		
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-		
<i>“The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended).”</i>		

**Purpose of Report:**

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

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

**Recommendations:**

*That the Co-operative Executive approve the Statement of Principles (Policy) for referral to Full Council on the 1<sup>st</sup> December 2021.*

**Background Papers:**

*Appendix A – Summary of Consultation Results and Amendments*

*Appendix B - Summary of all Policy changes throughout the review*

*Appendix C - Gambling Act - Statement of Principles (Policy) – Tracked changed*

<b>Lead Officer to complete:-</b>	
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.
	Finance: <i>Kerry Darlow</i>
	Legal: <i>David Hollis</i>
	Equalities: <i>Annemarie Johnston</i>
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	<b>EMT member who approved submission:</b> <i>Michael Crofts</i>
3	<b>Cabinet Member consulted:</b> <i>Cllr Julie Grocutt</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.
	<b>Lead Officer Name:</b> <i>Shimla Finch</i>
	<b>Job Title:</b> <i>Licensing Strategy and Policy Officer for the Licensing Service</i>
<b>Date:</b> <i>8<sup>th</sup> November 2021</i>	

## 1. PROPOSAL

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

### **Background - The Gambling Regulatory Framework**

- 1.3 Gambling can take the form of 'non-remote' gambling, which takes place in a gambling premises, and 'remote' gambling, which is typically undertaken by phone or online. Councils do not have any regulatory responsibilities in relation to remote gambling.
- 1.4 The Gambling Commission is responsible for regulating gambling in accordance with the Act, and for issuing '[operating licences](#)' to gambling businesses and '[personal licences](#)' to individuals. To help fulfil its role, the Commission attach [licence conditions and issue codes of practice](#) relating to how gambling facilities should be provided, and [guidance](#) to Licensing Authorities on how to implement their responsibilities under the Act. Operators must have or be in the process of applying for an 'operating licence' before they apply for 'premises licences' in Local Authority areas.
- 1.5 Licensing Authorities are a key partner in gambling regulation, with a responsibility for overseeing 'non-remote' gambling in their local areas. This involves:
  - setting the local framework for gambling through their statement of principles
  - considering applications and issuing licences for premises where gambling takes place, with conditions where appropriate
  - reviewing or revoking premises licences
  - issuing permits for some forms of gambling
  - undertaking inspection and enforcement activities, including tackling illegal gambling.
- 1.6 Like the Gambling Commission, Licensing Authorities are bound by a statutory 'aim to permit' and must grant premises licences so long as applications are:
  - in accordance with the Gambling Commission's [codes of practice](#)
  - in accordance with the [guidance to local authorities](#)
  - in accordance with the licensing authority's own statement of principles
  - reasonably consistent with the [three licensing objectives](#).

## The Licensing Authority Statement of Principles

- 1.7 The Licensing Authority of Sheffield City Council has a legal duty to publish a Statement of Principles (policy) under the Gambling Act 2005 every three years. 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.”
- 1.8 The statement cannot create new requirements for applicants outside of the Act and cannot override the right of any person to make an application under the Act; make representations or seek a review of a licence. However, it can invite people and operators in particular to consider local issues and set out how they can contribute towards positively addressing them.
- 1.4 Sheffield City Council’s first Statement of Principles (policy) was published on 2nd January 2007 and has then been revised every three years. The Licensing Authority has updated the policy as required under section 349 (1) of the 2005 Act and has followed the same process as it did when consulting with previous policies.
- 1.5 The document has been produced in accordance with the 2005 Act; the [guidance](#) issued by the Gambling Commission and the [Gambling Act 2005 \(Licensing Authority Policy Statement\) \(England and Wales\) Regulations 2006](#).
- 1.6 The policy deals with all forms of non-remote gambling that are governed by the Gambling Act 2005 these include:
- Casinos
  - Betting Shops
  - Adult Gaming Centres
  - Family Entertainment Centres
  - Gaming Machines in Licensed Premises
  - Temporary Use Notices
  - Occasional Use Notices
  - Bingo Halls
  - Tracks
  - Lotteries
  - Club Gaming Machines
- 1.7 The policy deals with all types of applications including the grant of a new licence, variations (changes to an existing licence) and transfer of licences as well as the review of a licence.
- 1.8 The policy will guide the Licensing Committee when considering applications under the Act and aims to provide guidance to applicants, objectors, Responsible Authorities and all Interested Parties on the approach to gambling in the City and the requirements at a local level.



1.9 The Statement of Principles (Policy) sets the basis of decision-making under the Gambling Act 2005. It is the starting point for decisions but allows the discretion of the Council and for every application to be dealt with individually on its merits and may allow for departure where an applicant can satisfy the Council that the purpose of the Policy will not be undermined.

## **2. HOW DOES THIS DECISION CONTRIBUTE?**

2.1 It is intended that the Statement of Principles (Policy) will assist the Licensing Authority in carrying out its powers (administering and enforcing the Act) in a socially responsible manner, whilst promoting the three core objectives of the legislation, which are:

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

2.2 The policy document is designed to give clear and concise guidance to all those who need to use it:

- Licensing Authority Officers in processing applications;
- guides businesses when making applications in Sheffield;
- allows structured and evidence-based decision making for Officers and Councillors;
- ensures the relevant views of those affected by licensed premises are taken into consideration;
- ensures local area issues are taken into account by operators through their risk assessments of the local area in which they are applying; and
- the document supports the wider strategies and initiatives within the Council securing the integration of local plans and strategies e.g. crime prevention, child protection, planning and any other plans introduced for the management of the city as a whole or each individual area. This is detailed in Part 3 of the policy and is linked throughout the document in the policy sections

2.3 The structure and content of the policy document positively assists the Council to deliver and achieve its aims and visions for the City to be successful and safe to all who choose to enjoy, live, work, and study in Sheffield

## **3. HAS THERE BEEN ANY CONSULTATION?**

3.1 Relevant partners including the Sheffield Children Safeguarding Partnership and Public Health were consulted prior to the formal consultation to ensure the final draft was as comprehensive and current as possible.

3.2 The formal public consultation process for the Statement of Principles commenced on the 1st July 2021 and concluded on the 27th August 2021.

3.3 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.”

A full list of consultees is listed at Appendix 2 of the policy document.

3.4 Approximately 3,000 letters and emails regarding the consultation have been sent out to various interested parties which include those bodies listed above in paragraph 3.3.

3.4 The consultation information was published on the Licensing Service web pages with active links to an online comments form on Citizen Space: [www.sheffield.gov.uk/gamblingpolicy](http://www.sheffield.gov.uk/gamblingpolicy).

3.5 The Licensing Authority received 4 responses to the formal public consultation and amendments have been made to the policy where appropriate following legal advice. A summary of these responses and the reasons for any changes made to the policy following these responses is detailed at Appendix A of this report.

3.6 Appendix B of this report summarises all the changes made to the Statement of Principles throughout the review and consultation.

3.7 An updated tracked changed document of the Statement of Principles is attached at Appendix C.

3.8 The policy document and responses have been presented to the Licensing Committee on the 11<sup>th</sup> October 2021 for their comments and their contributions have been noted and included.

## **4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

### **4.1 Equality of Opportunity Implications**

4.1.1 There are no adverse equality of opportunity implications arising from this report.

4.1.2 An Equality Impact Assessment has been prepared and retained (reference number 936).

## 4.2 Financial and Commercial Implications

4.2.1 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 is fully recovered through licence fees, therefore there are no additional financial and commercial implications to the Council arising from this report.

## 4.3 Legal Implications

4.3.1 The Council is required by section 349 the Gambling Act 2005 to adopt and update a policy every three years. Under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, setting the policy is a function of both the executive (Co-operative Executive) in formulating or preparing the policy and non-executive (Full Council) in adopting the policy.

4.3.2 As stated above the draft policy must be consulted upon and the product of consultation must, as a matter of law, be conscientiously taken into account when finalising the decision to refer the matter to Full Council.

4.3.3 A policy cannot change the legislative provisions under the Gambling Act 2005 but can set a basis on how those legislative provisions will be implemented. A policy will be the starting point and should be followed unless in an individual case there is good reason not to. In establishing a good reason the burden is on an applicant to show that the purpose behind a policy will not be undermined if it is departed from.

4.3.4 In approving the draft policy for consideration by Full Council, the Co-operative Executive should have regard to the Public Sector Equality Duty under s 149 of the Equality Act 2010 which has three aims. It requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- foster good relations between people who share a protected characteristic and people who do not share it.

## 4.4 Other Implications

4.4.1 Health impacts have been considered as part of this policy and a Health Impact Assessment screening tool has been completed in conjunction with the Equality Impact Assessment. No further implications have been identified.

**5. ALTERNATIVE OPTIONS CONSIDERED**

5.1 No further alternative options considered.

**6. REASONS FOR RECOMMENDATIONS**

6.1 It is recommended that the Co-operative Executive approve the Statement of Principles (Policy) for referral to Full Council on the 1st December 2021.

6.2 The reason for this recommendation is to ensure compliance with the Council's statutory requirements set out in the 2005 Act and associated regulations and guidance to have the policy approved by Full Council and published in time for the Statement of Principles to be in effect in January 2022.

# **Appendix 'A'**

**(Consultation Responses Summary and updates made)**

# Consultation Comments Received

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No.	Name	Organisation / Details	Overview of comments	Has the policy been updated following the comments?
1	Personal details not published	<p><b>Gamble Aware</b></p> <p>An independent charity that commissions evidence informed prevention and treatment services in partnership with expert organisations and agencies.</p>	<p>No specific feedback on SCC policy document. Supports Local Authorities which identify areas with increased levels of risk and require additional requirements to mitigate increased risks</p> <p>Encouraging all local authorities to signpost people to the National Gambling Helpline on 0808 8020 133 and also <a href="http://www.begambleaware.org">www.begambleaware.org</a>. Both are part of the National Gambling Treatment Service and offer free, confidential advice and support for those who may need it.</p>	<p>No changes made: Our policy already identifies areas where there are potential increased risks in sensitive locations in Part 5 of the policy.</p> <p>Yes, changes made Our policy includes full details of local and national support services in Part 13 which includes Gamble Aware. The contact details of the National Gambling helpline have been added to the local support services in Part 13 of the policy.</p>
2	Gosschalks Solicitors on behalf of the Betting and Gaming Council (BCG)	<p><b>Betting and Gambling Council (BCG)</b></p> <p>A standards body committed to championing safer gambling. Represent U.K. licensed betting shops, casinos and online operators.</p>	<p>Information provided about the BCG / betting and gaming in the UK / problem gambling / working in partnership with local authorities / differences between Licensing Act and Gambling Act applications.</p> <p>Considerations specific to Sheffield City Councils draft 2022 Gambling Act Statement of Principles as follows:</p> <p>To amend any references to a requirement to 'promote' the licensing objectives to be re-drafted. The requirement within Gambling Act 2005 is that premises operate in a manner that is "reasonably consistent" with the licensing objectives. The only body upon whom Gambling Act 2005 confers a duty to promote the licensing objectives is the Gambling Commission.</p>	<p>Yes, changes made: In line with the <a href="#">Gambling Commission's guidance to Licensing Authorities</a>, Part 6 details what is required in the Statement of Principles. Paragraph 6.7 under 'Fundamental Principles' state the Licensing Authorities statement of policy should begin by stating the three licensing objectives (s1 of the Act) which the policy will promote.</p>

