



## City and County of Swansea

### Notice of Meeting

You are invited to attend a Meeting of the

## Cabinet

**At:** Remotely via Microsoft Teams

**On:** Thursday, 19 January 2023

**Time:** 10.00 am

**Chair:** Councillor Rob Stewart

**Membership:**

Councillors: C Anderson, R Francis-Davies, L S Gibbard, H J Gwilliam, D H Hopkins, E J King, A S Lewis, A Pugh, R V Smith and A H Stevens

**Watch Online:** <http://bit.ly/3GtwhuP>

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**Webcasting:** This meeting may be filmed for live or subsequent broadcast via the Council's Internet Site. By participating you are consenting to be filmed and the possible use of those images and sound recordings for webcasting and / or training purposes.

**You are welcome to speak Welsh in the meeting.**

Please inform us by noon, two working days before the meeting.

### Agenda

Page No.

1. **Apologies for Absence.**

2. **Disclosures of Personal and Prejudicial Interests.**

[www.swansea.gov.uk/disclosuresofinterests](http://www.swansea.gov.uk/disclosuresofinterests)

3. **Minutes.**

To approve & sign the Minutes of the previous meeting(s) as a correct record.

1 - 7

4. **Announcements of the Leader of the Council.**

5. **Public Question Time.**

Questions can be submitted in writing to Democratic Services [democracy@swansea.gov.uk](mailto:democracy@swansea.gov.uk) up until noon on the working day prior to the meeting. Written questions take precedence. Public may attend and ask questions in person if time allows. Questions must relate to items on the open part of the agenda and will be dealt within a 10 minute period.

6.	Councillors' Question Time.	
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**Next Meeting:** Thursday, 16 February 2023 at 10.00 am



**Huw Evans**  
**Head of Democratic Services**  
**Wednesday, 11 January 2023**

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**Contact: Democratic Services - Tel: (01792) 636923**

# Agenda Item 3.



City and County of Swansea

## Minutes of the **Cabinet**

Multi-Location Meeting - Gloucester Room, Guildhall / MS

Teams

Thursday, 15 December 2022 at 10.00 am

**Present:** Councillor R C Stewart (Chair) Presided

### **Councillor(s)**

C Anderson  
H J Gwilliam  
A S Lewis  
A H Stevens

### **Councillor(s)**

R Francis-Davies  
D H Hopkins  
A Pugh

### **Councillor(s)**

L S Gibbard  
E J King  
R V Smith

### **Officer(s)**

Huw Evans  
Tracey Meredith  
Martin Nicholls  
Ben Smith  
Ness Young

Head of Democratic Services  
Chief Legal Officer / Monitoring Officer  
Chief Executive  
Director of Finance / Section 151 Officer  
Interim Director of Corporate Services

### **Also present**

Councillor(s): -

### **Apologies for Absence**

Councillor(s): -

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## 94. **Disclosures of Personal and Prejudicial Interests.**

In accordance with the Code of Conduct adopted by the City and County of Swansea, the following interests were declared:

- 1) Councillor R V Smith declared a Personal & Prejudicial Interest in Minute 99 "Local Authority Governor Appointments" and stated that he had dispensation from the Standards Committee to Stay, Speak but Not Vote on matters relating to the Appointment of Local Authority Governors.

## 95. **Minutes.**

**Resolved** that the Minutes of the meeting(s) listed below be approved and signed as a correct record:

- 1) Cabinet held on 17 November 2022.

**96. Announcements of the Leader of the Council.**

**1) Welsh Government Settlement**

The Leader of Council stated that the Council had received the Welsh Government settlement. Whilst the settlement was welcomed in that, it adds to the money that we believed was a consequential from UK Government. However, the settlement remains significantly short of the pressures that are faced by Councils and services across Wales. The energy pressures in Wales, just in Local Government, remain at over £200,000,000.

**97. Public Question Time.**

No questions were asked.

**98. Councillors' Question Time.**

No questions were asked.

**99. Local Authority Governor Appointments.**

The Local Authority Governors Appointment Group submitted a report, which sought approval of the nominations submitted to fill Local Authority (LA) Governor vacancies on School Governing Bodies.

**Resolved** that:

- 1) The following nominations recommended by the Director of Education in conjunction with the Cabinet Member for Education & Learning be approved:

1)	Blaenymaes Primary School	Stephani Keys
2)	Cwmrhydyceirw Primary School	Helen McLaughlin
3)	Bishopston Comprehensive School	Ruth McNamara
4)	Ysgol Gyfun Gŵyr	Phillip Morris

**100. Revenue and Capital Budget Monitoring 2nd Quarter 2022/23.**

The Cabinet Member for Economy, Finance & Strategy submitted a report that outlined the financial monitoring of the 2022/2023 revenue and capital budgets, including the delivery of budget savings.

**Resolved** that:

- 1) The comments and variations, including the material uncertainties, set out in the report and the actions in hand to seek to address these be noted.
- 2) The virements set out in Paragraph 2.7 of the report and the use of the Contingency fund as set out in 3.2 of the report be approved subject to any further advice from the Section 151 Officer during the year.



- 3) The need for all Directors to continue to minimise service spending in year, recognising that the budget overall is currently balanced only by relying on future likely (but far from wholly assured) reimbursement from Welsh Government, centrally held contingency budgets and reserves be reinforced.
- 4) Cabinet recognise that cost overspends can now only reasonably be sought to be minimised, rather than eliminated, in current year by some targeted recovery action with a clear expectation of 'tough' rebasing choices to achieve a balanced budget for the 2023-24 budget round.
- 5) The indicative overspend in 4.1 of the report with further action to be confirmed in subsequent quarters once it is clearer as to level of residual Covid reimbursement, the likely final cost of the local government pay award which will be paid in third quarter and the ongoing uncertainty over the teachers' pay award.

**101. Quarter 2 2022/23 Performance Monitoring Report.**

The Cabinet Member for Corporate Service & Performance submitted a report that outlined the corporate performance for quarter 2 2022-2023.

**Resolved** that:

- 1) The Council's performance in respect of managing the pandemic and its aftermath and achieving the Council's wellbeing objectives for quarter 2 of 2022-23 be noted.
- 2) The use of this information to inform executive decisions on resource allocation and, where relevant, corrective actions to manage and improve performance and efficiency in delivering national and local priorities be endorsed.

**102. Swansea Council – Net Zero 2030.**

The Cabinet Member for Service Transformation submitted a report that sought approval for a Swansea Council Net Zero 2030 delivery plan. The report also acknowledged the work on Nature Recovery and Swansea Net Zero 2050 programmes.

**Resolved** that:

- 1) The proposed Swansea Council Net Zero 2030 delivery plan, attached as Appendix 1 of the report be approved.
- 2) The continuing work on Nature Recovery and Swansea Net Zero 2050 programmes which will require separate reports to Cabinet at a future date be acknowledged.

**103. Swansea Council Section 6 Biodiversity Duty Monitoring Report to Welsh Government December 2022.**

The Cabinet Member for Corporate Service & Performance submitted a report that sought approval for the Council's Environment (Wales) Act Biodiversity Duty Section 6 Monitoring Report for the period January 2020 – December 2022 prior to submission to Welsh Government.

**Resolved** that:

- 1) The report be approved and published on the Council's website and forwarded to Welsh Government.

**104. Update on Statutory Compliance in the Council's Operational Portfolio.**

The Cabinet Member for Corporate Service & Performance submitted a report that provided an update on progress following adoption of the Statutory Compliance Strategy for buildings under the control of Swansea Council.

**Resolved** that:

- 1) The progress and actions be noted.

**105. Capital Programme Authorisation for the Commitment of Funding to Support the Rollout of Universal Primary Free School Meals.**

The Cabinet Member for Education & Learning submitted a report that sought to comply with Financial Procedure Rule 7 "Capital Programming and Appraisals" to commit and authorise a second capital grant award in the sum of £2,526,996 for the upgrade of school meal infrastructure, in the Capital programme.

**Resolved** that:

- 1) The second capital grant award for the upgrade of school meal infrastructure in the sum of £2,526,996, resulting in a total commitment of £4,331,993 be approved and included in the capital programme for 2022-2023.

**106. Capital Programme Authorisation for the Commitment of Capital Grant Funding Awarded to Support Learners with Additional Learning Needs.**

The Cabinet Member for Education & Learning submitted a report that sought to comply with Financial Procedure Rule 7 "Capital Programming and Appraisals" to commit and authorise schemes in the Capital programme.

**Resolved** that:

- 1) The capital scheme in the sum of £1,443,998 to support learners with additional learning needs be approved and included in the capital programme for 2022-2023.

**107. Financial Procedure Rule 7 - Additional Capital Allocation to Highways Works Programme 2022-23.**

The Cabinet Member for Environment & Infrastructure submitted a report that confirmed the Additional Capital Allocation to the Highways Work Programme 2022-2023 and to comply with Financial Procedure Rule 7 to commit and authorise schemes.

**Resolved that:**

- 1) The additional allocation of £1m for Highways Maintenance be included in the Capital Programme for 2022-2023.
- 2) The additional allocation of £2m for Highways Maintenance be included in the Capital Programme for 2023-2024.
- 3) The additional allocation of £2m for Highways Maintenance be included in the Capital Programme for 2024-2025.
- 4) Authority be delegated to the Head of Service for Highways and Transportation with the agreement of the Cabinet Member for Environment and Infrastructure to prioritise, finalise and allocate funding to the appropriate schemes in line with the prioritisation approach detailed in this report.

The meeting ended at 10.37 am

**Chair**

<b>Call In Procedure – Relevant Dates</b>	
Minutes Published:	<b>15 December 2022</b>
Call In Period Expires (3 Clear Working Days after Publication):	23.59 on 20 December 2022
Decision Comes into force:	21 December 2022



City and County of Swansea

## Minutes of the Special **Cabinet**

Multi-Location Meeting - Gloucester Room, Guildhall / MS

Teams

Thursday, 22 December 2022 at 10.00 am

**Present:** Councillor R C Stewart (Chair) Presided

**Councillor(s)**

C Anderson  
H J Gwilliam  
A Pugh

**Councillor(s)**

R Francis-Davies  
E J King  
R V Smith

**Councillor(s)**

L S Gibbard  
A S Lewis  
A H Stevens

**Officer(s)**

Huw Evans  
Tracey Meredith  
Martin Nicholls  
Ben Smith  
Ness Young

Head of Democratic Services  
Chief Legal Officer / Monitoring Officer  
Chief Executive  
Director of Finance / Section 151 Officer  
Interim Director of Corporate Services

**Also present**

Councillor(s): C A Holley

**Apologies for Absence**

Councillor(s): D H Hopkins

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### 108. Disclosures of Personal and Prejudicial Interests.

In accordance with the Code of Conduct adopted by the City and County of Swansea, the following interests were declared:

- 1) Councillors R Francis-Davies, L S Gibbard, A Pugh, R V Smith and A H Stevens declared a Personal Interest in Minute 112 "Budget Proposals 2023/24-2026/27".

### 109. Announcements of the Leader of the Council.

The Leader of Council made no announcements.

### 110. Public Question Time.

No questions were asked.

**111. Councillors' Question Time.**

Councillor C A Holley asked several questions relating to Minute 112 “Budget Proposals 2023/24-2026/27”.

The Leader of the Council responded.

**112. Budget Proposals 2023/24 - 2026/27.\*\***

***Call In Procedure - Urgency:*** This decision is exempt from the Authority’s Call In Procedure as “either the Head of Paid Service, the Section 151 Officer or the Monitoring Officer certifies that any delay likely to be caused by the Call In Procedure could seriously prejudice the Council or the Public Interest including failure to comply with Statutory requirements”.

The Cabinet Member for Economy, Finance & Strategy submitted a report that sought consideration of budget proposals for 2023/2024 to 2026/2027 as part of the Council’s existing Budget Strategy.

**Resolved** that:

- 1) The Budget proposals summarised in the report and detailed in Appendix B of the report be approved as the basis of consultation.
- 2) The updated budget future forecast be adopted as the starting planning premise for the new medium term financial plan, which will be considered by Council on 2 March 2023.
- 3) The approach to consultation and engagement with staff, trade unions, residents, partners and other interested parties set out in Section 7 of the report be agreed.
- 4) A report on the outcome of the consultation and final budget proposals be received by Cabinet on 16 February 2023.

The meeting ended at 10.39 am

**Chair**

<b>Call In Procedure – Relevant Dates</b>	
Minutes Published:	<b>22 December 2022</b>
Call In Period Expires (3 Clear Working Days after Publication):	-
Decision Comes into force:	22 December 2022

# Agenda Item 7.



## Report of the Local Authority Governor Appointment Group

Cabinet – 19 January 2023

### Local Authority Governor Appointments

<b>Purpose:</b>	To approve the nominations submitted to fill Local Authority Governor vacancies in School Governing Bodies
<b>Policy Framework:</b>	Local Authority (LA) Governor Appointments Procedure (Adopted by Council on 26 October 2017)
<b>Consultation:</b>	Access to Services, Finance, Legal
<b>Recommendation(s):</b>	It is recommended that:  1) The nominations recommended by the Director of Education in conjunction with the Cabinet Member for Education & Learning be approved.
<b>Report Author:</b>	Gemma Wynne
<b>Finance Officer:</b>	Aimee Dyer
<b>Legal Officers:</b>	Stephanie Williams
<b>Access to Services Officer:</b>	Catherine Window

#### 1.0 The nominations referred for approval

1.1 The nominations are recommended for approval as follows:

1. Clase Primary School	Mrs Lesley Evans
2. Cwmglas Primary School	Mrs Helen Usiobaifo
3. St Thomas Primary School	Cllr Hayley Gwilliam

4. Whitestone Primary School	Mrs Lauren Brown
5. Ysgol Gyfun Bryntawe	Mrs Janet Rowlands

## 2.0 Financial Implications

2.1 There are no financial implications for the appointments; all costs will be met from existing budgets.

## 3.0 Legal Implications

3.1 There are no legal implications associated with this report.

## 4.0 Integrated Assessment Implications

4.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

4.1.1 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

4.1.2 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

4.2 Following the completion of the IIA process it has been identified there are no negative impacts and a full IIA is not required.

4.3 There is no need for mitigation as impacts that have been identified are not negative impacts. The panel choose Governors, no public consultation is required. In order for schools to run effectively they need to have effective Governing Bodies, this appointment supports this.

**Background papers:** None

**Appendices:**

Appendix A - Integrated Impact Assessment Form



# Appendix A - Integrated Impact Assessment Screening Form

Please ensure that you refer to the Screening Form Guidance while completing this form.

## Which service area and directorate are you from?

Service Area: Achievement and Partnership

Directorate: Education

### Q1 (a) What are you screening for relevance?

- New and revised policies, practices or procedures
- Service review, re-organisation or service changes/reductions, which affect the wider community, service users and/or staff
- Efficiency or saving proposals
- Setting budget allocations for new financial year and strategic financial planning
- New project proposals affecting staff, communities or accessibility to the built environment, e.g., new construction work or adaptations to existing buildings, moving to on-line services, changing location
- Large Scale Public Events
- Local implementation of National Strategy/Plans/Legislation
- Strategic directive and intent, including those developed at Regional Partnership Boards and Public Services Board, which impact on a public bodies functions
- Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans)
- Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy)
- Major procurement and commissioning decisions
- Decisions that affect the ability (including external partners) to offer Welsh language opportunities and services

### (b) Please name and fully describe initiative here:

Appointing Local Authority governors to schools in Swansea

### Q2 What is the potential impact on the following: the impacts below could be positive (+) or negative (-)

	High Impact		Medium Impact		Low Impact		Needs further investigation
	+	-	+	-	+	-	
Children/young people (0-18)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Older people (50+)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any other age group	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Future Generations (yet to be born)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race (including refugees)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Asylum seekers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gypsies & travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Welsh Language	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community cohesion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Appendix A - Integrated Impact Assessment Screening Form

- Q3** What involvement has taken place/will you undertake e.g. engagement/consultation/co-productive approaches?  
Please provide details below – either of your activities or your reasons for not undertaking involvement

This activity does not require consultation

- Q4** Have you considered the Well-being of Future Generations Act (Wales) 2015 in the development of this initiative:

- a) Overall does the initiative support our Corporate Plan's Well-being Objectives when considered together?  
Yes  No
- b) Does the initiative consider maximising contribution to each of the seven national well-being goals?  
Yes  No
- c) Does the initiative apply each of the five ways of working?  
Yes  No
- d) Does the initiative meet the needs of the present without compromising the ability of future generations to meet their own needs?  
Yes  No

- 
- Q5** What is the potential risk of the initiative? (*Consider the following impacts – equality, socio-economic, environmental, cultural, legal, financial, political, media, public perception etc...*)

High risk

Medium risk

Low risk

- 
- Q6** Will this initiative have an impact (however minor) on any other Council service?

Yes  No If yes, please provide details below

- 
- Q7** What is the cumulative impact of this proposal on people and/or communities when considering all the impacts identified within the screening and any other key decisions affecting similar groups/ service users made by the organisation?  
(*You may need to discuss this with your Service Head or Cabinet Member to consider more widely if this proposal will affect certain groups/ communities more adversely because of other decisions the organisation is making. For example, financial impact/poverty, withdrawal of multiple services and whether this is disadvantaging the same groups, e.g., disabled people, older people, single parents (who are mainly women), etc.*)

In order for schools to run effectively they need to have effective Governing Bodies.

# Appendix A - Integrated Impact Assessment Screening Form

## Outcome of Screening

**Q8 Please describe the outcome of your screening below:**

- **Summary of impacts identified and mitigation needed (Q2)**
- **Summary of involvement (Q3)**
- **WFG considerations (Q4)**
- **Any risks identified (Q5)**
- **Cumulative impact (Q7)**

We have identified high impact on children and young people because it is in school environment and Governors are appointed to those school. Race, Religion and Welsh language have been also identified as high impact because we have some religious and welsh language schools. There is no need for mitigation as impacts that have been identified are not negative impacts The panel choose Governors ,no public consultation required. In order for schools to run effectively they need to have effective Governing Bodies, this appointment supports this..

(NB: This summary paragraph should be used in the relevant section of corporate report)

Full IIA to be completed

Do not complete IIA – please ensure you have provided the relevant information above to support this outcome

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email.

<b>Screening completed by:</b>
<b>Name: Gemma Wynne</b>
<b>Job title: Governor Support Officer</b>
<b>Date: 22/08/22</b>
<b>Approval by Head of Service:</b>
<b>Name: Rhodri Jones</b>
<b>Position: Head of Achievement and Partnership</b>
<b>Date: 22/08/22</b>

Please return the completed form to [accesstoservices@swansea.gov.uk](mailto:accesstoservices@swansea.gov.uk)

# Agenda Item 8.



## Report of the Cabinet Member for Environment & Infrastructure

Cabinet – 19 January 2023

### Car Parking Charges

<b>Purpose:</b>	The report seeks approval for proposed car parking tariffs for Council car parks. The report explains the financial impact of the existing car parking offers and sets out proposals to meet the increase in income targets set within the Medium Term Financial Plan.
<b>Policy Framework:</b>	Highways and Transportation – City Centre Car Parking Strategy
<b>Consultation:</b>	Access to Services, Finance, Legal,
<b>Recommendation(s):</b>	It is recommended that Cabinet:  1) Agree, subject to the outcome of the Council Budget Consultation and approval of the Council Budget for 2023/24, to implement the proposed parking tariffs detailed in this report for all car parks from 1 <sup>st</sup> April 2023.  2) Delegate authority to the Head of Highways and Transportation and Cabinet Member for Environment and Infrastructure to increase parking charges in line with the RPI rate of inflation.
<b>Report Author:</b>	Gavin Newman
<b>Finance Officer:</b>	Ben Smith
<b>Legal Officer:</b>	Debbie Smith
<b>Access to Services Officer:</b>	Rhian Millar

#### 1. Introduction

##### 1.1 Current Parking tariffs

As part of the Covid 19 recovery plan, car park charges in the city centre were substantially reduced in an effort to support the economy. The current offer is £1 for two hours and £2 all day after 9:30am.

The Council also reduced parking charges in Mumbles to help support the local businesses. The cost of parking was reduced from £4 down to £2 for a 3 hour stay.

Landore and Fabian Way Park and Ride sites currently have tariffs discounted from £2.50 to £1.00 all day.

The overall car parking income targets are as follows;

- 2021/22 income target for Car Parks, excluding Copr Bay - £4,217,500
- 2022/23 income target for Car parks, excluding Copr Bay - £4,168,900 (*increase of £500k in the Medium Term Financial Plan MTFP, offset by £548,600 income from Arena Car Park income*)
- 2023/24 income target for Car Parks, excluding Copr Bay £4,219,200 (*further increase of £250k agreed in 2018 MTFP budget setting offset by £698,310 income from Arena Car Park Income*).

## 1.2 Recent Developments

In February of this year the new Copr Bay district opened to the public. The development includes the new Swansea indoor arena and two new multi storey car parks designated as Copr Bay North and Copr Bay South. To date only the Copr Bay South Car Park has opened to the public, with St Davids MSCP currently being used as temporary event parking. Once the Copr Bay North car park is completed, it is intended that St Davids MSCP will be demolished to make way for the next phase of the Swansea Central redevelopment programme.

Both new car parks are in prime city centre locations, intended to serve Copr Bay district as well as existing city centre attractions. The new North Copr Bay car park will replace the former St Mary's pay and display surface car park and St David's multi storey car park. The South Copr Bay car park replaces the Oystermouth Road pay and display surface car park, which serves the LC, National Waterfront Museum and the City Centre.

## 2. Proposed Tariffs for Copr Bay Car Parks

- 2.1 The pricing model for the two Copr Bay car parks must strike a delicate balance between providing for the new arena and replacing previous car parks which service the city centre and other attractions. The business model developed for the Arena relied upon customers being willing to pay a premium to be able to park in close proximity to event attended.
- 2.2 In 2018 Cabinet agreed to increase the income target for car parks by £750k. This target was to be achieved by an increase in parking charges of 12.5% and by patronage generated by the Copr Bay car parks. It should be noted that parking tariffs have not been increased since 2014.
- 2.3 Car Park income from Copr Bay North (currently St David's) and Copr Bay South is ring fenced into the Copr Bay maintenance budget as agreed in the Copr Bay Business Model. The agreed amount to be set aside is £1,412,645 per annum.

2.4 At its conception both Copr Bay North and South were to be designed and built as Swansea’s premium car parks, offering convenience for the Arena. The consensus was that it was therefore not unreasonable to charge higher prices in these car parks which reflect the convenience and premium quality of these facilities.

Table 1. 2022/23 current financial position, Copr Bay Car Parks

Car Parks	Expected income with Standard Tariffs	Expected income with Parking Offer	Net Impact
St David’s (Copr Bay North)	£623,724.87	£476,125.86	-£147,599.01
Copr Bay South	£221,938.07	£169,419.07	-£52,519.00
Total	£845,662.94	£645,544.93	-£200,118.01

2.5 The expected income figure currently shows the income generated as being less than the required £1,412,645 by a shortfall of £767,100. Whilst the Economic Recovery Fund (ERF) funding will cover this year’s shortfall there will be no access to ERF funding after 31st March 2023.

2.6 Returning the tariffs to pre-Covid levels will reduce the shortfall by £200,118.01 but there will still be a shortfall of £566,982. A 12.5% increase will not be enough to meet the income target as it will only generate an additional £105,707, leaving a shortfall of £461,276, hence the proposed tariffs (detailed in the Table 2 below) are required to meet the income targets.

2.7 In 2018, the Council commissioned a Parking Strategy. One element of this commission was to review car park usage and the length of time customers stayed in our car parks. In the City Centre the most popular ticket purchased was up to a three hour stay. Based on this information it is reasonable to assume that the majority of visitors to the City Centre currently complete their visit within three hours.

2.8 The proposed parking tariffs for both Copr Bay North and South will be proportionate to our pre-pandemic City Centre Car Park Tariffs. However, in order to provide sufficient parking capacity to accommodate Arena guests it is proposed to increase the tariff after a three hour stay to encourage those who wish to stay longer to park elsewhere. This is based on the Strategy suggesting visitors to the LC or other city centre attractions will usually complete their stay within three hours, whilst other visitors willing to pay a premium to park close to the Arena to attend an event will be able to find a parking space within the Copr Bay car parks. Therefore, the car parks will offer a range of prices to meet the requirements of the different visitors using the car parks for different purposes.

Table 2. Proposed Charges for Copr Bay North and South

Time (Hours)	Copr Bay – Pre Covid	Copr Bay Proposed	Copr Bay Discounted Residents
1 hour	£1.40	£3.00	£2.00
2 hours	£2.80	£4.50	£3.50
3 hours	£4.00	£6.00	£4.50
4 hours	£5.50	£10.00	£8.00
5 hours	£7.70	£15.00	£12.00
6 hours	£9.90	£20.00	£16.00
7 hours	£12.10	-	-
8 hours	£14.30	£25.00	£20.00
12 hours	-	-	-
24 hours	-	£30.00	£25.00
9pm – 8am	£3.00	-	-
Sunday	Free	As Monday-Saturday	As Monday - Saturday

- 2.9 Whilst not currently available yet, the Discounted Residents Tariff will be available to all Swansea Residents who hold a Residents Discount Card. Card holders will be able to select the resident’s tariff at the car park pay stations. The residents discount tariffs will be available when the new tariffs go live on 1<sup>st</sup> April. Initially the system will require customers to indicate that they are Swansea Residents. Moving forward we hope to link in the resident card into the parking system to initiate the discounted tariffs.
- 2.10 Setting the proposed tariffs will ensure that we achieve the agreed level of income as agreed in the Copr Bay Business Plan.
- 2.11 In order to ensure that the propose tariffs are in line with similar facilities we have carried out benchmarking of parking prices near to the Motorpoint Arena in Cardiff.

Table 3. Comparison of Parking Charges near Cardiff Motorpoint Arena

Time (Hours)	NCP Rapports	NCP Pellett Street	St Davids Shopping Centre
1 hour	£4.00	£1.00	£2.00
2 hours	£8.00	£2.00	-
3 hours	£12.00	£3.00	-
4 hours	£16.00	£4.00	£5.00
5 hours	£20.00	£8.00	£6.00
6 hours	-	-	£7.00
7 hours	-	-	-
8 hours	-	£-	£10.00
12 hours	-	-	-
24 hours	£25.00	£14.00	£25.00

9pm – 8am	£3.00	-	-
Sunday	As Monday – Saturday	As Monday-Saturday	As Monday - Saturday

The benchmarking shows that the proposed parking charges for Copr Bay North and South are not at levels higher than what people are used to paying when attending events held at the Motorpoint Arena.

### 3.0 Proposals Tariffs for City Centre Car Parks

- 3.1 The current reduced City centre parking tariff (£1 one hour, £2 all day) has had a significant impact on income and the reduction has been offset by financial support provided by the ERF. The ERF funding allocated for car parking was £1.6M and it is anticipated that this will be fully allocated by 31<sup>st</sup> March 2023.
- 3.2 In 2018 as part of the medium Term Financial Plan, the car park income target was increased by £500k in 21/22 and a further £250k in 22/23. In order to meet these agreed targets a suggested increase in car parking tariffs of at least 12.5% was proposed.
- 3.3 Car parking tariffs have not been increased since January 2014. If tariff increases had been applied year on year since 2014, the RPI percentage increase would have been 22.5%.
- 3.4 Whilst the pricing structure across the City Centre is broadly uniform, in order to simplify the structure the following parking tariffs are proposed for the City Centre Car Parks (with the exception of the Copr Bay car parks which have been detailed earlier in this report).
- 3.5 Some tariffs have been ‘rounded up’ for coin payments as our pay and display machines do not give change (this is not unique to Swansea and happens across the UK).

**Table 4. Proposed Quadrant Multi Storey Car Park Tariffs**

Time	Quadrant – Pre Covid	Quadrant +RPI 22.5%	Quadrant + 12.5%	Proposed Quadrant tariffs	Proposed Resident Quadrant tariffs
1 hour	£1.40	£1.72	£1.60	£2.50	£2.00
2 hours	£2.80	£3.43	£3.20	£4.00	£3.50
3 hours	£4.00	£4.90	£4.50	£5.00	£4.50
4 hours	£5.50	£6.73	£6.20	£7.00	£6.50
5 hours	£7.70	£9.43	£8.70	£9.50	£9.00
6 hours	£9.90	£12.13	£11.20	£13.00	£12.50
7 hours	£12.10	£14.83	£13.10	£14.00	£13.50
8 hours	£14.30	£17.52	£16.10	£17.00	£16.50
12 hours	-	-			
24 hours	-	-			
9pm - 8am	£3.00	£3.68	£3.40	£3.50	£3.50
Sunday	free	Free	Free	£2.00	£2.00



**Table 5. Proposed High Street Multi Storey Car Park Tariffs**

Time	High St – Pre Covid	High St +RPI 22.5%	High St + 12.5%	Proposed High St tariffs	Proposed Resident High Street tariffs
1 hour	£0.50	£0.61	£0.56	£1.50	£1.00
2 hours	£1.00	£1.23	£1.13	£2.50	£2.00
3 hours	£3.50	£4.29	£3.94	£3.50	£3.00
4 hours	£4.50	£5.51	£5.06	£5.50	£5.00
5 hours	-	-	-	-	-
6 hours	-	-	-	-	-
7 hours	-	-	-	-	-
8 hours	-	-	-	-	-
12 hours	£6.00	£7.35	£6.75	£8.50	£8.00
24 hours	-	-	-	-	-
9pm - 8am	£3.00	£3.68	£3.4	£3.50	£3.50
Sunday	free	Free	Free	£2.00	£2.00

3.6 Paxton Street, Trawler Road and East Burrows surface pay and display car parks are all within a short walking distance of Copr Bay. However, the tariffs for these car parks are lower than the Quadrant and Copr Bay car parking which may provide a more appealing option to visitors, given their close proximity to the Copr Bay. The existing tariffs and proposed tariffs are shown in the table below.

3.7 Setting the proposed tariffs will ensure that we achieve the income required in the car parking income budget.

**Table 6. City Centre Pay and Display Tariffs (excluding Quadrant and Copr Bay)**

Time	Current City Centre P&D	City Centre + RPI 22.5%	City Centre P&D + 12.5%	Proposed City Centre P&D	Proposed Residents City Centre P&D
1 hour	£1.20	£1.47	£1.35	£2.00	£1.50
2 hours	£2.40	£2.94	£2.70	£3.50	£3.00
3 hours	£3.50	£4.29	£3.94	£4.50	£4.00
4 hours	£4.50	£5.51	£5.06	£5.50	£5.00
5 hours	-	-	-	£6.50	£6.00
6 hours	-	-	-	-	-
7 hours	-	-	-	-	-
8 hours	-	-	-	-	-
12 hours	£7.00	£8.58	£7.88	£9.00	£8.00
24 hours	-	-	-	-	-
9pm - 8am	£3.00	£3.68	£3.38	£3.50	£3.50
Sunday	free	Free	Free	£2.00	£2.00

#### **4.0 Proposed Tariffs for Park and Ride Services**

4.1 During the Covid pandemic both Landore and Fabian Way Park and Ride sites were closed. As restrictions eased both sites reopened and the price of the service was reduced from £2.50 to £1.00.

4.2 Income and observations indicates that the uptake of this Park and Ride offer has been low with city centre workers appearing to be using the Mi

Permit App to pay for 1 hour car parking at £1 and then pay £2 for all day parking after 9:30am. Whilst the car parks appear full each day the turnover of spaces is low. Rather than encouraging visitors into the city centre, spaces are being occupied by city centre workers.

- 4.3 In order to meet the objectives of the City Centre Transportation Strategy, the Council needs to offer attractive sustainable transport options such as Park and Ride. To encourage customers (including city centre workers) to return to using the service it is proposed to keep the £1 tariff and not return the price to £2.50 until 1st April 2024.
- 4.4 No additional income will be generated by this proposal.

## **5.0 Overnight parking charges**

- 5.1 Charges in the Copr Bay North and South Car parks apply 24 hours a day. However, in Paxton Street, Trawler Road and East Burrows charges only apply between 8am and 9pm. This could result in visitors to the Arena arriving at 6pm in Paxton Street and paying just £3.50 until 8am the following morning.
- 5.2 By comparison somebody arriving in one of the Copr Bay Car Parks at 6pm for an evening event in the Arena would pay £15 for the up to 5 hours of parking, a difference of £11.50. This inconsistency represents a risk to achieving the level of income anticipated within the Copr Bay business model.
- 5.3 It is therefore proposed that a £3 charge be introduced in all City Centre Car Parks for overnight parking (9pm to 8am) excluding Copr Bay where an overnight tariff is already proposed.
- 5.4 Whilst the income from overnight parking charges seems modest, introducing them protects income in other car parks such as Copr Bay. There is a risk that by not introducing consistent charging in all car parks that customers will avoid car parks with these charges and use the cheaper sites. This reduces the opportunity to achieve income levels required for a balanced budget.
- 5.5 The introduction of overnight parking charges is estimated to generate an addition income of £5k.

## **6.0 Sunday Parking Charges**

- 6.1 At present all city centre car parks and Copr Bay car park are free to customers on Sundays. It is proposed to introduce parking tariffs seven days a week to be consistent with the current beach and foreshore car park tariffs which include Sundays.
- 6.2 Whilst Sunday parking charges are not applied in Swansea they are very common in other city and town centres across the UK. In Carmarthen, Cardiff and Newport, charges apply seven days a week.

- 6.3 NCP currently charge for Sundays in their car parks at normal rates and despite the Council car parks being free currently, the NCP car parks are still well used. Therefore, it can be assumed that there is an acceptance for modest Sunday parking charges within council car parks.
- 6.4 The city centre offers shopping, leisure and dining seven days a week. Whilst there is no official transaction or vehicle usage data from City Centre car parks during Sundays (as they are currently free), anecdotal evidence suggests that the car parks are very busy and well used on Sundays. To ensure that the Car Parks are staffed and maintained properly, for the safety and convenience of our customers, it is considered appropriate that a modest charge should be applied in City centre car parks for Sunday parking, to contribute to the operational costs. It is proposed that tariffs of £1 for up to one hour and £2 all day be introduced.
- 6.5 Whilst the income from Sunday parking charges seems modest, introducing them protects income in other car parks such as Copr Bay. There is a risk that by not introducing consistent charging in all car parks that customers will avoid car parks with these charges and use the cheaper sites. This reduces the opportunity to achieve income levels required for a balanced budget.
- 6.6 The introduction of Sunday parking charges is estimated to generate an additional income of £340k.

## 7.0 Proposed Tariffs for Mumbles Car Parks

- 7.1 Following the easing of lockdown restrictions in late 2020 and 2021 the Council reduced parking charges in The Dairy, Oysterforeshore and Quarry Car parks in Mumbles to help support the businesses. Parking tariffs for a 3 hour stay was reduced from £4 to £2. This has resulted in a reduction in income of 14.3%. All day parking charges remain at £6. It is proposed that the tariffs return to the Pre-Covid rates and are then increased in line with other Beach and Foreshore Car Parks.
- 7.2 The reintroduction of pre covid parking charges and proposed increase in Mumbles is estimated to generate an addition income of £20k.

**Table 7. Mumbles Car Parks, Dairy, Quarry and Oysterforeshore**

Time	Current Mumbles	Mumbles + RPI 22.5%	Mumbles + 12.5%	Proposed Mumbles	Proposed Resident Mumbles
1 hour	£1.50	£1.84	£1.69	£2.50	£2.00
2 hours	-	-	-	-	£4.00
3 hours	£4.00	£4.90	£4.50	£5.50	£5.00
4 hours	-	-	-	£6.50	£6.00
5 hours	-	-	-	-	-
6 hours	-	-	-	-	-
7 hours	-	-	-	-	-
8 hours	-	-	-	-	-
12 hours	£6.00	£7.35	£6.75	£9.00	£8.00
24 hours	-	-	-	£17.00	£15.00

9pm-8am	£3.00	£3.68	£3.38	-	-
Sunday	As Monday to Saturday	As Monday to Saturday	As Monday to Saturday	As Monday to Saturday	As Monday to Saturday

**Table 8. Mumbles Car Parks, Dairy, Quarry and Oysterforeshore, Coach Tariffs**

Time	Current Mumbles Coach	Mumbles Coach + RPI 22.5%	Mumbles Coach + 12.5%	Proposed Mumbles Coach
1 hour	-	-	-	-
2 hours	-	-	-	-
3 hours	-	-	-	-
4 hours	£5.00	£6.13	£5.63	£8.00
5 hours	-	-	-	-
6 hours	-	-	-	-
7 hours	-	-	-	-
8 hours	-	-	-	-
12 hours	£10.00	£12.25	£11.25	£15.00
24 hours	-	-	-	£20.00
9pm-8am	£3.00	£3.68	£3.38	-
Sunday	As Monday to Saturday	As Monday to Saturday	As Monday to Saturday	As Monday to Saturday

## 8.0 Blue Badge Tariffs

- 8.1 Where Blue Badge parking tariffs exist it is proposed that they will increase proportionally in line with proposed percentage increases in other car parks.
- 8.2 The increase in Blue Badge charging is estimated to generate an additional income of £10k.