			<p>Paragraph 3.7 – Integration with Planning – request that any recommendations around planning use be obtained prior to a premises application being submitted to be removed.</p> <p>Paragraph 5.2 – ‘Sensitive Locations’ when considering location of premises. Comments detail that gambling premises have always been situated in either residential or shopping areas where there is high footfall and where there are children. The proximity of gambling premises is not enough to present a risk to the licensing objectives.</p>	<p>In making decisions, the Licensing Authority should ‘aim to permit’ use of the premises for gambling in so far as it thinks it is ‘reasonably consistent’ with the licensing objectives. This is detailed throughout the document in particular 2,1, 2.4, 6.6, 7.1, 7.16.1, 8.3.1, 10.3 and 10.4.1.</p> <p>To ensure that applicants are aware that they must be ‘reasonably consistent’ with the licensing objectives the policy document has been updated and reworded to replace ‘promote’ with ‘be reasonably consistent with’ in the following paragraphs 2.2, 4.2, 4.4, 4.5, 4.6, 5.2, 5.5, 7.4 and 8.2.2.</p> <p>No change made: Paragraph 3.7 makes it clear that there is a separation between planning and licensing applications and the paragraph makes it clear that there is no obligation for the applicant to have planning permission first before applying for a licence. This paragraph is placed in ‘Integrating Strategies’ so applicants are aware of possible additional considerations.</p> <p>No change made: Two of the three licensing objectives are to protect children and vulnerable persons from being harmed or exploited by gambling and preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. In considering applications, the location of the premises can be considered in regards to protecting children and the vulnerable and high crime and disorder hot spots. Each</p>
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			<p>Paragraph 5.2 'Areas nearing stress'- comments refer to there being no evidence to support that the premises operating within the four named areas present a risk to the licensing objectives and that evidence should be produced if these areas stay within the policy document.</p>	<p>applications as detailed in the policy will be treated upon its own merits.</p> <p>Yes, changes made: The pandemic has led to most premises being closed; this leads to there being no current data/evidence from relevant authorities to suggest that these areas still pose a risk to the licensing objectives. Any data around this will only be available in the forthcoming months and years since premises have only been permitted to open in line with government legislation/regulations.</p> <p>Therefore the 'areas nearing stress' section has been removed and to ensure we still take into account of any areas of concern that may arise within the city, a new paragraph at 5.5 after the Policy Area box has been included as detailed below in red:</p> <p><i>"The Licensing Authority and its partners will monitor and work with businesses and communities in any areas of concern within the city which may lead to problems that undermine the licensing objectives, in particular crime and disorder and protecting children and other vulnerable persons from being harmed or exploited by gambling.</i></p> <p><i>If interventions are required; a multi-agency approach will be taken within these areas which could include but not limited to; specialist advice on tackling the issues, a multi-agency action plan; specific targeted training and compliance checks at licensed premises within these areas.</i></p> <p><i>If issues persist in an area, the Local Authority may undertake their own local area profiling and where it</i></p>
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				<i>is determined that granting the application may lead to the licensing objectives being undermined, and where relevant conditions cannot be imposed, they will choose to refuse it.”</i>
3	Greg Fell	<b>Director of Public Health</b>	<p>Attachment of pre-consultation document of Health Improvement Officer – Public Health Comments include changes made for the public consultation document which include:</p> <ul style="list-style-type: none"> <li>• Inclusion of Public Health reports and strategies at Part 3 Integrating Strategies</li> <li>• Inclusion of ‘universities’ in paragraph 4.6, 5.2 and 5.4 as a building which may be frequented by children or the vulnerable</li> <li>• Use of self - screening tools to protect children and vulnerable and information about welfare and treatment services</li> <li>• Updated information for Local Support Services</li> </ul> <p>Further attachment from Greg Fell with the following summary points around gambling related harm:</p> <ol style="list-style-type: none"> <li>1. Participation in gambling is common and growing. For adults and children.</li> <li>2. Gambling harm is complex, difficult to pin down exactly and can span financial and debt, relationship, addiction, mental illness and suicide. Prevalence of problem gambling may be up to 1% of the population as a whole and 6% of the population considered at risk. Preventing participation of gambling in children and problem gambling in children is obviously a critical target.</li> <li>3. People don’t just become “problem gamblers”, there is often a long journey with many opportunities to intervene.</li> <li>4. Framing gambling as a “harmless leisure pursuit” (the preferred model of DCMS and industry) is</li> </ol>	<p>Yes, including in the consultation document</p> <p>Yes, including in the consultation document</p> <p>Yes, including in the consultation document</p> <p>Yes, including in the consultation document</p> <p>Yes, changes made: The Licensing Authority recognises and supports the importance of reducing gambling related harm in the City and in particular to children and those who are vulnerable and have ensured the policy is linked to core strategies to assist with this in Part 3 – Integrating Strategies and throughout the document to promote the licensing objectives. Risk assessment are now a requirement for operators (Part 5 of policy) which require applicants to review risks in areas and provide information on how they intend to mitigate these risks and be consistent with the licensing objectives. The policy encourages operators the importance of social responsibility, best practice, identifying and communicating with vulnerable persons, staff training, primary</p>

		<p>problematic. Many frame it as “a public health issue”. What that means requires careful definition.</p> <p>5. Response Better treatment system is necessary but nowhere near sufficient. There is some work locally to define what that system should look like, there is no resource to implement it. “education” may be helpful, but personalises what can be characterised as a structural and societal problem. Regulation (product and environment) is where most of the gain can be found in terms of reducing gambling harm. This is obviously a space for the licencing committee.</p> <p>6. There is broad public support for regulation of gambling as a means to reduce harm. There are some who will see regulation as state over reach. The gambling industry obviously frame it a different way (taken from the tobacco and alcohol playbook).</p> <p>7. There is a programme of work in Yorkshire on gambling related harm</p> <p>8. There is a window of opportunity to reduce gambling harm both locally and nationally and to get ahead of the curve.</p> <p>9. Whether gambling harm is framed as “a public health issue” or framed in some other way is arguably immaterial. That there isn’t an explicit requirement to consider “public health” under the terms the licencing act is acknowledged, there are some potential shifts on that nationally. All local authorities have a duty to consider (and improve) well being, and the harm from gambling impacts on financial, social well being and health per se. It is difficult to make an argument that gambling isn’t harmful.</p>	<p>intervention and escalation and for staff to signpost customers to appropriate support services.</p> <p>The Gambling Commission has a <a href="#">National Strategy to reduce gambling harms</a>. The strategy identifies areas for action including an improvement in understanding and measuring harm, increased understanding of the effects of product characteristics and environment, and improvement in the methods of identifying harmful play.</p> <p>The aim of the Statement of Principles (policy) is to outline the principles we as a the Licensing Authority will apply when exercising its functions under the Act whilst promoting the licensing objectives.</p> <p>To ensure the importance of reducing gambling related harm is considered by applicants/licensees, a further paragraph has been added at the end of Part 3 Integrating Strategies in the policy document as follows:</p> <p><b>To Note:</b> Applicants/licensees should note any possible changes that may occur following the consultation on the review of the Gambling Act 2005 (launched December 2020) and the results from the <a href="#">Gambling Commissions National Strategy to Reduce Gambling Harms</a>. In line with this, a separate Gambling Harm Reduction Strategy for Sheffield will be produced which will set out a comprehensive approach to minimising harm from gambling in the City.</p>
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			In considering the review of the statement of licencing principles and the overall policy, I would encourage consider carefully the issues I set out here and integrate them into the overall approach.	
4	Citizen Space Respondent	<b>Marcliffe Primary School</b>	<p>Questions and answers on Citizen Space:</p> <p>Q - <i>Is the policy document easy to understand?</i> A – Yes</p> <p>Q - <i>Does the policy document provide you with the information required to understand the purpose of the policy?</i> A - Yes</p> <p>Q - <i>Does the policy document include any information that you disagree with or you think needs amending?</i> A - No</p> <p>Q - <i>Does the policy document include any information that you disagree with or you think needs amending? - If you have answered yes, please explain which section/s you are referring to and what you disagree with or you think needs amending.</i> A – No</p>	No changes made.
		<b>Licensing Committee</b>	<p>Licensing Committee changes following the meeting held on the 11<sup>th</sup> October 2021:</p> <p>To include ‘colleges’ in paragraphs 4.6 and 5.4.</p>	<p>Yes – changes made:</p> <p>Inclusion of ‘colleges’ at paragraphs 4.6 and 5.4.</p>

# **Appendix 'B'**

## **(Amendments made to the Statement of Principles)**

# Gambling Act 2005 – Policy Changes Document

‘Sheffield Safeguarding Board’ has been changed to ‘Sheffield Children Safeguarding Partnership’ throughout the document.

## Page 3

Foreword – wording changed

## Part 1 - Overview

1.6 Monitoring and Review of this statement – effective date of Statement of Principles changed in line with the review of the document

## Part 2 – General Principles

2.2 Heading amended to remove ‘promotion of’ so it only reads as ‘The Licensing Objectives’

2.6 Exchange of information – minor changes to wording to include the General Data Protection Regulations (GDPR) and the use of privacy notices.

## Part 3 – Integrating Strategies

3.1 Sheffield City Councils’ Corporate Plan 2015-2018 removed as no longer effective

3.1 Inclusion of Sheffield City Partnership – link attached to heading

3.2 Sheffield City Region – Strategic Economic Plan 2015 – 2025 removed as no longer effective

3.4 Sheffield Alcohol Strategy 2016-2020 removed as no longer effective and no updated strategy in place

3.5 now 3.3 Culture Strategy – minor changes to wording - link attached to heading

3.6 now 3.4 Sheffield City Centre Plan – updated plan details and link attached to heading

3.7 now 3.5 Accessible Sheffield - minor changes to wording

3.8 now 3.6 GamCare

3.9 now 3.7 Integration with Planning – link attached to heading

3.11 now 3.9 Renamed as Public Health Reports and Strategies. Inclusion of new local framework to reduce gambling related harm.

Additional paragraph added at the end of Part 3 titled ‘To Note’ for applicants and licence holders to consider any possible changes following the review of the Gambling Act 2005, the Gambling Commissions National Strategy to Reduce Gambling Harms and the proposed Sheffield Gambling Harm Reduction Strategy.

## Part 4 – Licensing Objectives

4.2, 4.4, 4.5, 4.6 - ‘promote’ removed and replaced by ‘be reasonably consistent with’

4.6 Policy Objective:

- Location examples updated to include colleges, universities, domestic abuse support services, residential homes for children or vulnerable people.
- Safeguarding awareness training to be included as part of management measures for adequate training and contact details provided
- Minor updates on measures that operators must address to be reasonably consistent with the objective
- Further bullet point on recommendations for operators to work in partnership with local services such as Public Health and the Safeguarding Partnerships to provide information about welfare and treatment services to customers.
- Paragraph on underage gambling and Test Purchasing placed to confirm consideration will be given on results.