**Table 9. Blue Badge Charges**

Time	Current BB Concession	BB Concession + 22.5% RPI	Proposed non-Concession	Proposed BB Concession
Up to 2 hours	£0.70	£0.86	£3.00	£1.50
Up to 4 hours	£1.20	£1.47	£5.00	£3.00
Up to 6 hours	£2.40	£2.94	£8.00	£4.00

## 9.0 Proposed Tariffs for Beach and Foreshore Car Parks

- 9.1 The tariffs within Beach and Foreshore car parks have not changed throughout the pandemic however, usage during the peak summer period has significantly increased from a pre pandemic year.
- 9.2 As such and since no increases have been applied since 2014 it is proposed to increase the tariffs to assist in meeting the 2023/2024 income target.
- 9.3 The proposed increase in Beach and Foreshore Car Parks is estimated to generate an addition income of £350k

**Table 10. Proposed Beach and Foreshore Charges**

Time	Current Beach and Foreshore	Beach and Foreshore + RPI 22.5%	Beach and Foreshore + 12.5%	Proposed Beach and Foreshore	Proposed Resident Beach and Foreshore
1 hour	£1.50	£1.84	£1.69	£2.50	£2.00
2 hours	£3.00	£3.68	£3.38	£4.50	£4.00
3 hours	£4.00	£4.90	£4.50	£5.50	£5.00
4 hours	-	-	-	£6.50	£6.00
5 hours	-	-	-	-	-
6 hours	-	-	-	-	-
7 hours	-	-	-	-	-
8 hours	-	-	-	-	-
12 hours	£6.00	£7.35	£6.75	£9.00	£8.00
24 hours	-	-	-	£17.00	£15.00
9pm-8am	£3.00	£3.68	£3.38	-	-
Sunday	As Monday to Saturday	As Monday to Saturday	As Monday to Saturday	As Monday to Saturday	As Monday to Saturday

**Table 11. Proposed Beach and Foreshore Charges, Coach Tariff**

Time	Current Beach and Foreshore Coach	Beach and Foreshore Coach + RPI 22.5%	Beach and Foreshore Coach + 12.5%	Proposed Beach and Foreshore Coach
1 hour	-	-	-	-
2 hours	-	-	-	-
3 hours	-	-	-	-
4 hours	£5.00	£6.13	£5.63	£8.00
5 hours	-	-	-	-
6 hours	-	-	-	-
7 hours	-	-	-	-
8 hours	-	-	-	-
12 hours	£10.00	£12.25	£11.25	£15.00
24 hours	-	-	-	£20.00
9pm-8am	£3.00	£3.68	£3.38	-
Sunday	As Monday to Saturday	As Monday to Saturday	As Monday to Saturday	As Monday to Saturday

## 10.0 Parking Waivers

- 10.1 Parking waivers currently provide free parking builders and tradespersons who are working near to a building or property area that has restricted parking.
- 10.2 Introducing a modest daily charge will reduce the number of waiver applications and will hopefully encourage use of our car parks. Many other Local Authorities charge for waivers. It is proposed that a two tier system be introduced, a Red and Green Waiver. Green Waivers will be for areas such as limited waiting and resident parking bays, whilst Red Waivers will be those restrictions that need further officer checks such as double yellow lines or loading bays. It is proposed that Green Waivers would incur a £10 daily charge whilst Red Waivers would be £15 a day. By charging for

waivers it is estimated that an additional income of £100k could be generated.

## 11.0 Car Park Season Tickets

11.1 Car Park Season Ticket prices have remained static since 2014. It is therefore proposed that these be increased to remain proportionally in line with proposed percentage increases in other car parks.

11.2 The proposed season ticket prices are estimated to generate an additional income of £30k.

Table 12. Proposed Season Ticket Prices City Centre

<b>Season Tickets Rates Picton Lane, Paxton Street, Pockets Wharf, East Burrows, The Strand, High Street, Maddock Street, Salubrious Place</b>		
Tariff	Existing	Proposed
1 month	£75	£85
3 months	£220	£250
6 months	£440	£500
12 months	£735	£830

Table 13. Proposed Season Ticket Prices outside City Centre

<b>Season Tickets Rates Outside City Centre</b>		
Tariff	Existing	Proposed
1 month	£66	£75
3 months	£167	£190
6 months	£334	£375
12 months	£550	£625

Table 14. Proposed Season Ticket Prices Corporate Rates

<b>12 month Season Tickets – Corporate Rates</b>		
Tariff	Existing	Proposed
12 Month City Centre	£450	£495
12 Month High Street	£420	£465

## 12.0 Summary of proposals

12.1 In order to achieve this income targets for parking, the following proposals are recommended for implementation;

- Set the proposed premium tariffs in Copr Bay car parks as per section 2 of the report. Setting the proposed tariffs will ensure that we achieve the agreed level of income as agreed in the Copr Bay Business Plan.

- Increase City Centre Parking Charges to proposed tariffs as per section 3 of the report. Setting the proposed tariffs will ensure that we achieve the income required in the car parking income budget.
- Maintain discounted parking for Park and Ride services as per section 4 of the report. No additional income.
- Introduce £3 overnight parking tariff in City Centre Car Parks, as per section 5 of the report estimated income £5k.
- Introduce Sunday Parking tariff in City Centre Car Parks as per section 6 of the report, estimated additional income £340K.
- Reintroduce the 3 hour tariff of £4 for 3 hours and increase all tariffs in all Mumbles Car Parks as per section 7 of the report, estimated income £20k.
- Increase of Blue Badge tariffs as per section 8 of the report, estimated income £10k.
- Increase Beach and Foreshore tariff to the recommended tariffs as per section 9 of the report. Estimated additional income £350k.
- Introduce charges for Parking Waivers as per section 10 of the report, estimated Income £100k.
- Increase Car Park Season Tickets (public and corporate) as per section 11 of the report to generate an estimated £30k.
- A number of the proposals listed within this report form part of the 2023/24 Council Budget Consultation and the implementation will be subject to consideration of the consultation responses.

### **13.0 Integrated Assessment Implications**

- 13.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
  - Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - Foster good relations between people who share a protected characteristic and those who do not.
  - Deliver better outcomes for those people who experience socio-economic disadvantage
  - Consider opportunities for people to use the Welsh language
  - Treat the Welsh language no less favourably than English.
  - Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

- 13.2 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.
- 13.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.
- 13.4 The IIA process has been applied, 3 separate IIA screenings have been undertaken and are appended to this report. The screenings indicate that any increase in charges will affect customers that use car parks within this report but more so those who park regularly or for long periods of time. Customers on lower incomes will be affected more than those on medium to high incomes.
- 13.5 A number of the proposals listed within this report form part of the 2023/24 Council Budget Consultation and the implementation will be subject to consideration of the consultation responses.
- 13.6 These impacts are mitigated by:
- The continued low charge for park and ride services.
  - The introduction of residents discount at Copr Bay car parks
  - Mumbles charges only being returned to pre-covid rates

#### **14.0 Financial Implications**

- 14.1 The agreed income target for car park budgets are as follows:-
- 2021/22 income target for Car Parks, excluding Copr Bay - £4,217,500
  - 2022/23 income target for Car parks, excluding Copr Bay - £4,168,900 (*increase of £500k in the Medium Term Financial Plan MTFP, offset by £548,600 income from Arena Car Park income*)
  - 2023/24 income target for Car Parks, excluding Copr Bay £4,219,200 (*further increase of £250k agreed in 2018 MTFP budget setting offset by £698,310 income from Arena Car Park Income*).
- 14.2 Car Park income from Copr Bay North (currently St David's) and Copr Bay South is ring fenced into the Copr Bay maintenance budget as agreed in the Copr Bay Business Model. The agreed amount to be set aside is £1,412,645.
- 14.3 The combination of these proposals are intended to generate the necessary income to meet the car parking income budget for 2023 / 2024.



## **15.0 Legal Implications**

- 15.1 In accordance with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996/2489 it will be necessary to advertise these proposals in the local press as well as displaying the notice on site for a period of three weeks.

**Background Papers:** None

**Appendices:**

Appendix A, B & C IIA Screening Forms

Please ensure that you refer to the Screening Form Guidance while completing this form.

**Which service area and directorate are you from?**

Service Area: Parking Services

Directorate: Place

**Q1 (a) What are you screening for relevance?**

- New and revised policies, practices or procedures
- Service review, re-organisation or service changes/reductions, which affect the wider community, service users and/or staff
- Efficiency or saving proposals
- Setting budget allocations for new financial year and strategic financial planning
- New project proposals affecting staff, communities or accessibility to the built environment, e.g., new construction work or adaptations to existing buildings, moving to on-line services, changing location
- Large Scale Public Events
- Local implementation of National Strategy/Plans/Legislation
- Strategic directive and intent, including those developed at Regional Partnership Boards and Public Services Board, which impact on a public bodies functions
- Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans)
- Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy)
- Major procurement and commissioning decisions
- Decisions that affect the ability (including external partners) to offer Welsh language opportunities and services
- Other

**(b) Please name and fully describe initiative here:**

**Copr Bay North and South Premium Parking Charges**

This report informs Cabinet on the setting of Premium Parking Charges in Copr Bay North and South Car Parks and what planned consultation and engagement we will carry out with Swansea Arena, Residents, Elected Members and City Centre Businesses.

**Q2 What is the potential impact on the following: the impacts below could be positive (+) or negative (-)**

	High Impact		Medium Impact		Low Impact		Needs further Investigation	No Impact
	+	-	+	-	+	-		
Children/young people (0-18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Older people (50+)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any other age group	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Future Generations (yet to be born)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race (including refugees)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Asylum seekers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gypsies & travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Poverty/social exclusion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community cohesion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Pregnancy and maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Human Rights	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Q3 What involvement has taken place/will you undertake e.g. engagement/consultation/co-productive approaches? Please provide details below – either of your activities or your reasons for not undertaking involvement**

The Council intend to carry out consultation by:

- Undertaking a **Public Survey** online and publish on social media.
- **Consultation with groups.** We will consult with Swansea BIDs, Swansea Arena, LC and other businesses. We will also consult with groups with protected characteristics and elected members.
- **Promoting** and communication via our website and social media.

**Q4 Have you considered the Well-being of Future Generations Act (Wales) 2015 in the development of this initiative:**

- a) Overall does the initiative support our Corporate Plan’s Well-being Objectives when considered together?  
 Yes  No
- b) Does the initiative consider maximising contribution to each of the seven national well-being goals?  
 Yes  No
- c) Does the initiative apply each of the five ways of working?  
 Yes  No
- d) Does the initiative meet the needs of the present without compromising the ability of future generations to meet their own needs?  
 Yes  No

**Q5 What is the potential risk of the initiative? (Consider the following impacts – equality, socio-economic, environmental, cultural, legal, financial, political, media, public perception etc...)**

High risk

Medium risk

Low risk

**Q6 Will this initiative have an impact (however minor) on any other Council service?**

Yes  No

**If yes, please provide details below**  
 Increasing parking Charges in Copr Bay North and South could result in visitors to the LC and Waterfront Museum paying more to park.

**Q7 Will this initiative result in any changes needed to the external or internal website?**

Yes  No

**If yes, please provide details below**  
 All our Car Park Charges can be found on the Councils website. Any changes would require these pages to be updated.

**Q8 What is the cumulative impact of this proposal on people and/or communities when considering all the impacts identified within the screening and any other key decisions affecting similar groups/ service users made by the organisation?**

*(You may need to discuss this with your Service Head or Cabinet Member to consider more widely if this proposal will affect certain groups/ communities more adversely because of other decisions the organisation is making. For example, financial impact/poverty, withdrawal of multiple services and whether this is disadvantaging the same groups, e.g., disabled people, older people, single parents (who are mainly women), etc.)*

**Outcome of Screening**

Any increase in charges will affect customers that use this car park but more so those who park regularly or for long periods of time. Customers on lower incomes will be affected more than those on medium to high incomes. The impact on people on low incomes is mitigated by the reduced Park and Ride charges.

**Q9 Please describe the outcome of your screening using the headings below:**

- **Summary of impacts identified and mitigation needed (Q2)**
- **Summary of involvement (Q3)**
- **WFG considerations (Q4)**
- **Any risks identified (Q5)**
- **Cumulative impact (Q7)**

The report informs Cabinet on Premium Parking Charges in Copr Bay North and South Car Parks and what planned consultation and engagement we will carry out with Swansea Arena, Residents, Elected Members and City Centre Businesses. It has full and due regard to our duties under the Well-being of Future Generations Act 2015.

(NB: This summary paragraph should be used in the ‘**Integrated Assessment Implications**’ section of corporate report)

Full IIA to be completed

Do not complete IIA – please ensure you have provided the relevant information above to support this outcome

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email.

<b>Screening completed by:</b>
<b>Name: Gavin Newman</b>
<b>Job title: Parking Services Manager</b>
<b>Date: 20 December 2022</b>
<b>Approval by Head of Service:</b>
<b>Name: Stuart Davies</b>
<b>Position: Head of Highways and Transportation</b>
<b>Date: 20 December 2022</b>

Please return the completed form to [accesstoservices@swansea.gov.uk](mailto:accesstoservices@swansea.gov.uk)

Please ensure that you refer to the Screening Form Guidance while completing this form.

**Which service area and directorate are you from?**

Service Area: Parking Services

Directorate: Place

**Q1 (a) What are you screening for relevance?**

- New and revised policies, practices or procedures
- Service review, re-organisation or service changes/reductions, which affect the wider community, service users and/or staff
- Efficiency or saving proposals
- Setting budget allocations for new financial year and strategic financial planning
- New project proposals affecting staff, communities or accessibility to the built environment, e.g., new construction work or adaptations to existing buildings, moving to on-line services, changing location
- Large Scale Public Events
- Local implementation of National Strategy/Plans/Legislation
- Strategic directive and intent, including those developed at Regional Partnership Boards and Public Services Board, which impact on a public bodies functions
- Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans)
- Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy)
- Major procurement and commissioning decisions
- Decisions that affect the ability (including external partners) to offer Welsh language opportunities and services
- Other

**(b) Please name and fully describe initiative here:**

**Introduction of Charging on Sundays, Parking Waivers and overnight charges in Beach and Foreshore Car Parks.**

This report informs Cabinet on the proposed introduction of City Centre Sunday Parking Charges, Charges for Parking Waivers and overnight charges in Beach and Foreshore Car Parks.

- Parking on Sundays has been free in the City Centre for many years. The report explains the need and rational for the introduction of these charges.
- Parking Waivers are currently issued to Builders and Tradespersons that work and need to park near to the location that they are working in. They can be applied for online and issued by a member of the parking Services Team. The Waiver allows the vehicle to park in a restricted area.
- Charges in Beach and Foreshore Car Parks apply between 8am and 9pm. Often vehicles including camper vans remain in the car park overnight, therefore it is seen appropriate to introduce charges.

The report sets out the consultation to be carried out with residents, community groups and other stakeholders. It has full and due regard to our duties under the Well-being of Future Generations Act 2015.

**Q2 What is the potential impact on the following: the impacts below could be positive (+) or negative (-)**

	High Impact		Medium Impact		Low Impact		Needs further Investigation	No Impact
	+	-	+	-	+	-		
Children/young people (0-18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Older people (50+)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any other age group	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Future Generations (yet to be born)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race (including refugees)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Asylum seekers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gypsies & travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Poverty/social exclusion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community cohesion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Human Rights	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Q3 What involvement has taken place/will you undertake e.g. engagement/consultation/co-productive approaches? Please provide details below – either of your activities or your reasons for not undertaking involvement**

The Council intend to carry out consultation by:

- Undertaking a **Public Survey** online and publish on social media.
- **Consultation with groups.** We will consult with Residents, Councillors, Community Groups, and local businesses. We will also consult with groups with protected characteristics and elected members.
- **Promoting** and communication via our website and social media.

**Q4 Have you considered the Well-being of Future Generations Act (Wales) 2015 in the development of this initiative:**

- a) Overall does the initiative support our Corporate Plan’s Well-being Objectives when considered together?  
 Yes  No
- b) Does the initiative consider maximising contribution to each of the seven national well-being goals?  
 Yes  No
- c) Does the initiative apply each of the five ways of working?  
 Yes  No
- d) Does the initiative meet the needs of the present without compromising the ability of future generations to meet their own needs?  
 Yes  No

**Q5** What is the potential risk of the initiative? *(Consider the following impacts – equality, socio-economic, environmental, cultural, legal, financial, political, media, public perception etc...)*

High risk

Medium risk

Low risk

**Q6** Will this initiative have an impact (however minor) on any other Council service?

Yes

No

If yes, please provide details below

Introducing Sunday Parking Charges in the City Centre Car Parks could will result in visitors to the LC and Waterfront Museum paying more to park than they currently do.

**Q7** Will this initiative result in any changes needed to the external or internal website?

Yes

No

If yes, please provide details below

All our Car Park Charges can be found on the Councils website. Any changes would require these pages to be updated.

Parking Waivers can be applied for online and any agreed charges would need to set up so that payment can be made on completion of the application.

**Q8** What is the cumulative impact of this proposal on people and/or communities when considering all the impacts identified within the screening and any other key decisions affecting similar groups/ service users made by the organisation?

*(You may need to discuss this with your Service Head or Cabinet Member to consider more widely if this proposal will affect certain groups/ communities more adversely because of other decisions the organisation is making. For example, financial impact/poverty, withdrawal of multiple services and whether this is disadvantaging the same groups, e.g., disabled people, older people, single parents (who are mainly women), etc.)*

**Outcome of Screening**

Any increase in charges will affect customers that use this car park but more so those who park regularly or for long periods of time. Customers on lower incomes will be affected more than those on medium to high incomes. The impact on people on low incomes is mitigated by the reduced Park and Ride charges.

**Q9** Please describe the outcome of your screening using the headings below:

- Summary of impacts identified and mitigation needed (Q2)
- Summary of involvement (Q3)
- WFG considerations (Q4)
- Any risks identified (Q5)
- Cumulative impact (Q7)

This report informs Cabinet on the proposed introduction of City Centre Sunday Parking Charges, Charges for Parking Waivers and overnight charges in Beach and Foreshore Car Parks.

- Parking on Sundays has been free in the City Centre for many years. The report explains the need and rational for the introduction of these charges.
- Parking Waivers are currently issued to Builders and Tradespersons that work and need to park near to the location that they are working in. They can be applied for online and issued by a member of the parking Services Team. The Waiver allows the vehicle to park in a restricted area.
- Charges in Beach and Foreshore Car Parks apply between 8am and 9pm. Often vehicles including camper vans remain in the car park overnight, therefore it is seen appropriate to introduce charges.

The report sets out the consultation to be carried out with residents, community groups and other stakeholders. It has full and due regard to our duties under the Well-being of Future Generations Act 2015.

(NB: This summary paragraph should be used in the ‘**Integrated Assessment Implications**’ section of corporate report)

Full IIA to be completed

Do not complete IIA – please ensure you have provided the relevant information above to support this outcome

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email.

<b>Screening completed by:</b>
<b>Name: Gavin Newman</b>
<b>Job title: Parking Services Manager</b>
<b>Date: 20 December 2022</b>

<b>Approval by Head of Service:</b>
<b>Name: Stuart Davies</b>
<b>Position: Head of Highways and Transportation</b>
<b>Date: 20 December 2022</b>

Please return the completed form to [accesstoservices@swansea.gov.uk](mailto:accesstoservices@swansea.gov.uk)



Please ensure that you refer to the Screening Form Guidance while completing this form.

**Which service area and directorate are you from?**

Service Area: Parking Services

Directorate: Place

**Q1 (a) What are you screening for relevance?**

- New and revised policies, practices or procedures
- Service review, re-organisation or service changes/reductions, which affect the wider community, service users and/or staff
- Efficiency or saving proposals
- Setting budget allocations for new financial year and strategic financial planning
- New project proposals affecting staff, communities or accessibility to the built environment, e.g., new construction work or adaptations to existing buildings, moving to on-line services, changing location
- Large Scale Public Events
- Local implementation of National Strategy/Plans/Legislation
- Strategic directive and intent, including those developed at Regional Partnership Boards and Public Services Board, which impact on a public bodies functions
- Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans)
- Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy)
- Major procurement and commissioning decisions
- Decisions that affect the ability (including external partners) to offer Welsh language opportunities and services
- Other

**(b) Please name and fully describe initiative here:**

**Returning Parking Charges to pre Covid Levels and increasing them in line with RPI inflation since 2014.**

This report informs Cabinet on returning Car Parking Charges to pre covid levels and then increasing them to bring them to a level they would have been if the Council had introduced RPI increases every year since the last price rise in 2014. These increases would apply in all City Centre and Beach and Foreshore Car Park. The report sets out the consultation to be carried out with residents, community groups and other stakeholders. It has full and due regard to our duties under the Well-being of Future Generations Act 2015.

**Q2 What is the potential impact on the following: the impacts below could be positive (+) or negative (-)**

	High Impact		Medium Impact		Low Impact		Needs further Investigation	No Impact
	+	-	+	-	+	-		
Children/young people (0-18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Older people (50+)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Future Generations (yet to be born)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race (including refugees)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Asylum seekers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gypsies & travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Poverty/social exclusion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community cohesion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Human Rights	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Q3 What involvement has taken place/will you undertake e.g. engagement/consultation/co-productive approaches? Please provide details below – either of your activities or your reasons for not undertaking involvement**

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- a) Overall does the initiative support our Corporate Plan’s Well-being Objectives when considered together?  
 Yes  No
- b) Does the initiative consider maximising contribution to each of the seven national well-being goals?  
 Yes  No
- c) Does the initiative apply each of the five ways of working?  
 Yes  No
- d) Does the initiative meet the needs of the present without compromising the ability of future generations to meet their own needs?  
 Yes  No

**Q5 What is the potential risk of the initiative? (Consider the following impacts – equality, socio-economic, environmental, cultural, legal, financial, political, media, public perception etc...)**

High risk

Medium risk

Low risk

**Q6 Will this initiative have an impact (however minor) on any other Council service?**

Yes  No

**If yes, please provide details below**  
 Increasing parking Charges in Copr Bay North and South could result in visitors to the LC and Waterfront Museum paying more to park.

**Q7 Will this initiative result in any changes needed to the external or internal website?**

Yes  No **If yes, please provide details below**

All our Car Park Charges can be found on the Councils website. Any changes would require these pages to be updated.

**Q8 What is the cumulative impact of this proposal on people and/or communities when considering all the impacts identified within the screening and any other key decisions affecting similar groups/ service users made by the organisation?**

*(You may need to discuss this with your Service Head or Cabinet Member to consider more widely if this proposal will affect certain groups/ communities more adversely because of other decisions the organisation is making. For example, financial impact/poverty, withdrawal of multiple services and whether this is disadvantaging the same groups, e.g., disabled people, older people, single parents (who are mainly women), etc.)*

**Outcome of Screening**

Any increase in charges will affect customers that use this car park but more so those who park regularly or for long periods of time. Customers on lower incomes will be affected more than those on medium to high incomes. The impact on people on low incomes is mitigated by the reduced Park and Ride charges.

**Q9 Please describe the outcome of your screening using the headings below:**

- **Summary of impacts identified and mitigation needed (Q2)**
- **Summary of involvement (Q3)**
- **WFG considerations (Q4)**
- **Any risks identified (Q5)**
- **Cumulative impact (Q7)**
- 

This report informs Cabinet on returning Car Parking Charges to pre covid levels and then increasing them to bring them to a level they would have been if the Council had introduced RPI increases every year since the last price rise in 2014. These increases would apply in all City Centre and Beach and Foreshore Car Park. The report sets out the consultation to be carried out with residents, community groups and other stakeholders. It has full and due regard to our duties under the Well-being of Future Generations Act 2015.

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<b>Name:</b> Gavin Newman
<b>Job title:</b> Parking Services Manager
<b>Date:</b> 20 December 2022
<b>Approval by Head of Service:</b>
<b>Name:</b> Stuart Davies
<b>Position:</b> Head of Highways and Transportation
<b>Date:</b> 20 December 2022

# Agenda Item 9.



## Report of the Cabinet Member for Service Transformation

Cabinet – 19 January 2023

### General Building Materials Framework

<b>Purpose:</b>	This report seeks approval to award a framework agreement for the supply of General Building Materials, to facilitate direct orders for housing stock maintenance and public building projects.
<b>Policy Framework:</b>	Council Constitution/Contract Procedure Rules
<b>Consultation:</b>	Legal Democratic Services and Business Intelligence , Finance, Commercial Services and Corporate Building Services, Access to Services
<b>Recommendation(s):</b>	It is recommended that Cabinet:  1) Approves the appointment of the Suppliers listed in Appendix A onto the Framework and authorises the Council to enter into Framework Agreements with each Supplier, to facilitate call-off contracts from the Framework as and when required.  2) Delegates' authority to the Head of Building Services and the Chief Legal Officer as necessary to approve the terms of the Framework Agreements and any future call-off contracts under the Framework Agreement.
<b>Report Author:</b>	Nasir Shahzad
<b>Finance Officer:</b>	Paul Roach
<b>Legal Officer:</b>	Debbie Smith
<b>Access to Services Officer:</b>	Catherine Window

#### 1. Introduction

- 1.1 The Council intends to enter into a framework agreement with the successful bidders for the supply of General Building Materials, broken

down into 9 Lots, so that Building Services can continue to perform maintenance and improvement projects on residential (Housing stock), Schools and other Public Buildings.

- 1.2 The duration of the Framework agreement is two years, with an option to extend for a further 24 months

## **2. Procurement Process**

- 2.1 The estimated annual spend of the framework is £3,000,000. This is based on historical spend. This is a framework arrangement and no guarantee as to volumes or expenditure can be given.

- 2.2 Tenders were invited under the open procedure via Sell2swales. The tendering process was conducted electronically via the E-tenderwales Portal. The closing date for tenders was 21<sup>st</sup> October 2022.

- 2.3 The instruction to tender was spent into 9 lots as follows:

- Lot1 – Heavy side
- Lot2 – Timber
- Lot3 – Doors
- Lot4 – Paint
- Lot5 – Ironmongery
- Lot6 – Roofing
- Lot7 - Screws and Fixings
- Lot8 – Miscellaneous
- Lot9 – Roofline – PVC Fascia

- 2.4 The Council's intention is to enter into a framework agreement with ten (10) suppliers per lot, unless fewer tenders were received.

- 2.5 The award criteria used for this procurement process was 90% price and 10% quality. The award criteria was detailed in the tender documentation.

## **3. Tenders Received**

- 3.1 21 suppliers submitted tenders for the different lots by the return date of 21<sup>st</sup> October 2022 as detailed below.

- Lot 1 7 Bidders
- Lot 2 8 Bidders
- Lot 3 6 Bidders
- Lot 4 6 Bidders
- Lot 5 8 Bidders
- Lot 6 7 Bidders
- Lot 7 6 Bidders
- Lot 8 8 Bidders
- Lot 9 5 Bidders

3.2 The tenders were opened by Commercial Services in accordance with contract procedure rules and no tenders were disqualified at opening.

#### **4. Tenders Evaluation**

4.1 Tenders were evaluated by Officers of the Council from the Building Services department.

4.2 Tender evaluation was undertaken in accordance with the criteria set out in the Instruction to Tender documents as a two-stage process.

4.3 At stage one of the process; the Council undertook a suitability assessment. All Tenderers met the minimum standard and proceeded to stage two of the process.

4.4 Stage two of the process was the tender assessment stage, which comprised of two parts and had the following award criteria: Quality 10% and Price 90% for each of the Lots.

4.5 The quality evaluation ensured tenderers were able to demonstrate a minimum understanding of key requirements. The quality evaluation was based on the assessment of 1 method statement question on the following for all lots:

#### Ordering Process and deliveries to sites

4.6 Tenderers were required to attain a minimum score for the quality question. Any tender attaining a score of less than 3 for the Method Statement response resulted in tenders being rejected without further evaluation as per the Instructions to Tender document. No tenders were rejected.

4.7 Tenderers who achieved the required score in the quality evaluation proceeded to the price evaluation.

4.8 Tenderer 3, 8, 15 and 21 all failed to price for all Core Items for one or multiple lots and were therefore disqualified in line with the instruction to tender document. All tenderers were informed via e-tenderwales of the council's decision not to allow them to participate further in the Tender process for that lot.

4.9 The scores of bidders recommended for appointment onto the Framework Agreement are detailed in Appendix A

#### **5. Call off Procedure**

5.1 Due to the complexity and variation of items/products, orders will be evaluated against the tendered rates submitted and awarded on the basis

of the lowest price bid in relation to that particular item/product. All Call-offs will be conducted using 100% price.

5.2 If the lowest priced tenderer cannot supply the required goods then the Council will request the goods from the next lowest price tenderer and so on.

5.3 Due to the complexity and variation of items/products, we will at all times reserve the right to make the commercial decision to collect goods from any of the contracted supplier's dependant on the location of works in relation to the supplier's premises. This may result in goods being collected from the supplier who has not offered the lowest rate.

## **6. Integrated Assessment Implications**

6.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

6.1.1 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

6.1.2 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

6.2 The Integrated Impact Assessment screening form concludes that a full assessment is not needed due to there being no impacts on protected groups.

## **7. Financial Implications**

- 7.1 This report does not impact existing budgeted sums. The majority of the framework's budget will continue to come from the Housing Revenue Account, however other sources, where appropriate will contribute as well.
- 7.2 There are no savings identified in the framework, however there are terms within the framework that allow the Council to seek an annual rebate of 3% against all spends under this agreement, which will be claimed by the client department.

## **8. Legal Implications**

- 8.1 The Responsible Officer is satisfied that the tender process has been undertaken in compliance with the Public Contracts Regulations 2015 and the Council's Contract Procedure Rules and recommends approval in accordance with those Rules.
- 8.2 Framework Agreements are to be prepared by the Chief Legal Officer using the Councils standard Terms and Conditions for Goods and Services. All contractual liabilities and obligations will be covered by the contract documentation, which will consist of the over-arching Framework Agreement together with any separate call-off contract.

**Background Papers:** None.

### **Appendices:**

- Appendix A: Tender Evaluations
- Appendix B: IIA Screening Form



### Tenderer Summary to the Evaluation

Company	Lot 1 - Heavy Side	Lot 2 – Timber	Lot 3 - Doors	Lot 4 - Paint	Lot 5 - Ironmongery	Lot 6- Roofing	Lot 7 - Screws and Fixings	Lot 8 - Miscellaneous	Lot 9 - Roofline
Tenderer 1								x	
Tenderer 2		X					x		
Tenderer 3	x			x	x		x	x	x
Tenderer 4					x				
Tenderer 5		X							
Tenderer 6	x	X				x		x	
Tenderer 7			x						
Tenderer 8	x	X	x	x	x	x	x	x	x
Tenderer 9	x	X	x			x	x	x	x
Tenderer 10	x								
Tenderer 11					x				
Tenderer 12		X							
Tenderer 13				x					
Tenderer 14								x	
Tenderer 15			x		x				
Tenderer 16				x					
Tenderer 17	x	X	x	x	x	x	x	x	x
Tenderer 18						x			
Tenderer 19						x			
Tenderer 20	x	X	x	x	x	x	x	x	x
Tenderer 21					x				

[General Building Materials (CCS/22/080)]

Tender Evaluation Matrix

[Lot 1]

DATA IN THESE ROWS SHOULD NOT BE DELETED OR ALTERED. ROWS CAN BE HIDDEN FOR PURPOSES OF PRINTING OR PRESENTATION.

Lowest Price  
£0.00

Method Statement Scores	5
	4
	3
	2
	1
	0

Stage 1 - Selection Questionnaire		Tenderer 1:		Tenderer 2:		Tenderer 3:		Tenderer 4:		Tenderer 5:		Tenderer 6:		Tenderer 7:										
		Pass / Fail	Comments	Pass / Fail	Comments	Pass / Fail	Comments	Pass / Fail	Comments	Pass / Fail	Comments	Pass / Fail	Comments	Pass / Fail	Comments									
Part 1: Potential Supplier Information		Pass		Pass		Pass		Pass		Pass		Pass		Pass										
Part 2: Section 1 Grounds for Mandatory Exclusion		Pass		Pass		Pass		Pass		Pass		Pass		Pass										
Part 2: Section 2 Discretionary Grounds for Mandatory Exclusion		Pass		Pass		Pass		Pass		Pass		Pass		Pass										
Part 3: Selection Questions		Pass		Pass		Pass		Pass		Pass		Pass		Pass										
Stage 2 - Tender Stage		Question No.	Weight (%)	Score/Price	Comments	Weighted Score	Score/Price	Comments	Weighted Score	Score/Price	Comments	Weighted Score	Score/Price	Comments	Weighted Score	Score/Price	Comments	Weighted Score	Score/Price	Comments	Weighted Score			
Award Criteria																								
Quality Scores																								
1. Ordering Process and Deliveries to Sites		1	10.0%	4	Detailed Response - good prospect for contracted/partnership process	8.0%	4	Comprehensive and relevant response	8.0%	5	Exemplary Response-Response fully meets Council's requirement	10.0%	4	Comprehensive Response, meets the council's requirement and have detailed information	8.0%	4	Comprehensive Response-Good Understanding or requirement	8.0%	3	Acceptable response-more details required	6.0%	5	Exemplary Response- Meet Council's requirement in all aspects	10.0%
2.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
3.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
4.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
5.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
6.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
7.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
8.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
9.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
10.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
11.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
12.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
13.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
14.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
15.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
Total			10%		Disqualified	8.0%			8.0%			10.0%			8.0%			8.0%			6.0%			10.0%
Price Scores																								
			90%			11.1%			90.0%			74.8%			71.2%			63.3%			82.2%			84.5%
Total			90%			11.1%			90.0%			74.8%			71.2%			63.3%			82.2%			84.5%
Overall Scores																								
Overall Score			100%			19.1%			98.0%			84.8%			79.2%			71.3%			88.2%			94.5%
Rank						7			1			4			5			6			3			2

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Tender Evaluation Matrix

[Lot 2]

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Lowest Price  
£0.00

Method Statement Scores	5
	4
	3
	2
	1
	0

		Tenderer 1:			Tenderer 2:			Tenderer 3:			Tenderer 4:			Tenderer 5:			Tenderer 6:			Tenderer 7:			Tenderer 8:				
Stage 1 - Selection Questionnaire		Pass / Fail	Comments		Pass / Fail	Comments		Pass / Fail	Comments		Pass / Fail	Comments		Pass / Fail	Comments		Pass / Fail	Comments		Pass / Fail	Comments		Pass / Fail	Comments			
Part 1: Potential Supplier Information		Pass			Pass			Pass			Pass			Pass			Pass			Pass			Pass				
Part 2: Section 1 Grounds for Mandatory Exclusion		Pass			Pass			Pass			Pass			Pass			Pass			Pass			Pass				
Part 2: Section 2 Discretionary Grounds for Mandatory Exclusion		Pass			Pass			Pass			Pass			Pass			Pass			Pass			Pass				
Part 3: Selection Questions		Pass			Pass			Pass			Pass			Pass			Pass			Pass			Pass				
Stage 2 - Tender Stage		Question No.	Weight (%)	Score/Price	Comments	Weighted Score	Score/Price	Comments	Weighted Score	Score/Price	Comments	Weighted Score	Score/Price	Comments	Weighted Score	Score/Price	Comments	Weighted Score	Score/Price	Comments	Weighted Score	Score/Price	Comments	Weighted Score			
Award Criteria																											
Quality Scores																											
1. Ordering Process and Deliveries to Sites		1	10.0%	4	Detailed Response - good prospect for contracted/partnership process	8.0%	4	Comprehensive and relevant response	8.0%	4	Comprehensive and relevant response	8.0%	5	Exemplary Response-Response fully meets Council's requirement	10.0%	4	Comprehensive Response, meets the council's requirement and have detailed information	8.0%	4	Comprehensive Response- Good Understanding or requirement	8.0%	3	Acceptable with minor issues and weaknesses	6.0%	5	Exemplary Response-Meet Council's requirement in all aspects	10.0%
2.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
3.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
4.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
5.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
6.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
7.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
8.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
9.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
10.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
11.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
12.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
13.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
14.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
15.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
Total			10%			8.0%			8.0%			8.0%			10.0%			8.0%			8.0%			6.0%			10.0%
Price Scores																											
			90%			90.0%			88.95%			86.3%			58.8%			72.2%			89.3%			87.7%			74.4%
Total			90%			90.0%			89.0%			86.3%			58.8%			72.2%			89.3%			87.7%			74.4%
Overall Scores																											
Overall Score		100%				98.0%			97.0%			94.0%			68.8%			80.2%			97.3%			93.7%			84.4%
Rank						1			3			4			8			7			2			5			6

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Tender Evaluation Matrix

[Lot 3]

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Lowest Price £0.00

Method Statement Scores	5
	4
	3
	2
	1
	0

		Tenderer 1:			Tenderer 2:			Tenderer 3:			Tenderer 4:			Tenderer 5:			Tenderer 6:				
Stage 1 - Selection Questionnaire		Pass / Fail	Comments		Pass / Fail	Comments		Pass / Fail	Comments		Pass / Fail	Comments		Pass / Fail	Comments		Pass / Fail	Comments			
Part 1: Potential Supplier Information		Pass			Pass			Pass			Pass			Pass			Pass				
Part 2: Section 1 Grounds for Mandatory Exclusion		Pass			Pass			Pass			Pass			Pass			Pass				
Part 2: Section 2 Discretionary Grounds for Mandatory Exclusion		Pass			Pass			Pass			Pass			Pass			Pass				
Part 3: Selection Questions		Pass			Pass			Pass			Pass			Pass			Pass				
Stage 2 - Tender Stage		Question No.	Weight (%)	Score/Price	Comments	Weighted Score	Score/Price	Comments	Weighted Score	Score/Price	Comments	Weighted Score	Score/Price	Comments	Weighted Score	Score/Price	Comments	Weighted Score	Score/Price	Comments	Weighted Score
Award Criteria																					
Quality Scores																					
1. Ordering Process and Deliveries to Sites		1	10.0%	4	Comprehensive and relevant response	8.0%	3	Acceptable - showed basic understanding of Council's requirement	6.0%	4	Comprehensive Response, meets the council's requirement and have detailed information	8.0%	4	Comprehensive Response- Good Understanding or requirement	8.0%	4	Compreheisive Response- support and with clear evidence	8.0%	5	Exemplary Response- Meet Council's requirement in all aspects	10.0%
2.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
3.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
4.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
5.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
6.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
7.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
8.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
9.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
10.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
11.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
12.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
13.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
14.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
15.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%
Total			10%			8.0%			6.0%			8.0%			8.0%			8.0%			10.0%
Price Scores																					
			90%			76.8%			90.0%			68.2%			69.4%			70.2%			80.0%
Total			90%			76.8%			90.0%			68.2%			69.4%			70.2%			80.0%
Overall Scores																					
Overall Score			100%			84.8%			96.0%			76.2%			77.4%			78.2%			90.0%
Rank						3			1			6			5			4			2

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Tender Evaluation Matrix

[Lot 4]

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Lowest Price  
£0.00

Method Statement Scores	5
	4
	3
	2
	1
	0

		Tenderer 1:				Tenderer 2:				Tenderer 3:				Tenderer 4:				Tenderer 5:				Tenderer 6:			
		Pass / Fail	Comments			Pass / Fail	Comments			Pass / Fail	Comments			Pass / Fail	Comments			Pass / Fail	Comments			Pass / Fail	Comments		
Stage 1 - Selection Questionnaire		Pass				Pass				Pass				Pass				Pass				Pass			
Part 1: Potential Supplier Information		Pass				Pass				Pass				Pass				Pass				Pass			
Part 2: Section 1 Grounds for Mandatory Exclusion		Pass				Pass				Pass				Pass				Pass				Pass			
Part 2: Section 2 Discretionary Grounds for Mandatory Exclusion		Pass				Pass				Pass				Pass				Pass				Pass			
Part 3: Selection Questions		Pass				Pass				Pass				Pass				Pass				Pass			
Stage 2 - Tender Stage		Question No.	Weight (%)	Score/Price	Comments	Weighted Score	Score/Price	Comments	Weighted Score	Score/Price	Comments	Weighted Score	Score/Price	Comments	Weighted Score	Score/Price	Comments	Weighted Score	Score/Price	Comments	Weighted Score	Score/Price	Comments	Weighted Score	
Award Criteria																									
Quality Scores																									
1. Ordering Process and Deliveries to Sites		1	10.0%	4	Detailed Response - good prospect for contracted/partnership process	8.0%	4	Comprehensive and relevant response	8.0%	4	Comprehensive Response, meets the council's requirement and have detailed information	8.0%	3	Acceptable-Weaknesses in some area	6.0%	5	Exemplary response- understand the requirements completely	10.0%	5	Exemplary Response- Meet Council's requirement in all aspects	10.0%				
2.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%		0.0%		
3.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%		0.0%		
4.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%		0.0%		
5.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%		0.0%		
6.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%		0.0%		
7.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%		0.0%		
8.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%		0.0%		
9.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%		0.0%		
10.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%		0.0%		
11.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%		0.0%		
12.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%		0.0%		
13.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%		0.0%		
14.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%		0.0%		
15.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%		0.0%		
Total			10%		Disqualified	8.0%			8.0%			8.0%			6.0%			10.0%			10.0%		10.0%		
Price Scores																									
Total			90%			31.7%			68.30%			90.0%			79.9%			65.5%			81.2%		81.2%		
Overall Scores						39.7%			76.3%			98.0%			85.9%			75.5%			91.2%		91.2%		
Overall Score			100%			39.7%			76.3%			98.0%			85.9%			75.5%			91.2%		91.2%		
Rank						6			4			1			3			5			2		2		

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Tender Evaluation Matrix

[Lot 5]

DATA IN THESE ROWS SHOULD NOT BE DELETED OR ALTERED. ROWS CAN BE HIDDEN FOR PURPOSES OF PRINTING OR PRESENTATION.

Lowest Price  
£0.00

Method Statement Scores

- 5
- 4
- 3
- 2
- 1
- 0

		Tenderer 1:				Tenderer 2:				Tenderer 3:				Tenderer 4:				Tenderer 5:				Tenderer 6:				Tenderer 7:				Tenderer 8:			
		Pass / Fail	Comments			Pass / Fail	Comments			Pass / Fail	Comments			Pass / Fail	Comments			Pass / Fail	Comments			Pass / Fail	Comments			Pass / Fail	Comments			Pass / Fail	Comments		
Stage 1 - Selection Questionnaire		Pass				Pass				Pass				Pass				Pass				Pass				Pass				Pass			
Part 1: Potential Supplier Information		Pass				Pass				Pass				Pass				Pass				Pass				Pass				Pass			
Part 2: Section 1 Grounds for Mandatory Exclusion		Pass				Pass				Pass				Pass				Pass				Pass				Pass				Pass			
Part 2: Section 2 Discretionary Grounds for Mandatory Exclusion		Pass				Pass				Pass				Pass				Pass				Pass				Pass				Pass			
Part 3: Selection Questions		Pass				Pass				Pass				Pass				Pass				Pass				Pass				Pass			
Stage 2 - Tender Stage		Question No.	Weight (%)	Score/ Price	Comments	Weighted Score	Score/ Price	Comments	Weighted Score	Score/ Price	Comments	Weighted Score	Score/ Price	Comments	Weighted Score	Score/ Price	Comments	Weighted Score	Score/ Price	Comments	Weighted Score	Score/ Price	Comments	Weighted Score	Score/ Price	Comments	Weighted Score						
Award Criteria																																	
Quality Scores																																	
1. Ordering Process and Deliveries to Sites		1	10.0%	4	Detailed Response - good prospect for contracted/partnership process	8.0%	3	Limited Response- but acceptable	6.0%	4	Comprehensive and relevant response	8.0%	4	Comprehensive Response, meets the council's requirement and have detailed information	8.0%	3	Acceptable-minor issues, weaknesses	6.0%	4	Comprehensive Response-support and with clear evidence	8.0%	4	Comprehensive Response-meet councils requirement	8.0%	5	Exemplary Response-Meet Council's requirement in all aspects	10.0%						
2.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%						
3.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%						
4.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%						
5.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%						
6.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%						
7.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%						
8.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%						
9.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%						
10.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%						
11.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%						
12.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%						
13.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%						
14.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%						
15.						0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%			0.0%						
Total			10%		Disqualified	8.0%			6.0%			8.0%			8.0%			6.0%			8.0%			8.0%			10.0%						
Price Scores																																	
Total			90%			0.0%			38.04%			61.8%			57.8%			38.5%			56.7%			47.3%			90.0%						
Overall Scores			90%			0.0%			38.04%			61.8%			57.8%			38.5%			56.7%			47.3%			90.0%						
Overall Score			100%			8.0%			44.0%			69.6%			65.8%			44.5%			64.7%			55.3%			100.0%						
Rank						8			7			2			3			6			4			5			1						

[General Building Materials (CCS/22/080)]

Tender Evaluation Matrix

[Lot 6]

DATA IN THESE ROWS SHOULD NOT BE DELETED OR ALTERED. ROWS CAN BE HIDDEN FOR PURPOSES OF PRINTING OR PRESENTATION.

Lowest Price  
£0.00

Method Statement Scores	5
	4
	3
	2
	1
	0

			Tenderer 1:		Tenderer 2:		Tenderer 3:		Tenderer 4:		Tenderer 5:		Tenderer 6:		Tenderer 7:										
			Pass / Fail	Comments	Pass / Fail	Comments	Pass / Fail	Comments	Pass / Fail	Comments	Pass / Fail	Comments	Pass / Fail	Comments	Pass / Fail	Comments									
Stage 1 - Selection Questionnaire																									
Part 1: Potential Supplier Information			Pass		Pass		Pass		Pass		Pass		Pass		Pass										
Part 2: Section 1 Grounds for Mandatory Exclusion			Pass		Pass		Pass		Pass		Pass		Pass		Pass										
Part 2: Section 2 Discretionary Grounds for Mandatory Exclusion			Pass		Pass		Pass		Pass		Pass		Pass		Pass										
Part 3: Selection Questions			Pass		Pass		Pass		Pass		Pass		Pass		Pass										
Stage 2 - Tender Stage			Question No.	Weight (%)	Score/ Price	Comments	Weighted Score	Score/ Price	Comments	Weighted Score	Score/ Price	Comments	Weighted Score	Score/ Price	Comments	Weighted Score	Score/ Price	Comments	Weighted Score	Score/ Price	Comments	Weighted Score			
Award Criteria																									
Quality Scores																									
1. Ordering Process and Deliveries to Sites			1	10.0%	3	Acceptable-questions answered but without enough details	6.0%	4	Comprehensive and relevant response	8.0%	5	Exemplary Response-Response fully meets Council's requirement	10.0%	4	Comprehensive Response, meets the council's requirement and have detailed information	8.0%	4	Comprehensive Response-Good Understanding or requirement	8.0%	5	Exemplary Response-excellent level of relevance	10.0%	5	Exemplary Response-Meet Council's requirement in all aspects	10.0%
2.							0.0%			0.0%			0.0%			0.0%			0.0%			0.0%		0.0%	
3.							0.0%			0.0%			0.0%			0.0%			0.0%			0.0%		0.0%	
4.							0.0%			0.0%			0.0%			0.0%			0.0%			0.0%		0.0%	
5.							0.0%			0.0%			0.0%			0.0%			0.0%			0.0%		0.0%	
6.							0.0%			0.0%			0.0%			0.0%			0.0%			0.0%		0.0%	
7.							0.0%			0.0%			0.0%			0.0%			0.0%			0.0%		0.0%	
8.							0.0%			0.0%			0.0%			0.0%			0.0%			0.0%		0.0%	
9.							0.0%			0.0%			0.0%			0.0%			0.0%			0.0%		0.0%	
10.							0.0%			0.0%			0.0%			0.0%			0.0%			0.0%		0.0%	
11.							0.0%			0.0%			0.0%			0.0%			0.0%			0.0%		0.0%	
12.							0.0%			0.0%			0.0%			0.0%			0.0%			0.0%		0.0%	
13.							0.0%			0.0%			0.0%			0.0%			0.0%			0.0%		0.0%	
14.							0.0%			0.0%			0.0%			0.0%			0.0%			0.0%		0.0%	
15.							0.0%			0.0%			0.0%			0.0%			0.0%			0.0%		0.0%	
Total				10%			6.0%			8.0%			10.0%			8.0%			8.0%			10.0%		10.0%	
Price Scores																									
				90%			66.2%			68.57%			67.5%			54.8%			57.3%			56.1%		90.0%	
Total				90%			66.2%			68.6%			67.5%			54.8%			57.3%			56.1%		90.0%	
Overall Scores																									
Overall Score				100%			72.2%			76.6%			77.5%			62.8%			65.3%			66.1%		100.0%	
Rank							4			3			2			7			6			5		1	

[General Building Materials (CCS/22/080)]

Tender Evaluation Matrix

[Lot 7]

DATA IN THESE ROWS SHOULD NOT BE DELETED OR ALTERED. ROWS CAN BE HIDDEN FOR PURPOSES OF PRINTING OR PRESENTATION.

Lowest Price  
£0.00

Method Statement Scores	5
	4
	3
	2
	1
	0

				Tenderer 1:		Tenderer 2:		Tenderer 3:		Tenderer 4:		Tenderer 5:		Tenderer 6:							
				Pass / Fail	Comments	Pass / Fail	Comments	Pass / Fail	Comments	Pass / Fail	Comments	Pass / Fail	Comments	Pass / Fail	Comments						
Stage 1 - Selection Questionnaire				Pass		Pass		Pass		Pass		Pass		Pass							
Part 1: Potential Supplier Information				Pass		Pass		Pass		Pass		Pass		Pass							
Part 2: Section 1 Grounds for Mandatory Exclusion				Pass		Pass		Pass		Pass		Pass		Pass							
Part 2: Section 2 Discretionary Grounds for Mandatory Exclusion				Pass		Pass		Pass		Pass		Pass		Pass							
Part 3: Selection Questions				Pass		Pass		Pass		Pass		Pass		Pass							
Stage 2 - Tender Stage				Question No.	Weight (%)	Score/ Price	Comments	Weighted Score	Score/ Price	Comments	Weighted Score	Score/ Price	Comments	Weighted Score	Score/ Price	Comments	Weighted Score	Score/ Price	Comments	Weighted Score	
Award Criteria																					
Quality Scores																					
1. Ordering Process and Deliveries to Sites	1	10.0%	4	Detailed Response - good prospect for contracted/partnership process	8.0%	4	Detailed Response - good prospect for contracted/partnership process	8.0%	4	Comprehensive and relevant response	8.0%	4	Comprehensive Response, meets the council's requirement and have detailed information	8.0%	4	Comprehensive Response- Good Understanding or requirement	8.0%	5	Exemplary Response- Meet Council's requirement in all aspects	10.0%	
2.					0.0%			0.0%			0.0%			0.0%						0.0%	
3.					0.0%			0.0%			0.0%			0.0%						0.0%	
4.					0.0%			0.0%			0.0%			0.0%						0.0%	
5.					0.0%			0.0%			0.0%			0.0%						0.0%	
6.					0.0%			0.0%			0.0%			0.0%						0.0%	
7.					0.0%			0.0%			0.0%			0.0%						0.0%	
8.					0.0%			0.0%			0.0%			0.0%						0.0%	
9.					0.0%			0.0%			0.0%			0.0%						0.0%	
10.					0.0%			0.0%			0.0%			0.0%						0.0%	
11.					0.0%			0.0%			0.0%			0.0%						0.0%	
12.					0.0%			0.0%			0.0%			0.0%						0.0%	
13.					0.0%			0.0%			0.0%			0.0%						0.0%	
14.					0.0%			0.0%			0.0%			0.0%						0.0%	
15.					0.0%			0.0%			0.0%			0.0%						0.0%	
	Total	10%			8.0%			8.0%			8.0%			8.0%						8.0%	10.0%
Price Scores																					
		90%			57.3%			90.00%			60.8%			60.1%						59.5%	62.8%
	Total	90%			57.3%			90.0%			60.8%			60.1%						59.5%	62.8%
Overall Scores																					
	Overall Score	100%			65.3%			98.0%			68.8%			68.1%						67.5%	72.8%
	Rank				6			1			3			4					5		2



[General Building Materials (CCS/22/080)]

Tender Evaluation Matrix

[Lot 8]

DATA IN THESE ROWS SHOULD NOT BE DELETED OR ALTERED. ROWS CAN BE HIDDEN FOR PURPOSES OF PRINTING OR PRESENTATION.

Lowest Price  
£0.00

Method Statement Scores  
5  
4  
3  
2  
1  
0

		Tenderer 1:				Tenderer 2:				Tenderer 3:				Tenderer 4:				Tenderer 5:				Tenderer 6:				Tenderer 7:				Tenderer 8:			
Stage 1 - Selection Questionnaire		Pass / Fail	Comments			Pass / Fail	Comments			Pass / Fail	Comments			Pass / Fail	Comments			Pass / Fail	Comments			Pass / Fail	Comments			Pass / Fail	Comments			Pass / Fail	Comments		
Part 1: Potential Supplier Information		Pass				Pass				Pass				Pass				Pass				Pass				Pass				Pass			
Part 2: Section 1 Grounds for Mandatory Exclusion		Pass				Pass				Pass				Pass				Pass				Pass				Pass				Pass			
Part 2: Section 2 Discretionary Grounds for Mandatory Exclusion		Pass				Pass				Pass				Pass				Pass				Pass				Pass				Pass			
Part 3: Selection Questions		Pass				Pass				Pass				Pass				Pass				Pass				Pass				Pass			
Stage 2 - Tender Stage		Question No.	Weight (%)	Score/ Price	Comments	Weighted Score	Score/ Price	Comments	Weighted Score	Score/ Price	Comments	Weighted Score	Score/ Price	Comments	Weighted Score	Score/ Price	Comments	Weighted Score	Score/ Price	Comments	Weighted Score	Score/ Price	Comments	Weighted Score	Score/ Price	Comments	Weighted Score	Score/ Price	Comments	Weighted Score			
Quality Scores																																	
1. Ordering Process and Deliveries to Sites		1	10.0%	4	Comprehensive Response - Proven Track record of Council's requirement	8.0%	5	Exemplary Response- Meet Council's requirement in all aspects	10.0%	4	Comprehensive Response- Show good understanding of Council's requirement	8.0%	4	Comprehensive and relevant response	8.0%	5	Exemplary Response- Response fully meets Council's requirement	10.0%	4	Comprehensive Response, meets the council's requirement and have detailed information	8.0%	3	Acceptable with some minor issues	6.0%	4	Comprehensive Response- Good Understanding or requirement	8.0%						
2.					0.0%			0.0%				0.0%			0.0%			0.0%			0.0%			0.0%						0.0%			
3.					0.0%			0.0%				0.0%			0.0%			0.0%			0.0%			0.0%						0.0%			
4.					0.0%			0.0%				0.0%			0.0%			0.0%			0.0%			0.0%						0.0%			
5.					0.0%			0.0%				0.0%			0.0%			0.0%			0.0%			0.0%						0.0%			
6.					0.0%			0.0%				0.0%			0.0%			0.0%			0.0%			0.0%						0.0%			
7.					0.0%			0.0%				0.0%			0.0%			0.0%			0.0%			0.0%						0.0%			
8.					0.0%			0.0%				0.0%			0.0%			0.0%			0.0%			0.0%						0.0%			
9.					0.0%			0.0%				0.0%			0.0%			0.0%			0.0%			0.0%						0.0%			
10.					0.0%			0.0%				0.0%			0.0%			0.0%			0.0%			0.0%						0.0%			
11.					0.0%			0.0%				0.0%			0.0%			0.0%			0.0%			0.0%						0.0%			
12.					0.0%			0.0%				0.0%			0.0%			0.0%			0.0%			0.0%						0.0%			
13.					0.0%			0.0%				0.0%			0.0%			0.0%			0.0%			0.0%						0.0%			
14.					0.0%			0.0%				0.0%			0.0%			0.0%			0.0%			0.0%						0.0%			
15.					0.0%			0.0%				0.0%			0.0%			0.0%			0.0%			0.0%						0.0%			
Total			10%			8.0%			10.0%		Disqualified	8.0%			8.0%			10.0%			8.0%			6.0%					8.0%				
Price Scores																																	
Total			90%			45.6%			90.00%			0.0%			65.8%			58.6%			63.6%			48.0%					60.8%				
Overall Scores			90%			45.6%			90.0%			0.0%			65.8%			58.6%			63.6%			48.0%					60.8%				
Overall Score			100%			53.6%			100.0%			8.0%			73.8%			68.6%			71.6%			54.0%					68.8%				
Rank						7			1			8			2			5			3			6					4				

Page 5/1

[General Building Materials (CCS/22/080)]

Tender Evaluation Matrix

[Lot 9]

DATA IN THESE ROWS SHOULD NOT BE DELETED OR ALTERED. ROWS CAN BE HIDDEN FOR PURPOSES OF PRINTING OR PRESENTATION.

Lowest Price  
£0.00

Method Statement Scores	5
	4
	3
	2
	1
	0

		Tenderer 1:			Tenderer 2:			Tenderer 3:			Tenderer 4:			Tenderer 5:				
Stage 1 - Selection Questionnaire		Pass / Fail	Comments		Pass / Fail	Comments		Pass / Fail	Comments		Pass / Fail	Comments		Pass / Fail	Comments			
Part 1: Potential Supplier Information		Pass			Pass			Pass			Pass			Pass				
Part 2: Section 1 Grounds for Mandatory Exclusion		Pass			Pass			Pass			Pass			Pass				
Part 2: Section 2 Discretionary Grounds for Mandatory Exclusion		Pass			Pass			Pass			Pass			Pass				
Part 3: Selection Questions		Pass			Pass			Pass			Pass			Pass				
Stage 2 - Tender Stage		Question No.	Weight (%)	Score/ Price	Comments	Weighted Score	Score/ Price	Comments	Weighted Score	Score/ Price	Comments	Weighted Score	Score/ Price	Comments	Weighted Score	Score/ Price	Comments	Weighted Score
Award Criteria																		
Quality Scores																		
1.	Ordering Process and Deliveries to Sites	1	10.0%	4	Comprehensive Response- Show good understanding of Council's requirement	8.0%	4	Comprehensive and relevant response	8.0%	4	Comprehensive Response, meets the council's requirement and have detailed information	8.0%	4	Comprehensive Response- Good Understanding or requirement	8.0%	5	Exemplary Response- Meet Council's requirement in all aspects	10.0%
2.						0.0%			0.0%			0.0%			0.0%			0.0%
3.						0.0%			0.0%			0.0%			0.0%			0.0%
4.						0.0%			0.0%			0.0%			0.0%			0.0%
5.						0.0%			0.0%			0.0%			0.0%			0.0%
6.						0.0%			0.0%			0.0%			0.0%			0.0%
7.						0.0%			0.0%			0.0%			0.0%			0.0%
8.						0.0%			0.0%			0.0%			0.0%			0.0%
9.						0.0%			0.0%			0.0%			0.0%			0.0%
10.						0.0%			0.0%			0.0%			0.0%			0.0%
11.						0.0%			0.0%			0.0%			0.0%			0.0%
12.						0.0%			0.0%			0.0%			0.0%			0.0%
13.						0.0%			0.0%			0.0%			0.0%			0.0%
14.						0.0%			0.0%			0.0%			0.0%			0.0%
15.						0.0%			0.0%			0.0%			0.0%			0.0%
Total			10%		Disqualified	8.0%			8.0%		Disqualified	8.0%			8.0%			10.0%
Price Scores																		
			90%			14.7%			49.46%			14.7%			90.0%			61.5%
Total			90%			14.7%			49.5%			14.7%			90.0%			64.5%
Overall Scores																		
Overall Score			100%			22.6%			57.5%			22.7%			98.0%			71.5%
Rank						4			3			5			1			2

Rating	Criteria	Score
<b>Excellent</b>	<ul style="list-style-type: none"> <li>• Exemplary response.</li> <li>• Response fully meets the Council's requirements in all aspects and demonstrates an excellent understanding and an excellent level of capability/commitment.</li> <li>• There is an excellent level of relevance and detail within the response.</li> <li>• Complete confidence in abilities and excellent prospects for contractual or partnership success.</li> </ul>	<b>5</b>
<b>Good</b>	<ul style="list-style-type: none"> <li>• Comprehensive response</li> <li>• Response meets the Council's requirements in the majority of respects and demonstrates a good understanding of requirements and a good level of capability/commitment.</li> <li>• The response has relevant and detailed information, supported with clear evidence; with a few minor issues, weaknesses, or omissions.</li> <li>• High level of confidence in abilities and good prospects for contractual or partnership success.</li> </ul>	<b>4</b>
<b>Acceptable</b>	<ul style="list-style-type: none"> <li>• A broad response and demonstrates an acceptable level of information provided in relation to the Council's requirements.</li> <li>• Response meets the required standards, however, the response is not fully detailed or fully supported with clear evidence in some areas; some minor issues, weaknesses, or omissions in some areas.</li> <li>• Reasonable level of confidence and a fair probability of contractual or partnership success.</li> </ul>	<b>3</b>
<b>Marginal</b>	<ul style="list-style-type: none"> <li>• Response is limited and is lacking in relation to a significant proportion of the material elements including incorporation of the Council's requirements.</li> <li>• Possibly capable of delivering the requirements to the required standard but demonstrates a basic but limited understanding of requirements and has weaknesses and/or deficiencies.</li> <li>• Limited level of confidence and a possibility of contractual partnership success or success.</li> </ul>	<b>2</b>
<b>Poor</b>	<ul style="list-style-type: none"> <li>• Extremely limited response.</li> <li>• Response inconsistent and/or does not meet and/or limited ability to meet the required standard and does not incorporate the Council's requirements.</li> <li>• Very poor submission, the response has major weaknesses and issues. Response lacks detail, clarity and/or evidence.</li> <li>• Very limited level of confidence and low probability of contractual or partnership success.</li> </ul>	<b>1</b>
<b>No Response</b>	<ul style="list-style-type: none"> <li>• Failed to provide a response; or the response provided is wholly inconsistent with the associated specified requirements and/or standards and failed to meet the criterion in all aspects.</li> </ul>	<b>0</b>



Please copy completed SQ's here. To do this run a scenario analysis in eTenderWales and copy the sh

meet here for audit purposes.

Please ensure that you refer to the Screening Form Guidance while completing this form.

**Which service area and directorate are you from?**

Service Area: Building Services

Directorate: Place

**Q1 (a) What are you screening for relevance?**

- New and revised policies, practices or procedures
- Service review, re-organisation or service changes/reductions, which affect the wider community, service users and/or staff
- Efficiency or saving proposals
- Setting budget allocations for new financial year and strategic financial planning
- New project proposals affecting staff, communities or accessibility to the built environment, e.g., new construction work or adaptations to existing buildings, moving to on-line services, changing location
- Large Scale Public Events
- Local implementation of National Strategy/Plans/Legislation
- Strategic directive and intent, including those developed at Regional Partnership Boards and Public Services Board, which impact on a public bodies functions
- Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans)
- Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy)
- Major procurement and commissioning decisions
- Decisions that affect the ability (including external partners) to offer Welsh language opportunities and services
- Other

**(b) Please name and fully describe initiative here:**

We are looking to set up a framework agreement with the successful bidders to supply General Building Materials, split over 9 Lots that will allow Building Services to continue to carry out works to properties within the housing stock and public buildings.

**Q2 What is the potential impact on the following: the impacts below could be positive (+) or negative (-)**

	High Impact		Medium Impact		Low Impact		Needs further Investigation	No Impact
	+	-	+	-	+	-		
Children/young people (0-18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Older people (50+)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Any other age group	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Future Generations (yet to be born)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Race (including refugees)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Asylum seekers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gypsies & travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Religion or (non-)belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Poverty/social exclusion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Carers (inc. young carers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Community cohesion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Q3 What involvement has taken place/will you undertake e.g. engagement/consultation/co-productive approaches?  
Please provide details below – either of your activities or your reasons for not undertaking involvement**

Procurement process, Tender was advertised on Sell2wales for General Building Materials lot 1-9. The Commercial Services opened the bids in accordance with the norms for contract procedure rules, and no bids were rejected immediately.

Officers of the Council from Building Services evaluated the bids. Two rounds of evaluation were conducted based on the criteria outlined in the Instruction to Tender documents. The first step of the procedure involved the Council conducting a suitability evaluation. It was determined that all Tenderers had reached at least the baseline qualification and so advanced to the second phase.

In the second phase, bids were evaluated based on two criteria: quality (10%) and price (90%) for each Lot. With the help of the quality assessment, we made sure that all bidders had at least a passing grasp of the essentials. One question from the method statement was used to evaluate quality across all lots.

For the quality question, bidders have to meet a threshold score. According to the instructions to tender, bids were automatically disqualified if their Method Statement responses scored less than a 3. There was no rejection of bids.

Those bidders that made it through the quality assessment were moved on to the cost analysis.

**Q4 Have you considered the Well-being of Future Generations Act (Wales) 2015 in the development of this initiative:**

a) Overall does the initiative support our Corporate Plan's Well-being Objectives when considered together?

Yes

No

b) Does the initiative consider maximising contribution to each of the seven national well-being goals?

Yes

No

c) Does the initiative apply each of the five ways of working?

Yes

No

d) Does the initiative meet the needs of the present without compromising the ability of future generations to meet their own needs?

Yes

No

**Q5 What is the potential risk of the initiative? (Consider the following impacts – equality, socio-economic, environmental, cultural, legal, financial, political, media, public perception etc...)**

High risk

Medium risk

Low risk

**Q6 Will this initiative have an impact (however minor) on any other Council service?**

Yes

No

If yes, please provide details below



**Q7 Will this initiative result in any changes needed to the external or internal website?**

Yes

No

If yes, please provide details below

**Q8 What is the cumulative impact of this proposal on people and/or communities when considering all the impacts identified within the screening and any other key decisions affecting similar groups/ service users made by the organisation?**

*(You may need to discuss this with your Service Head or Cabinet Member to consider more widely if this proposal will affect certain groups/ communities more adversely because of other decisions the organisation is making. For example, financial impact/poverty, withdrawal of multiple services and whether this is disadvantaging the same groups, e.g., disabled people, older people, single parents (who are mainly women), etc.)*

There are no Equality implications involved in this process.

### Outcome of Screening

**Q9 Please describe the outcome of your screening using the headings below:**

- **Summary of impacts identified and mitigation needed (Q2)**  
There are no impacts identified or any mitigation required
- **Summary of involvement (Q3)**  
No involvement was undertaken/Not required
- **WFG considerations (Q4)**  
In order to continue maintaining the Council's housing stock and public buildings, Building Services is seeking to setup a framework agreement to supply general building materials, which will be broken up into 9 lots in order to meet the Council's well-being goals.
- **Any risks identified (Q5)**  
No Risks were identified
- **Cumulative impact (Q7)**  
No changes needed to the external or internal website

(NB: This summary paragraph should be used in the 'Integrated Assessment Implications' section of corporate report)

Full IIA to be completed

Do not complete IIA – please ensure you have provided the relevant information above to support this outcome

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email.

<b>Screening completed by:</b>
<b>Name:</b> Nasir Shahzad
<b>Job title:</b> Contracts officer & Team Lead
<b>Date:</b> 28/11/2022
<b>Approval by Head of Service:</b>
<b>Name:</b> Nigel Williams
<b>Position:</b> HoS
<b>Date:</b> 29/11/2022

Please return the completed form to [accesstoservices@swansea.gov.uk](mailto:accesstoservices@swansea.gov.uk)

# Agenda Item 10.



## Report of the Cabinet Member for Corporate Service & Performance

Cabinet – 19 January 2023

### Review of the Statement of Policy for Licensing

<b>Purpose:</b>	To seek agreement for the draft of the revised Licensing Policy to be issued for consultation.
<b>Policy Framework:</b>	Licensing Act 2003 Statement of Policy for Licensing
<b>Consultation:</b>	Access to Services, Finance, Legal
<b>Recommendation(s):</b>	It is recommended that Cabinet:  1) Agree the proposed changes to the Council's Statement of Policy for Licensing;  2) Agree that the revised policy is issued for consultation prior to reporting back to Council for adoption
<b>Report Author:</b>	Lynda Anthony
<b>Finance Officer:</b>	Peter Keys
<b>Legal Officer:</b>	Craig Davies
<b>Access to Services Officer:</b>	Rhian Millar

#### 1.0 Background

- 1.1 Under the Licensing Act 2003 (the Act) a Licensing Authority must produce and publish a statement of its licensing policy (the Policy) at least once every 5 years and the Policy must be published before it carries out any of its licensing functions.
- 1.2 During the five year period the Policy must be kept under review and subject to the requirements of the legislation, the Council can make any appropriate revisions. Any revisions to the Policy must be issued for consultation before they can be introduced.

1.3 The last full review of the Policy was in 2018 and also included a review of the previously adopted Cumulative Impact Policy/Special Policy (CIP) for the city centre.

1.4 The current policy review must be completed and the Policy adopted and published by the 26<sup>th</sup> July 2023 to comply with the statutory timescale.

## **2.0 Cumulative Impact**

2.1 The CIP/Special policy, which was in place for specific areas within the city centre has lapsed. Previously, consideration of cumulative impact, was described within the Guidance and has been used by licensing authorities within their statements of licensing policy since the implementation of the Act in November 2005. This has now changed and to address issues of cumulative impact in an area, licensing authorities may introduce and publish Cumulative Impact Assessments (CIA). These were introduced into the 2003 Act by the Policing and Crime Act 2017 and replace CIP/Special Policies.

2.2 In view of the changes, consideration of whether or not the licensing authority now publishes a CIA, is the subject of a separate report however a summary of the proposed CIA is included in the Statement of Licensing Policy.

2.3 The absence of a Cumulative Impact Assessment does not prevent any responsible authority or other person making representations on a new application for the grant or variation of a licence on the grounds that the premises will give rise to a detrimental cumulative impact on one or more of the licensing objectives in a particular area.

## **3.0 Review of the Policy**

3.1 Officers have undertaken a full review of the Policy, in accordance with the current Guidance issued in April 2018. Where changes are proposed they are identified in bold italic type and where it is proposed to remove information, this is shown by striking through the text. A draft of the proposed changes to the Policy is attached at **Appendix A**.

3.2 A summary of the changes is detailed below and the reason for the change is also indicated:

- Foreword, population statistics updated;
- Foreword, people employed within Swansea statistic updated;
- Paragraph 1.3, Licensing Policy review dates updated;
- Paragraph 3, dates updated;

- Paragraphs 6.1 - 6.25 have been removed and replaced with new wording at paragraphs 6.1 to 6.6 which will reflect the proposed changes to cumulative impact requirements if agreed for publication. A link to the CIA will also be included if the CIA is published.
- Paragraph 13.1 has been reworded to reflect current enforcement protocols;
- Paragraph 13.2 has been reworded to reflect the Premises Licence holder's responsibility to provide appropriate training to staff, to promote the Licensing Objectives;
- Paragraph 14.1, an updated link related to organising events inserted;
- Paragraph 14.3, an updated link to the Purple Guide inserted;
- Paragraph 14.8, an updated link to "Crowded Places Guidance" inserted;
- Paragraph 15.2, new wording added in relation to possible charges for the provision of advice/guidance;
- Paragraph 15.3, new wording added to confirm the Licensing Officer's responsibility for determining if an application meets the statutory requirements, prior to acceptance;
- Paragraph 15.6, updated link to Home Office website inserted;
- Paragraph 15.7, new wording inserted relating to dispensing with a hearing and paragraphs 15.8 and 15.9 have been removed;
- Paragraph 15.14, new wording inserted relating to TENS being non-transferable and non-refundable and new link to guidance added;
- Paragraph 15.15, renumbered;
- Paragraph 15.16, wording amended to cover correspondence delivered by hand or by electronic means. New link to guidance provided;
- Paragraph 17.1 Delegation of functions – classification of films added;
- Paragraph 20.1 - Licensing Authority and Child Protection details updated;

## 4.0 Integrated Assessment Implications

- 4.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts;
  - Advance equality of opportunity between people who share a protected characteristic and those who do not;
  - Foster good relations between people who share a protected characteristic and those who do not;
  - Deliver better outcomes for those people who experience socio-economic disadvantage;
  - Consider opportunities for people to use the Welsh language;
  - Treat the Welsh language no less favourably than English; and
  - Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 4.2 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the ‘well-being goals’.
- 4.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.
- 4.4 The screening identifies that this policy review has four main purposes;
- a. To provide Members of the Licensing Committee with a decision making framework and the policy will be taken into account at each hearing held following the receipt of representations;
  - b. To inform applicants of the parameters within which the Authority are able to make licensing decisions and to allow them to take this into account when making applications;
  - c. To provide guidance to local residents and businesses of the boundaries within which the Licensing Authority will make licensing decisions. This will assist those parties when making representations in relation to various applications;
  - d. To support the Licensing Authority if required, to demonstrate in a court of law how it arrived at its licensing decisions.