## **Part 5 – Local, Area Profiling and Risk Assessments**

### 5.2 Policy – Location

- universities included as evidence now shows students are a vulnerable group.
- ‘Promote’ replaced with ‘be reasonably consistent with’.
- ‘Areas Nearing Stress’ section removed- replaced by a new section in paragraph 5.5 Policy Area.

### 5.3 Area Profiling and risk assessments

- minor changes to wording and update in links

### 5.4 Policy – Risk

- colleges and universities included as evidence now shows students are a vulnerable group

### 5.5 Policy – Area

- ‘Promote’ replaced with ‘be reasonably consistent with’.
- Two new paragraphs added to replace the ‘areas nearing stress’ section which was removed at paragraph 5.2. These new paragraphs include what the Licensing Authority will do in areas that cause concern and what could possibly happen to applications made within these areas.

## **Part 7 – Premises licences and Reviews**

### 7.8.1 Policy – AGC

- update for staff training to include age verification and safeguarding awareness training

### 7.9.1 Policy – FEC

- proximity of treatment or counselling services included in determining the suitability of the premises location
- staff training updated to include safeguarding awareness training

### 7.10 Casino’s

- Access paragraph updated to make clear under 18’s not permitted to enter including for working purposes which are paid or voluntary.

### 7.12.4 Policy – Tracks

- Safeguarding awareness training included as part of applicants measures to be reasonably consistent with the licensing objectives

## **Part 8 – Permits, Notices and Lottery Registrations**

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

- Paragraph updated to include that operators are expected to attend safeguarding awareness training and contact details

### 8.2.2 Policy - UFEC

- Safeguarding awareness training included as part of applicants measures to be reasonably consistent with the licensing objectives
- ‘Promote’ replaced with ‘be reasonably consistent with’.

### 8.4.1 – Policy – Prize Gaming - ‘Promote’ replaced with ‘be reasonably consistent with’.

## **Part 9 – Ongoing Responsibilities of Licensed Premises**

- Minor updates on wording
- ‘Promote’ replaced with ‘be reasonably consistent with’.

### 9.1 Self-exclusion scheme paragraph updated to include operators to evidence the self-exclusion processes are in order

## **Part 11 – Enforcement**

### 11.2 removal of sentence that Test Purchasing may be carried out jointly by the Gambling Commission and Licensing Authority. New section on local Test Purchasing inserted at paragraph 11.2.1 and 11.2.2

#### 11.2.1 new paragraph inserted to detail a local joint Gambling Test Purchase Strategy

11.2.2 new paragraph inserted to detail the test purchase strategy process

**Part 12 – Equality, Diversity and Inclusion**

12.1 Sheffield city Council's Equality, Diversity and Inclusion Policy Statement updated to current version and minor changes to wording

**Part 13 – Useful Information and Contacts**

- Other Useful Contacts webpages and details updated where required
- Local gambling support services updated with links to local information.
- Inclusion of National Gambling Helpline telephone number

**Appendix 2 – List of consultees updated**

# **Appendix 'C'**

## **(Updated Statement of Principles)**



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

# Contents

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## Foreword

The Gambling Act 2005 (the Act) transferred the responsibility for granting licences for betting and gaming premises or participating in a lottery, from the courts to Councils. The responsibility for granting operating and personal licences remains with the Gambling Commission.

The Act requires all licensing authorities to draft, consult on, and publish a Statement of Gambling Policy, which must then be reviewed every three years.

We are pleased to present Sheffield City Council's reviewed Statement of Gambling Policy.

We are pleased to set out in this document how we will discharge our responsibilities under the Act and, specifically, promote the licensing objectives, which are:

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

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

## Part 1 – Overview

### 1.1 Key Definitions

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

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

### 1.2 Scope of Licensing Policy

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

The aim of this document is to outline the principles we will apply when exercising our functions under the Act whilst promoting the following Licensing Objectives: -

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

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

The purpose of the licensing policy is to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **1.4 The Sheffield Area**

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

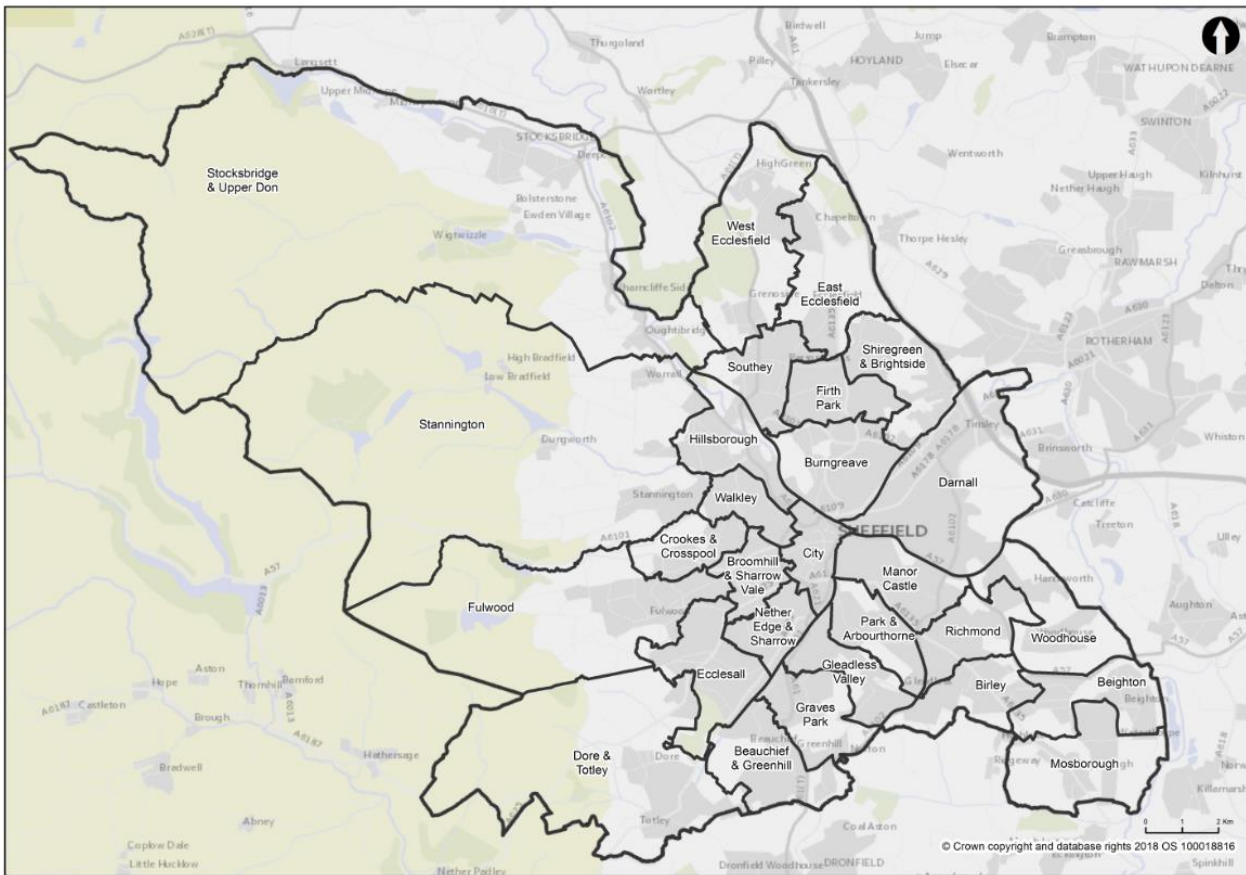
Sheffield is located fairly centrally in Britain in the metropolitan county of South Yorkshire. Lying directly to the east is Rotherham, from which it is separated by the M1 motorway. On its northern border is Barnsley Metropolitan Borough and to the south and west is the county of Derbyshire. Sheffield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

With a population of 575,400, the City of Sheffield is England's third largest metropolitan authority.

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

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

The below map shows Sheffield's boundary:



## 1.5 Consultation

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

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

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

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

## 1.6 Monitoring and Review of this statement

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

This Statement of Principles will have effect from January 2022.

## Part 2 – General Principles

### 2.1 A summary of process

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

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

Nothing in this Statement of Policy will:

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

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

### 2.2 The licensing objectives

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

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

The Licensing Authority expects applicants to offer their own measures to meet the licensing objectives which should include those detailed in Part 9 of this policy. Neither demand nor moral objections will be taken into account when determining applications. Further information regarding the licensing objectives can be found at Part 4 of this Statement of Principles.

### 2.3 The Functions of the Licensing Authority

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

Licensing Authorities are required under the Gambling Act 2005 to:

- be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences;
- issue Provisional Statements;
- regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and / or Club Machine Permits;
- issue Club Machine Permits to Commercial Clubs;
- grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres;
- receive notifications from alcohol licensed premises (under the Licensing Act 2003) for use of two or fewer gaming machines;
- issue Licensed Premises Gaming Machine Permits for premises licensed to sell / supply alcohol for consumption on the licensed premises (under the Licensing Act 2003), where there are more than two machines;
- register small society lotteries;
- issue Prize Gaming Permits;
- receive and endorse Temporary Use Notices;



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

## 2.4 Applications

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

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

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

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

This Statement of Principles will not override the right of any person to make an application, make representations about an application or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

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

## 2.5 Fees

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

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

## 2.6 Exchange of information

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

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

The Licensing Authority will apply the general principle of dealing with any exchange of information in accordance with the provisions of the Gambling Act 2005 and in accordance with the provisions of the General Data Protection Regulations (GDPR) and UK Data Protection Act 2018.

The Licensing Privacy Notice informs the applicants what will happen with the personal data that they provide as part of their application. 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. The information will be shared with the listed Responsible Authority third parties to inform decision making regarding the licence application.

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



## **2.7 Duplication**

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

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

## **2.8 Departure from Policy**

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

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

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

## Part 3 – Integrating Strategies

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

- duty to have regard to the interest of Sheffield's tax payers;
- its Human Rights Act obligations;
- in accordance with the Public Sector Equality Duty, as a public sector organisation we also have a duty to under the [Equality Act 2010](#) to have due regard to the need to:
  - eliminate unlawful discrimination, harassment and victimisation
  - advance equality of opportunity
  - foster good relations

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

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

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

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

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

The below are a selection of plans and strategies, applicants/licensees are to take into account all relevant plans and strategies locally and nationally when making an application.

### 3.1 [Sheffield City Partnership](#)

Sheffield City Partnership is the strategic non-statutory partnership for Sheffield, which works to develop a collective and collaborative approach to addressing the City's challenges and maximizing the strengths and opportunities. It focuses on building relationships, sharing information and adding value by joining-up efforts across the City.

The vision of the Partnership is for a thriving, successful and vibrant Sheffield Economy which delivers better opportunities for more people.

### 3.2 [Sheffield Safer and Sustainable Communities Partnership Plan](#)

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

This plan is linked into the [Police and Crime Commissioner plan](#) with their priorities being :

- Protecting vulnerable people
- Tackling crime and anti-social behaviour
- Treating people fairly

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

### **3.3 Culture Strategy**

The City Council recognises the importance of Sheffield's diverse, dynamic cultural offer which makes the city a great place to live, work and study in and visit.