Therefore, the Statement of Licensing Policy will assist all those involved in licensing applications in Swansea.

- 4.5 The proposed changes identified, if approved will proceed to consultation where members of the public, all members of the licensed trade and associated professions, will have the opportunity to respond, in line with the legislation.
- 4.6 All aspects of the WFG Act principles were considered and the potential risk is considered to be low. A copy of the completed IIA screening form is attached at **Appendix B**.

## **5.0 Legal Implications**

- 5.1 The review of the policy is statutory requirement.
- 5.2 Failure to undertake a review may result in decisions of the Council being challenged by Judicial Review and/or appeals to the Magistrates Court.
- 5.3 As the publication of a CIA under the 2003 Act is a new consideration and must follow specific steps before a decision can be reached, it is appropriate that this is the subject of a separate report.

## **6.0 Financial Implications**

- 6.1 There are no financial implications.

**Background Papers:** Licensing Act 2003, Home Office - Statutory Guidance Statement of Policy for Licensing 2018

**Appendices:** Appendix A – Draft Statement of Licensing Policy 2023  
Appendix B – IIA Screening Form



# LICENSING ACT 2003

## STATEMENT OF POLICY FOR LICENSING

**LICENSING ACT 2003**  
**STATEMENT OF POLICY FOR LICENSING**

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## City and County of Swansea

### Licensing Act 2003

#### Statement of Policy for Licensing

#### FOREWORD

Under the Licensing Act 2003 the City and County of Swansea has responsibility for the following:

- (a) Administering the process for issuing “**personal licences**” to sell alcohol. A personal licence is required for a person wishing to sell alcohol and unless surrendered or revoked remains in force indefinitely; and
- (b) the authorisation of any premises for “licensable activities” through the issue of a “**premises licence**” or “**club premises certificate**” which remains in force until surrendered or revoked, or by a “**temporary event notice**”. “Licensable activities” are:
  - (i) the sale of alcohol by retail;
  - (ii) the supply of alcohol by or on behalf of a club;
  - (iii) the provision of regulated entertainment (i.e. the performance of a play, exhibition of film, indoor sporting event, boxing or wrestling entertainment [indoor and outdoor] combined fighting sports such as cage fighting, performance of live music, any playing of recorded music, a performance of dance, entertainment of a similar description to performance of live music, playing of recorded music and dance).  
NB - Only where the entertainment takes place in the presence of an audience for the purpose of entertaining that audience or where the activity takes place in private, be the subject of a charge made with a view to profit;
  - iv) the provision of late night refreshment.
- (c) Certain activities in relation to the provision of entertainment and the provision of hot food and hot drink are exempt from licensing requirements. Details of these exemptions can be found in the Licensing Act 2003.
- (d) Certain activities are now no longer required to be licensed due to changes in legislation as a result of deregulation.

Amendments made to the 2003 Act by the Live Music Act 2012 and the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013, Legislative Reform Order 2014 and the Deregulation Act 2015, means that a licence is not required for the following activities to the extent that they take place between 08:00- 23:00 on any day:

- A performance of a play in the presence of any audience of no more than 500 people;
- An indoor sporting event in the presence of any audience of no more than 1,000 people, this includes Greco Roman or free style wrestling
- Most performances of dance in the presence of any audience of no more than 500 people; and
- Live music, where the live music comprises;
  - A performance of unamplified live music
  - A performance of live amplified music in a workplace with an audience of no more than 500 people; or
  - A performance of live or recorded music on licensed premises which takes place in the presence of an audience of no more than 500 people, subject to certain conditions being met.
- Recorded music, where recorded music comprises;
  - Any playing of recorded music on licensed premises which takes place in the presence of an audience of no more than 500;
  - Any playing of recorded music in unlicensed premises, subject to certain conditions being met.
  - Dance – no licence is required for performances on any day provided that the audience does not exceed 500.

Where de-regulated activities take place on licensed premises any licence conditions relating to 'live' music or entertainment will be suspended, but it is possible to impose new, or reinstate existing conditions following a review of a premises licence or club premises certificate.

When considering whether an activity constitutes 'the provision of regulated entertainment', each case will be treated on its own merits. There will inevitably be a degree of judgement as to whether a performance is live music or not, so organisers of events are encouraged to contact the Licensing Authority to discuss whether a licence will be required.

**Unauthorised Activity:** It is a criminal offence under section 136 of the 2003 Act to carry on any of the licensable activities listed above other than in accordance with a licence or other authorisation under the 2003 Act. If an unauthorised activity takes place then the Police and local authorities have powers to take action.

The Licensing Act 2003 introduces a range of opportunities and among these is the ability to have a wider input into the development of leisure activities. The entertainment industry within the area is a major contributor to the local economy, by attracting tourists and visitors, helping to keep areas and communities vibrant and by providing major employment opportunities.

In addition to a well-developed entertainment centre, Swansea also has a substantial residential population whose amenity the Council has a duty to protect. Residents of certain areas could be affected by an increase in the concentration of licensed premises, particularly if longer opening hours are introduced.

Operators of other types of business also have a legitimate expectation that the environment in which they operate in is attractive and sustainable to their business.

The Council will therefore use its powers under the Licensing Act 2003 to promote best practice and to ensure properly managed licensed premises where licence holders have regard to the impact of their premises on local residents and businesses.

The Council will work closely with the statutory authorities, the licensed trade, local businesses and residents, to facilitate a partnership approach in creating a licensing policy which balances the interests of the licensed trade and its customers against the interests of the business and residential communities of the area.

The City and County of Swansea is situated on the South West Wales coast. It occupies an administrative area of 378 square kilometres and an important place in the historical, political and economic development of Wales.

Located at the mouth of the River Tawe, the City of Swansea is Wales' second largest city. It is the regional shopping, leisure, cultural, education and administrative centre for South West Wales, and is ringed on three sides by a series of town, district and local centres, which are linked to the City Centre by a convergent highway network.

The population of the City and County of Swansea stands at approximately **238,500** ~~38,700 (2021)~~. This represents **7.78%** of the total population of Wales.

Swansea is one of Wales' key tourism areas, and offers a wide range of opportunities for tourism-based and other businesses. The maritime port and waterfront city of Swansea, the pretty Victorian resort of Mumbles and the spectacular scenery of the Gower Peninsula are all, in their own right, "must-visit" destinations.

The Swansea economy has a proportionately large share of jobs in the public administration, hospitality, financial services and retail sectors. Of the **108,000** ~~104,400~~ people employed within Swansea (**2021** ~~4~~), an estimated **89.8%** ~~89.9%~~ (**97,000** ~~3,900~~) are employed in the service sectors, with **29.6%** ~~33%~~ (**31,900** ~~34,400~~) working within the public sector.

Swansea is home to a number of major public and private sector employers in both the manufacturing and service sectors; the Council being the largest single employer with over 11,000 staff.

## 1. INTRODUCTION

- 1.1 Swansea Council (hereinafter referred to as “the Council”) is the Licensing Authority as defined in the Licensing Act 2003 [hereinafter referred to as “the Act”].
- 1.2 This Act requires that a Licensing Authority prepares and publishes a statement of its licensing policy every five years. The adoption of this policy is a statutory requirement and the policy must be published to enable the Licensing Authority to carry out its functions in respect of individual applications made under the terms of the Act. The policy will be kept under review and revised as appropriate but at intervals of no longer than five years.
- 1.3 This document represents the reviewed statement of the licensing policy of the Council published on the 2<sup>nd</sup> December 2004, with subsequent revisions on 17<sup>th</sup> January 2008, 7<sup>th</sup> January 2011, 30<sup>th</sup> July 2013, and 26<sup>th</sup> January 2017 **and 26<sup>th</sup> July 2018**. This policy takes effect from the 26<sup>th</sup> July **2023** 48 and remains in force until revised in accordance with “the Act”.
- 1.4 Any statement in this policy will be relevant to all licensed premises unless otherwise stated.

## 2. PURPOSE / OBJECTIVES

- 2.1 The purpose of this policy is to describe how the Council will carry out its functions as a Licensing Authority to promote the four licensing objectives specified in the Act. These objectives are as follows:
  - the prevention of crime and disorder;
  - public safety;
  - the prevention of public nuisance; and
  - the protection of children from harm.
- 2.2 Each of these objectives is considered to have equal importance and is considered in more detail in paragraph 18, later in this policy.

## 3. SCOPE AND LIMITATION

- 3.1 This statement of licensing policy has been prepared in accordance with the requirements of the Act and also having regard to the guidance issued under Section 182 of the Act, by the Home Secretary in April **2018** 7 following previous

revisions of this guidance. Where the licensing policy departs from this guidance, reasons why such a decision has been made are provided.

3.2 Section 5 of the Act requires a Licensing Authority to prepare and publish a statement of its licensing policy every 5 years. Such a policy must be published before the authority carries out any function in respect of individual applications made under the terms of the Act. This policy statement, in the main, has four main purposes;

a. To provide Members of the Licensing Committee with a decision making framework. The policy will be taken into account at a hearing following representations.

b. To inform applicants of the parameters within which the Authority are able to make licensing decisions and allow them to take this into account when making applications.

c. To provide guidance to local residents and businesses of the boundaries within which the Licensing Authority will make licensing decisions. This will assist those parties when making representations in relation to various applications.

d. To support the Licensing Authority if it has to demonstrate in a court of law how it arrived at its licensing decisions.

The policy will be kept under review and the Licensing Authority will if necessary, after appropriate consultations, make such revisions to it as may be considered appropriate. Any amendments will be incorporated in the licensing statement after each review.

3.3 The policy does not override the right of any person to make representations in relation to an application or seek a review of a licence or certificate where there is provision in the Act to do so.

#### 4. **CONTROL**

4.1 Licensing is about regulating “licensable activities” on licensed premises, in qualifying clubs and at temporary events.

4.2 Any terms and conditions attached to a premises licence or club premises certificate will focus on matters within the control of the Premises Licence Holder or Designated Premises Supervisor. Temporary Event Notices may be subject to modifications if considered necessary by the Police and/or Environmental Health.

4.3 These terms and conditions or modifications will centre on the premises being used for licensable activities.

4.4 The Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or

engaged in normal activities in the area concerned. It will be expected that any representation made by “Other Persons” will indicate how the application will directly affect them in relation to one or more of the licensing objectives.

- 4.5 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and beyond the direct control of the persons holding the relevant authorisation.
- 4.6 Where it is disputed that an incident occurs in the area of a licensed premises the ultimate decision will be determined by the courts.
- 4.7 The Council will use the controls in licensing law as part of a holistic approach to the management of the evening and night-time economy particularly in the city centre.
- 4.8 The Licensing Authority will consider all methods of control which will promote the licensing objectives. These may include the introduction of Early Morning alcohol Restriction Orders (EMRO’s) and a Late Night Levy. In all cases of introducing any control procedures, a consultation process will take place with all parties concerned.
- 4.9 When acting as a Responsible Authority, the Licensing Authority will only make a representation to an application when it is considered to be absolutely necessary. Such cases may include the absence of a representation from a Responsible Authority and when an application will add to the cumulative impact of licensed premises in an area. When a representation is made there will be a distinct separation of responsibilities to ensure procedural fairness and eliminate conflict of interests.

## 5. **CONSULTATION**

- 5.1 In reviewing the policy in accordance with the Act, the Licensing Authority will consult the persons specified (statutory consultees) as follows:
  - South Wales Police;
  - Mid & West Wales Fire Authority;
  - Abertawe Bro Morgannwg University Health Board
  - persons/bodies representing local holders of premises licenses;
  - persons/bodies representing holders of club premises licences;
  - persons/bodies representing holders of personal licenses;
  - persons/bodies representing businesses and residents;
- 5.2 The following will also be consulted to ensure that this policy does not conflict with other policies, strategies or initiatives operated by the Council and neighbouring Local Authorities.

- Local Authority Members;
- The Licensing Committee;
- Representatives of other appropriate Council functions including:
  - Community Safety
  - Planning Services
  - Estates
  - Transportation & Engineering
  - Regeneration
  - Culture & Tourism
  - Social Services
  - Pollution Control
  - Health and Safety
  - Trading Standards
- Neighbouring Licensing Authorities;
- Swansea Magistrates Court
- Licensing Solicitors
- Accident and Emergency Department
- The Ambulance Service
- Musicians Union

5.3 The views of “Other Persons” will be taken into consideration when determining the policy and any relevant changes. “Other Persons” includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licenses and club premises certificates, regardless of their geographic proximity to the premises.

5.4 From April 2012, the Police Reform and Social Responsibility Act 2011 amended the Licensing Act 2003 so that Local Health Boards (Wales) and Primary Care Trusts (England) become a responsible authority. In Swansea the Local Health Board function is undertaken by Abertawe Bro Morgannwg University Health Board (UHB).

The Licensing Authority recognises the impact of alcohol misuse on the population of Swansea and local services. It is hoped that through the implementation of this Licensing Policy, the promotion of the four Licensing Objectives will in turn have a positive effect on preventing alcohol misuse in the area. For example, by taking into consideration any information presented by the UHB on the effects of alcohol use on health; the data on alcohol use within the Swansea area; and the evidence of availability and affordability on increased alcohol consumption, the Licensing Authority will be mindful of the impact of its decisions on the prevention of alcohol misuse in the area. It is however recognised that any positive impact will be as a coincidence of the licensing authority conducting its licensing function and not based on public health as an objective.

The UHB may wish to make representation in the following circumstances

- New applications
- In applications for Review or Variation when:
  - An existing licensed premise, which is perceived not to be promoting the licensing objectives, or;
  - An existing licensed premise, where there is information to suggest non-compliance with the existing premise license
  - Proposed changes in licensable activities which could have a detrimental effect on one or more of the licensing objectives
- The premise is situated within a 'cumulative impact special saturation policy' area, where the UHB believes that there will be an adverse effect on any of the licensing objectives

## 6. ~~CUMULATIVE IMPACT AND SPECIAL POLICY~~

**6.1 *Swansea Council first adopted a special policy on Cumulative Impact in 2013, based mainly on evidence provided by South Wales Police on the levels of crime and disorder in the area. This was reviewed in 2017 and amendments made, as it was recognised that certain types of premises, due to their nature, would not add to existing cumulative impact.***

**6.2 *The Cumulative Impact Policy (CIP) formed part of the Statement of Licensing Policy, which was last reviewed in July 2018 and the CIP was due for review in April 2021. Due to the Covid-19 pandemic the review did not take place as planned and the CIP lapsed as a result.***

**6.3 *The Policing and Crime Act 2017 amended the Licensing Act 2003 and placed Cumulative Impact Assessments' on a statutory footing by introducing paragraph 5a of the Licensing Act 2003. This amendment came into force on 6<sup>th</sup> April 2018 and replaced CIPs.***

**6.4 *This CIA is published under the new provisions of the Licensing Act 2003 for the areas identified in paragraph 6.7. These areas mirror those that were previously subject to the CIP, following the receipt of updated evidence from SWP in relation to these areas and a request that a CIA is published in line with the provisions that were previously in place.***

**6.5 *In response to the evidence provided by SWP and in line with requirements for publishing a CIA, the Licensing Authority has followed the steps identified, in considering whether to adopt a CIA:***

- ***Identified concern about crime and disorder or public nuisance;***



- **Considered whether there is good evidence that crime and disorder are occurring and that the problems are caused by customers of licensed premises**
- **Considered where there is good evidence that crime and disorder has been an issue but has decreased due to a special policy being in place;**
- **Identified the boundaries of the areas where problems are occurring; and**
- **Consulted with those specified in section 5(3) of the Licensing Act 2003, on the proposal for a cumulative impact assessment in relation to new applications and variations to existing premises licences and club premises certificates and considered the outcome of the consultation.**

**6.6 Having considered the available evidence and undertaken the required consultation, the Licensing Authority considers that it is appropriate and necessary to address the issues of cumulative impact identified**

**6.7 The areas and matters covered by the CIA are as follows:**

- i) Wind Street and the surrounding area as defined;**
- ii) The Kingsway and the surrounding area as defined;**
- iii) High Street and College Street as defined.**

**The relevant areas are those within the boundary defined on the plans attached at Appendix A, B and C and include premises that have accessible entrances onto the streets within the boundary, including the streets listed in the following schedules: –**

**i) Wind Street and the surrounding area**

- **Wind Street**
- **The Strand to the junction with Welcome Lane**
- **Worcester Place**
- **Castle Street**
- **Castle Gardens**
- **Castle Square**
- **Green Dragon Lane**
- **Little Wind Street**
- **Salubrious Place**
- **Salubrious Passage**
- **Caer Street**
- **Princess Way**

- **St Mary's Street**
- **St Mary's Square**
- **St David's Place**
- **York Street**
- **Victoria Road**

**ii) The Kingsway and the surrounding area**

- **The Kingsway**
- **Dillwyn Street from the junctions with The Kingsway and Oxford Street**
- **Oxford Street from the junctions with Dillwyn Street and Princess Way**
- **Picton Lane**
- **Union Street from the junctions of The Kingsway and Oxford Street**
- **Park Street**
- **Portland Street**
- **Bellvue Way**
- **Dynevor Place**
- **Horton Street**
- **Pell Street**
- **Cradock Street**
- **Northampton Lane**
- **Christina Street**
- **Newton Street**

**iii) High Street and College Street**

- **High Street**
- **College Street**

**6.8 Wind Street and the surrounding area, The Kingsway and the surrounding area and High Street and College Street are within the area of the CIA as the Authority is satisfied that their inclusion is necessary and appropriate, given the number of premises licensed to supply alcohol for consumption on and off the premises in these streets, together with the incidence of crime, disorder attributable to customers of these premises.**

**6.9 In addition and in line with previous reviews of the CIP, it is recognised that pubs, nightclubs, restaurants, hotels, theatres and other types of premises sell alcohol, serve food and provide entertainment but with different styles and characteristics and due to the nature of the premises, would not add to existing cumulative impact. Having regard to those differences and the impact they are likely to have on the local area, the following types of**

***premises, providing certain licensable activities between the hours of 10.00am and 1.00am, are exempt from the provisions of the CIA:***

- ***Non – alcohol led premises;***
  - ***Theatres, where the main purpose of the premises is the performance of plays;***
  - ***Cinemas, where the main purpose of the premises is the exhibition of films;***
  - ***Premises where the main purpose is the provision of substantial table meals;***
  - ***Premises where the sale/supply of alcohol is by waiter or waitress service only.***
- 6.10** ***The evidence for the CIA has been provided by South Wales Police on the grounds of Crime and Disorder and is attached at Appendix D.***
- 6.11** ***This assessment will apply to all applications for the grant or variation of a premises licence or club premises certificate within the cumulative impact areas specified in paragraph 6.7, unless provided for in the exemptions listed in paragraph 6.9. This includes applications for variations for increased hours for licensable activities; increased capacity and any other matter that may add to the existing cumulative impact. This will relate to premises carrying on or proposing to carry on any of the following licensable activities:***
- ***The sale or supply of alcohol, on or off the premises;***
  - ***The provision of late-night refreshment;***
  - ***The provision of any regulated entertainment.***
- 6.12** ***The CIA does not apply to Temporary Event Notices (TENs) however, the Guidance issued under Section 182 of the Licensing Act 2003, states that it is open to the police and environmental health authority to refer to this assessment and the evidence contained within it, when objecting to a TEN. The Licensing Authority considers this to be an appropriate approach as an extension of hours within the area covered by the CIA can have a direct impact on the promotion of the licensing objectives.***
- 6.13** ***The publication of the CIA does not change the fundamental way that decisions are made under the Licensing Act 2003. The Licensing Authority will make all decisions on applications within the cumulative impact area***

**on a case-by-case basis and with a view to what is appropriate to promote the licensing objectives.**

- 6.14 The CIA does not remove the need for a relevant representation to be submitted by a responsible authority or 'other persons' in response to an application, where they consider it appropriate for the promotion of the licensing objectives and for the application to be determined by the Licensing Sub-Committee. Anyone making a representation may base it on the evidence published in the CIA.**
- 6.15 If an application does not result in the receipt of relevant representations, the Licensing Authority will grant the application subject to conditions that are consistent with the operating schedule and any relevant mandatory conditions required by the Licensing Act 2003.**
- 6.16 Applicants for the grant or variation of a premises licence or club premises certificate within the cumulative impact area, are expected to address the issues of cumulative impact within their applications and demonstrate that their application and proposed operation would not add to the cumulative impact.**
- 6.17 Where relevant representations are received in respect of an application for a grant or variation of a premises licence or club premises certificate within the cumulative impact area, a hearing of the Licensing Sub-Committee will be held. If during the hearing an applicant is able to demonstrate that their application and operation will not add to the cumulative impact a licence may be granted. If an applicant is not able to demonstrate this, the policy of the Licensing Authority is to refuse the application.**
- 6.18 This CIA will not be used:**
- as an absolute. The Statement of Licensing Policy will always allow for the circumstances of each application to be considered properly and on its own merits and for applications that are unlikely to add to the cumulative impact on the licensing objectives to be granted;**
  - as a ground for revoking an existing licence or certificate when representations are received about problems with those premises;**
  - to impose quotas based on either the number of premises or the capacity of those premises. This is because quotas that indirectly have the effect of predetermining the outcome of any application would have no regard to the individual characteristics of the premises concerned.**

**6.19 The CIA will be kept under review and will remain in existence for a period of up to 3 years. It will be subject to review and further consultation before July 2026, when the licensing authority will consider whether it remains of the opinion set out in the assessment.**

~~6.1 Cumulative impact means, for the purposes of this policy, the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. Cumulative Impact Policies (CIP) may relate to premises licensed to carry on any licensable activity, including the sale of alcohol for consumption on or off the premises and the provision of late night refreshment. This includes late night fast food outlets which are not licensed to sell alcohol.~~

~~6.2 There can be confusion about the difference between “need” and the “cumulative impact” of premises on the licensing objectives. The Council when acting as a Licensing Authority will not take into consideration “need”. This is a matter for the Council in its role as a Planning Authority and for the market.~~

~~6.3 In relation to the grant or variation of a premises licence or club premises certificate the licensing authority will consider representations from a “responsible authority” or “Other Persons” regarding cumulative impact. A list of Responsible Authorities can be found at paragraph 20 of this policy.~~

~~6.4 A relevant representation from a “responsible authority” or “Other Person” regarding cumulative impact must provide clear evidence that there will be exceptional problems of disorder and nuisance over and above the impact of the individual premises itself.~~

~~6.5 The Licensing Authority will in such cases, take into account the issue of cumulative impact but this will be addressed in the context of the individual merits of any application. Where it is considered that a licence or certificate is unlikely to add to the cumulative impact on the licensing objectives the application will be granted.~~

~~6.6 Section 182 of the guidance allows a licensing authority to make a policy within its Statement of Licensing Policy to deal with cumulative impact. Where there is evidence that the number of licensed premises in an area has had a negative cumulative effect upon crime and disorder, public nuisance and public safety the licensing authority will consider making a CIP. It will make such a policy only after it is satisfied that there is evidence to support it.~~

~~6.7 The Licensing Authority after considering the available evidence will consult the individuals and organisations listed in 5.1 and 5.2 above. If it determines that attaching conditions to a licence is unlikely to address the problems identified, it will consider adopting a special policy of refusing new licences. This would apply~~

~~whenever relevant representations are received about the cumulative impact on the licensing objectives from responsible authorities and other persons which the Licensing Authority consider after hearing those representations should lead to refusal.~~

~~6.8 The steps detailed below will be followed in considering whether to adopt a special policy within the licensing policy:~~

- ~~• Identify concern about crime and disorder, public safety, protection of children from harm or public nuisance from a “responsible authority” or “Other Person”.~~
- ~~• Consider whether it can be demonstrated that crime and disorder and nuisance are occurring or whether there are activities which pose a threat to public safety or protection of children from harm~~
- ~~• If such problems are occurring, identify whether they are being caused by the customers of licensed premises and if so identify the boundaries of that area; or that the risk factors are such that the area is reaching a point when a cumulative impact is imminent.~~
- ~~• Consult with those specified in paragraph 5 above.~~
- ~~• Subject to the consultation, include and publish details of the special policy in the statement of licensing policy.~~

~~6.9 The effect of all licensed premises in an area will be taken into account when considering a special policy.~~

~~6.10 Any special policy adopted will be reviewed regularly and at a maximum period of 3 years to determine its effectiveness and whether or not its continued use is required.~~

~~6.11 The absence of a special policy in a particular area will not prevent a responsible authority or other person making representations on a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.~~

~~6.12 A special policy will not be used to revoke a licence for a premises if representations are received regarding problems with an existing licence.~~

~~6.13 Where it is evident that there is a problem in an area after a licence or certificate has been granted and it is clear that an individual premises is undermining the promotion of one or more of the licensing objectives in that area, the licence will only be reviewed if representations are made about that objective by a responsible authority or other person.~~

~~6.14 A special policy will not be used to justify rejecting an application for variation of an existing licence or certificate except where the variation is directly relevant to the policy and is necessary for the promotion of the licensing objectives e.g. increase in capacity of a venue.~~

~~6.15 A special policy relating to cumulative impact will not include provisions for a terminal hour in an area.~~

~~6.16 A special policy will not impose quotas on the number or capacity of premises or in relation to any matter which would restrict the consideration of any application on its individual merits.~~

~~6.17 The Licensing Authority will have regard to the individual characteristics of each premises and the differing impact they will have on the promotion of the licensing objectives.~~

~~6.18 The Licensing Authority recognises that there are other mechanisms available for controlling cumulative impact once customers have left licensed premises. These include:~~

- ~~• Planning controls;~~
- ~~• Positive measures to create a safe and clean city centre environment in partnership with local businesses, transport operators and other local authority departments;~~
- ~~• Provision of CCTV, adequate taxi rank space, provision of late night public conveniences, street cleaning;~~
- ~~• Powers of local authorities to designate and control areas where alcohol cannot be consumed;~~
- ~~• Police enforcement in relation to disorder and anti-social behaviour;~~
- ~~• Prosecution for alcohol related offences ;~~
- ~~• Police powers of closure of a premises;~~
- ~~• The provision to review a licence or certificate.~~

~~6.19 On 30<sup>th</sup> July 2013 the Council resolved to adopt a Cumulative Impact Special Saturation Policy for the following areas:~~

~~i) Wind Street and the surrounding area as defined~~

~~ii) The Kingsway and the surrounding area as defined~~

~~iii) High Street and College Street as defined~~

~~6.20 The Special Policies for i) Wind Street and the surrounding area, ii) The Kingsway and the surrounding area and iii) High Street and College Street were introduced because the Authority was satisfied that it was appropriate and necessary to do so given the number of premises licensed to supply alcohol for consumption on and off the premises in these streets and the incidence of crime, disorder and public nuisance attributable to customers of such premises which can include but is not limited to litter, noise, intoxicated people contributing to crime and disorder, accumulations of people at certain~~

times leading to conflict in queues for taxis and/or fast food outlets, the numbers of people leaving all types of premises at certain times.

~~6.21 This action followed a report to the Cabinet of this Council on 1<sup>st</sup> November 2012. The report included crime and disorder statistics from South Wales Police, together with public nuisance statistics from the Environment Department of this Authority. The special policy was introduced following a comprehensive consultation process which was carried out between February and May 2013. The special policy was also reviewed as part of the review of the statement of licensing policy undertaken in 2018. Updated evidence on the recorded levels of crime and disorder for the special policy areas was received from South Wales Police and the evidence supported the retention of the existing special policy without amendment.~~

~~6.22 Following a review of the Special Policy on 26<sup>th</sup> January 2017 it is now recognised that pubs, nightclubs, restaurants, hotels, theatres and other types of premises sell alcohol, serve food and provide entertainment but with different styles and characteristics and due to the nature of the premises will not add to existing cumulative impact. Having regard to those differences and the impact they are likely to have on the local area the following types of premises, providing certain licensable activities between the hours of 10.00am and 1.00am are exempt from the requirements of the special policy:~~

- ~~• Non alcohol led premises;~~
- ~~• Theatres, where the main purpose of the premises is the performance of plays;~~
- ~~• Cinemas, where the main purpose of the premises is the exhibition of films;~~
- ~~• Premises where the main purpose is the provision of substantial table meals;~~
- ~~• Premises where the sale/supply of alcohol is by waiter or waitress service only.~~

~~6.23 The effect of the special policy is that applications for premises that are located within the special policy areas but fall within the exemptions detailed in paragraphs 6.22 of the policy will generally be granted, subject to consideration of any relevant representations made. In respect of all other premises located in the special policy areas, there is a presumption that any application for a premises licence, club premises certificate or a variation that is likely to add to the existing cumulative impact will be refused. This presumption is only relevant to applications which trigger a relevant representation from a responsible authority or other person which refers to one or more of the licensing objectives that gave rise to the introduction of the special policy. If there are no such representations the Authority MUST grant the application in terms that are consistent with the operating schedule submitted.~~



~~6.24 Where relevant representations are made, a Licensing Sub Committee of the Authority will hear those representations and determine the application. For applications that fall within the requirements of the special policy, refusal will normally be the case UNLESS the applicant can demonstrate in their operating schedule that the application will not add to the existing cumulative impact on one or more of the licensing objectives and that the Authority would therefore be justified in departing from the special policy in the light of the individual circumstances of the case. The Licensing Authority expects applications for premises within the Cumulative Impact Area to be exceptional. The authority does not consider that premises that are well managed and fully compliant with all licensing conditions and relevant legislation to be exceptional. This is expected of all licensed premises.~~

~~6.25 The special policy areas are those within the boundary defined on the plans attached at appendix A, B and C and include premises that have accessible entrances onto the streets within the boundary, including the streets listed in the following schedules:—~~

~~—— i) **Wind Street and the surrounding area**~~

- ~~● Wind Street~~
- ~~● The Strand to the junction with Welcome Lane~~
- ~~● Worcester Place~~
- ~~● Castle Street~~
- ~~● Castle Gardens~~
- ~~● Castle Square~~
- ~~● Green Dragon Lane~~
- ~~● Little Wind Street~~
- ~~● Salubrious Place~~
- ~~● Salubrious Passage~~
- ~~● Caer Street~~
- ~~● Princess Way~~
- ~~● St Mary's Street~~
- ~~● St Mary's Square~~
- ~~● St David's Place~~
- ~~● York Street~~
- ~~● Victoria Road~~

~~—— ii) **The Kingsway and the surrounding area**~~

- ~~● The Kingsway~~
- ~~● Dillwyn Street from the junctions with The Kingsway and Oxford Street~~
- ~~● Oxford Street from the junctions with Dillwyn Street and Princess Way~~

- Picton Lane
- Union Street from the junctions of The Kingsway and Oxford Street
- Park Street
- Portland Street
- Bellvue Way
- Dynevor Place
- Horton Street
- Pell Street
- Cradock Street
- Northampton Lane
- Christina Street
- Newton Street

— iii) **High Street and College Street**

- High Street
- College Street

## 7. LICENSING HOURS

- 7.1 When determining individual licence applications for premises the licensing hours will be decided having regard to the individual merits of each application. The presumption will be to grant the hours as requested unless there are objections to those hours raised by responsible authorities or other persons on the basis of the licensing objectives.
- 7.2 The Licensing Authority recognises that longer licensing hours are important for those premises which sell alcohol, to ensure that concentrations of customers leaving premises simultaneously are avoided. This is particularly necessary to reduce the potential for disorder on streets at late-night fast food outlets, taxi ranks and other transport waiting areas which may lead to disorder and disturbance.
- 7.3 The Licensing Authority will not create “zones” with fixed trading hours for any areas in the City & County of Swansea to avoid a significant movement of people from one area to another in search of premises with later opening hours.
- 7.4 The Licensing Authority will closely examine the hours of business for premises which are situated in predominantly residential areas and will impose strict conditions relating to noise control where representations are received and it is considered necessary.
- 7.5 The Licensing Authority will allow shops, stores and supermarkets to sell alcohol, for consumption off the premises, at any time when the retail outlet in question is open for business. Limitations will only be imposed restricting the times alcohol can be sold from such premises if representations are received and there is

evidence that the extended hours cause the premises to be a focus of disorder and disturbance.

- 7.6 The Licensing Authority may consider the introduction of an Early Morning alcohol Restriction Order, which will prohibit the sale of alcohol for a specified time period between the hours of 00.00 (midnight) and 06.00 hours, in the whole or part of its area, if it is satisfied that this will be appropriate for the promotion of the licensing objectives.

## 8. CHILDREN

- 8.1 The Licensing Authority will not limit the access of children to premises unless it is necessary for the prevention of physical, moral or psychological harm to them. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language, sexual language, physical assault and also protection from sexual exploitation.

- 8.2 The Licensing Authority will consider the individual merits of each individual application.

- 8.3 In considering each application the following areas will give rise to particular concern in respect of children:

- Where entertainment or services of an adult or sexual nature are commonly provided;
- Where there have been convictions of members of staff for serving alcohol to minors or the premises has a reputation for underage drinking;
- There is a known association with drug taking or dealing;
- There is a strong element of gambling
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided.

- 8.4 Where it is considered necessary that access to children should be limited for the prevention of harm, the following may be adopted:

- Limitations on the hours children may be present;
- Limitations on the exclusion of children under certain ages when particular activities are taking place;
- Limitations on the parts of the premises to which children may be given access;
- Age limitations;
- Requirements for accompanying adults;
- Full exclusion of persons under 18 years of age when licensable activities are taking place.

Conditions requiring the admission of children to any premises will not be attached to licences or certificates.

- 8.5 Where no licensing restrictions are in place admission of children to the premises will be at the discretion of the licensee. Where licensees consider that restrictions should be put in place, this must be identified in the operating schedule for the premises.
- 8.6 The Licensing Authority recognises the importance of The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks in protecting children from harm.
- 8.7 In the case of premises giving film exhibitions the Licensing Authority will require licensees or clubs to include in their operating schedule arrangements for restricting children from viewing age-restricted films classified according to the British Board of Film Classification (BBFC).
- 8.8 In considering the limitations to be imposed for the protection of children from harm the Licensing Authority will give considerable weight to representations about child protection matters, particularly in relation to the responsible authority whose functions relate directly to child protection including its Local Safeguarding Children Board, South Wales Police and the Local Health Board (LHB).

## 9. **INTEGRATING STRATEGIES**

- 9.1 The Council will ensure a comprehensive licensing policy is maintained having regard to other policies, strategies and initiatives operated by the Authority. The Council will also have regard to relevant external policies/guidance where appropriate.
- 9.2 The Council when acting as the Licensing Authority will consult with all relevant parties to ensure full consultation on the continued development and review of the licensing policy to ensure that no conflict arises between such documents and to ensure a consistent approach.
- 9.3 The Licensing Authority will ensure, as far as possible that conditions attached to a premises licence or club premises certificate will reflect local crime prevention strategies.
- 9.4 The Licensing Authority will have regard to the need to encourage and promote live music, dancing and theatre for the benefit of communities generally.
- 9.5 The Council when acting as a Licensing Authority will liaise with the Police and Highway Authority to ensure as far as possible transport arrangements that promote the Council's licensing objectives.

- 9.6 The Council, when acting as a Licensing Authority will have regard to the needs of the local tourist economy and employment situation for the area as appropriate.
- 9.7 Where appropriate the Licensing Committee will provide reports to the Planning Committee and other relevant parties on the situation regarding licensed premises in the area upon request.
- 9.8 The Council has adopted a policy on Sex Establishments. This policy includes a restriction on the number of Sexual Entertainment Venues (SEV's). An exemption under the Local Government (Miscellaneous Provisions) Act 1982 allows premises to provide sexual entertainment no more than eleven times per year and no more frequent than monthly.
- 9.9 Some premises licences under the Act may not allow adult entertainment. Others, where sexual entertainment is allowed to take place under the exemption, may become subject to a review if the licensing objectives are undermined.

## 10. **PROMOTION OF EQUALITY**

- 10.1 The Council has due regard for the need to eliminate unlawful discrimination and to promote equality of opportunity and foster good relations between persons with different protected characteristics.
- 10.2 The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. We also consider the Welsh Language to be a protected characteristic due to the requirements of the Welsh Language Wales Measure.
- 10.3 The Licensing Authority in carrying out its duties, will uphold the Equality Duty of the Council as required under the Equality Act 2010.

## 11. **DUPLICATION**

- 11.1 The Licensing Authority will avoid as far as possible any duplication with other regulatory regimes.
- 11.2 Where legislation is already in force which relates to the four licensing objectives, further controls which duplicate these legal requirements will not be enforced through licence conditions, e.g. Fire Safety and Health & Safety at Work legislation.

11.3 In particular, Planning and Licensing regimes will be properly separated to avoid duplication and inefficiency. Licensing applications will not be a re-run of a planning application and the licensing decisions will not cut across decisions taken by a planning committee or permissions granted on appeal. There is no legal basis for the Licensing Authority to refuse an application because it does not have planning permission. The Licensing Authority will advise all new applicants to liaise with planning services to ensure they apply for any necessary permissions.

## 12. **CONDITIONS**

12.1 The Licensing Authority will only impose conditions on a premises licence or club premises certificate which are consistent with the operating schedule and are appropriate to promote the four licensing objectives. Standard conditions will not be used. The Licensing Authority has developed a pool of conditions, which are provided in the guidance for applicants. This guidance has been produced to assist applicants in completing their operating schedule. The pool of conditions will be used to translate any non-specific steps for the promotion of the licensing objectives, contained within the operating schedule. Applicants are encouraged to consider the use of this pool of conditions to address key issues when completing their operating schedule. (See paragraph 18). All conditions should be -

- Clear
- Enforceable
- Evidenced
- Proportionate
- Relevant
- Be expressed in plain language capable of being understood by those expected to comply with them

12.2 The Licensing Authority will only consider imposing additional conditions on a licence where relevant representations are received from responsible authorities or other persons and such conditions are considered appropriate for the promotion of the licensing objectives.

12.3 The Licensing Authority will attach conditions to licences or certificates that are tailored to the individual size, style, characteristics and activities taking place at the premises or event concerned.

12.4 Conditions will not prevent or provide reason for a licensee to prevent admission of any person, to a premises unless detailed in this policy.

12.5 The conditions will not replicate offences set out in the Act.

12.6 The Licensing Authority will attach the mandatory conditions defined in the Act, (as amended), to a premises licence or club premises certificate when required.

The mandatory conditions relate to the supply of alcohol, minimum drinks pricing, exhibition of films, door supervision, irresponsible drinks promotions, no drinking games, provision of free potable water, measures of alcoholic drink and age verification policy.

- 12.7 The mandatory condition relating to the sale of alcohol, that requires the provision of a designated premises supervisor, may be disapplied following a successful application in respect of certain community premises.

### 13. ENFORCEMENT

- 13.1 The Licensing Authority ~~will~~ **have established** joint enforcement protocols with South Wales Police and ~~Mid and West Wales Fire Authority~~ and **will establish protocols with** other responsible authorities where appropriate, on joint enforcement issues. *For example;*

***Targeting: focusing on activities that give rise to the most serious risks or where hazards are least well controlled;***

***Consistency: similar approaches in similar circumstances to achieve similar ends;***

***Transparency: helping licence holders to understand what is expected and distinguishing between statutory requirements and guidance;***


***Proportionality: action taken should be proportional to the risk presented; and***

***Necessity: Full licensing inspections will not take place without good reason. It should be noted, however, that regular scheduled and ad hoc visits to licensed premises will continue to be undertaken by officers from the Council's Licensing team where necessary. Officers may be accompanied by colleagues from the Council, officers from South Wales Police or representatives from other agencies as appropriate.***

- 13.2 The Licensing Authority will **remind operators of licensed premises that it is their responsibility to provide appropriate training for their staff to ensure the promotion of the licensing objectives.** ~~carry out audits of licensed premises conditions based on the established protocols and in accordance with an agreed risk assessment.~~

- 13.3 The Licensing Authority expects personal licence holders to authorise the sale of alcohol by identifying the person being authorised and specify the activities that are being authorised. It is also expected that authorisation will be in writing, provided to the individual being authorised and that arrangements are in place to monitor the activity.

## 14. OUTDOOR EVENTS AND CROWDED PLACES GUIDANCE

- 14.1 If you intend holding an event involving large numbers you will need to contact the Safety Advisory Group (SAG) to ensure that the event can take place safely, with the knowledge of all the relevant agencies in the Authority area. For many types of events involving large numbers, there is a great deal of organising to do and the SAG asks for six months' notice of events likely to attract more than 500 people. Three months' notice is required for events with attendance of less than 500 people. The following guide may help you when you are organising an event.  ~~Guide to safe and successful community events (PDF, 101KB)~~ [Opens new window Organising an event and use of open spaces - Swansea](#)
- 14.2 Some events will require you to attend one of the SAG meetings to discuss your proposals. This will enable all the relevant agencies to consider your event and ensure they have sufficient resources available to deal with any incidents that arise.
- 14.3 Organisers of outdoor events are encouraged to refer to the 'Purple Guide' <https://www.thepurpleguide.co.uk/index.php/the-purple-guide>
- 14.4 The Purple Guide to Health, Safety and Welfare at Music and Other Events (the Guide) has been drawn up by the Events Industry Forum in consultation with the UK events industry and representatives from regional and national Government. This publication is designed to replace the original "Purple Guide" (HSG195), originally published by the Health & Safety Executive (HSE).
- 14.5 The Guide aims to help those who organise music or similar events, so that events can run safely. As an employer, the event organiser, whether an individual, collective or local authority, has a general duty to ensure, so far as reasonably practicable, the health, safety and welfare of their employees. They also have a duty to ensure, so far as is reasonably practicable, that others, including volunteers and spectators, are not exposed to risks to their health and safety arising from the operation of the event.
- 14.6 All applicants and licensees are advised to refer to the Crowded Places Guidance on increasing the protection of crowded places from a terrorist attack. The UK faces a real threat from terrorism and crowded places remain an attractive target.
- 14.7 Crowded places include shopping centres, sports stadia, bars, pubs and clubs which are easily accessible to the public and attractive to terrorists.
- 14.8 This guidance has been written to help those charged with security at crowded places, mitigate the threat and help make the UK less vulnerable to an attack. <https://www.gov.uk/government/publications/crowded-places-guidance>



## 15. APPLICATIONS FOR LICENCES, CERTIFICATES, AUTHORISATIONS AND REVIEWS

- 15.1 The Licensing Authority will consider each application received on its merits in the context of the four licensing objectives.
- 15.2 The Licensing Authority will make available up to date information packs for applicants, to provide guidance and to assist them in making their application. Applicants are encouraged to contact the licensing authority and responsible authorities to discuss the content of their proposed application, before submitting their application, in order to resolve any potential problems and avoid any unnecessary hearings and appeals. ***It should be noted that there may be a charge for this service.***
- 15.3 All applicants must ensure when making an application that it complies with the requirements of the Act, to prevent a delay in decision making. ***It should be noted that it is the Licensing Officer's responsibility to determine whether or not applications comply with the statutory requirements. Where applications do not comply with those requirements, applications will be returned to the applicant and the application will need to be resubmitted.*** Organisers of events are encouraged to check with this Authority if they have any doubt about whether an activity or performance is considered to be exempt from licensing requirements. ***Personal Licence applications will only be considered from residents living in Swansea.***
- 15.4 The Licensing Authority also accepts that Other Persons or responsible authorities, as defined in the Act, have the right to make representations in respect of an application, or to seek a review of a licence or certificate within the provisions of the Act. Such representations will be considered on their merits and how they relate to the likely effect of the grant of the licence or certificate on the promotion of at least one or more of the licensing objectives. Also, how the representations are relevant to the promotion of one or more of the licensing objectives in the case of a review of a licence or certificate. When a petition is submitted as a representation it will only be considered if it relates to one or more of the four licensing objectives and it is demonstrated that the details of the representation have been made clear to each signatory i.e. that the heading is included on each page of the petition. A relevant representation may be positive or supportive in nature as opposed to being negative but it must still demonstrate that the licensing objectives are being promoted.
- 15.5 The Licensing Authority, through the scheme of delegation to Officers detailed in paragraph 17 of this Policy, will reject an application for a minor variation should a relevant representation be made by a Responsible Authority or Other Person. Similarly, it will reject any representation if it is shown to be irrelevant, vexatious, frivolous or repetitious.

- 15.6 Other Persons may request a representative to make representations on their behalf including a legal representative, friend, Member of Parliament, Member of the National Assembly for Wales, local Ward Councillor, Parish or Community Councillor. Detailed guidance for Other Persons making a representation or an application for a review of a licence or certificate can be obtained from the Home Office website [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)
- 15.7 The Act allows the authority to dispense with the need for a Statutory Licensing Sub Committee hearing, if all parties making representations, agree that a hearing is unnecessary. **The agreement will include amendments to the operating schedule, to include any relevant representations and amendments to proposed conditions and will give notice to that effect.**
- ~~15.8 Representations must be agreed by the applicant and the applicant must agree to amend the operating schedule to include any representations or amendments as conditions.~~
- ~~15.9 If Members do not agree that the agreement reached between the parties promotes the licensing objectives a Statutory Licensing Sub Committee will take place to consider the application in full.~~
- 15.10 Where the Licensing Authority makes a decision on an application following representations, it will provide comprehensive reasons, in writing, for the decision.
- 15.11 Where responsible authorities and Other Persons do not raise any relevant representations in respect of an application, the licence will be granted, subject only to conditions consistent with the operating schedule and relevant mandatory conditions.
- 15.12 Where it is proposed to carry out permitted temporary activities it is a statutory requirement to submit a Standard Temporary Event Notice (TEN) at least ten working days before the proposed event. A notice, in duplicate, is given to the Licensing Authority and copies provided to the Police and the Pollution Control Division on the same day. (See Contact Points for Licensing, paragraph 20) The ten working days excludes the day the notice is received by this Authority and the event day. It should be noted that this is a minimum time period and event organisers are encouraged to submit notices well in advance of the ten working days. Good practice is regarded as three months prior to the event.
- 15.13 A Late Temporary Event Notice can be submitted not earlier than nine working days and not later than five working days before the event. Again the working days exclude the day it is received by the Licensing Authority and the day of the event. If there is an objection to a Late TEN by the Police or Pollution Control the event will not be valid and the event will not go ahead.
- 15.14 Further limits on TEN's are:

- The capacity must not exceed 499 persons which, includes the audience, performers and staff.
- A single event must not exceed 168 hours.
- A premises cannot have more than 15 events or more than 21 days in a calendar year, whichever occurs first.
- A period of 24 hours must separate each event.
- Personal licence holders are restricted to 50 Standard TEN submissions in a calendar year this may include up to 10 Late TEN submissions
- Non personal licence holders are restricted to 5 Standard TEN submissions in a calendar year this may include up to 2 Late TEN submissions
- **Fees for TENs are non-refundable and are not transferable**
- **Further information is available via this link: [Temporary event notices - Swansea](#)**

15.15 Proposed premises users should note that Saturdays, Sundays, Christmas Day, Good Friday and Bank Holidays defined by the Act and the Banking and Financial Dealings Act 1971, are not working days.

15.16 The receipt of any correspondence, including applications, TENs and representations will be subject to the deadlines imposed by the Act, guidance and this policy document. Such correspondence will be accepted until midnight of the appropriate closing date. Where correspondence is delivered **by hand** to the Civic Centre/**Guildhall** outside normal working hours, the date and time **should be recorded on the correspondence itself, which will be verified,** ~~will be recorded~~ **if necessary,** by a member of the security staff. **Electronic applications are encouraged for all regulated activities under the 2003 Act, with the exception of Licence Reviews, unless the Licensing Authority agrees in advance. More information may be found at [Alcohol and entertainment licences - Swansea](#)**

15.17 In respect of the review process, responsible authorities will aim to give licence holders early warning of any concerns identified at a premises. However in cases where the prevention of crime and disorder objective is being undermined it is expected that revocation of the licence, even in the first instance, will be seriously considered.

## 16. ADMINISTRATION

16.1 The Council has appointed a Statutory Licensing Committee in accordance with the Act. Statutory Licensing Sub-Committees consisting of 3 members will be drawn from the main Statutory Licensing Committee.

16.2 Statutory Licensing Sub Committees will have delegated authority to deal with the functions set out in paragraph 17 below.

- 16.3 Officers will have delegated authority to deal with applications as outlined in paragraph 17 below.
- 16.4 Information reports detailing delegated decisions will be provided to the Statutory Licensing Committee for information as required by Members.
- 16.5 The Elected Members and Authorised Officers will at all times act with probity in accordance with the Codes of Conduct adopted by the Council.
- 16.6 Any Councillor who is a member of the Statutory Licensing Committee and who is making a representation on behalf of other persons, or in their own right in relation to an application, shall disqualify him or herself from any involvement in the decision making process regarding that application.
- 16.7 The table set out in paragraph 17 below details the agreed delegation of functions for the Statutory Licensing Committee, Statutory Sub Committees and Authorised Officers.
- 16.8 The Act places a responsibility on premises licence holders and club premises to pay an annual fee. The Licensing Authority will send a reminder about this requirement approximately 4-6 weeks before the due date. This correspondence will also outline the action that will be taken should a dispute arise about that fee and the procedure on suspension of the licence or certificate if the fee is not paid.

**17. DELEGATION OF FUNCTIONS**

17.1

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection made	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made

Application to vary designated personal licence holder		If a police objection made	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection made	All other cases
Applications for Interim Authorities		If a police objection made	All other cases
Application to review premises Licence /club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of an objection to a temporary event notice		All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition.		If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application.			All cases
Determination of minor variation application			All cases
<b>Classification of Films</b>			<b>All cases</b>
Power to suspend a premises licence and club premises certificate for non- payment of annual fee and power to specify date that suspension takes effect			All cases
Power to make a			All cases

representation as a Responsible Authority to an application for a premises licence and club premises certificate.			
Power to make an application for a review of a premises licence and club premises certificate as a Responsible Authority			All cases

**18. THE LICENSING OBJECTIVES**

18.1 The Licensing Authority will carry out its licensing function to promote the four licensing objectives, namely:-

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

18.2 An applicant for a premises licence or club premises certificate or for a variation of such a licence or certificate will be expected to conduct a thorough risk assessment with regard to the licensing objectives. The risk assessment will indicate the necessary steps to be set out in the operating schedule to promote the licensing objectives. The operating schedule will be translated into conditions and an applicant is encouraged to use the pool of conditions available in the guidance. The applicant is also expected to have regard to all existing legislation which impacts on the licensing objectives e.g. fire safety, health and safety, in order to avoid the possibility of duplication. (See paragraph 11).

18.3 Legislation preventing smoking indoors at public premises has resulted in many customers of licensed premises and clubs using external areas. Premises licence holders, clubs, designated premises supervisors and applicants must have regard to how this will have an impact on the four licensing objectives.

18.4 The Licensing Authority acknowledges that the steps an applicant may take to promote the licensing objectives will vary depending on the type of premises and the licensable activities taking place. Applicants are encouraged to consider the guidance notes referred to in paragraph 12.1 when completing their applications.

**19. GENERAL ISSUES**

19.1 The Council will work in conjunction with all licensees, prospective licensees and statutory agencies to promote the licensing objectives as required by the Act.

19.2 Where any uncertainty exists regarding aspects of responsibilities or requirements the Council will work with the applicants and statutory agencies to address the issue.

## 20. CONTACT POINT FOR LICENSING

20.1 To assist applicants in submitting their applications and for information and advice the contact points for licensing are as follows:-

1. **The Licensing Authority** – for all applications. Also as Responsible Authority.

Licensing Division  
Directorate Of Place  
Swansea Council  
**Guildhall Civic Centre**  
Swansea  
**SA1 4PE 3SN**

Tel: 01792 635600

Email: [evh.licensing@swansea.gov.uk](mailto:evh.licensing@swansea.gov.uk)

Website: [www.swansea.gov.uk](http://www.swansea.gov.uk)

2. The responsible authorities for copies of applications for premises licenses, club premises certificates and variations and reviews of the same are detailed below:

A. **Police** (Also for temporary event notices, transfer of premises licenses and variations of Designated Premises Supervisors)

Chief Officer of Police  
South Wales Police  
Western BCU  
Swansea Central Police Station  
Grove Place  
Swansea  
SA1 5EA

Tel: 01792 562707

Email: [GM-WesternCommunitySafety@south-wales.pnn.police.uk](mailto:GM-WesternCommunitySafety@south-wales.pnn.police.uk)

B. **Fire Authority**

Licensing Officer  
Swansea Command  
Mid and West Wales Fire Authority  
Sway Road  
Morrison  
Swansea

SA6 6JA  
Tel: 0870 6060699  
Email: [swansealicensing@mawwfire.gov.uk](mailto:swansealicensing@mawwfire.gov.uk)

**C. Health and Safety**

**i. For Local Authority controlled premises**

Food and Safety Division  
Directorate Of Place  
Swansea Council  
The Guildhall  
Swansea  
SA1 4PE

Tel: 01792 635600  
Email: [foodandsafety@swansea.gov.uk](mailto:foodandsafety@swansea.gov.uk)

**ii. For Health and Safety Executive controlled premises**

HSE  
Government Building  
Phase 1  
Ty Glas  
Llanishan  
Cardiff  
CF14 5SH  
Tel: 0300 003 1747

**If you are unsure who controls your premises contact either i or ii for clarification.**

**D. Planning**

Planning Policy and Appeals  
Planning Services  
Economic Regeneration and Planning Department  
Swansea Council  
Civic Centre  
Swansea  
SA1 3SN

Tel: 01792 636000  
Email: [Enforcement.Development@swansea.gov.uk](mailto:Enforcement.Development@swansea.gov.uk)

**E. Trading Standards**

Trading Standards Division  
Directorate Of Place  
Swansea Council



The Guildhall  
Swansea  
SA1 4PE

Tel: 01792 635600  
Email: [tradingstandards@swansea.gov.uk](mailto:tradingstandards@swansea.gov.uk)

F. **Pollution** (Also for temporary event notices)

Pollution Control Division  
Department Of Place  
Swansea Council  
The Guildhall  
Swansea  
SA1 4PE

Tel: 01792 635600  
Email: [pollution@swansea.gov.uk](mailto:pollution@swansea.gov.uk)

G. **Child Protection**

~~Swansea Safeguarding~~ **Children's Services Board**  
(~~Damian Rees~~) **Principal Officer for Safeguarding/Local Authority**  
**Designated Officer**

Rm 407  
The Guildhall  
Swansea  
SA1 4PE

Tel: 01792 636000

H. **Local Health Board**

Abertawe Bro Morgannwg University Health Board  
Executive Director of Public Health  
1 Talbot Gateway  
Port Talbot  
SA12 7BR  
Tel: 01639 683386

I. **Neighbouring Licensing Authority** (Where part of premises is situated, also for temporary event notices where the same occurs)

i. **Neath Port Talbot County Borough Council**

Licensing Section  
Neath Port Talbot County Borough Council  
Civic Centre  
Port Talbot  
SA13 1PJ

Tel: 01639 763050 or 01639 763059  
Email: [licensing@neath-porttalbot.gov.uk](mailto:licensing@neath-porttalbot.gov.uk)

ii. **Carmarthenshire County Council**

Licensing  
Public Protection  
Carmarthenshire County Council  
3 Spilman Street  
Carmarthen  
Carmarthenshire  
SA31 1LE

Tel: 01267 234567  
Email: [schlicensing@carmarthenshire.gov.uk](mailto:schlicensing@carmarthenshire.gov.uk)  
[publicprotection@carmarthenshire.gov.uk](mailto:publicprotection@carmarthenshire.gov.uk)

J. **Vessels**

i. **Canal & River Trust**

Head Office  
First Floor North  
Station House  
500 Elder Gate  
Milton Keynes  
MK9 1BB  
Tel: 0303 040 4040

ii. **Environment Agency** [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)

iii. **Secretary of State for the Home Department**

Direct Communications Unit  
2 Marsham Street  
London  
SW1P 4DF  
Email: [public.enquiries@homeoffice.gsi.gov.uk](mailto:public.enquiries@homeoffice.gsi.gov.uk)  
Tel: 020 7035 4848

Please ensure that you refer to the Screening Form Guidance while completing this form.

**Which service area and directorate are you from?**

Service Area: Licensing – Housing and Public Health

Directorate: Place

**Q1 (a) What are you screening for relevance?**

- New and revised policies, practices or procedures
- Service review, re-organisation or service changes/reductions, which affect the wider community, service users and/or staff
- Efficiency or saving proposals
- Setting budget allocations for new financial year and strategic financial planning
- New project proposals affecting staff, communities or accessibility to the built environment, e.g., new construction work or adaptations to existing buildings, moving to on-line services, changing location
- Large Scale Public Events
- Local implementation of National Strategy/Plans/Legislation
- Strategic directive and intent, including those developed at Regional Partnership Boards and Public Services Board, which impact on a public bodies functions
- Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans)
- Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy)
- Major procurement and commissioning decisions
- Decisions that affect the ability (including external partners) to offer Welsh language opportunities and services

**(b) Please name and fully describe initiative here:**

In accordance with the statutory provisions of the Licensing Act 2003 (the Act), the Licensing Authority is required to review their Statement of Licensing Policy every 5 years. The last review was undertaken on 26<sup>th</sup> July 2018 by Full Council and this report requires approval of the amendments proposed, prior to undertaking a full consultation with those affected.

**Q2 What is the potential impact on the following: the impacts below could be positive (+) or negative (-)**

	High Impact		Medium Impact		Low Impact		Needs further investigation
	+	-	+	-	+	-	
Children/young people (0-18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Older people (50+)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any other age group	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Future Generations (yet to be born)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race (including refugees)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Asylum seekers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gypsies & travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community cohesion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Marriage & civil partnership	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>

**Q3 What involvement has taken place/will you undertake e.g. engagement/consultation/co-productive approaches? Please provide details below – either of your activities or your reasons for not undertaking involvement**

In reviewing the policy in accordance with the Act, the Licensing Authority will consult the persons specified (statutory consultees) as follows:

- South Wales Police;
- Mid & West Wales Fire Authority;
- Abertawe Bro Morgannwg University Health Board
- persons/bodies representing local holders of premises licenses;
- persons/bodies representing local holders of club premises certificates;
- persons/bodies representing local holders of personal licenses;
- persons/bodies representing businesses and residents.

And will also consult the following:

- Local Authority Members;
- The Licensing Committee;
- Representatives of other appropriate Council functions including:
  - Community Safety
  - Planning Services
  - Estates
  - Transportation & Engineering
  - Regeneration
  - Culture & Tourism
  - Social Services
  - Pollution Control
  - Health and Safety
  - Trading Standards
- Neighbouring Licensing Authorities;
- Swansea Magistrates Court
- Licensing Solicitors
- Accident and Emergency Department
- The Ambulance Service
- Musicians Union

**Q4 Have you considered the Well-being of Future Generations Act (Wales) 2015 in the development of this initiative:**

a) Overall does the initiative support our Corporate Plan’s Well-being Objectives when considered together?

Yes  No

b) Does the initiative consider maximising contribution to each of the seven national well-being goals?

Yes  No

c) Does the initiative apply each of the five ways of working?

Yes  No

d) Does the initiative meet the needs of the present without compromising the ability of future generations to meet their own needs?

Yes  No

**Q5** What is the potential risk of the initiative? *(Consider the following impacts – equality, socio-economic, environmental, cultural, legal, financial, political, media, public perception etc...)*

High risk

Medium risk

Low risk

**Q6** Will this initiative have an impact (however minor) on any other Council service?

Yes

No

If yes, please provide details below

**Q7** ~~What is the cumulative impact of this proposal on people and/or communities when considering all the impacts identified within the screening and any other key decisions affecting similar groups/ service users made by the organisation?~~

*(You may need to discuss this with your Service Head or Cabinet Member to consider more widely if this proposal will affect certain groups/ communities more adversely because of other decisions the organisation is making. For example, financial impact/poverty, withdrawal of multiple services and whether this is disadvantaging the same groups, e.g., disabled people, older people, single parents (who are mainly women), etc.)*

The Statement of Licensing Policy is a statutory requirement under the Licensing Act 2003 and subject to the provisions of the Statutory Guidance issued by the Home Office under Section 182 of the Act and must be reviewed at least every 5 years to ensure it remains fit for purpose.

The purpose of this policy review is to comply with the statutory requirement and to set out the Council's general approach to decision making and how the Council will carry out its functions as a Licensing Authority to promote the four licensing objectives specified in the Act. These objectives are as follows:

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

This policy statement has four main purposes;

- a. To provide Members of the Licensing Committee with a decision making framework and the policy will be taken into account at each hearing held following the receipt of representations.
- b. To inform applicants of the parameters within which the Authority are able to make licensing decisions and to allow them to take this into account when making applications.

- c. To provide guidance to local residents and businesses of the boundaries within which the Licensing Authority will make licensing decisions. This will assist those parties when making representations in relation to various applications.
- d. To support the Licensing Authority if required, to demonstrate in a court of law how it arrived at its licensing decisions.

### Outcome of Screening

**Q8 Please describe the outcome of your screening below:**

- **Summary of impacts identified and mitigation needed (Q2)**
- **Summary of involvement (Q3)**
- **WFG considerations (Q4)**
- **Any risks identified (Q5)**
- **Cumulative impact (Q7)**

(Q2)The screening identifies that the impact of the review of the statutory Statement of Licensing Policy, by Swansea Council is low to all groups identified in Q2.

(Q3) Consultation on the proposed changes to the Policy will be undertaken with all parties identified in Q3 and all responses received will be considered by Full Council in July 2023.

(Q4) All aspects of the WFG Act principles have been considered and it is of low impact.

(Q5)The potential risks are low to all aspects being considered.

(Q7) This policy review has four main purposes;

- a. To provide Members of the Licensing Committee with a decision making framework and the policy will be taken into account at each hearing held following the receipt of representations;
- b. To inform applicants of the parameters within which the Authority are able to make licensing decisions and to allow them to take this into account when making applications;
- c. To provide guidance to local residents and businesses of the boundaries within which the Licensing Authority will make licensing decisions. This will assist those parties when making representations in relation to various applications;
- d. To support the Licensing Authority if required, to demonstrate in a court of law how it arrived at its licensing decisions.

Therefore, the Statement of Licensing Policy will assist all those involved in licensing applications in Swansea.

(NB: This summary paragraph should be used in the relevant section of corporate report)

Full IIA to be completed

Do not complete IIA – please ensure you have provided the relevant information above to support this outcome

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email.

<b>Screening completed by:</b>
<b>Name:</b> Yvonne Lewis
<b>Job title:</b> Team Leader Licensing
<b>Date:</b> 29/11/22
<b>Approval by Head of Service:</b>
<b>Name:</b>
<b>Position:</b>
<b>Date:</b>

Please return the completed form to [accesstoservices@swansea.gov.uk](mailto:accesstoservices@swansea.gov.uk)

# Agenda Item 11.



## Report of the Cabinet Member for Corporate Service & Performance

Cabinet – 19 January 2023

### Review of the Policy on the Licensing of Sex Establishments

<b>Purpose:</b>	To seek approval for the reviewed Policy on the Licensing of Sex Establishments to be issued for consultation
<b>Policy Framework:</b>	The Licensing of Sex Establishments Policy 2018
<b>Consultation:</b>	Legal, Finance, Access to Services
<b>Recommendation(s):</b>	It is recommended that Cabinet:  1) Agree that the existing “relevant localities” for the purposes of determining applications for sex establishments and the “appropriate number” of sex establishments for each locality are retained;  2) Agree that the policy is issued for consultation prior to reporting back to Council for adoption
<b>Report Author:</b>	Lynda Anthony
<b>Finance Officer:</b>	Peter Keys
<b>Legal Officer:</b>	Craig Davies
<b>Access to Services Officer:</b>	Rhian Millar

#### 1.0 Background

- 1.1 Sex Establishment Licences are issued under the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (the 1982 Act). There are three types of sex establishment in the 1982 Act, these are sexual entertainment venues (SEVs), sex cinemas and sex shops. (Relevant definitions associated with sex establishments can be found in the policy attached at Appendix A).
- 1.2 The 1982 Act is adoptive and was adopted by Swansea Council in November 1983. Amended provisions of the 1982 Act were adopted in



February 2011 and as a result, anyone wishing to operate a sex establishment in the Swansea Council area requires a licence.

- 1.3 Following adoption of the legislation Council also adopted a policy on the Licensing of Sex Establishments (the Policy). The most recent policy was adopted by Council on the 26<sup>th</sup> July 2018 and states that a review of the policy will be undertaken within a maximum period of 5 years.

## **2.0 Current Position**

- 2.1 There is currently one premises licensed as sex establishments in Swansea. This is a long standing licence issued to a premises trading as a sex shop.

## **3.0 Current Policy**

- 3.1 The current policy states that the role of the Council as Licensing Authority is to administer the licensing regime in accordance with the law and not in accordance with any moral standing, recognising that Parliament has made it lawful to operate this type of establishment.
- 3.2 The aim of the Policy is to provide guidance for prospective applicants, existing licence holders, those who may wish to object to an application and members of the Licensing Committee when determining an application.
- 3.3 Whilst it is clear that each application will be dealt with on its own merits, the Policy gives prospective applicants an early indication as to whether their application is likely to be granted or not.
- 3.4 The Policy also details the legislative controls that can be exercised over sex establishments. These include both the mandatory and discretionary grounds for refusal of a licence and attaching conditions to any licence issued.

## **4.0 Review of the Policy**

- 4.1 Officers have undertaken a review of the Policy and it is considered that no changes are necessary as the Policy remains relevant and fit for purpose.

## **5.0 Matters for Consideration**

- 5.1 A local authority may refuse an application for the grant or renewal of a licence for a sex establishment on a number of mandatory and discretionary grounds specified in the 1982 Act. The discretionary grounds include:
  - a) that the number of sex establishments, or sex establishments of a particular kind, in the relevant locality at the time the

application is made is equal to or exceeds the number which the authority consider is appropriate for the locality;

- b) the grant would be inappropriate having regard to –
  - i) the character of the relevant locality;
  - ii) the use to which any premises in the vicinity are put;
  - iii) the layout, character or condition of the premises, vehicle, vessel or stall in respect of when the application is made.

5.2 The Council may determine an “appropriate number” of sex establishments for the “relevant locality” and nil may be an appropriate number where the character of an area is considered to be unsuitable for the siting of a sex establishment.

5.3 The Council previously determined the “relevant localities” for the purposes of determining applications as “*the City Centre area*” and “*outside the City Centre*”, as defined on the map in Appendix A.

5.4 The Council considered the character of its relevant localities and determined the following as appropriate numbers of sex establishments:

- i) The appropriate number of sex establishments outside the City Centre area will be nil unless varied by the Council.

- ii) The appropriate number of sexual entertainment venues in the City Centre area will be nil unless varied by the Council.

5.5 The Council also agreed that “vicinity” will be determined in the circumstances of each case, having regard to the Policy.

5.6 It is considered that the existing “relevant localities” for the purposes of determining applications for sex establishments and the existing “appropriate number” of sex establishments for each locality are still relevant for considering applications and it is proposed that they are retained within the Policy.

5.7 It should be noted however that each case must be considered on its individual merits. It is not open to an authority to refuse to consider an application, even one which does not comply with its policy and consideration must be given to whether the particular facts of the case warrant an exception to the Policy.

## **6.0 Integrated Assessment Implications**

6.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts;
- Advance equality of opportunity between people who share a protected characteristic and those who do not;
- Foster good relations between people who share a protected characteristic and those who do not;
- Deliver better outcomes for those people who experience socio-economic disadvantage;
- Consider opportunities for people to use the Welsh language;
- Treat the Welsh language no less favourably than English; and
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

6.2 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the ‘well-being goals’.

6.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

6.4 The role of the Council as Licensing Authority is to administer the licensing regime in accordance with the law and not in accordance with any moral standing, recognising that Parliament has made it lawful to operate this type of establishment. The screening identifies that the aim of the Policy is to provide guidance for prospective applicants, existing licence holders, those who may wish to object to an application and members of the Licensing Committee when determining an application.

Whilst it is clear that each application will be dealt with on its own merits, the Policy gives prospective applicants an early indication as to whether their application is likely to be granted or not.

The Policy also details the legislative controls that can be exercised over sex establishments. These include both the mandatory and discretionary grounds for refusal of a licence and attaching conditions to any licence issued.

Therefore, the Policy on the Licensing of Sex Establishments will assist all those involved in licensing applications in Swansea.

6.5 The proposed changes identified, if approved will proceed to consultation where members of the public, all members of the licensed trade and associated professions, will have the opportunity to respond, in line with the legislation.

6.6 All aspects of the WFG Act principles were considered and the potential risk is considered to be low. A copy of the completed IIA screening form is attached at **Appendix B**.

## **7.0 Financial Implications**

7.1 There are no financial implications associated with the review of the policy.

## **8.0 Legal Implications**

8.1 A decision to retain nil as an appropriate number can be challenged by Judicial Review. The Council will need to show how the relevant locality, having regard to the character of the area, would be affected by a SEV.

8.2 The Council cannot take any moral stand in adopting the policy.

8.3 Retaining an appropriate number of nil will not prevent applications being made. The Council cannot refuse to accept any application because it has a nil policy.

8.4 Any application will need to be considered on its own merits and whether the particular facts of the case warrant an exception to the policy. Applications must be dealt with objectively and impartially and any refusal has to be non discriminatory, necessary and proportionate. Any refusal will need to be on one or more of the mandatory and / or discretionary grounds. Reasons must be given for any refusal. Even if there is no statutory right to appeal a refusal for a licence, the decision can be challenged by Judicial Review.

8.5 Any decision must not breach Convention rights under the Human Rights Act 1998.

**Background Papers:** Licensing of Sex Establishments Policy 2018

**Appendices:** Appendix A – Proposed Policy on the Licensing of Sex Establishments Policy, 2023  
Appendix B - IIA



# LICENSING OF SEX ESTABLISHMENTS POLICY 2023

# LICENSING OF SEX ESTABLISHMENTS

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## **1. INTRODUCTION**

- 1.1 The former Swansea City Council resolved to adopt the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (the 1982 Act) on 24<sup>th</sup> November 1983 and the provisions came into force from 30<sup>th</sup> January 1984. (The Local Government Wales Act 1994 provided for the transfer of the provisions of this legislation to the City and County of Swansea following Local Government re-organisation in 1996).
- 1.2 Anyone wishing to operate premises in the City and County of Swansea area as a sex establishment requires a licence under the 1982 Act.
- 1.3 A policy on the licensing of sex establishments (the Policy) was agreed by Council on the 29<sup>th</sup> November, 2001
- 1.4 Amended provisions of the 1982 Act were adopted by Council on the 3<sup>rd</sup> February 2011. These amendments introduced the licensing of sexual entertainment venues. Amendments to the Policy were adopted by Council on the 29<sup>th</sup> September 2011, 30<sup>th</sup> July 2013 and the 26<sup>th</sup> July 2018.
- 1.5 The role of the Council in its position as Licensing Authority is to administer the licensing regime in accordance with the law and not in accordance with any moral standing. The Council recognises that Parliament has made it lawful to operate a sex establishment and such businesses are a legitimate part of the retail and leisure industries.
- 1.6 The Council is mindful of the possible concerns of the local community and that there may be conflict between the wishes of an applicant in respect of a licence and those who object to such applications. The aim of this policy is to provide guidance for prospective applicants, existing licence holders, those who may wish to object to an application and Members of the Licensing Committee when making a determination on an application.
- 1.7 While each application will be dealt with on its own merits, this policy gives prospective applicants an early indication as to whether their application is likely to be granted or not and creates a presumption that any application for a sex establishment outside of the city centre area and any application for a sex entertainment venue in the city centre area will normally be refused. It also provides prospective applicants with details of what is expected of them should an application be made.