Sheffield City Council has supported the Sheffield Culture Consortium in leading the city's strategic cultural direction.

### **3.4 Sheffield City Centre Plan 2018 - 2028**

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

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

### **3.5 Accessible Sheffield**

Sheffield City Council are working collaboratively and in partnership with Access Card (Nimbus), AccessAble, Access Liaison Group, Disability Sheffield and Sheffield Carers Centre to support the ambitions of Sheffield to become an accessible and fairer city for all who live, work, study and or visit Sheffield.

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

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

### **3.6 GamCare**

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

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

Gamcare support in Sheffield is offered through Krysallis, information and support can be found at <http://www.krysallis.org.uk/sheffield.html>.

Part 9 of our policy details further information which can assist licence holders in relation to problem gambling.

The Licensing Authority recommends that licence holders support and are in partnership with GamCare and the Responsible Authorities whilst taking into account Sheffield's Public Health report and the Council's joint Health and Wellbeing strategies.

### **3.7 Integration with Planning**

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

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

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

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

### 3.8 [The Sheffield Local Plan](#)

The Council is working on a new draft 'Sheffield Local Plan' which will guide the future of the city by setting out how and where development will take place up to 2038. It will be called the 'Sheffield Plan' once it has been adopted and will replace the Sheffield Core Strategy (2009) and the Sheffield Unitary Development Plan (1998).

### 3.9 Public Health Reports and Strategies

- **The Director of Public Health Report**  
Details health issues in Sheffield and influential factors in securing good health outcomes.
- **The Sheffield Health and Wellbeing Strategy**  
This strategy supports the Public Health report and details a plan to improve the health and wellbeing of Sheffield people.
- **Public Health Framework for Gambling Related Harm Reduction**  
A local framework which suggests a menu of possible areas for action to reduce gambling related harm

Operators are recommended to review and promote the report and strategy outcomes.

Documents can be found at the following web site:

<http://www.sheffield.gov.uk/content/sheffield/home/public-health.html>

#### To Note:

Applicants/licensees should note any possible changes that may occur following the consultation on the review of the Gambling Act 2005 (launched December 2020) and the results from the [Gambling Commissions National Strategy to Reduce Gambling Harms](#). In line with this, a separate Gambling Harm Reduction Strategy for Sheffield will be produced which will set out a comprehensive approach to minimising harm from gambling in the City.

## Part 4 – Licensing Objectives

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

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

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

### 4.2 Policy – Objective 1

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

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

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

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

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

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

## Determining an opposed application

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

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

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

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

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

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

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

### 4.4 Policy – Objective 2

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

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

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

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

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

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

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

#### 4.6 Policy – Objective 3

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

- The location of the premises (see location policy at Part 5) e.g.:
  - Are the premises located close to premises frequented by children or other vulnerable persons? E.g. Schools, colleges, universities, substance misuse treatment services, youth services, domestic abuse support services, children’s play areas; are the premises near to social housing or a treatment centre for gambling addicts, hospitals or residential homes for children or vulnerable people etc. (See local area profiling)
  - Is a gambling premises suitable to be located there?
  - Are there sufficient controls, procedures and conditions in place to be reasonably consistent with this licensing objective?
- Whether any promotional materials or advertising associated with the premises could encourage the use of the premises by children or vulnerable persons.
- Whether there are sufficient management measures in place to ensure adequate training and refresher training for staff is in place to protect children, young persons and vulnerable persons who may be harmed or exploited by gambling, including safeguarding awareness training. Safeguarding training and advice is available by contacting the Safeguarding Licensing Manager at [SCSPsafeguardinglicensing@sheffield.gov.uk](mailto:SCSPsafeguardinglicensing@sheffield.gov.uk).
- The following measures are requirements that operators must address in Sheffield to be reasonably consistent with this licensing objective; these would include but not be limited to the following:
  - a risk assessment for safeguarding children and vulnerable people at gambling premises to be undertaken with reference to the Sheffield Children Safeguarding Partnership risk assessment guidance available at <https://www.safeguardingsheffieldchildren.org/sscb/children-licensed-premises/the-gambling-act-2005>.  
The outcome of the risk assessment should inform staff training and the operating policy.
  - a member of staff to be designated to have lead responsibility for the operating systems relating to the protection of children and other vulnerable persons (for a description of this role refer to <https://www.safeguardingsheffieldchildren.org/sscb/children-licensed-premises/the-gambling-act-2005>);
  - a recognised Proof Of Age Scheme to be operated in all areas of the premises where alcohol and other age restricted goods are on sale and at entrances to areas of the premises which give access to adult gambling facilities;
  - staff shall receive induction and refresher training in relation to procedures and operating systems for the protection of children and vulnerable people. Staff training records shall be maintained and be available for inspection at the reasonable request of the Responsible Authorities;



- a written record shall be maintained of all staff interventions that are made with customers for the protection of children and other vulnerable persons including: refusals of service or admission, the provision of self-help information; membership records for the self-exclusion scheme including photographic ID; records of interventions with parents/carers who fail to behave responsibly at the premises; records of persons barred.
- signage to be displayed in areas where children are admitted regarding all restrictions
- A customer charter promoting the principles of acceptable behaviour at the premises including that adults must supervise their children at all times;
- Performance monitoring and self-testing procedures should be in place to identify training needs and staff competence in relation to age verification.
- Staff should receive safeguarding training to help them to recognise and respond to individuals at risk of gambling related harm. Staff may benefit from training that includes the impact of harmful gambling, the benefits of taking a trauma informed approach to engage with customers and how to manage confrontation. For further information about gambling related safeguarding training, contact the Safeguarding Licensing Manager at [SCSPsafeguardinglicensing@sheffield.gov.uk](mailto:SCSPsafeguardinglicensing@sheffield.gov.uk).
- To protect children and vulnerable adults from gambling related harm, Sheffield City Council recommends that licensed Operators work in partnership with local services such as Public Health and the Safeguarding Partnerships, to provide information about welfare and treatment services to customers. This may include local services distributing leaflets, posters, contact cards, self-screening tools (Lie/Bet) or other materials, free of charge, via Operators, to reduce the risk of gambling related harm.
- Measures to be in place to prevent underage or vulnerable persons accessing online gambling if offered at a premise.
- areas for adult gambling must be clearly segregated and physically supervised to prevent underage admission.
- Signage must be displayed to promote all restrictions including age restricted games.
- 
- self-help notices and literature should be discretely accessible to customers;
- staff to be trained to recognise vulnerable customers (for example, when people appear to be under duress when placing a bet or who appear to lack capacity (meaning they are unable at the time to understand the risks and likely implications of gambling) such as becoming agitated, aggressive, attempting to breach agreed limits or self-exclusion agreements; engaging in superstitious type rituals);
- Operators are encouraged to establish links with the Sheffield Children Safeguarding Partnership as a Responsible Authority under the Gambling Act 2005 and with the Sheffield Adult Safeguarding Partnership as an advisory service regarding vulnerable adults.

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

### **Underage Gambling – Test Purchasing**

Results from any Test Purchasing carried out either by the operators or the Licensing Authority through its strategy detailed in Part 11 paragraph 11.2.1 and 11.2.2 will be considered under this objective.

### **Determining an Opposed Application**

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

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



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

### 5.1 Location

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

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

### 5.2 Policy - Location

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

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

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

### 5.3 Area Profiling and Risk Assessments

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

The Gambling Commission's Licence Conditions and Codes of Practice (LCCP), sets out requirements for licensees to assess local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. The codes of practice require licensees to share their risk assessment with Licensing Authorities.

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

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

### 5.4 Policy - Risk

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

- Whether the premises is in an area subject to high levels of crime and/or disorder

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

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

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

- **Sheffield fact and figures:**  
<https://www.sheffield.gov.uk/home/your-city-council/population-in-sheffield.html>
- **Ward profiles:**  
<https://www.sheffield.gov.uk/home/your-city-council/ward-profiles.html>  
This Ward Profile Tool that has been produced to provide analysis and statistics for a variety of key topics such as demographics, education, crime and the economy, as well as providing information from the census, at a local level.
- **South Yorkshire Police**  
[www.southyorks.police.uk](http://www.southyorks.police.uk)  
Information relating to crime reduction is available at the South Yorkshire Police website.
- **Joint Strategic Needs Assessment**  
<https://www.sheffield.gov.uk/home/public-health/health-wellbeing-needs-assessment.html>
- **CDRC Data Maps**  
<https://data.cdrc.ac.uk/>

## 5.5 Policy - Area

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

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

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

The Licensing Authority and its partners will monitor and work with businesses and communities in any areas of concern within the City which may lead to problems that undermine the licensing objectives, in particular crime and disorder and protecting children and other vulnerable persons from being harmed or exploited by gambling.

If interventions are required; a multi-agency approach will be taken within these areas which could include but not limited to; specialist advice on tackling the issues, a multi-agency action plan; specific targeted training and compliance checks at licensed premises within these areas.

If issues persist in an area, the Local Authority may undertake their own local area profiling and where it is determined that granting the application may lead to the licensing objectives being undermined, and where relevant conditions cannot be imposed, they will choose to refuse it.

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

### 6.1 Responsible Authorities

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

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

The bodies identified as Responsible Authorities are:

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

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

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

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

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

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

## 6.3 Interested Party

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

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

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

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

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

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

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

The Licensing Authority will:

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

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

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

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

## 6.5 Making Representations

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

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

## 6.6 Policy - How to make a representation

The Licensing Authority expects representations to include the following:

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

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

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

### Petitions

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

The Licensing Authority would also expect that there is:

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

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

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

## Part 7 - Premises licences and Reviews

### 7.1 General principles

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

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

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

### 7.2 Policy - Premises

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

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

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

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

### 7.3 Definition of a 'Premises'

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

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

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

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

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

that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises”.

## 7.4 Policy - Divided premises

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

- that the premises are genuinely separate and have not been artificially divided to what is already identifiable as a single premises;
- separation between the premises is appropriate;
- that the licensing objectives and the authorities expectations on promoting the those are taken into consideration;
- the primary use of each area to be the main business in accordance with the type of licence held. Any activities other than the primary use will be considered ancillary to the main business
- that the Licensing Authority will take into particular regard the third licensing objective which seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating;
- steps have been taken in preventing unlawful direct access by customers between licensed premises –
  - entrances and exits from parts of a building covered by one or more premises should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- That any local schemes and strategies have been assessed and promoted where ever possible (see also Integrating strategies at Part 3)

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

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

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



## **7.5 Premises ready for Gambling**

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

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

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

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

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

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

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

## 7.6 Types of Premises Licences and Provisional Statements

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

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

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

## 7.7 Provisional Statements

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

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

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

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

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

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

The Licensing Authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow grant of a provisional statement, no further representations from Responsible Authorities or Interested Parties can be taken into account unless:

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

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

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

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

## 7.8 Adult Gaming Centres (AGC's)

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

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

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

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

### Access

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

### 7.8.1 Policy - AGC

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

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

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

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

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

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

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

## 7.9 Licensed Family Entertainment Centres

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

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

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

### Access

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

### 7.9.1 Policy - FEC

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

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

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

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

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

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

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

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

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

## 7.10 Casinos

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

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

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

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

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

### Access

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

### 7.10.1 Policy – Casino Variation

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

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

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

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

### 7.10.2 Casinos and competitive bidding

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

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

## 7.11 Bingo Premises

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

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

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

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

### Access

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

### 7.11.1 Policy - Bingo

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

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

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

## 7.12 Betting Premises

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

Licensable activities include:

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

### 7.12.1 Off course betting (Betting shops)

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

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

#### Access

- Access must be from a street or from other premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.
- No one under the age of 18 is permitted to enter a betting premises.