## 2. DEFINITIONS

In this document the following expressions shall have the following meanings:-

“The 1982 Act” – means the Local Government (Miscellaneous Provisions) Act 1982 as amended.

“The Council” – means the City and County of Swansea.

“The licensed premises” – means any premises, vehicle, vessel or stall licensed under the 1982 Act.

“Licence holder” – means a person who is the holder of a Sex Establishment licence.

“Permitted hours” – means the hours during which the licensed premises are permitted under Regulations 2 and 3 hereof to be open to the public.

“Sex establishment licence” – means a licence granted pursuant to Schedule 3 of the 1982 Act.

The following expressions “Sex Establishment”, “Sexual Entertainment Venue”, “Sex Cinema”, “Sex Shop”, “Sex Article” and “Vessel” shall have the meanings respectively assigned to them by Schedule 3 of the 1982 Act. Included below:

“Sex Establishment” means a “Sexual Entertainment Venue”, “Sex Cinema” or a “Sex Shop”.

“Sexual Entertainment Venue” means any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer”.

“Relevant Entertainment” means any live performance or live nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience, whether by verbal or other means.

“Sex Cinema” means any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which –

- (a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage –
  - i) sexual activity; or
  - ii) acts of force or restraint which are associated with sexual activity; or



- (b) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions but does not include a dwelling-house to which the public is not admitted.

“Sex Shop” means any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating –

- (a) sex articles; or
- (b) other things intended for use in connection with, or for the purpose of stimulating or encouraging –
  - i) sexual activity; or
  - ii) acts of force or restraint which are associated with sexual activity.

“Sex Article” means –

- (a) anything made for use in connection with, or for the purpose of stimulating or encouraging –
  - i) sexual activity; or
  - ii) acts of force or restraint which are associated with sexual activity; and
- (b) anything to which the sub-paragraph below applies.

This sub-paragraph applies-

- (a) to any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and
- (b) to any recording of vision or sound, which –
  - i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
  - ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

### **3. POLICY GUIDELINES**

3.1 The 1982 Act enables local authorities to exercise control over sex establishments in various ways. There are five mandatory grounds and four discretionary grounds for refusal of a sex establishment licence.

3.2 The mandatory grounds for refusal of an application are that the applicant:

- a. is under 18 years of age.
- b. is for the time being disqualified from holding a sex establishment licence;

- c. is not a body corporate and is not resident or has not been resident in an EEA state for 6 months immediately preceding the date of the application;
- d. is a body corporate which is not incorporated in an EEA state;
- e. has in the period of 12 months preceding the date of the application been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

3.3 The Discretionary Grounds for Refusal of an application are that:

- a) the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;
- b) if the licence were to be granted, the business to which it relates would be managed by or carried on by or carried on for the benefit of a person, other than the applicant, who would be refused the grant of such a licence if he made the application himself;
- c) the number of sex establishments, or sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for the locality;
- d) the grant would be inappropriate having regard to –
  - i) the character of the relevant locality;
  - ii) the use to which any premises in the vicinity are put;
  - iii) the layout, character or condition of the premises, vehicle, vessel or stall in respect of when the application is made.

3.4 In respect of paragraph 3.3 c) above, the local authority may determine an “appropriate number” for the “relevant locality”. Nil may be an “appropriate number” where the character of the area is considered to be unsuitable for the siting of a sex establishment.

3.5 The Council has determined that the “relevant localities” for the purposes of determining applications are “the City Centre area” and “outside the City Centre”, as defined on the map in Appendix A. At the boundary of the city centre area, all premises that front onto the street at the boundary will be included in the “city centre area.”

3.6 The Council has considered the character of its relevant localities and has determined the following as appropriate numbers of sex establishments:

i) The appropriate number of sex establishments outside the City Centre area will be nil unless varied by the Council.

ii) The appropriate number of sexual entertainment venues in the City Centre area will be nil unless varied by the Council

3.7 A local authority may refuse an application for the grant or renewal of a licence on the grounds that it is considered inappropriate, having regard to the character of the relevant locality and the use to which any premises in the vicinity are put. The Council has determined the relevant localities as defined in 3.5 above. Vicinity will be determined in the circumstances of each case

3.8 In exercising its discretion the Council will take into account the following and as a general rule there will be a presumption against the licensing of a sex establishment if it is near to:

- i) schools or other facilities frequented by children, such as play areas, nurseries, playgroups and children's centres;
- ii) cultural facilities such as museums, theatres and cinemas;
- iii) historic buildings and tourist attractions;
- iv) facilities frequented primarily by women such as well woman clinics, women's refuges;
- v) places of worship;
- vi) public leisure facilities such as leisure centres, swimming pools, parks and open spaces;
- vii) family shopping areas;
- viii) community buildings such as community centres, libraries and drop in centres;
- ix) places used by vulnerable persons such as hostels and other adult social care facilities;
- x) residential premises;
- xi) hospitals and other medical facilities
- xii) other sex establishments

3.9 In respect of the layout/character or condition of the premises for which the application is made considerations would include health and safety issues, provision of electrical certificates, fire safety matters, provision

of sanitary accommodation, whether the premises can be effectively supervised, whether private booths are provided and how the premises is fitted out

3.10 A local authority may grant a licence subject to such terms and conditions and restrictions as it considers necessary. This enables a considerable degree of control to be exercised and relates to the management of the premises, opening times of the premises, fire safety, external appearance, age restrictions, etc. The Standard Conditions of Licence for a Sex Establishment shall be those included in this document at Appendix B.

3.11 Each individual application for a licence for a sex establishment will be considered on its merits. Where an appropriate number has been set for a particular locality the Council will consider whether the facts of the case warrant an exemption to the policy.

3.12 The Licence application procedure is specified in the Local Government (Miscellaneous Provisions) Act 1982 and includes the giving of notice of application, publicity and the provision of certain particulars:-

- i) Applicants are required to make an application, in writing, on the Council's application form, to the licensing authority and not later than 7 days after the date of application, to send a copy to the Chief Officer of Police;
- ii) Applicants must advertise their applications and this must be in a prescribed form. In all cases, public notice must be given by the publication of an advertisement in a local newspaper not later than 7 days after the date of the application and where the application relates to a premises also by notice attached on or near the premises, where it can be read. This notice must be displayed for 21 days beginning with the date of application.

3.13 When an application is made the licensing authority will undertake consultations with the following agencies/departments of the local authority:-

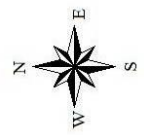
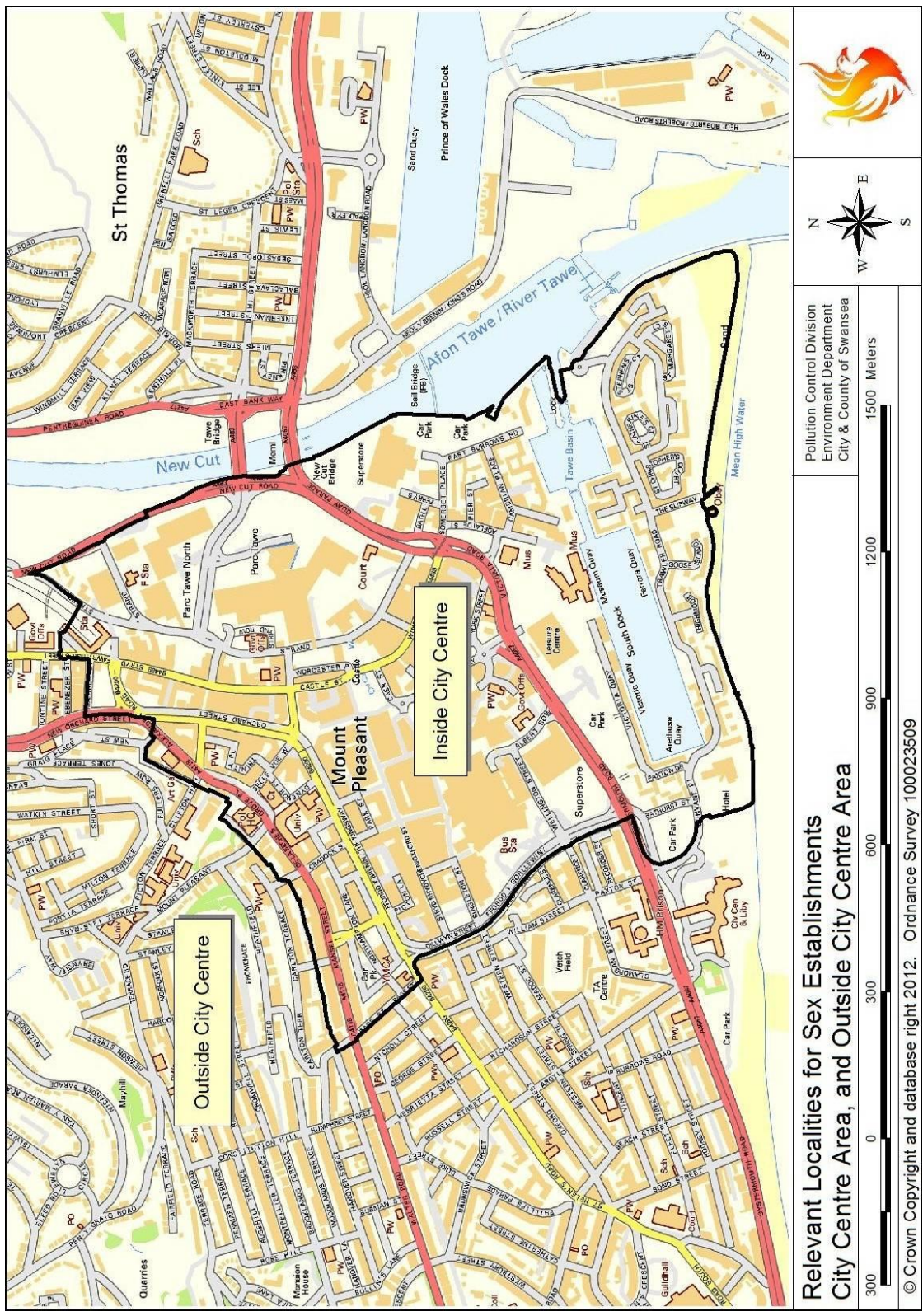
- a) Police;
- b) Fire Authority;
- c) Ward Members;
- d) Planning Department;
- e) Corporate Properties;
- f) City Centre Manager (for City Centre Applications Only).

3.14 On receipt of representations and/or consultation responses, the application will be reported to the Licensing Committee for decision. Details of the representations and/or consultation responses will be

provided to the applicant. The names and addresses of the objectors will be redacted unless the objectors give their consent for this information to be released.

- 3.15 The Committee will receive observations on the issues outlined in paragraphs 3.1. – 3.3 of this policy guideline.
- 3.16 The Committee and the applicants will be made aware of any objections received and the applicant will be given the opportunity to address the Committee. Any objectors will also be given the opportunity to address the Committee.
- 3.17 Following consideration of all the relevant factors, the Committee will then determine the application.
- 3.18 All new applications and any contested renewals, transfers or variations will be determined by the Licensing Committee.
- 3.19 The Council may, from time to time and at a maximum period of 5 yearly, review the contents of this Policy, the “relevant localities” for the purposes of determining applications for sex establishments and the “appropriate number” for each relevant locality.
- 3.20 The relevant fees must accompany any application submitted. Details of the fees will be provided to the applicant with the application form.

City Centre Area



Pollution Control Division  
Environment Department  
City & County of Swansea

Relevant Localities for Sex Establishments  
City Centre Area, and Outside City Centre Area

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## REGULATIONS PRESCRIBING STANDARD CONDITIONS

The City and County of Swansea, in exercise of the powers conferred upon them by paragraph 13 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 and of all other powers enabling them in that behalf make the following Regulations.

### Definitions

1. (a) In these Regulations the following expressions that is to say “Sex Establishment”, “Sex Shop”, “Sex Cinema”, “Sexual Entertainment Venue”, “Sex Article”, and “Vessel” shall have the meanings respectively assigned to them by Schedule 3 of the Act.
- (b) In these Regulations the following expressions shall have the meanings hereby respectively assigned to them namely:

“the Act” -	means the Local Government (Miscellaneous Provisions) Act 1982.
“the Council” -	means City and County of Swansea.
“the licensed premises” -	means any premises, vehicle, vessel or stall licensed under the Act.
“Licence Holder” -	means a person who is the holder of a sex establishment licence.
“Sex Establishment”	means a sexual entertainment venue, sex cinema or sex shop.
“Sex Establishment Licence”	means a licence granted pursuant to Schedule 3 of the Act.
“Display of nudity”	means in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and in the case of a man, exposure of his pubic area, genitals or anus.
“Approval of the Council”, or “Consent of the Council” -	means the approval or consent of the Licensing Authority.
“Approved” -	means approved by the Licensing Authority in writing.



## **General**

2. In the event of a conflict between these Regulations and any special conditions contained in a licence relating to a Sex Establishment the special conditions shall prevail.
3. The grant of a licence for a Sex Establishment shall not be deemed to convey any approval or consent which may be required under any enactment bye-law order or regulation other than the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982 as amended.
4. The Council reserves the right to amend, delete or add conditions at any time if deemed appropriate.
5. The holder of a Sex Establishment Licence shall observe such regulations and conditions as may be approved by the Council from time to time.
6. No person previously convicted of:
  - an offence connected to a Sex Establishment either licensed or unlicensed.
  - a sexual offence.
  - an offence relating to the sale of restricted 18 videos may be employed at the premises or be involved in supplying entertainment or goods at the premises.

## **Times of Operation**

7. Except with the previous consent of the Council a Sex Establishment shall not be open to the public before 9am and shall not be kept open after 8pm.
8. Except with the previous consent of the Council a Sex Establishment shall not be open on Sundays, Good Friday and Christmas Day.

## **Conduct and Management of Sex Establishments**

9. Where the Licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Licensing Authority within fourteen days of such change and such written details as the Licensing Authority may require in respect of any new director, secretary or manager are to be furnished within fourteen days of a request in writing from the Licensing Authority.
10. The Licensee or some responsible person nominated by the Licensee in writing for the purpose of managing the Sex Establishment in the Licensee's absence and of whom details have been supplied to and



approved in writing by the Licensing Authority shall be in charge of and upon the Premises during the whole time they are open to the Public.

11. The name of the person responsible for the management of a Sex Establishment, whether the Licensee or a manager approved by the Licensing Authority shall be prominently displayed within the Sex Establishment throughout the period during which that person is responsible for its conduct.
12. The Licensee shall maintain a daily register in which shall be recorded the name and address of any person who is to be responsible for managing the Sex Establishment in the Licensee's absence and the names and addresses of those employed in the Sex Establishment.
13. The register shall contain details of the age verification method to ensure that employees are aged 18 years or over.
14. The Register is to be completed each day within thirty minutes of the Sex Establishment opening for business and is to be available for inspection by the Police and by authorised officers of the Licensing Authority.
15. Copies of the licence and the conditions attached to the licence shall be clearly displayed so that every person entering the premises can see a copy of both the licence and the conditions.
16. The Licensee shall retain control over all portions of the Premises and shall not let, licence or part with possession of any part of the Premises.
17. The Licensee shall maintain good order in the Premises. Any incidents, in particular assaults and violent crime, shall be recorded in an incident book and immediately reported to the Police.
18. No person under the age of 18 shall be admitted to the Premises or employed in the business of a Sex Establishment.
19. A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.
20. A Challenge 25 proof of age scheme, shall be operated at the premises where the only acceptable forms of identification shall bear their photograph, date of birth and a holographic mark.
21. A log shall be kept detailing all refused entries. The log shall include the date and time of the refused entry and the name of the member of

staff who refused the entry. The log shall be available for inspection at the premises by an Authorised Officer of the Council or the Police.

22. The Licensee shall keep up to date records of staff training in respect of age related matters. These records shall be available for inspection at the premises by an Authorised Officer of the Council or the Police.
23. The Licensee shall ensure that the public is not admitted to any part or parts of the Premises other than those which have been approved by the Licensing Authority.
24. Neither the Licensee nor any employee or other person shall seek to obtain custom for the Sex Establishment by means of personal solicitation outside or in the vicinity of the Premises.
25. No tickets shall be sold and no admission money taken in a place to which members of the public, other than permitted customers of the Sex Establishment, have access.
26. The licensee shall ensure that the premises are not used by prostitutes, of any gender, for soliciting or any immoral purposes.
27. No leaflet, card, paper, advertising sheet or similar matter promoting the establishment or any goods or service offered by the establishment shall be distributed in the vicinity of the establishment or published in newspapers or magazines for under 18's, unless authorisation/ consent is first granted in writing by the City and County of Swansea.
28. The licensee shall make staff available to ensure good order and free passage for customers on access and egress routes and car parks belonging to the licensee.
29. The licensee shall prevent the sale, display for sale or offer for sale of any article, goods or service on access or egress routes and car parks belonging to the licensee.
30. No dancing or other entertainment of a like kind shall be provided or permitted unless authorised by the Council.
31. Only merchandise which is legally available in Great Britain from retail outlets, mail order companies or party planners may be sold, hired, loaned or supplied, displayed, advertised or demonstrated at the establishment.

## **Use**

32. A Sex Shop shall be conducted primarily for the purpose of the sale of goods by retail.

33. No change of use of any portion of the Premises from that approved by the Licensing Authority shall be made until the consent of the Licensing Authority has been obtained thereto.
34. No change from a sex cinema to a sex shop or from a sex shop to a sex cinema shall be effected without the consent of the Licensing Authority.
35. Neither Sex Articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a sex cinema.

### **Goods available in Sex Establishments**

36. All Sex Articles and other things displayed for sale, hire, exchange or loan within a Sex Shop shall be clearly marked to show to persons who are inside the Sex Shop the respective prices being charged.
37. All printed matter, films and video films offered for sale, hire, exchange or loan shall be openly displayed and available for inspection prior to purchase and a notice to this effect is to be prominently displayed within the Sex Establishment.
32. No film or video film shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification or such other authority performing a similar scrutinising function as may be notified to the Licensee by the Licensing Authority, and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video film so certified.
39. The Licensee shall without charge display and make available in the Sex Establishment such free literature on counselling on matters related to sexual problems, including available literature on sexual violence and domestic abuse, as may be published by the Family Planning Association and by such other similar organisations as may be specified and in particular any such material relating to AIDS as may be supplied by the Licensing Authority. Such literature is to be displayed in a prominent position.

### **External Appearance**

40. Warning signs as specified in the Indecent Displays (Control) Act 1981 must be clearly exhibited at the entrance to the premises.
41. No display, advertisement, word, letter model, sign, placard, board, notice, device, representation, drawing, writing or similar matter shall be displayed outside the premises without the written permission of

City and County of Swansea, except for those signs or notices that are required to be displayed by these licence conditions.

42. Any charge for entering the premises shall be clearly and legibly displayed outside the premises so that all persons can read it before entering the premises.
43. The entrance to the premises shall be so designed and constructed as to prevent persons outside the premises having a view of the interior.
44. All windows must be dressed or designed so as to prevent persons outside the premises having a view of the interior.
45. No window shall contain any sign, advertising material, goods or display likely to cause an offence to persons passing the window.

### **State, Condition and Layout of the Premises**

46. Lighting in all parts of the premises must be in operation continuously during the whole time the premises are open as a sex establishments.
47. The premises shall be maintained in good repair and condition.
48. All parts of the Premises shall be kept in a clean and hygienic condition to the satisfaction of the Council.
49. Doors and openings which lead to parts of the premises which are not open to the public shall be clearly marked "staff only" or by some other sign that deters the public from using such doors or openings.
50. The external doors to the Sex Establishment shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
51. The Licensee shall make provision in the means of access both to and within the Sex Establishment for the needs of members of the public visiting the establishment who are disabled.
52. All exhibits, displays, demonstrations and like activities must be open and available to all customers at no charge other than any initial entrance fee to the establishment and there shall be no individual cubicles or rooms designed to accommodate individual persons or groups of persons where exclusive demonstrations, displays, exhibits or similar activities may take place, unless authorisation/consent is first granted by the Council.
53. The Licensee shall take all reasonable precautions for the safety of the public and employees.

54. The Licensee shall comply with any fire prevention and safety measures that may be required by the Council and or Mid and West Wales Fire Authority and shall maintain and keep available for use all specified fire fighting equipment and extinguishers.
55. No alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the Premises shall be made except with the prior approval of the Licensing Authority.

**CONDITIONS OF LICENCE RELATING TO A SEXUAL ENTERTAINMENT VENUE PROVIDING ENTERTAINMENTS INVOLVING THE PROVISION OF LAP DANCING, TABLE SIDE DANCING AND ANY OTHER ENTERTAINMENT INVOLVING STRIPTEASE AND/OR NUDITY**

1. Total nudity shall only be permitted on a designated stage and at no other place in the premises.
2. No sex act shall take place.
3. The area proposed for striptease (involving complete nudity) shall:
  - a. be in a position where the performance cannot be seen from the street.
  - b. Be in a designated area of the premises with segregation from the audience.
  - c. Be in a position where the performers will have direct access to the dressing room without passing through or in close proximity to the audience.
4. The area proposed for lap dancing, table side dancing (involving partial nudity) shall be in a position where the performance cannot be seen from the street.
5. There shall be no physical contact between persons appearing on stage and the audience. The entertainment shall be given only by performers/entertainers and the audience shall not be permitted to participate.
6. Persons appearing on stage should have direct access to the dressing room without passing through or in close proximity to the audience.
7. Lap dancers/table side dancers must immediately dress at the conclusion of each performance.
8. The licensee, performer and any person concerned in the organisation or management of the entertainment shall not encourage, or permit encouragement of the audience to throw money at or otherwise give gratuities to the performers (except as permitted by condition 10 below).
9. Entertainment provided by topless dancers to customers seated at tables may only take part in those parts of the premises approved by the Council. No audience participation shall be permitted.
10. There shall be no physical contact between customers and the dancers except for the placing of money or tokens into the hands of the dancer at the beginning or conclusion of the performance. Whilst

the dancers are performing there shall be a minimum distance of one metre between the dancer and the seated customers. Notices to this effect shall clearly be displayed at each table and at the entrance to the premises.

11. Should a customer attempt to touch a dancer, the dancer must withdraw and report the matter to her/his manager/supervisor.
12. There shall be no physical contact between dancers whilst performing.
13. The topless dancers shall at all times wear a g-string or similar piece of clothing that covers the appropriate part of the body.
14. The Licensee will immediately deal with any report of contact, misconduct or provocation by a customer or dancer.
15. No telephone number, address or information leading to any further meeting may be passed from customer to dancer or vice versa.
16. No dancer may perform if they are intoxicated.
17. No member of the public shall be admitted or allowed to remain in the dance area if they appear to be intoxicated.
18. All members of the public shall remain seated in the dance area other than when they arrive, depart, visit the toilet or go to the bar.
19. Members of the public should not be permitted to congregate in the bar area.
20. Signs must be displayed at the entrance to the dance area stating:  
  
"Any customer attempting to make physical contact with a dancer will be asked to leave."
21. No dancer shall perform any sexually explicit or lewd act.
22. Whilst dancing takes place not less than... (insertion of an agreed number)... of licensed door supervisors shall be employed in the part of the premises used for dancing unless alternative arrangements are approved by the Council.
23. a. CCTV shall be installed to cover all areas where dancing will take place. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 28 days with time and date stamping.

- b. Tape recordings shall be made available to an authorised officer of the Council or a Police Officer together with facilities for viewing.
  - c. The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice.
24. External smoking areas for customers and performers shall be located at the premises where there is no access by the public. Smoking areas for customers shall be separated from smoking areas for performers to avoid any physical and verbal contact.



Please ensure that you refer to the Screening Form Guidance while completing this form.

**Which service area and directorate are you from?**

Service Area: Licensing – Housing and Public Health

Directorate: Place

**Q1 (a) What are you screening for relevance?**

- New and revised policies, practices or procedures
- Service review, re-organisation or service changes/reductions, which affect the wider community, service users and/or staff
- Efficiency or saving proposals
- Setting budget allocations for new financial year and strategic financial planning
- New project proposals affecting staff, communities or accessibility to the built environment, e.g., new construction work or adaptations to existing buildings, moving to on-line services, changing location
- Large Scale Public Events
- Local implementation of National Strategy/Plans/Legislation
- Strategic directive and intent, including those developed at Regional Partnership Boards and Public Services Board, which impact on a public bodies functions
- Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans)
- Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy)
- Major procurement and commissioning decisions
- Decisions that affect the ability (including external partners) to offer Welsh language opportunities and services

**(b) Please name and fully describe initiative here:**

**Sex Establishment Licences are issued under the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. The 1982 Act is adoptive and was adopted by Swansea Council in November 1983. Amended provisions of the 1982 Act were adopted in February 2011 and as a result, anyone wishing to operate a sex establishment in the Swansea Council area requires a licence. Following adoption of the legislation Council also adopted a policy on the Licensing of Sex Establishments. The most recent policy was adopted by Council on the 26th July 2018 and states that a review of the policy will be undertaken within a maximum period of 5 years. Officers have undertaken a review of the Policy and it is considered that no changes are necessary as the Policy remains relevant and fit for purpose. The existing policy will be issued for consultation prior to adoption by Council.**

**Q2 What is the potential impact on the following: the impacts below could be positive (+) or negative (-)**

	High Impact		Medium Impact		Low Impact		Needs further investigation
	+	-	+	-	+	-	
Children/young people (0-18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Older people (50+)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any other age group	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Future Generations (yet to be born)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race (including refugees)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Asylum seekers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gypsies & travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Religion or (non-)belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community cohesion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Q3 What involvement has taken place/will you undertake e.g. engagement/consultation/co-productive approaches? Please provide details below – either of your activities or your reasons for not undertaking involvement**

In reviewing the policy, the Licensing Authority will consult the persons specified as follows:

- South Wales Police;
- Mid & West Wales Fire Authority;
- Licence holders;
- Licensing Solicitors;
- Local Authority Members;
- Community Councils;
- Representatives of other Council functions including:
  - Planning Services
  - City Centre Management
  - Social Services
  - Pollution Control
  - Health and Safety
  - Trading Standards

**Q4 Have you considered the Well-being of Future Generations Act (Wales) 2015 in the development of this initiative:**

- a) Overall does the initiative support our Corporate Plan’s Well-being Objectives when considered together?  
 Yes  No
- b) Does the initiative consider maximising contribution to each of the seven national well-being goals?  
 Yes  No
- c) Does the initiative apply each of the five ways of working?  
 Yes  No
- d) Does the initiative meet the needs of the present without compromising the ability of future generations to meet their own needs?  
 Yes  No

**Q5 What is the potential risk of the initiative? (Consider the following impacts – equality, socio-economic, environmental, cultural, legal, financial, political, media, public perception etc...)**

High risk

Medium risk

Low risk

**Q6 Will this initiative have an impact (however minor) on any other Council service?**

Yes

No

If yes, please provide details below

**Q7 ~~What is the cumulative impact of this proposal on people and/or communities when considering all the impacts identified within the screening and any other key decisions affecting similar groups/ service users made by the organisation?~~**

*(You may need to discuss this with your Service Head or Cabinet Member to consider more widely if this proposal will affect certain groups/ communities more adversely because of other decisions the organisation is making. For example, financial impact/poverty, withdrawal of multiple services and whether this is disadvantaging the same groups, e.g., disabled people, older people, single parents (who are mainly women), etc.)*

The Policy states that the role of the Council as Licensing Authority is to administer the licensing regime in accordance with the law and not in accordance with any moral standing, recognising that Parliament has made it lawful to operate this type of establishment.

The aim of the Policy is to provide guidance for prospective applicants, existing licence holders, those who may wish to object to an application and members of the Licensing Committee when determining an application.

Whilst it is clear that each application will be dealt with on its own merits, the Policy gives prospective applicants an early indication as to whether their application is likely to be granted or not.

The Policy also details the legislative controls that can be exercised over sex establishments. These include both the mandatory and discretionary grounds for refusal of a licence and attaching conditions to any licence issued.

### Outcome of Screening

**Q8 Please describe the outcome of your screening below:**

- **Summary of impacts identified and mitigation needed (Q2)**
- **Summary of involvement (Q3)**
- **WFG considerations (Q4)**
- **Any risks identified (Q5)**
- **Cumulative impact (Q7)**

(Q2)The screening identifies that the impact of the review of the Policy on the Licensing of Sex Establishments by Swansea Council is low to all groups identified in Q2.

(Q3) Consultation on the proposed changes to the Policy will be undertaken with all parties identified in Q3 and all responses received will be considered by Full Council in July 2023.

(Q4) All aspects of the WFG Act principles have been considered and it is of low impact.

(Q5)The potential risks are low to all aspects being considered.

(Q7) The aim of the Policy is to provide guidance for prospective applicants, existing licence holders, those who may wish to object to an application and members of the Licensing Committee when determining an application.

Whilst it is clear that each application will be dealt with on its own merits, the Policy gives prospective applicants an early indication as to whether their application is likely to be granted or not.

The Policy also details the legislative controls that can be exercised over sex establishments. These include both the mandatory and discretionary grounds for refusal of a licence and attaching conditions to any licence issued.

Therefore, the Policy on the Licensing of Sex Establishments will assist all those involved in licensing applications in Swansea.

(NB: This summary paragraph should be used in the relevant section of corporate report)

- Full IIA to be completed
- Do not complete IIA – please ensure you have provided the relevant information above to support this outcome

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email.

<b>Screening completed by:</b>
<b>Name: Lynda Anthony</b>
<b>Job title: Food and Safety, Licensing, Port Health &amp; Trading Standards Manager</b>
<b>Date: 6/12/22</b>
<b>Approval by Head of Service:</b>
<b>Name:</b>
<b>Position:</b>
<b>Date:</b>

Please return the completed form to [accesstoservices@swansea.gov.uk](mailto:accesstoservices@swansea.gov.uk)

# Agenda Item 12.



## Report of the Cabinet Member for Corporate Service & Performance

Cabinet – 19 January 2023

### Proposal to Publish Cumulative Impact Assessment – City Centre

<b>Purpose:</b>	To seek agreement for the draft Cumulative Impact Assessment to be issued for consultation.
<b>Policy Framework:</b>	Licensing Act 2003 Statement of Policy for Licensing
<b>Consultation:</b>	Access to Services, Finance, Legal
<b>Recommendation(s):</b>	It is recommended that Cabinet:  1) Agree the proposed draft of the Cumulative Impact Assessment to be issued for consultation
<b>Report Author:</b>	Lynda Anthony
<b>Finance Officer:</b>	Peter Keys
<b>Legal Officer:</b>	Craig Davies
<b>Access to Services Officer:</b>	Rhian Millar

#### 1.0 Background

- 1.1 Cumulative impact is the potential impact on the promotion of the licensing objectives, of a significant number of licensed premises concentrated in one area e.g. the potential impact on crime and disorder or public nuisance.
- 1.2 The concept of Cumulative Impact has been described within the Home Office Guidance (the Guidance) and used by licensing authorities since the commencement of the Licensing Act 2003 (the 2003 Act).

- 1.3 Swansea Council first adopted a special policy on Cumulative Impact in 2013, for specific areas in the city centre, based mainly on evidence provided by South Wales Police on the levels of crime and disorder in the area. This was reviewed in 2017 and amendments made, as it was recognised that certain types of premises, due to their nature, would not add to existing cumulative impact.
- 1.4 The Cumulative Impact policy (CIP), formed part of the Statement of Licensing Policy (the Policy), which was last reviewed in July 2018. A copy of the extract from Policy, relating to the previous CIP is attached at **Appendix A**.

## **2.0 Current Position**

- 2.1 The position regarding cumulative impact has changed since the last review of the CIP was undertaken. The Policing and Crime Act 2017 amended the 2003 Act and placed 'Cumulative Impact Assessments' on a statutory footing by introducing paragraph 5a of the Licensing Act 2003. This amendment came into force on 6th April 2018 and replaced CIPs.
- 2.2 As CIPs were not originally part of the 2003 Act, there were no transitional provisions that applied to CIPs that were in place prior to April 2018. The Guidance recommended that existing CIPs should be reviewed within three years of the commencement of the legislation on CIAs or when the Policy was next due for review. The review date for the Policy is July 2023 so the CIP was due to be reviewed in April 2021. Due to the Covid-19 pandemic the review did not take place as planned and the CIP lapsed as a result.

## **3.0 Proposed Cumulative Impact Assessment**

- 3.1 A Cumulative Impact Assessment (CIA) may be published by a Licensing Authority to help limit the number or type of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives.
- 3.2 A request has been received from South Wales Police that the Licensing Authority publish a CIA in relation to the areas that were previously covered by the CIP and in line with the provisions that were previously in place. Updated evidence on levels of crime and disorder, to support this request, has been submitted and is attached at **Appendix B**.
- 3.3 In summary, the information submitted by SWP provides an assessment of the operation of the evening and night time economy (ENTE) in the city centre areas previously subject to the CIP, information on current policing requirements, the operation of the help

point, the work of other agencies in the city centre in promoting public safety, trends in all aspects of crime, including violent crimes and anti-social behaviour, the impact of covid on the ENTE, together with conclusions in relation to the introduction of a CIA for the city centre areas specified.

- 3.4 Recent analysis of statistics available for Wind Street and the surrounding area shows that between 2017 and 2022 there has been a 25% decrease in recorded crime (810–608), with the busiest period being between 10pm and 4am, a 33% decrease in violent crime (409-271), the busiest period being between 10pm and 4am and anti-social behaviour shows a 39% decrease (302-183), the highest numbers are recorded between 8pm and 9pm and 10pm and 3am. There was a significant decrease in each of the crime figures recorded during the main period of the covid pandemic in 20/21.
- 3.5 Recent analysis of statistics available for the Kingsway and surrounding areas shows that between 2017 and 2022 there has been a 43% decrease in recorded crime (358-203), a 45% decrease in violent crime (177-94) and a 31% decrease in anti-social behaviour (80-55).
- 3.6 Recent analysis of the statistics available for High Street and College Street shows that between 2017 and 2022 there has been a 3% decrease in recorded crime (132-128), a 17% decrease in violent crime (54-45) and a 37% reduction in anti-social behaviour 27-17 but with a considerable spike in numbers of 48 in 2018/19, 72 in 2019/20 and 88 in 2020/21 before falling back to much lower levels in 21/22.
- 3.7 The evidence provided also indicates that the decrease in crimes recorded, in each of the areas identified, could be attributed to the success of the previous CIP. In addition, the Covid years 2020/21 highlight the dramatic effect of ENTE activity on crime and disorder. Significantly less ENTE activity equals significantly less police demand. SWP confirms that they support the introduction of a CIA to reflect the previous provisions and application of the now lapsed CIP, without amendment.
- 3.8 Having regard to the submission from SWP, it is proposed that the draft CIA attached at **Appendix C** is issued for consultation.

#### **4.0 Integrated Assessment Implications**

- 4.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts;

- Advance equality of opportunity between people who share a protected characteristic and those who do not;
  - Foster good relations between people who share a protected characteristic and those who do not;
  - Deliver better outcomes for those people who experience socio-economic disadvantage;
  - Consider opportunities for people to use the Welsh language;
  - Treat the Welsh language no less favourably than English; and
  - Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 4.2 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the ‘well-being goals’.
- 4.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.
- 4.4 The screening identifies that any applicant wishing to apply for the grant or variation of a premises licence/club premises certificate in an area where the CIA applies will be required to give consideration to potential cumulative impact issues when setting out the steps that they will take to promote the licensing objectives as part of their application. The application, including the proposed steps to promote the licensing objectives, will be considered by the Licensing Authority and the other Responsible Authorities, who will each determine whether or not to make representations in response to the application. The Licensing Committee will consider and determine any application that is subject to representations on its merits, having regard to their duty to promote the Licensing Objectives.
- 4.5 The proposed changes identified, if approved, will proceed to consultation where members of the public, all members of the licensed trade and associated professions, will have the opportunity to respond, in line with the legislation.
- 4.6 All aspects of the WFG Act principles were considered and the potential risk is considered to be low. A copy of the completed IIA screening form is attached at **Appendix D**.



## **5.0 Legal Implications**

- 5.1 The publication of the CIA does not change the fundamental way that decisions are made under the Licensing Act 2003. The Licensing Authority will make all decisions on applications within the cumulative impact area on a case-by-case basis and with a view to what is appropriate to promote the licensing objectives.
- 5.2 It is not sufficient simply that there is a heavy concentration of licensed premises in the area, there must be an evidential basis demonstrating the cumulative impact of the concentration. An authority needs to consider the evidence and be satisfied that it is appropriate to publish a CIA.
- 5.3 After publishing a CIA, the licensing authority must, within three years, consider if it remains of the opinion set out in the assessment and must consult the persons listed in the Act.
- 5.4 Deficiencies in the consultation process and/or publishing a CIA can be challenged by way of Judicial Review. Any refusal of an application in an area covered by a CIA can be appealed to the Magistrates Court.
- 5.5 As the publication of a CIA under the 2003 Act is a new consideration and must follow specific steps before a decision can be reached, it is appropriate that this is the subject of a separate report from the statutory review of the Statement of Licensing Policy.

## **6.0 Financial Implications**

- 6.1 There are no financial implications.

**Background Papers:** Licensing Act 2003, Home Office - Statutory Guidance Statement of Policy for Licensing 2018

**Appendices:** Appendix A – Extract from Statement of Licensing Policy 2018

Appendix B - Evidence from South Wales Police

Appendix C – Draft Cumulative Impact Assessment

Appendix D – IIA Screening Form

**6. CUMULATIVE IMPACT AND SPECIAL POLICY**

- 6.1 Cumulative impact means, for the purposes of this policy, the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. Cumulative Impact Policies (CIP) may relate to premises licensed to carry on any licensable activity, including the sale of alcohol for consumption on or off the premises and the provision of late night refreshment. This includes late night fast food outlets which are not licensed to sell alcohol.
- 6.2 There can be confusion about the difference between “need” and the “cumulative impact” of premises on the licensing objectives. The Council when acting as a Licensing Authority will not take into consideration “need”. This is a matter for the Council in its role as a Planning Authority and for the market.
- 6.3 In relation to the grant or variation of a premises licence or club premises certificate the licensing authority will consider representations from a “responsible authority” or “Other Persons” regarding cumulative impact. A list of Responsible Authorities can be found at paragraph 20 of this policy.
- 6.4 A relevant representation from a “responsible authority” or “Other Person” regarding cumulative impact must provide clear evidence that there will be exceptional problems of disorder and nuisance over and above the impact of the individual premises itself.
- 6.5 The Licensing Authority will in such cases, take into account the issue of cumulative impact but this will be addressed in the context of the individual merits of any application. Where it is considered that a licence or certificate is unlikely to add to the cumulative impact on the licensing objectives the application will be granted.
- 6.6 Section 182 of the guidance allows a licensing authority to make a policy within its Statement of Licensing Policy to deal with cumulative impact. Where there is evidence that the number of licensed premises in an area has had a negative cumulative effect upon crime and disorder, public nuisance and public safety the licensing authority will consider making a CIP. It will make such a policy only after it is satisfied that there is evidence to support it.
- 6.7 The Licensing Authority after considering the available evidence will consult the individuals and organisations listed in 5.1 and 5.2 above. If it determines that attaching conditions to a licence is unlikely to address the problems identified, it will consider adopting a special policy of refusing new licences. This would apply whenever relevant representations are received about the cumulative impact on the licensing objectives from responsible authorities and other

persons which the Licensing Authority consider after hearing those representations should lead to refusal.

- 6.8 The steps detailed below will be followed in considering whether to adopt a special policy within the licensing policy:
- Identify concern about crime and disorder, public safety, protection of children from harm or public nuisance from a “responsible authority” or “Other Person”.
  - Consider whether it can be demonstrated that crime and disorder and nuisance are occurring or whether there are activities which pose a threat to public safety or protection of children from harm
  - If such problems are occurring, identify whether they are being caused by the customers of licensed premises and if so identify the boundaries of that area; or that the risk factors are such that the area is reaching a point when a cumulative impact is imminent.
  - Consult with those specified in paragraph 5 above.
  - Subject to the consultation, include and publish details of the special policy in the statement of licensing policy.
- 6.9 The effect of all licensed premises in an area will be taken into account when considering a special policy.
- 6.10 Any special policy adopted will be reviewed regularly and at a maximum period of 3 years to determine its effectiveness and whether or not its continued use is required.
- 6.11 The absence of a special policy in a particular area will not prevent a responsible authority or other person making representations on a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.
- 6.12 A special policy will not be used to revoke a licence for a premises if representations are received regarding problems with an existing licence.
- 6.13 Where it is evident that there is a problem in an area after a licence or certificate has been granted and it is clear that an individual premises is undermining the promotion of one or more of the licensing objectives in that area, the licence will only be reviewed if representations are made about that objective by a responsible authority or other person.
- 6.14 A special policy will not be used to justify rejecting an application for variation of an existing licence or certificate except where the variation is directly relevant to the policy and is necessary for the promotion of the licensing objectives e.g. increase in capacity of a venue.
- 6.15 A special policy relating to cumulative impact will not include provisions for a terminal hour in an area.

- 6.16 A special policy will not impose quotas on the number or capacity of premises or in relation to any matter which would restrict the consideration of any application on its individual merits.
- 6.17 The Licensing Authority will have regard to the individual characteristics of each premises and the differing impact they will have on the promotion of the licensing objectives.
- 6.18 The Licensing Authority recognises that there are other mechanisms available for controlling cumulative impact once customers have left licensed premises. These include:
- Planning controls;
  - Positive measures to create a safe and clean city centre environment in partnership with local businesses, transport operators and other local authority departments;
  - Provision of CCTV, adequate taxi rank space, provision of late night public conveniences, street cleaning;
  - Powers of local authorities to designate and control areas where alcohol cannot be consumed;
  - Police enforcement in relation to disorder and anti-social behaviour;
  - Prosecution for alcohol related offences ;
  - Police powers of closure of a premises;
  - The provision to review a licence or certificate.
- 6.19 On 30<sup>th</sup> July 2013 the Council resolved to adopt a Cumulative Impact Special Saturation Policy for the following areas:
- i) Wind Street and the surrounding area as defined
  - ii) The Kingsway and the surrounding area as defined
  - iii) High Street and College Street as defined
- 6.20 The Special Policies for i) Wind Street and the surrounding area, ii) The Kingsway and the surrounding area and iii) High Street and College Street were introduced because the Authority was satisfied that it was appropriate and necessary to do so given the number of premises licensed to supply alcohol for consumption on and off the premises in these streets and the incidence of crime, disorder and public nuisance attributable to customers of such premises which can include but is not limited to litter, noise, intoxicated people contributing to crime and disorder, accumulations of people at certain times leading to conflict in queues for taxis and/or fast food outlets, the numbers of people leaving all types of premises at certain times.
- 6.21 This action followed a report to the Cabinet of this Council on 1<sup>st</sup> November 2012. The report included crime and disorder statistics from South Wales Police, together with public nuisance statistics from the Environment Department of this Authority. The special policy was introduced following a

comprehensive consultation process which was carried out between February and May 2013. The special policy was also reviewed as part of the review of the statement of licensing policy undertaken in 2018. Updated evidence on the recorded levels of crime and disorder for the special policy areas was received from South Wales Police and the evidence supported the retention of the existing special policy without amendment.

6.22 Following a review of the Special Policy on 26<sup>th</sup> January 2017 it is now recognised that pubs, nightclubs, restaurants, hotels, theatres and other types of premises sell alcohol, serve food and provide entertainment but with different styles and characteristics and due to the nature of the premises will not add to existing cumulative impact. Having regard to those differences and the impact they are likely to have on the local area the following types of premises, providing certain licensable activities between the hours of 10.00am and 1.00am are exempt from the requirements of the special policy:

- Non – alcohol led premises;
- Theatres, where the main purpose of the premises is the performance of plays;
- Cinemas, where the main purpose of the premises is the exhibition of films;
- Premises where the main purpose is the provision of substantial table meals;
- Premises where the sale/supply of alcohol is by waiter or waitress service only.

6.23 The effect of the special policy is that applications for premises that are located within the special policy areas but fall within the exemptions detailed in paragraphs 6.22 of the policy will generally be granted, subject to consideration of any relevant representations made. In respect of all other premises located in the special policy areas, there is a presumption that any application for a premises licence, club premises certificate or a variation that is likely to add to the existing cumulative impact will be refused. This presumption is only relevant to applications which trigger a relevant representation from a responsible authority or other person which refers to one or more of the licensing objectives that gave rise to the introduction of the special policy. If there are no such representations the Authority MUST grant the application in terms that are consistent with the operating schedule submitted.

6.24 Where relevant representations are made, a Licensing Sub Committee of the Authority will hear those representations and determine the application. For applications that fall within the requirements of the special policy, refusal will normally be the case UNLESS the applicant can demonstrate in their operating schedule that the application will not add to the existing cumulative impact on one or more of the licensing objectives and that the Authority would therefore be justified in departing from the special policy in the light of the individual circumstances of the case. The Licensing Authority expects applications for premises within the Cumulative Impact Area to be exceptional.

The authority does not consider that premises that are well managed and fully compliant with all licensing conditions and relevant legislation to be exceptional. This is expected of all licensed premises.

- 6.25 The special policy areas are those within the boundary defined on the plans attached at appendix A, B and C and include premises that have accessible entrances onto the streets within the boundary, including the streets listed in the following schedules: –

**i) Wind Street and the surrounding area**

- Wind Street
- The Strand to the junction with Welcome Lane
- Worcester Place
- Castle Street
- Castle Gardens
- Castle Square
- Green Dragon Lane
- Little Wind Street
- Salubrious Place
- Salubrious Passage
- Caer Street
- Princess Way
- St Mary's Street
- St Mary's Square
- St David's Place
- York Street
- Victoria Road

**ii) The Kingsway and the surrounding area**

- The Kingsway
- Dillwyn Street from the junctions with The Kingsway and Oxford Street
- Oxford Street from the junctions with Dillwyn Street and Princess Way
- Picton Lane
- Union Street from the junctions of The Kingsway and Oxford Street
- Park Street
- Portland Street
- Bellvue Way
- Dynevor Place
- Horton Street
- Pell Street
- Cradock Street
- Northampton Lane
- Christina Street
- Newton Street

### iii) High Street and College Street

- High Street
- College Street

## Appendix B

I have been asked to provide a response to a formal request by City & County of Swansea to provide observations in relation to the Council's proposed Cumulative Impact Area policy.

A cumulative impact assessment may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specific area.

Previous CIA cycles have been 2013/17 & 2018/21 however due to the significant disruption caused by the Covid19 pandemic the CIA due in 2021 has not yet been formulated and is expected to be adopted before July 2023.

Previous CIAs to date have been adopted under the local authority's licensing policy however, since then a change to the Licensing Act 2003 was made by the Policing & Crime Act 2017 (with effect from 6<sup>th</sup> April 2018) which puts the CIA process on a statutory footing. Statutory guidance has been published and this report has been drafted in accordance with that guidance.

As well as providing data relating to police demand I will also provide an interpretation of the data together with conclusions.

The police response for the previous CIA (dated 04/04/2018) looked at crime and disorder data for the following areas during Evening and Night-time Economy hours:

Wind St & surrounding area  
The Kingsway & surrounding area  
High St & College St

The figures revealed a number of issues including the following:

Wind St – an increase in recorded crime of 78% between 2016 and 2017  
Kingsway – 9% reduction in recorded crime between 2015 and 2018  
High St – 22% reduction in recorded crime between 2015 and 2018

Part of the increase in Wind St can be attributed to a change in how crime was recorded by SWP during that time, however the corresponding reduction at Kingsway & High St indicates the growing popularity of Wind St as an ENTE destination at the expense of other areas of the city.



Other notable findings from the previous report indicate that the peak time for all recorded crime (including violence with & without injury, public order & drunk and disorderly offences) in the three areas listed above was between 11pm & 3am.

In addition, a year on year increase in recorded crime levels was noted from 3am onwards which indicated the consequences of late night walk-up into the night-time economy.

The report concluded that any relaxation to the CIA would lead to an increase in the number of late-night drinking venues which would in turn result in greater levels of late night crime and disorder which would place increased pressures on policing not only in the City but throughout the Division. For this reason SWP Swansea Neath Port Talbot Division endorsed the policy and opposed any relaxation to it.

### The current situation

The ENTE has bounced back from closure and restrictions brought about by the Covid 19 Pandemic during 2020/21 and is now once again operating at normal capacity. Since the last report there has been a number of changes to the city centre, Wind St and surrounding areas which could be said to have an impact on the ENTE, examples being:

- The increased popularity of Swansea as a university City with in-excess of 30,000 students between the two main universities (Swansea University & UWTSD), many of which reside in the city and socialise within the ENTE.
- Construction of six purpose-built student accommodations (PBSA) within the city centre which have a combined population of approx. 4,000 students. A further PBSA is currently under construction which is due to open for the 2023/24 academic year.
- Wind St has now become a pedestrian zone with the installation of numerous items of street furniture throughout the length of the street.
- Increase use of outdoor pavement café areas outside licensed premises, partly in response to Covid restrictions, however many have become permanent.
- Opening of the Arena concert venue in February 2022 which hosts events such as music concerts, shows and conventions and has a maximum capacity of 3,500.
- On-going development of the St David's area located between Wind St and the Arena which will contain several new licensed premises when complete.

In addition to the above there continues to be ENTE premises located at the Kingsway and also High St/College St, although the main focus of ENTE activity within the city continues to be at Wind St and surrounding area. The Kingsway is currently undergoing redevelopment into a commercial/business zone as well as residential premises, therefore it is anticipated that ENTE activity will decrease in this area. I will examine this in more detail later in the report.

Also, the past few years has seen the emergence and increased popularity of further ENTE spots outside of the city centre, these being:

Uplands

SA1

Mumbles

#### Current police response

Swansea Neath Port Talbot Division has a long history of policing the evening and night-time economy within the cumulative impact zone, which is done via the long-running operation, 'Swansea After-Dark'. This is implemented on the busiest days of the week for the ENTE, Wednesdays (student night), Fridays & Saturdays. In addition to this After-Dark deployments also take place on other key dates for the ENTE such as bank holiday weekends, A Level result night, Beaujolais Day, Halloween etc.

After-Dark patrols typically involve a team of 1 x sergeant and approx. 12 PCs (Wed & Sat) predominantly working between the hours of 6pm to 4 am, although some shifts are staggered to provide coverage later into the night. These officers are not dedicated solely to After Dark but are abstracted from their primary roles such as Response & Neighbourhood Policing as well as criminal investigation and public protection roles throughout the Division. Patrols are carried out on foot around Wind St and its environs and due to the volume of licensed premises and patrons there is a need for a 'meet and greet' approach where officers are encouraged to interact with the public, providing early intervention to identify and tackle crime & disorder and also vulnerability at the earliest opportunity.

Given the emergence of other pockets of ENTE such as SA1 & Uplands After-Dark officers also deploy to these areas thus reducing the number of officers patrolling Wind St. In addition, After-Dark officers are periodically required to assist in other areas of the Division in the event of exceptional demand.

Such are the demands of the role, After-Dark officers will inevitably become involved in arrests, interventions and enquiries throughout the evening which may well result in them being committed for the rest of the evening and subsequently not deployable for further patrols. Therefore, the team of 12 officers will become eroded as the evening progresses and there will be far fewer officers available later in the shift, which is a peak time given the staggered closing times for licensed premises typically between midnight and 4am. During this time a large number of persons, many intoxicated have egressed the many licensed premises and will be congregating in numbers at various fast-food establishments and taxi ranks prior to making their way home. This is a crucial period during the evening when the maximum number of officers are required to prevent crime & disorder, prevent harm and to promote public safety, however the fewest number are actually available, visible and deployable. Having supervised After Dark teams for many years I can attest to this attrition of resources, which is the norm.

## Help Point

A further measure adopted by SWP in an effort to tackle vulnerability within the ENTE and to help break demand on After-Dark officers is the Help Point. This is a collaborative venture involving SWP and a number of key partners and is funded by the Police & Crime Commissioner, Welsh Ambulance Service & local health board.

The premises is located at the Strand Car park and is staffed by St Johns Ambulance (SJA) staff & volunteers, student volunteers (PSV) and a police officer. The Help Point is open from 10pm to 4am on Wednesdays & Saturdays and also key dates such as bank holiday weekends etc. An initial pilot scheme to trial Friday night opening has recently been carried out and further work on this is currently on-going.

Since its inception eight years ago the Help Point has treated in excess of 6,000 patients for conditions ranging from intoxication, injury and medical issues.

Access into the Help Point for those who need it is via three main routes:

- Patient brought in by police
- Pro-active patrols by student volunteers who identify vulnerable patient
- Direct contact from venues to SJA control via Nite-net radio with student volunteers then deployed to collect the patient.

Running costs are approximately £1,000 per night. There are only three paid staff (nurse, paramedic & police officer), the bulk of the personnel being SJA volunteers & student volunteers.

Patient numbers over the past year indicate that on average 12 patients will be treated at the Help Point on a Saturday evening and 10-12 on Wednesdays, however this figure drops outside of term-time when less students are active within the ENTE.

The Help Point is considered to be an excellent example of best practice & partnership working within the ENTE which has a real impact in tackling vulnerability and breaking demand for officers, freeing them up to deal with other issues.

## Other agencies

Staff and volunteers from other agencies also operate within the city centre ENTE to promote public safety including:

- Taxi Marshals
- City Centre Rangers
- Street pastor scheme (volunteers from various faith groups who patrol Wind St and provide assistance to those who need it).

## Statistics

The following statistics contain an overview of total occurrences during the evening & night-time economy period (1800-0600 hrs) over a five-year period (2017-22) for the three cumulative impact areas:

**Wind St and surrounding area:** Wind Street, The Strand (to the junction with Welcome Lane), Worcester Place, Castle Street, Castle Gardens, Castle Square, Temple Street, Green Dragon Lane, Little Wind Street, Salubrious Place, Salubrious Passage, Caer Street, Princess Way, St Mary's Street, St Mary's Square, St David's Place, York Street, Victoria Road

**The Kingsway and surrounding area:** The Kingsway, Dillwyn Street (from the junctions with The Kingsway and Oxford Street), Oxford Street (from the junctions with Dillwyn Street and Princess Way), Picton Lane, Union Street (from the junctions of The Kingsway and Oxford Street), Park Street, Portland Street, Bellvue Way, Dynevor Place, Horton Street, Pell Street, Cradock Street, Northampton Lane, Christina Street, Newton Street

**High St and surrounding area:** High Street, College St

We will examine each of these area in more detail and look at hourly breakdown for all crimes, violence and anti-social behaviour, to give an indication of the demand facing SWP officers, however an overview is as follows:

### **Total Occurrences during ENTE period (1800 hrs – 0600 hrs)**

	<b><u>Wind St</u></b>	(% change)	<b><u>Kingsway</u></b>	(% change)	<b><u>High St</u></b>	(%change)
2017/18	<b>1899</b>		<b>919</b>		<b>370</b>	
2018/19	<b>1719</b>	(-9.5%)	<b>688</b>	(-25%)	<b>524</b>	(+141%)
2019/20	<b>1350</b>	(-21.5%)	<b>604</b>	(-12%)	<b>433</b>	(-17%)
<b>2020/21</b>	<b>469</b>	<b>(-287%)</b>	<b>318</b>	<b>(-189%)</b>	<b>414</b>	<b>(-4%)</b>
2021/22	<b>1308</b>	(+278%)	<b>504</b>	(+158%)	<b>320</b>	(-23%)

Wind St – 31% decrease in occurrences over five-year period 2017-22

Kingsway – 45% decrease in occurrences over five-year period 2017-22

High St – 13% decrease in occurrences over five-year period 2017-22

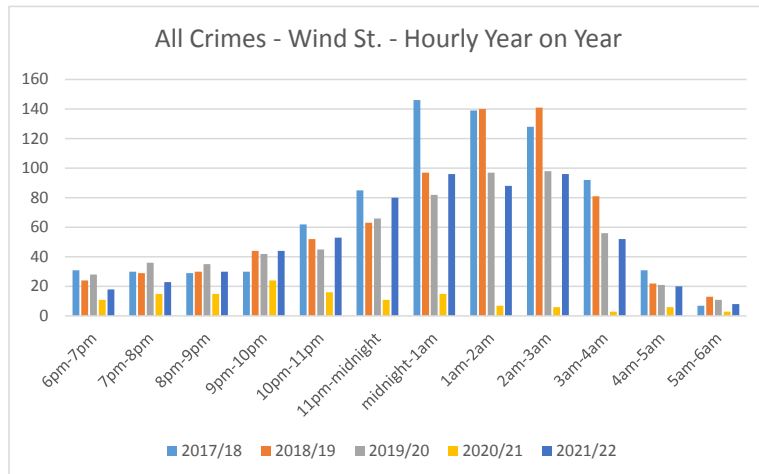
- % change represents the year on year difference

The figures highlighted in red represent the period most affected by restrictions and closure to ENTE due to the Covid 19 pandemic. It can be seen that Wind St and the Kingsway experienced a significant drop in demand however there is no discernible difference for High St during this period, although it should be noted that the number of occurrences for High St is considerably less than the other areas.



The above data shows that there has been a 25% reduction in crime within the Wind St CIA between 2017-22. Also of note is the huge reduction in crime during the main period of Covid restrictions & closures during 2020/21.

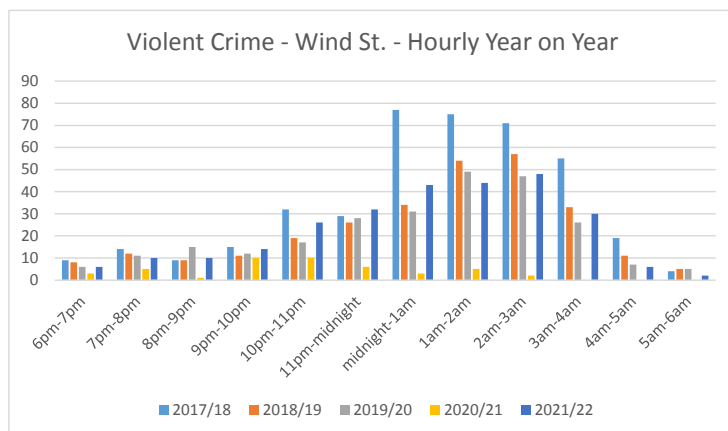
It also shows that the peak time for demand is between 10pm-4am (highlighted in red). This is illustrate below:



### Violent Crime - Wind St

	2017/18	2018/19	2019/20	2020/21	2021/22
6pm-7pm	9	8	6	3	6
7pm-8pm	14	12	11	5	10
8pm-9pm	9	9	15	1	10
9pm-10pm	15	11	12	10	14
10pm-11pm	32	19	17	10	26
11pm-0000	29	26	28	6	32
0000-1am	77	34	31	3	43
1am-2am	75	54	49	5	44
2am-3am	71	57	47	2	48
3am-4am	55	33	26	0	30
4am-5am	19	11	7	0	6
5am-6am	4	5	5	0	2
<b>TOTAL</b>	<b>409</b>	<b>279</b>	<b>254</b>	<b>45</b>	<b>271</b>

The above represents a 33% reduction in violent crime between 2017-22. Also replicated is the large decrease during the main Covid period 2020/21. In addition, the pattern of peak demand between 10pm-4am is repeated:



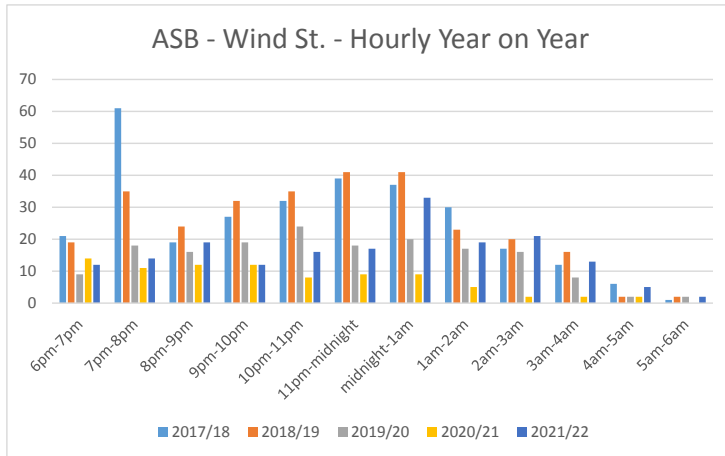
### Anti-Social Behaviour - Wind St

	2017/18	2018/19	2019/20	2020/21	2021/22
6pm-7pm	21	19	9	14	12
7pm-8pm	61	35	18	11	14
8pm-9pm	19	24	16	12	19
9pm-10pm	27	32	19	12	12
10pm-11pm	32	35	24	8	16
11pm-0000	39	41	18	9	17
0000-1am	37	41	20	9	33
1am-2am	30	23	17	5	19
2am-3am	17	20	16	2	21
3am-4am	12	16	8	2	13
4am-5am	6	2	2	2	5
5am-6am	1	2	2	0	2
<b>TOTAL</b>	<b>302</b>	<b>290</b>	<b>169</b>	<b>86</b>	<b>183</b>

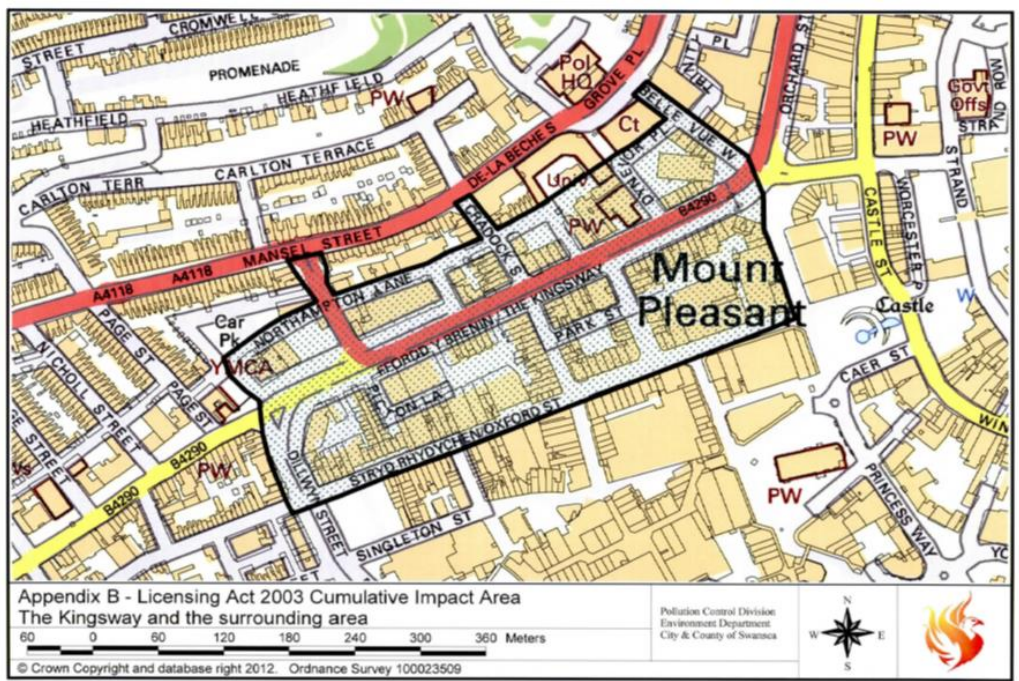
The above represents a 39% reduction in anti-social behaviour between 2017-22. Again, the effects of Covid restrictions and closure can be seen in 2020/21.

In addition, peak demand is also between 10pm-4am although this is not as clearly pronounced as the previous figures:





### The Kingsway



### All Crimes - Kingsway

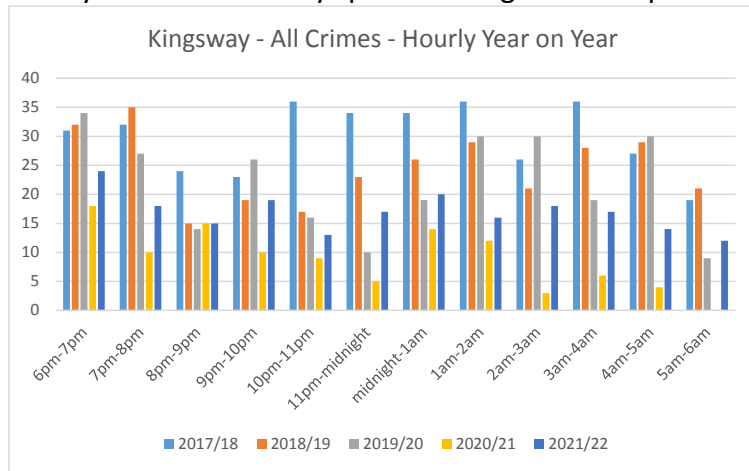
	2017/18	2018/19	2019/20	2020/21	2021/22
6pm-7pm	31	32	34	18	24
7pm-8pm	32	35	27	10	18
8pm-9pm	24	15	14	15	15
9pm-10pm	23	19	26	10	19
10pm-11pm	36	17	16	9	13
11pm-0000	34	23	10	5	17
0000-1am	34	26	19	14	20



1am-2am	36	29	30	12	16
2am-3am	26	21	30	3	18
3am-4am	36	28	19	6	17
4am-5am	27	29	30	4	14
5am-6am	19	21	9	0	12
<b>TOTAL</b>	<b>358</b>	<b>295</b>	<b>264</b>	<b>106</b>	<b>203</b>

The above shows a 43% reduction in all crime within the Kingsway CIA between 2017/22.

Again, a large drop in crime is evident during the Covid period 2020/21. Hourly demand is evenly spread during the ENTE period as shown below:

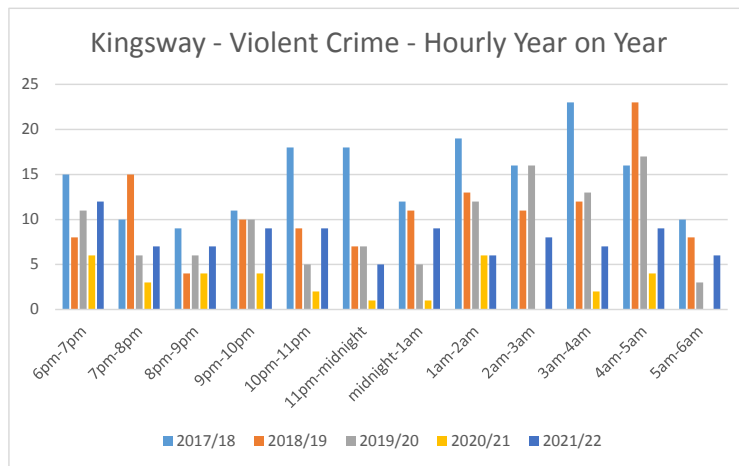


**Violent Crime - Kingsway**

	2017/18	2018/19	2019/20	2020/21	2021/22
6pm-7pm	15	8	11	6	12
7pm-8pm	10	15	6	3	7
8pm-9pm	9	4	6	4	7
9pm-10pm	11	10	10	4	9
10pm-11pm	18	9	5	2	9
11pm-0000	18	7	7	1	5
0000-1am	12	11	5	1	9
1am-2am	19	13	12	6	6
2am-3am	16	11	16	0	8
3am-4am	23	12	13	2	7
4am-5am	16	23	17	4	9
5am-6am	10	8	3	0	6
<b>TOTAL</b>	<b>177</b>	<b>131</b>	<b>111</b>	<b>33</b>	<b>94</b>

The above shows a 45% reduction in violent crime over the five-year period 2017-22.

Again, a large drop can be seen in the figures for 2022/21, and hourly demand is evenly split, with a slight increase later in the night:



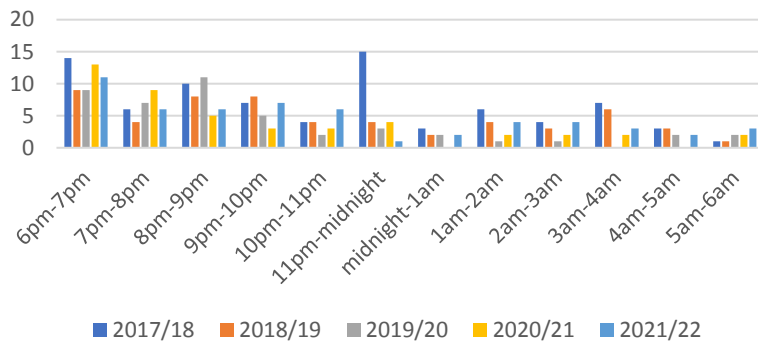
### Anti-Social Behaviour - Kingsway

	2017/18	2018/19	2019/20	2020/21	2021/22
6pm-7pm	14	9	9	13	11
7pm-8pm	6	4	7	9	6
8pm-9pm	10	8	11	5	6
9pm-10pm	7	8	5	3	7
10pm-11pm	4	4	2	3	6
11pm-0000	15	4	3	4	1
0000-1am	3	2	2	0	2
1am-2am	6	4	1	2	4
2am-3am	4	3	1	2	4
3am-4am	7	6	0	2	3
4am-5am	3	3	2	0	2
5am-6am	1	1	2	2	3
<b>TOTAL</b>	<b>80</b>	<b>56</b>	<b>45</b>	<b>45</b>	<b>55</b>

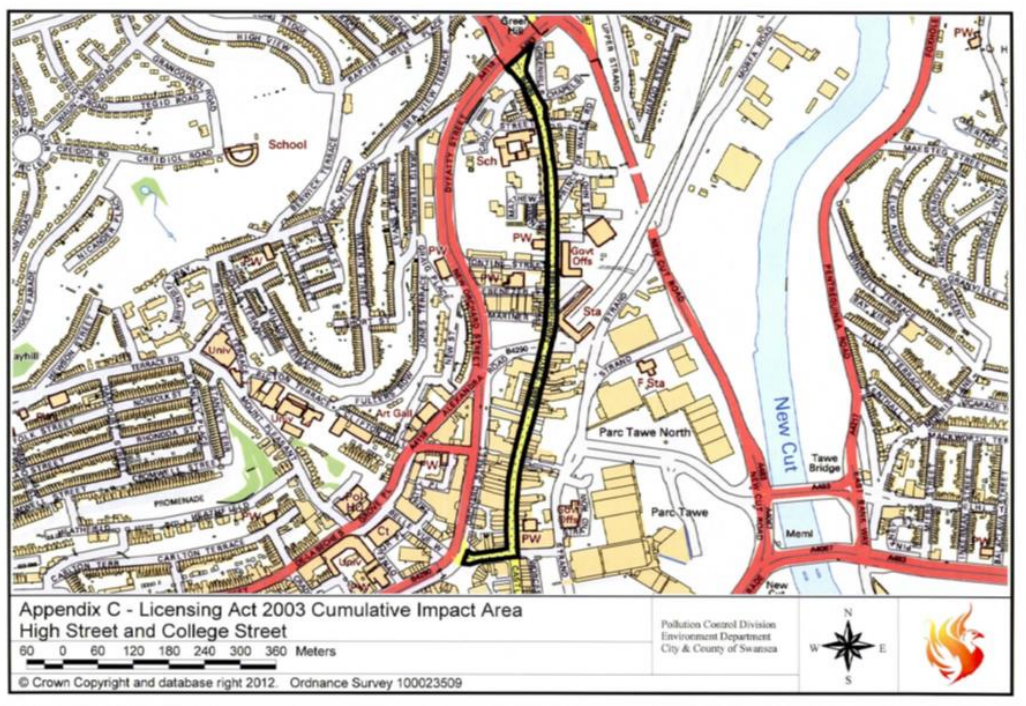
The above represents a 31% reduction in ASB at the Kingsway over the five year period 2017-22.