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

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

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

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



### 7.12.3 Tracks

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

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

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

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

#### Access

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

### 7.12.4 Policy - Tracks

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

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

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

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

This list is not mandatory, nor exhaustive, and is merely indicative of examples that Sheffield City Council would expect as measures and recognise as responsible practice.



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

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

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

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

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

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

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

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

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

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

## **7.14 Betting Premises on Tracks**

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

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

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

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

## **7.15 Betting Machines on Tracks**

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

When considering whether to exercise its power to restrict the number of betting machines at a track the Council will consider the circumstances of each individual application and, among other things will consider:

- the potential space for the number of machines requested:
- minimum staffing levels proposed through risk assessments
- the ability of track staff to supervise the machines especially if they are scattered around the site:
- how to restrict access to under 18's including adequate signage; and
- the ability of the track operator to prevent children and vulnerable people betting on the machines.

## 7.16 Reviews

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

### 7.16.1 Policy – Reviews

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

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

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

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

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

#### Applications by Responsible Authorities

Where risk is identified and has not been managed to the satisfaction of the Responsible Authorities; an application will be submitted to review the licence.

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

#### Review applications by 'Interested Parties'

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

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

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

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

## Part 8 - Permits, Notices and Lottery Registrations

### 8.1 Permits

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

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

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

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

The Licensing Authority is responsible for issuing the following permits:

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

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

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

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

The premises are 'unlicensed' in that it does not require a premises licence but does require a permit to be able to provide category D machines. It should not be confused with a 'licensed family entertainment centre' which requires a premises licence because it provides both category C and D gaming machines (please see section 7.9 for further details of licenced family entertainment centres). Operators of UFEC's are expected to attend safeguarding awareness training, contact the Safeguarding Licensing Manager at [SCSPsafeguardinglicensing@sheffield.gov.uk](mailto:SCSPsafeguardinglicensing@sheffield.gov.uk) for more information.

#### 8.2.1 General Principles

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

The Licensing Authority will require applicants to demonstrate:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **8.3.2 Permit for three or more machines**

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

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

### **8.3.3 Policy - LPGMP**

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

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

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

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

### **Policy - 6 Machines or more**

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

- Plan of the premises indicating where the machines will be located
- Measures and procedures put in place regarding supervision of the machines

- A risk assessment for safeguarding children and vulnerable people at gambling premises to be undertaken with reference to the Sheffield Children Safeguarding Partnership risk assessment guidance available at <https://www.safeguardingsheffieldchildren.org/sscb/children-licensed-premises/the-gambling-act-2005>  
The outcome of the risk assessment should inform staff training and the operating policy.
- A member of staff to be designated to have lead responsibility for the operating systems relating to the protection of children and other vulnerable persons. For a description of this role refer to <https://www.safeguardingsheffieldchildren.org/sscb/children-licensed-premises/the-gambling-act-2005>

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

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

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

## 8.4 Prize Gaming Permits

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

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

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

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

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

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

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

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

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

- that the applicant is over 18 years of age;
- that proper and appropriate procedures are in place to protect children and vulnerable persons from harm;



- that all staff have been fully trained in all the relevant issues;
- that the applicant has no relevant convictions;
- that there are measures set out to be reasonably consistent with the Licensing Objectives;
- the location of premises and a local area profile risk assessment (in relations to schools etc – see location policy at Part 5);
- that a member of staff is designated with lead responsibility for safeguarding children and other vulnerable others;
- there are policies available for safeguarding children and vulnerable others;
- that the application has been copied to South Yorkshire Police and the Sheffield Children Safeguarding Partnership;
- the premises will be inspected before it opens by relevant authorities the Licensing Authority sees fit;
- that they understand the limits to stakes and prizes that are set out in Regulations; and
- that the gaming offered is within the law.

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

## 8.5 Club Gaming Permits & Club Machine Permits

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

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

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

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

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

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

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

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

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



## NOTICES

### 8.6 Temporary Use Notices

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

The limitations to the use of a TUN are:

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

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

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

Key points for operators:

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

#### 8.6.1 Policy - TUN

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

In doing so, the Licensing Authority will consider:

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

### 8.7 Occasional Use Notices

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

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

## 8.8 Travelling Fairs

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

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

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

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

## 8.9 Registration of Small Society Lotteries

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

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

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

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

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

Refusal of registration shall be in accordance with the Act and Guidance and in particular a registration may be refused or revoked if it is believed that:

- the applicant is not a non-commercial society;
- a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence;
- information provided in or with the application for registration is false or misleading; or
- an operating licence held by the applicant for registration has been revoked or an application for an operating licence has been refused.

### 8.9.1 Policy – Small society lottery application

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

The Authority will also request the following additional information:

- A copy of the society's constitution

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

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

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

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

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

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

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

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

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

## Part 9 - Ongoing Responsibilities of Licensed Premises

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

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

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

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

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

### 9.1 Self-exclusion scheme

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

A self-exclusion facility should be supported by a written agreement drawn up in accordance with the relevant Codes of Practice and trade association advice. The premises take responsibility for ensuring the person who requests voluntary exclusion is not readmitted during the agreed period and is expected to evidence that self-exclusion processes are in order and being implemented (for example photographs

attached to exclusion records, staff briefed to be aware of self-exclusions). Referral to advocacy services would be recognised as good practice.

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

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

## Part 10 – Hearings, Conditions and Appeals

### 10.1 Delegation of Functions

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

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

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

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

### 10.2 Rights of the Applicant

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

## 10.3 Hearings

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

Each case will be considered on its own individual merits.

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

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

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

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

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

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

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

## 10.4 Conditions

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

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

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

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

### 10.4.1 Policy – Imposing Conditions

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

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

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

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

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

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

The Authority will not consider imposing conditions:

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

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

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

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



## Part 11 - Enforcement

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

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

The Licensing Authorities principles are that:

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

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

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

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

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

### 11.2 Test Purchasing

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

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

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

## 11.2.1 Sheffield Joint Gambling Test Purchase Strategy

The Licensing Authority, Sheffield Children's Safeguarding Partnership, South Yorkshire Police and Trading Standards work in partnership to prevent and respond to underage gambling.

The group has an agreed strategy for dealing with and educating premises that fail test purchase operations carried out by South Yorkshire Police and Sheffield Trading Standards.

The strategy provides a clear framework to both enforcement agencies and operators of how persistent failures of test purchases are dealt with in Sheffield.

## 11.2.2 Test Purchase Strategy Process

### 1<sup>st</sup> Failure

We will advise the licence holder of the failure in writing and provide measures to assist in tackling underage gambling. Example of measures to implement may include but are not limited to the following:

- **The Challenge 25 scheme:** All staff must be trained to operate this in relation to gambling, including managing confrontation, keeping a refusals log and knowledge of which types of identification are legitimate and acceptable.
- Staff training records must be maintained including the signature of trainees, details of the training delivered and dates, including refresher training.
- Signage to highlight the Challenge 25 scheme and to highlight the law in relation to children and gambling must be prominently displayed.
- **A safeguarding risk assessment** should be undertaken in relation to children and vulnerable adults and gambling and this should inform your operating policy and staff training. Assistance with the risk assessment process including a risk assessment tool is available from the Sheffield Children Safeguarding Partnership.
- Expect the operator to attend a **Safeguarding and Gambling Awareness Session**

### 2<sup>nd</sup> Failure

- Look at a multi-agency Action Plan to address issues
- Provide further training and advice
- Impose a requirement to attend the Safeguarding and Gambling awareness session
- Review any possible enforcement action

### 3<sup>rd</sup> Failure – within 12 months

Implement review proceedings before the Licensing Sub-Committee who could decide amongst other decisions to cancel the permit or impose conditions. Historical test purchase results will also be provided to the Licensing Sub-Committee and consideration will be given to compliance with the training and advice provided by the relevant authorities.

The Gambling Commission may consider taking formal regulatory action against the operator in addition to any action being taken by the Licensing Authority in relation to the premises licence.

### General

Any further failed test purchases falling outside the above 12 month period will be classed as a first fail within 12 months; however persistent failures will be assessed in the context of the history of compliance. This means that, dependent upon the severity of the fail, review proceedings may be implemented at any time.

## Part 12 – Equality, Diversity and Inclusion

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

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

### 12.1 The Equality Act 2010

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

The Licensing Authority will at all times have regard to the Equality Act 2010 and Sheffield City Council's Equality, Diversity and Inclusion Policy Statement 2018.

An overview of how equality law applies to all businesses, including gambling licensees, can be found on the Equality & Human Rights website:

<http://www.equalityhumanrights.com/private-and-public-sector-guidance/organisations-and-businesses/businesses>

### 12.2 Equality Impact Assessment (EIA)

Completing an EIA is the way Sheffield City Council evidences that it has assessed the effects that a proposed policy or project is likely to have on different groups within the city. Policies will affect different people in different ways and it is possible that they have the potential to discriminate against certain groups, even if this is not an intention. We therefore undertake an EIA to help us make better decisions and to try to ensure that the services we provide and commission are fair and accessible to all.

In Sheffield, our EIAs go beyond our statutory duty under the Equality Act 2010. We also assess the impact on the Voluntary, Community and Faith Sector (VCFS), poverty and financial exclusion, carers, armed forces and cohesion. We believe that this gives us a wider understanding than the statutory framework would without these additions.

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

An EIA has been carried out throughout the review of this policy (number 936). If you are interested in viewing this document, please contact the Licensing Service.

## Part 13 - Useful Information and Contact Details

### RESPONSIBLE AUTHORITIES:

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

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

South Yorkshire Police		
South Yorkshire Police Licensing Dept Force Headquarters Carbrook House 5 Carbrook Hall Road Sheffield S9 2EH	Telephone	0114 252 3617
	Email	<a href="mailto:Sheffield.liquor-licensing@southyorks.pnn.police.uk">Sheffield.liquor-licensing@southyorks.pnn.police.uk</a>
	Website	<a href="http://www.southyorks.police.uk">www.southyorks.police.uk</a>

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

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

Health Protection (Health & Safety)		
The Information Officer Sheffield City Council Floor 5 (North), Howden House 1 Union Street, Sheffield S1 2SH	Telephone	0114 273 4415
	Email	<a href="mailto:healthprotection@sheffield.gov.uk">healthprotection@sheffield.gov.uk</a>
	Website	<a href="http://www.sheffield.gov.uk">www.sheffield.gov.uk</a>

Environmental Protection Service		
The Information Officer Sheffield City Council Floor 5 (North), Howden House 1 Union Street, Sheffield S1 2SH	Telephone	0114 273 4609
	Email	<a href="mailto:epsadmin@sheffield.gov.uk">epsadmin@sheffield.gov.uk</a>
	Website	<a href="http://www.sheffield.gov.uk">www.sheffield.gov.uk</a>

<b>Sheffield Children Safeguarding Partnership</b>		
Sheffield City Council Floor 3 South, Howden House Union Street Sheffield S1 2SH		
	Email	Safeguarding Licensing Manager: <a href="mailto:SCSPsafeguardinglicensing@sheffield.gov.uk">SCSPsafeguardinglicensing@sheffield.gov.uk</a>
	Website	<a href="http://www.safeguardingsheffieldchildren.org.uk">www.safeguardingsheffieldchildren.org.uk</a>

<b>HM Revenue &amp; Customs</b>		
HM Revenue and Customs Excise Processing Teams BX9 1GL United Kingdom	Telephone	0300 322 7072 Option 7
	Email	<a href="mailto:nrubetting&amp;gaming@hmrc.gsi.gov.uk">nrubetting&amp;gaming@hmrc.gsi.gov.uk</a>
	Website	

<b>The Navigation Authority</b>		
Association of Inland Navigation Authorities Middle Level Office 85 Whittlesey Road March, Cambridgeshire PE15 0AH	Telephone	0844 335 1650
	Email	<a href="mailto:info@aina.org.uk">info@aina.org.uk</a>
	Website	<a href="http://www.aina.org.uk">www.aina.org.uk</a>

<b>Canal and River Trust</b>		
Head Office First Floor North Station House 500 Elder Gate Milton Keynes MK9 1BB	Telephone	0303 040 4040
	Email	
	Website	<a href="http://www.canalrivertrust.org.uk">www.canalrivertrust.org.uk</a>

## OTHER USEFUL CONTACTS:

<b>Business Sheffield</b>		
Business Sheffield's Gateway provides a point of contact for all business needs. Working with a key advisor you will be directed to the services that are appropriate to your needs, such as Planning, Licensing, Building Standards, and Business Rates amongst others.		
	Telephone	0800 043 5522 or 0114 224 5000
	Email	<a href="mailto:businesssheffield@sheffield.gov.uk">businesssheffield@sheffield.gov.uk</a>
	Website	<a href="http://www.welcometosheffield.co.uk/business">http://www.welcometosheffield.co.uk/business</a>

<b>GamCare</b>		
GamCare provides support, information and advice to anyone suffering from a gambling problem.		
Head Office 2 <sup>nd</sup> Floor 7-11 St John's Hill London SW11 1TR	Telephone	020 7801 7000
	Email	<a href="mailto:info@gamcare.org.uk">info@gamcare.org.uk</a>
	Website	<a href="http://www.gamcare.org.uk">www.gamcare.org.uk</a>

<b>Gamble Aware</b>		
Gamble Aware provides a gateway to information about gambling in the UK encompassing regulation, social responsibility and industry funding of research education and treatment. It also explains how to get advice for gambling related problems.		
C/O Responsible Gambling Trust 35 Piccadilly London W1J 0DW	Telephone	020 7287 1994
	Email	<a href="mailto:info@gambleaware.co.uk">info@gambleaware.co.uk</a>
	Website	<a href="http://www.begambleaware.org/">www.begambleaware.org/</a>

<b>Ward Councillors</b>		
Councillors are democratically accountable to the residents of their ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.		
	Telephone	0114 273 4096
	Email	
	Website	<a href="http://www.sheffield.gov.uk/councillors">www.sheffield.gov.uk/councillors</a>

<b>Sheffield Drugs and Alcohol / Domestic Abuse Co-ordination Team (DACT)</b>		
Sheffield DACT is a strategic team responsible for commissioning drug and alcohol treatment services in Sheffield.		
Sheffield DACT Sheffield City Council Moorfoot Building (level 9 East) Sheffield S1 4PL	Telephone	Drug misuse: 0114 272 1481 Alcohol misuse: 0114 226 3000 Domestic abuse: 0808 808 2241
	Email	<a href="mailto:help@sheffielddact.org.uk">help@sheffielddact.org.uk</a>
	Website	<a href="http://www.sheffielddact.org.uk">www.sheffielddact.org.uk</a>

<b>Public Health</b>		
Sheffield's Public Health team		
The Public Health Officer Office of the Director of Public Health Sheffield City Council Town Hall, Pinstone Street Sheffield, S1 2HH	Telephone	0114 2734152
	Email	<a href="mailto:DPHoffice@sheffield.gov.uk">DPHoffice@sheffield.gov.uk</a>
	Website	<a href="http://www.sheffield.gov.uk/home/public-health">www.sheffield.gov.uk/home/public-health</a>

## LOCAL SUPPORT SERVICES:

### **Krysallis – Local GamCare support**

[www.krysallis.org.uk](http://www.krysallis.org.uk)

### **Sheffield CCG**

<http://www.sheffieldccg.nhs.uk/Your-Health/gambling-addiction.htm>

### **NHS**

<https://www.nhs.uk/live-well/healthy-body/gambling-addiction/>

### **Sheffield Mental Health Guide**

<https://www.sheffieldmentalhealth.co.uk/support/>

### **Psychology today**

<https://www.psychologytoday.com/gb/counselling/gambling/eng/sheffield>

### **Sheffield Gamblers Anonymous**

<https://www.gamblersanonymous.org.uk/find-a-meeting>

### **University of Sheffield**

<https://www.sheffield.ac.uk/ssid/sos/gambling>

### **Gamcare**

<https://www.gamcare.org.uk/support-and-treatment>

### **Northern Gambling Service**

<https://www.leedsandyorkpft.nhs.uk/our-services/northern-gambling-service/>

### **Gambling With Lives**

<https://www.gamblingwithlives.org/help>

### **Sheffield CCG Clinical Guidance around Gambling Related Harm**

<https://www.sheffieldccgportal.co.uk/clinical-guidance/gambling-related-harms>

### **Sheffield – Safeguarding Children – Vulnerable People and Gambling**

<https://www.safeguardingsheffieldchildren.org/sscb/children-licensed-premises/safeguarding-children-vulnerable-people-and-gambling>

### **National Gambling Helpline**

0808 8020 133

## Appendix 1 – Glossary Of Terms

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

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

### **Adult Gaming Centre**

The holder of an adult gaming centre premises licence may make available for use category B machines; any number of category C machines; and any number of category D machines. In regulations, the Secretary of State will specify that the category B machines should be restricted to subcategory B3 and B4 machines (category B gaming machines must not exceed 20% of the total number of gaming machines which are available for use on the premises). They require an operating licence and a premises licence. No one under the age of 18 years is permitted to enter an Adult Gaming Centre.

### **Authorisation**

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

### **B2 Machines**

B2 machines are also known as Fixed Odd Betting Terminals (FOBTs). B2 machines can only be made available in casino, betting shops or at tracks with pool betting.

### **Betting**

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

### **Betting machines**

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

### **Betting Premises**

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

### **Bingo Premises**

Bingo premises are premises that will be able to offer both cash and prize bingo. They will also be able to make category B3 or B4, C or D gaming machines available to their customers. (Category B machines must not exceed 20% of the total number of gaming machines which are available for uses on the premises). Children are allowed to enter premises licensed for bingo but not allowed access to areas where category C or above gaming machines are situated.

### **Casino**

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

### **Children**

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

### **Christmas Day Period**

The period of 24 hours from midnight on 24 December.

### **Club Gaming Permit**

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

### **Club Gaming Machine Permit**

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



### **Codes of Practice**

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

### **Default Condition**

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

### **Equal Chance Gaming**

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

### **Family Entertainment Centre**

The Act creates two classes of Family Entertainment Centres –

- Licensed: which provide category C and D gaming machines and require a premises licence
- Unlicensed: which provide category D gaming machines in reliance on a Gaming machine Permit  
No one under the age of 18 is permitted to enter areas where category C machines are being used.

### **Fixed Off Betting Terminals (FOBTs)**

Please see B2 machines above.

### **Gaming**

Playing a game of chance for a prize

### **Gaming Machine**

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

### **Guidance**

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

### **Interested Party**

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

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

### **Licensed Premises Gaming Machine Permit**

The Licensing Authority can issue such permits for any number of category 'C' or 'D' machines in licensed premises. There is an automatic entitlement for alcohol on-licence holders to make available 2 gaming machines of category 'C' or 'D' for use in alcohol licensed premises.

### **Licensing Authority**

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

### **Licensing Committee**

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

### **Licensing Sub-Committee**

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

### **Lottery**

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

### **Mandatory Conditions**

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

### **Members Club**

A club that must:

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

### **Notification**

Notifications of temporary and occasional use notices

### **Occasional Use Notice**

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

### **Off Course Betting**

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

### **Off Course Betting – Tracks**

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

### **On Course Betting - Tracks**

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

### **Operating Licence**

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

### **Personal Licence**

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

### **Pool Betting – Tracks**

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

### **Premises**

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

### **Premises Licence**

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

### **Prize Gaming**

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

### **Prize Gaming Permit**

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

### **Provisional Statement**

Where an applicant can make an application to the Licensing Authority in respect of premises that he:

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

### **Regulations**

Regulations made under the Gambling Act 2005

### **Remote Gambling**

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

### **Representation**

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

### **Responsible Authorities**

The bodies identified as Responsible Authorities are:

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

### **SIA (Security Industry Authority)**

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

### **Small Lottery**

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

### **Small Society Lottery**

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

### **Statement of Licensing Principles**

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

### **Temporary Use Notice**

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

### **Tracks**

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

### **Travelling Fair**

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

### **Unlicensed Family Entertainment Centre**

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

### **Vessel**

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

### **Vulnerable Person**

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

### **Young Person**

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

## Appendix 2 – List of Consultees

### Responsible Authorities

Licensing Authority  
The Gambling Commission  
South Yorkshire Police  
South Yorkshire Fire and Rescue  
The Planning Authority  
Health Protection Service (Health & Safety)  
Environmental Protection Service (Noise Nuisance)  
Sheffield Children Safeguarding Partnership  
HM Revenue & Customs  
The Navigation Authority  
Canal and River Trust

### Local Authorities

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

### Solicitors

DLA Piper Rudnick Gray Cary UK LLP  
John Gaunt and Partners  
Popleston Allen  
Ford and Warren  
Gosschalks  
Law Society  
Maitland Walker  
Irwin Mitchell  
Parker Rhodes Hickmotts  
HLW Keeble Hawson LLP  
Ashton Morton Slack  
HLW Commercial Solicitors  
Wake Smith Solicitors  
Taylor & Emmet  
Woods Whur Solicitors

### Sheffield City Council Contacts

Brian Messider, Access Officer  
Sheffield Schools

Executive Management Team  
Relevant Directors and Head of Service

Olivia Blake  
Paul Blomfield  
Gill Furniss  
Louise Haigh  
Clive Betts  
Miriam Joy Cates

### Religious Contacts

Central United Reformed Church  
Father D Sexton, Cathedral Church of St. Marie  
Diocesan Secretary, Diocesan Church House  
The Right Reverend Dr Pete Wilcox  
The Very Reverend Peter Bradley. The Cathedral Church of St. Peter and St. Paul

### 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

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

### Others

DACT  
Sheffield First Partnership  
Sheffield Licence Watch  
Sheffield Primary Care Trust  
Sheffield Citizens Advice Bureau  
Institute of Licensing  
NALEO  
  
Bradfield Parish Council  
Ecclesfield Parish Council  
Stocksbridge Town Council  
SCCRAG  
Botanical Gate Community Association  
Sharrow Community Forum  
Carterknowle and Millhouses Community Group  
Crooksmoor Community Forum  
Equality Hub Network Sheffield  
Hillsborough Forum  
Park Community Action  
Broomhill Forum  
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  
Problem Gambling Stakeholder Group (Sheffield)  
Gamblers Anonymous  
Gamble Aware  
GamCare

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**Author/Lead Officer of Report:** Lisa Firth

**Tel:** 07867 758407

**Report of:** Report of the Executive Director, Place  
**Report to:** Co-operative Executive  
**Date of Decision:** 17<sup>th</sup> November 2021  
**Subject:** Leisure and Entertainment Services Review

Is this a Key Decision? If Yes, reason Key Decision:-	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
- Expenditure and/or savings over £500,000	<input checked="" type="checkbox"/>	
- Affects 2 or more Wards	<input checked="" type="checkbox"/>	
Which Executive Member Portfolio does this relate to The Leader of the Council		
Which Scrutiny and Policy Development Committee does this relate to? The Overview and Scrutiny Management Committee		
Has an Equality Impact Assessment (EIA) been undertaken?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If YES, what EIA reference number has it been given? 981		
Does the report contain confidential or exempt information?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-		
Appendix 1 is not for publication because it contains exempt information under Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended) being business information of the Council and other parties that it is not in the public interest to publish."		

**Purpose of Report:**

To agree a programme of investment for Leisure and Entertainment services and agree the preferred management option for the future operation of facilities.

## **Recommendations:**

Co-operative Executive is recommended to:

1. Note the ending in 2024 of the arrangements with Sheffield City Trust around the Major Sporting Facilities (Arena, Ponds Forge and Hillsborough Leisure Centre).
2. Approve the investment in our Leisure and Entertainment facilities to deliver a balanced and sustainable portfolio of facilities which support the needs of our communities alongside elite sport and events (Investment in the facilities).
3. Note this gives an opportunity for the Council to review how leisure and entertainment services are delivered in Sheffield and approve the strategy of a Council commissioned (but market driven) approach to appointing an external partner, as outlined in this report (Who runs the facilities).
4. Delegate authority to the Director of Culture in consultation with the Leader of the Council, the Director of Finance and Commercial Services and the Director of Legal and Governance to approve procurement strategies to deliver the strategy and to award any associated contracts.
5. Note phased delivery of this strategy will be approved via the Council's capital programme.
6. Note the programme of public consultation to inform the investment in facilities at a local level
7. Note work will begin to address backlog maintenance issues at the following facilities:
  - a. Ponds Forge International Sports Centre
  - b. English Institute of Sport Sheffield (EISS)
  - c. Ice Sheffield
  - d. Heeley Pool and Gym
  - e. Beauchief, Birley and Tinsley Golf Courses
  - f. Sheffield Arena
  - g. Sheffield City Hall
8. Note that backlog maintenance will also be addressed at Upperthorpe Healthy Living Centre which is currently run by Zest.
9. Note work will be undertaken on creating a lifecycle maintenance investment fund for Leisure and Entertainment facilities
10. Note the implications in (the closed) Appendix 1 and that further work will be done to inform how that can be progressed.



**Background Papers:***(Insert details of any background papers used in the compilation of the report.)*

<b>Lead Officer to complete:-</b>	
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.
	Finance: Ryan Keyworth
	Legal: David Hollis
Equalities: Annemarie Johnston	
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	<b>EMT member who approved submission:</b> Mick Crofts & Eugene Walker
3	<b>Executive Member consulted:</b> Terry Fox
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.
	<b>Lead Officer Name:</b> Lisa Firth
	<b>Job Title:</b> Director of Culture, Parks and Leisure
<b>Date:</b> 08/11/2021	

# 1. PROPOSAL

## 1.1 Background/Context

This is an opportunity to review what our communities will need from our facilities and services in the future, and design new, more efficient and impactful solutions to help our communities to be active and stay healthier for longer. We have ambitious plans to do more to maximise the benefits of our leisure and entertainment services for our residents and recognise their contribution towards wider objectives, such as reducing the burden on the NHS and social care, lowering levels of obesity and cutting carbon emissions. We know that these ageing facilities are hampering our efforts to meet net zero targets and must be addressed as part of efforts to tackle the climate emergency. This transformation can only happen if there is a long-term invest to save plan to support the development of our services.

We know that Sheffield faces significant challenges. Preventable yet life-changing illnesses like obesity and diabetes are increasing and the recent pandemic has undermined participation in the one of the most effective preventative measures; being active.

Insight from the Sport England Moving Communities demonstrates the significance of public leisure centres in the activity habits of customers' lives, with 86 per cent of people saying they preferred exercising in them compared to a more informal environment, and 77 per cent saying they felt the staff at the centre gave them the guidance they needed to be more active. <sup>1</sup>The LGA Securing the Future of Public Sport and Leisure Services Public report (LGA report) confirms that sport and leisure facilities also play an essential role in giving children the best start in life with 72 per cent of schools relying on public swimming pools to teach children vital swimming skills.

The COVID-19 pandemic has significantly impacted our leisure and entertainment services. The loss of income due to long periods of closure combined with ongoing maintenance costs of our ageing leisure facilities has created financial challenges.

However, these acute challenges have put our leisure and entertainment services under the spotlight and have led to a renewed recognition of the vital contribution they make to our communities. The Council recognises that leisure services fundamentally support the health of our city, enabling people to live longer, prevent or manage health conditions, and boost mental health. Research also shows that the more deprived an area is the more dependent the community is on public sports and leisure provision.

Despite the challenges, major opportunities exist. The new Office for Health Improvement and Disparities provides the opportunity to strengthen the

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<sup>1</sup> LGA – Securing the future of public sport and leisure facilities and services integral to health of the nation: Culture, Tourism, Leisure & Sport. 15<sup>th</sup> September 2021.

relationship between leisure provision and the health system. Working in partnership with others we want to develop leisure and entertainment services that deliver considerably more social, economic and environmental benefits and support long term recovery from COVID-19. It is vital that we take a thoughtful, coordinated approach as we rebuild from the pandemic to create the facilities that our communities need in the long-term

Sheffield City Trust currently run most of the council's leisure and entertainment facilities and some of these arrangements come to an end in 2024. In response, in 2019 Sheffield City Council commissioned SLC (Sport & Leisure Consultancy) to undertake a Leisure and Facility Investment Review (LIFR). This examined the ways in which the City's Leisure, Entertainment and Events facilities and services could be redeveloped to become as close to self-funding as possible through investment and service transformation and also how the facilities could be managed beyond 2024. This was driven partly by financial challenges, but largely by an ambition to improve the quality and accessibility of leisure facilities, the customer experience and to help achieve the vision and mission of the city's Move More Plan.

## **1.2 Investment in Leisure & Entertainment Facilities**

- 1.2.1 We know that our leisure and entertainment facilities require significant investment to address backlog maintenance requirements to enable facilities to continue to operate and some facilities are reaching the end of their expected useful economic life.
- 1.2.2 We also know that the cost of the backlog and future maintenance across the facilities is approximately £63m between now and 2028. This investment would not provide a significant improvement to the services on offer, it would simply maintain the facilities in their current form.
- 1.2.3 In order to understand the long-term financial implications and affordability of a range of investment options, a 30-year financial model has been developed. This has enabled the Council to review a range of phasing and investment options alongside different management options to assess the financial implications. This provides the Council with a long-term business plan to support decision-making on the future of the Councils leisure and entertainments facilities, how they operate and the services they provide.
- 1.2.4 The financial modelling identified that it is more financially efficient to rebuild some of the older facilities in the estate than continue to invest in ongoing lifecycle and maintenance support.
- 1.2.5 The financial model also determined that the Council cannot afford to undertake all the investment work at once, therefore a phased approach to investments is required.
- 1.2.6 It is important that any investment in the future of the leisure and entertainment facilities includes an allocation for ongoing lifecycle investment to ensure that facilities are kept in good condition and don't fall into disrepair in the future. The financial model has therefore built in a

programme of lifecycle investment for all facilities as well as dealing with previously identified backlog maintenance issues. For facilities that have been identified for rebuilding, essential maintenance funding is also included in the model to support any health and safety and business critical works required in advance of the rebuild taking place.

1.2.7 The table below shows the investment assumptions that have been included in the financial modelling and the proposed phasing of the investment work:

<b>Leisure Facility</b>	<b>Proposed Investment</b>	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32
Springs Leisure Centre	New build										
Concord Leisure Centre	New build										
Hillsborough Leisure Centre	New build										
Ponds Forge International Sports Centre	Backlog maintenance										
	Upgrade Investment										
Heeley Pool & Gym	Backlog maintenance										
English Institute of Sport Sheffield (EISS)	Backlog maintenance										
Ice Sheffield	Backlog maintenance										
Beauchief, Birley and Tinsley Golf Courses	Backlog maintenance										
Upperthorpe Healthy Living Centre	Backlog maintenance										

<b>Entertainment Facility</b>	<b>Proposed Investment</b>										
Sheffield Arena	Backlog maintenance										
	Improvement to the concourse and hospitality spaces										
Sheffield City Hall	Backlog maintenance										

1.2.8 Additional feasibility will be undertaken to detail the investment priorities identified above. Further reports will be presented to the Co-operative Executive as part of the Capital Approval process as the investment projects for each facility are developed further.

### **1.3 Current Management Arrangements (how facilities are run now)**

1.3.1 The Council has a portfolio of leisure and entertainment facilities across the city. Some, such as Graves and Thorncliffe are delivered under a commissioned model where we have appointed an external partner to run the facilities. Others are operated by community groups such as Upperthorpe Healthy Living Centre and King Edwards Swimming Pool.

The longest standing arrangements are those with Sheffield City Trust (SCT). SCT was set up in 1987 as an independent charity to oversee the running of the City's sport and leisure facilities, linked to the Major Sporting Facilities (MSF) which includes Ponds Forge, Hillsborough and the Arena that were built for the 1991 World Student Games.

1.3.2 Since 1987 additional facilities have been added to Sheffield City Trust portfolio, the Trust currently operate the following facilities:

- Ponds Forge International Sports Centre
- Hillsborough Leisure Centre
- The Arena
- Concord Sports Centre
- Beauchief Golf Course
- Tinsley Golf Course
- Birley Golf Course
- Heeley Pool and Gym
- Springs Leisure Centre
- English Institute of Sport Sheffield
- Ice Sheffield
- Sheffield City Hall

1.3.3 SCT operates these facilities for its own charitable purposes under long leases with funding support from the Council. The Council does not control what is delivered from these facilities and there is no service specification in place to determine how the facilities are currently run.

1.3.4 The funding arrangements in place for the MSF facilities means that part of the SCT managed portfolio (Ponds Forge, Hillsborough and the Arena) must be returned to the Council in 2024. The wider implications of that are dealt with in the closed Appendix 1.

### **1.4 Future Management Arrangements (How will the facilities be run)**

1.4.1 The LIFR carried out by SLC was also supported by a review and appraisal of management options (who runs the facilities) which is an important factor in determining the future financial position and long-term sustainability of the service.

1.4.2 The LIFR has placed community needs at the centre of any future management model, along with identifying the most cost-efficient option. A

summary of each of the management options considered is provided below.

- 1.4.3 A 30-year model has been developed. The model has been designed to demonstrate the financial and service implications of a range of investment options and considered 3 management options. This has been supported by assessment of the wider social and economic impacts and outcomes of the services. This provides the Council with a long-term view to support decision-making on the future of the Councils leisure and entertainments facilities and services, how we should invest in them and how we want them to be run.
- 1.4.4 The review has told us that the way the facilities are run (management model) has a significant impact on the overall cost to operate the services which directly impacts on the level of investment available for the facilities and in turn the quality of the facilities we can offer.
- 1.4.5 Procurement and subsidy regulations mean that the Council cannot simply enter into a further agreement with SCT when the existing arrangements come to an end, so the Council has explored options to either bring the services back in-house, establish a Local Authority Trading Company (LATC) to operate the services or appoint an external partner.

#### 1.4.5a In House Model

Under this model the Council would have full control over the management of the facilities and all the financial and operational risks of managing the facilities would sit with the Council. This model would increase the cost of VAT for the Council and is therefore much more expensive to operate. This model would have a significant impact on the Council's finances and would inhibit the ability to invest in facilities.

#### 1.4.5b Local Authority Trading Company (LATC)

Under this model the Council would create a wholly owned company to operate the facilities. The Council would develop a Specification for Services to set out the operating requirements for the LATC, this would ensure that the LATC was operating in line with Council policy on areas such as staff pay rates and concessionary pricing and social outcomes. This model would not have the same VAT burdens as an In-House model. The delivery and operational risk of the facilities would transfer to the LATC in line with the contract however all the financial risk associated with the company itself would remain with the Council.

#### 1.4.5c External Partner

Under this model the Council would go out to tender to select a preferred partner to operate the facilities, the tender could specify that the external partner must be a not for profit or charitable organisation. The external partner would enter a contract with the

Council and operate under a Services Specification that would include the key policy requirements such as staff pay rates, concessionary pricing and social outcomes. Under this option a contract price would be set for the duration of the contract and the delivery and operational risk of the facilities would transfer to the external partner in line with the contract.

## **1.5 Preferred Management Option**

- 1.5.1 The LIFR found that the External Partner is preferable to a LATC because it has the same ability to influence how services are run and customer outcomes, yet it doesn't have the additional financial risk. It is the best option for the Council to progress as it is also the most affordable option and will allow the Council to invest more to significantly improve facilities. This model also provides greater financial certainty as the financial risk would transfer to the operator.
- 1.5.2 The LIFR has also shown that the external partner model will return the highest level of income. This is because an external partner is likely to benefit from existing regional structures which means that central overhead cost such as senior management, central administration, HR and payroll attributed to the delivery of services will be lower. In addition, a specialist external partner is likely to be able to deliver economies of scale on procurement supplies and services and have stronger marketing expertise to generate sales and therefore increase income.
- 1.5.3 The external partner model also provides the greatest financial certainty and the least financial risk, because a management fee would be set as part of the contract procurement and financial risk can be transferred to the external partner.

## **2. HOW DOES THIS DECISION CONTRIBUTE?**

- 2.1 It is expected that investment into new and improved facilities will attract and retain increased participation and usage of venues. Improved facilities will better meet customer expectations of a modern and welcoming leisure and entertainment offer. This will help to reduce inequalities, increase access and remove barriers to participation and encourage more people to be more active, more often. This will contribute to our Public Health objectives and the City's Move More outcomes.
- 2.2 Investment in Leisure will improve financial viability and long-term sustainability of the services. It will ensure that facilities are up to date, relevant and based on evidenced need. New facilities will help to deliver

against the council's commitment to the climate emergency by improving the environmental sustainability of facilities.

- 2.3 Investment will improve equality of access ensuring that facility developments are designed to be fully accessible and inclusive.

### **3. HAS THERE BEEN ANY CONSULTATION?**

3.1 The review has included consultation with a range of internal and external partners and users, this included Co-operative Executive members, Local Councillors, several Council departments (e.g., Youth Services and Parks & Countryside), National Governing Bodies such as the Lawn Tennis Association and British Swimming, Sport England and multiple users of facilities. The outcomes of this consultation have helped to shape the identified investment proposal included within this report.

3.2 In order to further shape this work the Council is in the process of commissioning a programme of community consultation that is inclusive in its approach. This will see consultation taking place within each of the seven Local Area Committee areas as well as consultation with specific groups including BAME communities, older people, young people and disabled people.

### **4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

#### **4.1 Equality of Opportunity Implications**

4.1.1 The proposals identified within this report are expected to have positive equality of opportunity impacts as our consultation and subsequent investment in facilities will help to reduce barriers to participation and encourage more people to be more active, more often, especially those who don't currently use the facilities. Investment in facilities will improve equality of access ensuring that facilities are designed to be fully accessible and inclusive.

#### **4.2 Financial and Commercial Implications**

4.2.1 The Council will develop a Procurement Strategy with a detailed specification to support the recommendation of engaging an external partner to operate facilities from 2024. The specification will incorporate the Council's key policy principles such as staff terms and conditions and concessionary pricing.

4.2.1 The preferred option will see over £100m invested in leisure and entertainment in Sheffield. This investment will cover the £63m backlog maintenance in a more efficient and sustainable way, providing better value for money by enhancing rather than maintaining our facilities.



4.2.2 The expected cost of continuing to subsidise SCT until 2024 and fund remaining debt costs is included in the Council's Medium Term Financial Analysis that was approved by Co-Operative Executive on 20 October 2021.

The Council will need to continue to provide cash flow support to SCT as required to ensure that SCT remains a going concern.

The financial modelling done to support the recommendations in this report shows that:

- The investment programme will require support from reserves in the first 10 years of the strategy.
- Once the initial investment programme is complete, reserves will be repaid from the operational surpluses.
- A prudent ongoing maintenance allowance within the financial model should reduce the risk of backlog maintenance building up into the future.
- The financial modelling shows that the general fund revenue subsidy currently required to support Leisure and Entertainment in the City will be able to be phased out from 2024 and will not be needed in the long term.

4.2.3 Further implications are included in the closed Appendix 1.

### 4.3 Legal Implications

4.3.1 The Council has the power under the Local Government Miscellaneous Provisions Act 1976 to provide recreational facilities inside or outside its area as it thinks fit including premises for the use of clubs or societies having athletic, social or recreational objects; staff, including instructors, in connection with any facilities and facilities by way of parking spaces and places at which food and drink may be bought from the authority or another person and the power to provide buildings, equipment, supplies and assistance of any kind.

4.3.2 The delivery of commissioned services is likely to be a services concession agreement for the purposes Concession Contracts Regulations 2016 and will require a public procurement exercise in accordance with those regulations.

4.3.2 The wider strategy is likely to engage other legal implications such as public procurement obligations under the Public Contract Regulations 2015 for works and subsidy control. TUPE is likely to apply in relation to staff working at the facilities. These implications will be developed as the strategy progresses.

4.3.3 It is likely that property arrangements by way of leases of facilities will be entered into with any providers.

4.3.4 There will also be lease and other contractual implications arising from the exit of the MSF funding arrangements with SCT.

#### 4.4 Other Implications

4.4.1 The Local Government Association's Securing the Future of Public Sport and Leisure Services report, published in September 2021 in partnership with the Association for Public Service Excellence (APSE) and Chief Cultural and Leisure Officers Association (CLOA) evaluates the current state of public sport and leisure services and sets out recommendations to ensure the survival and development of the sector. The report confirms that investment in public sport and leisure facilities and services is key to levelling up the health of the nation, tackling health inequalities and supporting climate change targets. The report evidences that regular physical activity reduces the risk of serious illness and disease. With obesity rates forecast to cost £9.7 billion per year by 2050, the LGA report advises that delivery of low-cost facilities and social prescribing opportunities from councils is key in responding to this crisis, addressing health inequalities, and reducing the burden on the NHS and public health services.

### 5. **ALTERNATIVE OPTIONS CONSIDERED**

#### 5.1 Alternative Management Model

The Council has reviewed three possible options for the future management of facilities, as described in 1.3. This included in house, a Local Authority Trading Company (LATC) and appointment of an external partner. The in house and LATC options were not selected as they are more expensive and present a greater level of financial uncertainty and risk to the Council. They would not allow for the level of investment needed for the Council to offer significantly improved leisure facilities.

#### 5.2 Do Nothing

Doing nothing is not an option. The current arrangement with Sheffield City Trust come to an end in 2024 and the facilities themselves require significant investment just to remain open and functioning. Without investment facilities will continue to decline and eventually close.

### 6. **REASONS FOR RECOMMENDATIONS**

6.1 The council recognises that leisure provision will be critical post COVID-19, with many people requiring rehabilitation after suffering long-COVID, or diminished mental health caused by lockdown. The health and wellbeing of residents is a priority, and it is clear the services delivered by leisure play a vital role both now and in the future. It is therefore critical that a long-term management and investment strategy is put in place to secure the future of the leisure and entertainment portfolio.

- 6.2 It is expected that investment into new and improved facilities will help to attract and retain increased participation and usage of venues. Improved facilities will better meet customer expectations of a modern and welcoming leisure and entertainment offer. This will help to reduce barriers to participation and encourage more people to be more active, more often.
- 6.3 Investment in Leisure will improve financial viability and long-term sustainability of the service and ensure that facilities are modern and accessible. New facilities will also help to deliver against the Council's commitment to the climate emergency by improving the environmental sustainability of facilities.
- 6.4 Investment in new facilities will also improve equality of access ensuring that facilities are designed to be fully accessible and inclusive.
- 6.5 There is a clear financial link between the amount of money the Council can invest and the operating model selected. The greater the income the operator generates, the more money the Council can safely invest. It is therefore critical that the Council selects the management option that provides the greatest level of income, and that the decision on the future management option is taken alongside the decision to invest.
- 6.6 The Leisure Review has shown that the external partner model is the most financially advantageous and returns the highest level of income. This is because an external partner is likely to benefit from existing regional management structures which means that central overhead cost such as senior management, central administration, HR and payroll attributed to the delivery of services will be lower. In addition, a specialist external partner is likely to be able to deliver economies of scale on procurement supplies and services and have stronger marketing expertise to generate sales and therefore increase income.
- 6.7 The external partner model also provides the greatest financial certainty as the least financial risk as a management fee would be set as part of the contract procurement and financial risk can be transferred to the external partner.

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