Again, hourly demand is evenly split:

### Kingsway - ASB- Hourly Year on Year



### High Street (& College St)



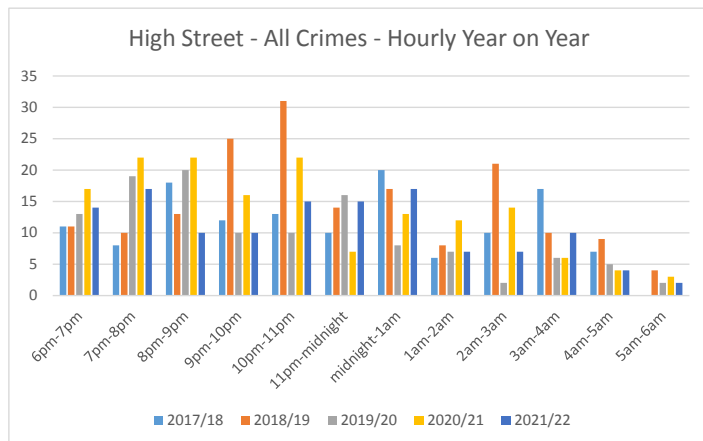
### All Crimes-High St

	2017/18	2018/19	2019/20	2020/21	2021/22
6pm-7pm	11	11	13	17	14
7pm-8pm	8	10	19	22	17
8pm-9pm	18	13	20	22	10
9pm-10pm	12	25	10	16	10
10pm-11pm	13	31	10	22	15
11pm-0000	10	14	16	7	15
0000-1am	20	17	8	13	17
1am-2am	6	8	7	12	7
2am-3am	10	21	2	14	7
3am-4am	17	10	6	6	10
4am-5am	7	9	5	4	4
5am-6am	0	4	2	3	2
<b>TOTAL</b>	<b>132</b>	<b>173</b>	<b>118</b>	<b>158</b>	<b>128</b>

The above shows a 3% reduction in crime within the High St CIA between 2017-22.

The previous pattern of lower figure during the main Covid period 2020/21 is not seen here.

Again, as seen at the Kingsway there is a more even spread of hourly demand:

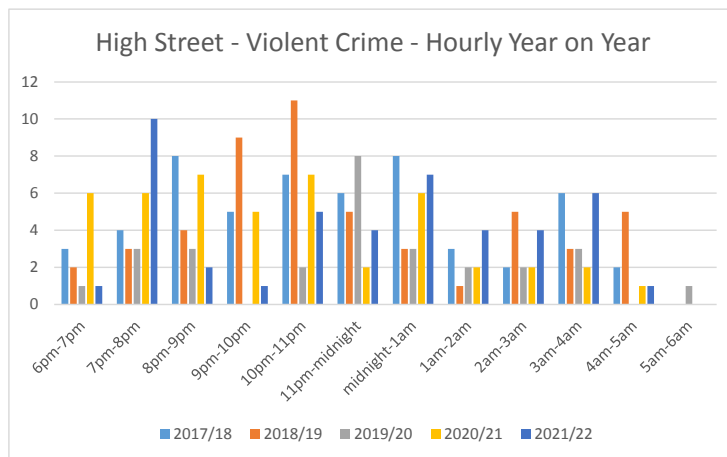


### Violent Crime - High St

	2017/18	2018/19	2019/20	2020/21	2021/22
6pm-7pm	3	2	1	6	1
7pm-8pm	4	3	3	6	10
8pm-9pm	8	4	3	7	2
9pm-10pm	5	9	0	5	1
10pm-11pm	7	11	2	7	5
11pm-0000	6	5	8	2	4
0000-1am	8	3	3	6	7
1am-2am	3	1	2	2	4
2am-3am	2	5	2	2	4
3am-4am	6	3	3	2	6
4am-5am	2	5	0	1	1
5am-6am	0	0	1	0	0
<b>TOTAL</b>	<b>54</b>	<b>51</b>	<b>28</b>	<b>46</b>	<b>45</b>

Violent crime has reduced by 17% during the period 2017-22.

Again, an even spread throughout the ENTE period is evident:



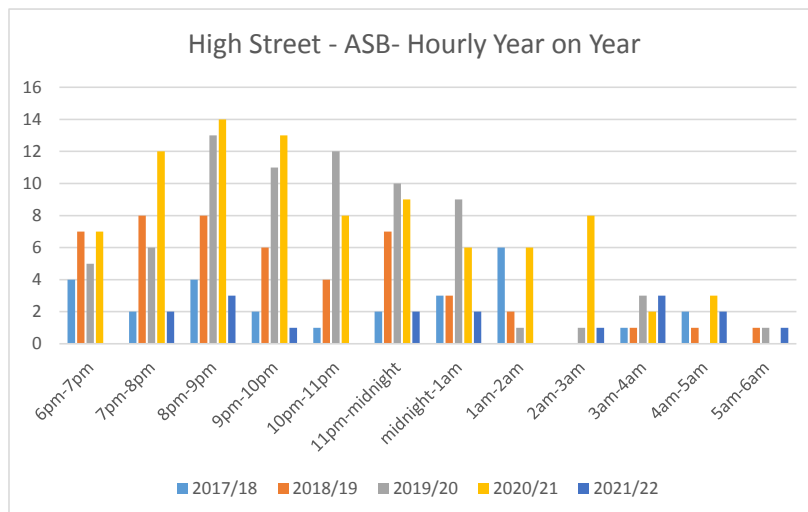
### ASB-High St

	2017/18	2018/19	2019/20	2020/21	2021/22
6pm-7pm	4	7	5	7	0

7pm-8pm	2	8	6	12	2
8pm-9pm	4	8	13	14	3
9pm-10pm	2	6	11	13	1
10pm-11pm	1	4	12	8	0
11pm-0000	2	7	10	9	2
0000-1am	3	3	9	6	2
1am-2am	6	2	1	6	0
2am-3am	0	0	1	8	1
3am-4am	1	1	3	2	3
4am-5am	2	1	0	3	2
5am-6am	0	1	1	0	1
<b>TOTAL</b>	<b>27</b>	<b>48</b>	<b>72</b>	<b>88</b>	<b>17</b>

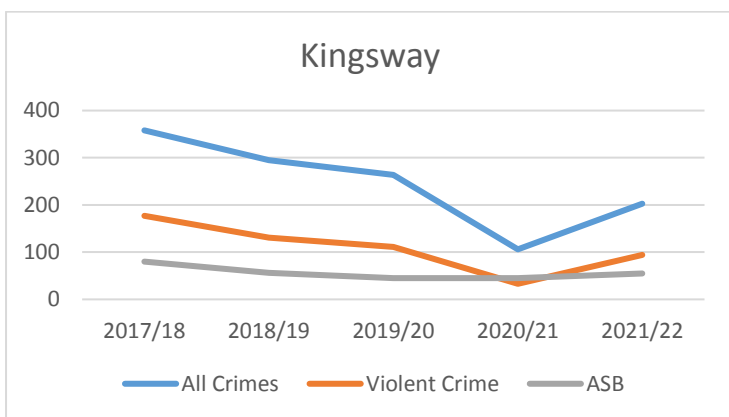
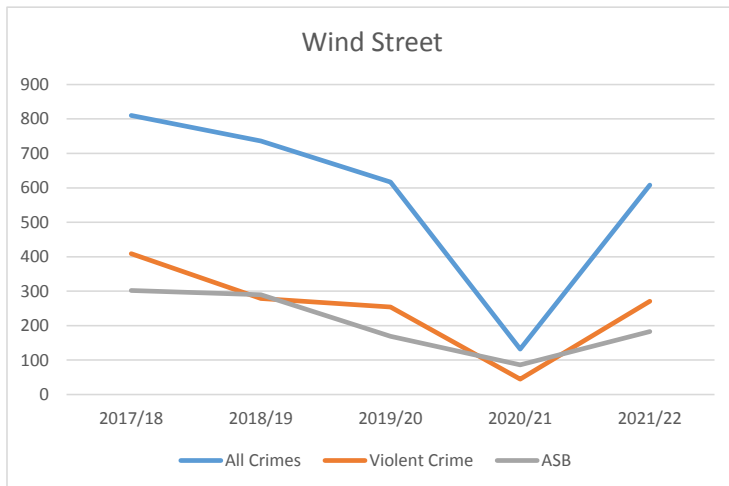
ASB has reduced by 37% over the five-year period, however a considerable spike occurred during 2019/20 & 2020/21 before falling back to much lower levels in 2021/22.

Peak time for ASB is earlier in the evening than we have seen in other areas with 8pm-midnight being the busiest period:

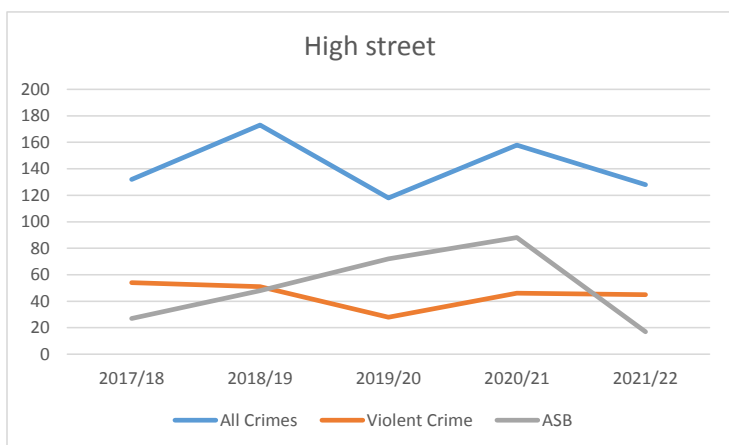


### The Covid years 2020/21

We have seen from the figures that the closure of licensed premises and restrictions to their opening hours and operations has impacted crime figures considerably for Wind St & the Kingsway. This is illustrated as follows:



Curiously this phenomenon was not replicated at High St where figures rose from 2019/20 levels:



A possible explanation for this is the fact that the High St area is located close to Swansea central railway Station and has a number of businesses such as convenience stores which are open 24/7 and reflects the transient nature of the area.

Also, it should also be noted that although the bulk of Covid restrictions occurred during 2020/21, there was also a period of closure and restrictions to licensed premises over Xmas 2021 going into Jan 2022, therefore figures for last year do not reflect a full year of normal trading and taking that into account it is likely that figures for next year will be back to pre-Covid levels.

## Conclusions

### Wind St

Despite a substantial policing commitment the evening and night-time economy continues to generate significant police demand, particularly between 2200-0400 hrs at Wind Street.

The Covid years 2020/21 serve to highlight the dramatic effect of ENTE activity on crime and disorder. **Significantly less ENTE activity equals significantly less police demand.**

The outside pavement café area used by many of the premises on Wind St has created greater pedestrian congestion due to a decrease in space between venues. Coupled with queues for entry to premises at peak times a number of pinch points have become evident. This increases the risk of disorder.

The current ENTE policing model via After Dark is geared towards providing coverage during the peak demand times (up to 0400 hrs).

The supporting infrastructure – Help Point, Taxi Marshals, Street Pastor scheme does not extend beyond 0400 hrs and is unlikely to do so in future.

Any move towards significantly greater saturation of high-volume vertical drinking establishments (HVVDE's) within the ENTE (particularly Wind St) would likely lead to increased police demand.

Any move towards later opening of licensed premises within the ENTE would mean an increase in intoxicated persons in the area later into the night, which in turn risks increasing police demand later into the night, beyond 0400 hrs.

Many of the licensed premises located at Wind St regularly submit Temporary Event Notices (TENs) which extend their licensable activities beyond their normal operating hours and later into the night, thus increasing further the number of persons in the ENTE later into the night and the knock-on effect on police demand.

Any change to the previous cumulative impact policy involving later opening would likely mean an increase in applications to extend opening hours later into the night. This increase



in HVVDE's would effectively promote a late-night drinking culture which is at odds with the image of Swansea as a Purple Flag city which boasts a diverse and vibrant ENTE.

Any change to the existing After Dark arrangements to extend police coverage later into the night would have an adverse effect on policing throughout the Swansea Neath Port Talbot Division.

The current regime of staggered closing times between midnight and 0400 hrs allows for a gradual decline in number of persons within the ENTE as they make their way home at varying times and reduces demand at pinch points such as taxi ranks and fast-food establishments and is the favoured approach.

During the previous CIA policy cycle we have observed a decrease in police demand:

Total occurrences down 31% 2017-22

Total crime down 25% 2017-22

Violent crime down 33% 2017-22

ASB down 39% 2017-22

This indicates that the previous CIA policy has been successful and should be re-introduced, particularly in light of the changes taking place within the ENTE in the City and the potential for expansion over the next few years. It also reflects the success of After Dark and the lessons learned over many years of policing the ENTE.

**It should also be considered that crime figures do not represent the total picture of police demand, for example the crime prevention effect of early interventions made by officers to prevent minor incidents escalating is not recorded.** In addition, an incident may be reported on the night however there may well be following up enquiries required the following day and beyond, which means that ENTE demand further impacts upon day-to-day policing.

The policing environment is continually changing to take into account emerging trends. As well as focussing on public order and violence within the ENTE there is also a need to tackle issues such as vulnerability, violence against women and girls (VAWG), drink spiking, drug misuse etc and these themes will be a focus for After Dark officers going forward.

#### The Kingsway

Police demand at the Kingsway is approximately 2.5 times less than that of Wind St based on 2021/22 total occurrence figures (504 for Kingsway, 1308 for Wind St).

During the previous CIA policy cycle we have observed a decrease in police demand:

Total occurrences down 45% 2017-22

Total crime down 43% 2017-22

Violent crime down 45% 2017-22

ASB down 31% 2017-22

Again, this indicates that the previous CIA policy was effective. It also reflects the changing nature of the Kingsway with development on-going which will focus more on office and residential premises and less on ENTE premises. Any new cumulative impact policy should take this change into account.

### High Street

Police demand at High St is currently four times less than that of Wind St based on total occurrence figures for 2021/22 (320 for High St, 1308 for Wind St).

The area has seen smaller decreases than the other two areas, nevertheless the figures reveal a decrease in police demand:

Total occurrences down 13% 2017-22

Total crimes down 3% 2017-22

Violent crime down 17% 2017-22

ASB down 37% 2017-22

Again, this suggests that the previous CIA policy has been a success in this area.

High St continues to have numerous ENTE premises, and since the previous CIA there has been an influx of students residing in new purpose-built student accommodation (PBSAs) there is a potential for more to spring up to service the extra demand created by their presence. Any new CIA policy should take this into account.

Finally, I wish to stress that the Covid years 2020/21 have shown beyond doubt that there is a link between ENTE activity and police demand. A busier ENTE equals higher police demand. The current policing provision for the ENTE is based on the existing ENTE environment. Any expansion of this would have consequences for policing, and these consequences would be felt throughout Swansea Neath Port Talbot Division.

The bottom line is that when venues close their doors and customers leave, responsibility to manage the situation on the streets rests firmly with police, being the lead agency and only agency consistently present late at night, hence a framework to regulate this environment is welcome.

Consideration has been given to submitting data in relation to emerging areas such as Uplands, SA1 & Mumbles, however, as has been demonstrated in this report Wind St continues to be the main area of police demand in the ENTE and is the area where cumulative impact is most felt.

Therefore, taking the above factors into account, SWP Swansea Neath Port Talbot Division wish to put on record that the adoption a new Cumulative Impact Area policy is supported, particularly so in relation to Wind Street, however any move towards a relaxation of the policy involving later opening and/or significantly greater saturation levels of licensed premises within the ENTE is not supported.

Respectfully submitted for your information and consideration.



# **Cumulative Impact Assessment**

**July 2023 to July 2026**

**Swansea Council**

## **Introduction**

Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area e.g. the potential impact on crime and disorder or public nuisance.

A Cumulative Impact Assessment (CIA) may be published by a Licensing Authority to help limit the number or type of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives.

CIA's relate to new and variation applications for premises licences and club premises certificates in a specified area and any CIA published must be summarised in the Statement of Licensing Policy.

This CIA has been published as the Licensing Authority considers that the number of premises licences and Club Premises Certificates in the areas identified is such that it is likely that granting further licences would be inconsistent with the Authority's duty to promote the licensing objectives. The Licensing Authority will have regard to this CIA in its decision making role and when revising its statement of licensing policy

## **1. Background**

- 1.1 The concept of Cumulative Impact has been described within the Home Office Guidance and used by licensing authorities since the commencement of the 2003 Act.
- 1.2 Swansea Council first adopted a special policy on Cumulative Impact in 2013, based mainly on evidence provided by South Wales Police on the levels of crime and disorder in the area. This was reviewed in 2017 and amendments made, as it was recognised that certain types of premises, due to their nature, would not add to existing cumulative impact.
- 1.3 The Cumulative Impact Policy (CIP) formed part of the Statement of Licensing Policy, which was last reviewed in July 2018 and the CIP was due for review in April 2021. Due to the Covid-19 pandemic the review did not take place as planned and the CIP lapsed as a result.
- 1.4 The Policing and Crime Act 2017 amended the Licensing Act 2003 and placed 'Cumulative Impact Assessments' on a statutory footing by introducing paragraph 5a of the Licensing Act 2003. This amendment came into force on 6<sup>th</sup> April 2018 and replaces CIPs.
- 1.5 This CIA is published under the new provisions of the Licensing Act 2003 and as a result of the evidence provided, has the same effects and covers the same areas as the previous CIP.
- 1.6 This CIA will be reviewed no later than every three years from the date it comes into force.

## **2. Consultation**

- 2.1 In preparing the CIA, the Licensing Authority has consulted with the persons detailed in section 5(3) of the Licensing Act 2003, namely:
  - Chief Officer of South Wales Police;
  - Chief Officer of Mid & West Wales Fire Authority;
  - Abertawe Bro Morgannwg University Health Board
  - persons/bodies representing local holders of premises licenses;
  - persons/bodies representing local holders of club premises certificates;
  - persons/bodies representing local holders of personal licenses;
  - persons/bodies representing businesses and residents.
  - other organisations as appear to the Licensing Authority to be affected by licensing matters, including local community, cultural, educational and entertainment organisations.
- 2.2 The Licensing Authority has considered the views of all those consulted prior to publishing this CIA.

### **3.0 The Cumulative Impact of a Concentration of Licensed Premises**

- 3.1 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter that the Licensing Authority can take into account. This should not be confused with 'need' which concerns the commercial demand for a particular type of premises e.g., a pub, restaurant or hotel. The issue of 'need' is primarily a matter for the market to decide and does not form part of this CIA.
- 3.2 The Licensing Authority can publish a CIA if there is evidence that the number or type of licensed premises concentrated in one area is causing significant problems, which undermine one or more of the licensing objectives or where problems exist but have decreased as a result of steps taken to address cumulative impact.
- 3.3 The absence of a Cumulative Impact Assessment does not prevent any responsible authority or other person making representations on a new application for the grant or variation of a licence on the grounds that the premises will give rise to a detrimental cumulative impact on one or more of the licensing objectives in a particular area.

### **4.0 Publishing the CIA**

- 4.1 The Licensing Authority has published a CIA for the areas identified in paragraph 5.1. This followed the receipt of updated evidence from SWP in relation to the areas previously subject to the CIP and a request that a CIA is published in line with the provisions that were previously in place under the CIP.
- 4.2 In response to the evidence provided by SWP and in line with requirements for publishing a CIA, the Licensing Authority has followed the steps identified, in considering whether to adopt a CIA:
- Identified concern about crime and disorder or public nuisance;
  - Considered whether there is good evidence that crime and disorder are occurring and that the problems are caused by customers of licensed premises
  - Considered where there is good evidence that crime and disorder has been an issue but has decreased due to a special policy being in place;
  - Identified the boundaries of the areas where problems are occurring; and
  - Consulted with those specified in section 5(3) of the Licensing Act 2003, on the proposal for a cumulative impact assessment in relation to new applications and variations to existing premises licences and club premises certificates and considered the outcome of the consultation.
- 4.3 Having considered the available evidence and undertaken the required consultation, the Licensing Authority considers that it is appropriate and necessary to address the issues of cumulative impact identified

## 5.0 The CIA

5.1 Based on the evidence provided and the request from SWP that the CIA mirrors the matters and areas covered by the previous CIP, the areas covered by the CIA are as follows:

- i) Wind Street and the surrounding area as defined;
- ii) The Kingsway and the surrounding area as defined;
- iii) High Street and College Street as defined.

The relevant areas are those within the boundary defined on the plans attached at **Appendix A, B and C** and include premises that have accessible entrances onto the streets within the boundary, including the streets listed in the following schedules: –

### i) Wind Street and the surrounding area

- Wind Street
- The Strand to the junction with Welcome Lane
- Worcester Place
- Castle Street
- Castle Gardens
- Castle Square
- Green Dragon Lane
- Little Wind Street
- Salubrious Place
- Salubrious Passage
- Caer Street
- Princess Way
- St Mary's Street
- St Mary's Square
- St David's Place
- York Street
- Victoria Road

### ii) The Kingsway and the surrounding area

- The Kingsway
- Dillwyn Street from the junctions with The Kingsway and Oxford Street
- Oxford Street from the junctions with Dillwyn Street and Princess Way
- Picton Lane
- Union Street from the junctions of The Kingsway and Oxford Street
- Park Street
- Portland Street
- Bellvue Way
- Dynevor Place
- Horton Street
- Pell Street
- Cradock Street
- Northampton Lane
- Christina Street
- Newton Street



### iii) High Street and College Street

- High Street
- College Street

5.2 Wind Street and the surrounding area, The Kingsway and the surrounding area and High Street and College Street are within the area of the CIA as the Authority is satisfied that their inclusion is necessary and appropriate, given the number of premises licensed to supply alcohol for consumption on and off the premises in these streets, together with the incidence of crime, disorder attributable to customers of these premises.

5.3 In addition and in line with previous reviews of the CIP, it is recognised that pubs, nightclubs, restaurants, hotels, theatres and other types of premises sell alcohol, serve food and provide entertainment but with different styles and characteristics and due to the nature of the premises, would not add to existing cumulative impact. Having regard to those differences and the impact they are likely to have on the local area, the following types of premises, providing certain licensable activities between the hours of 10.00am and 1.00am, are exempt from the provisions of the CIA:

- Non – alcohol led premises;
- Theatres, where the main purpose of the premises is the performance of plays;
- Cinemas, where the main purpose of the premises is the exhibition of films;
- Premises where the main purpose is the provision of substantial table meals;
- Premises where the sale/supply of alcohol is by waiter or waitress service only.

5.4 The evidence for the CIA has been provided by South Wales Police on the grounds of Crime and Disorder and is attached at **Appendix D**.

5.5 This assessment will apply to all applications for the grant or variation of a premises licence or club premises certificate within the cumulative impact areas specified in paragraph 5.1, unless provided for in the exemptions listed in paragraph 5.3. This includes applications for variations for increased hours for licensable activities; increased capacity and any other matter that may add to the existing cumulative impact. This will relate to premises carrying on or proposing to carry on any of the following licensable activities:

- The sale or supply of alcohol, on or off the premises;
- The provision of late-night refreshment;
- The provision of any regulated entertainment.

5.6 The CIA does not apply to Temporary Event Notices (TENs) however, the Guidance issued under Section 182 of the Licensing Act 2003, states that it is open to the police and environmental health authority to refer to this assessment and the evidence contained within it, when objecting to a TEN. The Licensing Authority considers this to be an appropriate approach as an extension of hours

within the area covered by the CIA can have a direct impact on the promotion of the licensing objectives.

- 5.7 The publication of the CIA does not change the fundamental way that decisions are made under the Licensing Act 2003. The Licensing Authority will make all decisions on applications within the cumulative impact area on a case-by-case basis and with a view to what is appropriate to promote the licensing objectives.
- 5.8 The CIA does not remove the need for a relevant representation to be submitted by a responsible authority or 'other persons' in response to an application, where they consider it appropriate for the promotion of the licensing objectives and for the application to be determined by the Licensing Sub-Committee. Anyone making a representation may base it on the evidence published in the CIA.
- 5.9. If an application does not result in the receipt of relevant representations, the Licensing Authority will grant the application subject to conditions that are consistent with the operating schedule and any relevant mandatory conditions required by the Licensing Act 2003.
- 5.10. Applicants for the grant or variation of a premises licence or club premises certificate within the cumulative impact area, are expected to address the issues of cumulative impact within their applications and demonstrate that their application and proposed operation would not add to the cumulative impact.
- 5.11 Where relevant representations are received in respect of an application for a grant or variation of a premises licence or club premises certificate within the cumulative impact area, a hearing of the Licensing Sub-Committee will be held. If during the hearing an applicant is able to demonstrate that their application and operation will not add to the cumulative impact a licence may be granted. If an applicant is not able to demonstrate this, the policy of the Licensing Authority is to refuse the application.
- 5.12 This CIA will not be used:
- as an absolute. The Statement of Licensing Policy will always allow for the circumstances of each application to be considered properly and on its own merits and for applications that are unlikely to add to the cumulative impact on the licensing objectives to be granted;
  - as a ground for revoking an existing licence or certificate when representations are received about problems with those premises;
  - to impose quotas based on either the number of premises or the capacity of those premises. This is because quotas that indirectly have the effect of predetermining the outcome of any application would have no regard to the individual characteristics of the premises concerned.
- 5.13 The CIA will be kept under review and will remain in existence for a period of up to 3 years. It will be subject to review and further consultation before July 2026, when the licensing authority will consider whether it remains of the opinion set out in this assessment.

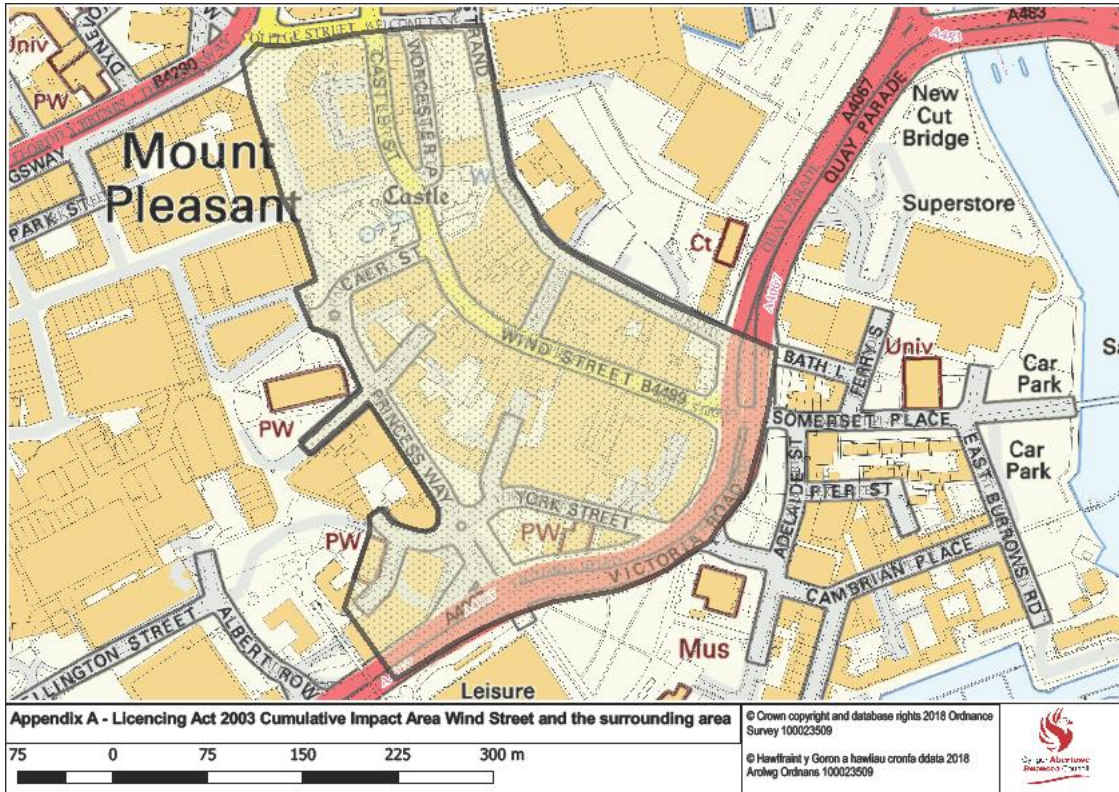
## **6.0 Other mechanisms for controlling cumulative impact**

6.1 Once away from the licensed premises, a minority of consumers will behave badly and unlawfully. There are other mechanisms, both within and outside the licensing regime, that are available for addressing such issues. For example:

- planning controls;
- positive measures to create a safe and clean city centre environment in partnership with local businesses, transport operators and other local authority departments;
- the provision of CCTV, ample taxi ranks, provision of late night public conveniences, street cleaning and Swansea BID;
- Powers of local authorities to designate and control areas where alcohol cannot be consumed;
- Confiscation of alcohol in designated areas;
- Police enforcement in relation to disorder and anti-social behaviour;
- Prosecution for alcohol related offences;
- Police powers of closure of a premises;
- The provision to review a licence or certificate; and
- The Well-being of Future Generations (Wales) Act 2015.

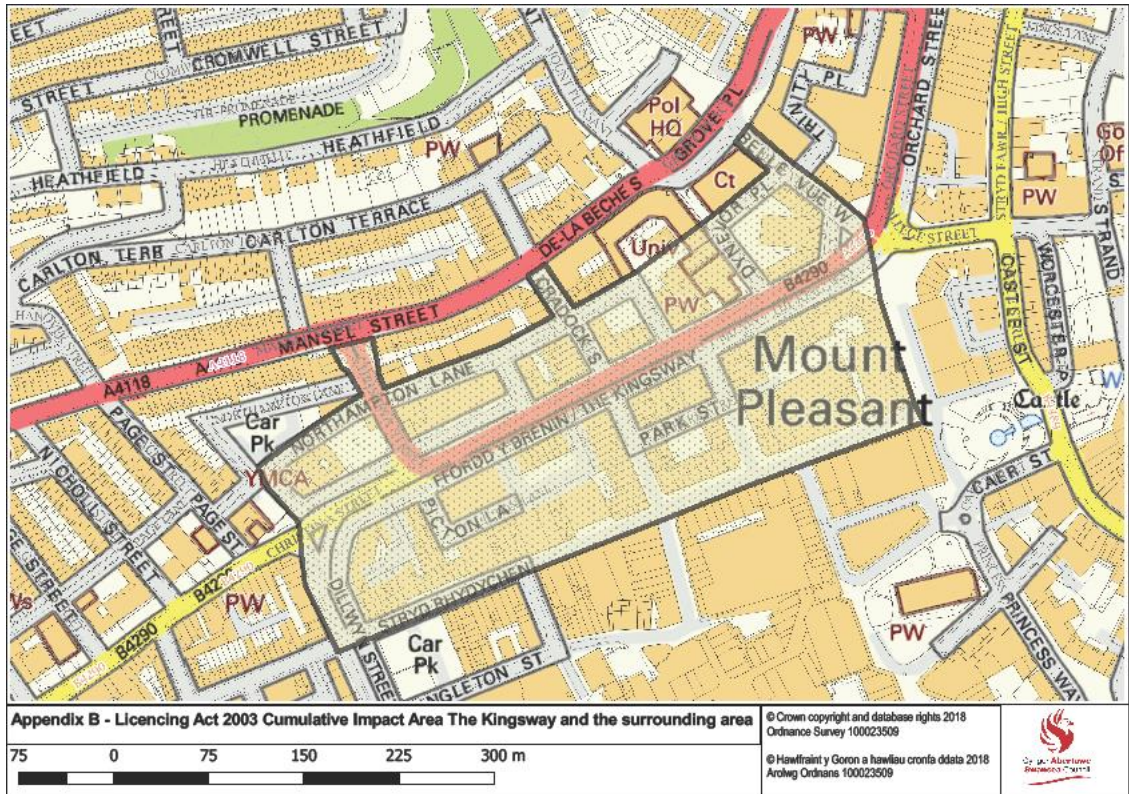
6.2 The above can also be supplemented by other local initiatives that similarly address these problems, for example, through the Swansea Community Safety Partnership, in line with the strategic objectives for crime and disorder reduction within the City.

Wind Street & Surrounding Area

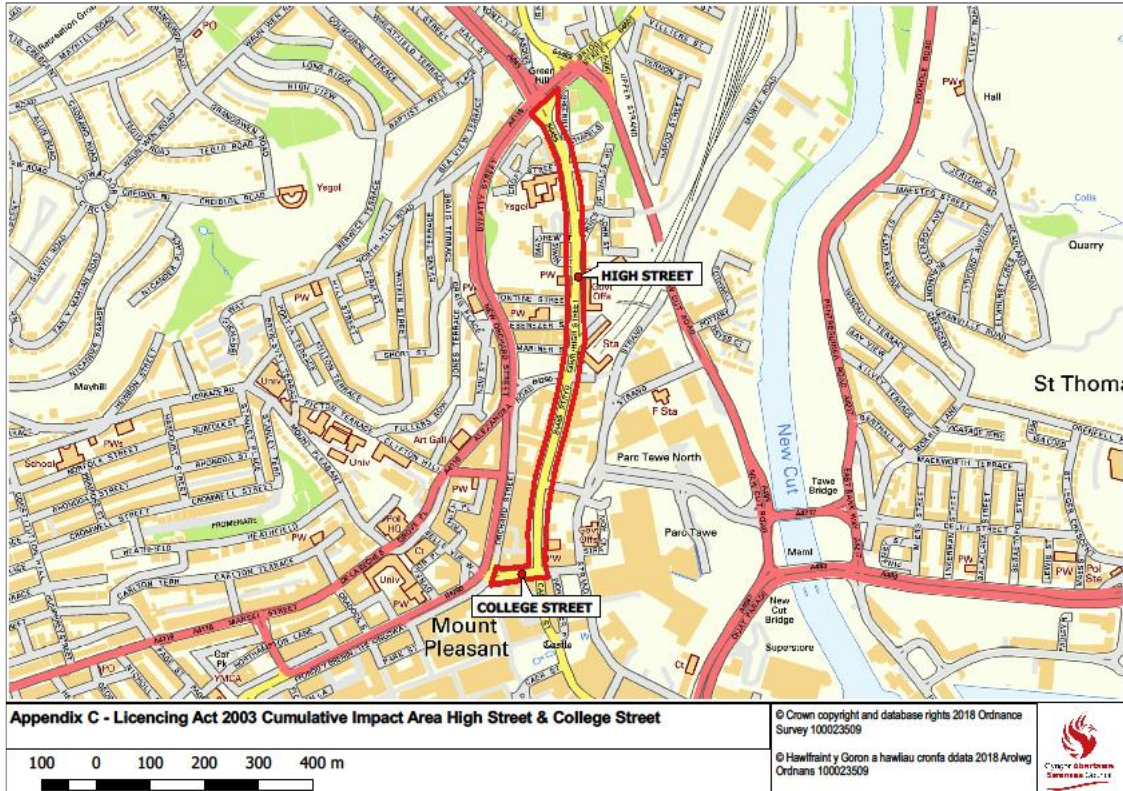




The Kingsway and Surrounding Area



High Street & College Street



### South Wales Police Evidence

I have been asked to provide a response to a formal request by City & County of Swansea to provide observations in relation to the Council's proposed Cumulative Impact Area policy.

A cumulative impact assessment may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specific area.

Previous CIA cycles have been 2013/17 & 2018/21 however due to the significant disruption caused by the Covid19 pandemic the CIA due in 2021 has not yet been formulated and is expected to be adopted before July 2023.

Previous CIAs to date have been adopted under the local authority's licensing policy however, since then a change to the Licensing Act 2003 was made by the Policing & Crime Act 2017 (with effect from 6<sup>th</sup> April 2018) which puts the CIA process on a statutory footing. Statutory guidance has been published and this report has been drafted in accordance with that guidance.

As well as providing data relating to police demand I will also provide an interpretation of the data together with conclusions.

The police response for the previous CIA (dated 04/04/2018) looked at crime and disorder data for the following areas during Evening and Night-time Economy hours:

Wind St & surrounding area

The Kingsway & surrounding area

High St & College St

The figures revealed a number of issues including the following:

Wind St – an increase in recorded crime of 78% between 2016 and 2017

Kingsway – 9% reduction in recorded crime between 2015 and 2018

High St – 22% reduction in recorded crime between 2015 and 2018

Part of the increase in Wind St can be attributed to a change in how crime was recorded by SWP during that time, however the corresponding reduction at Kingsway & High St indicates the growing popularity of Wind St as an ENTE destination at the expense of other areas of the city.

Other notable findings from the previous report indicate that the peak time for all recorded crime (including violence with & without injury, public order & drunk and disorderly offences) in the three areas listed above was between 11pm & 3am.

In addition, a year on year increase in recorded crime levels was noted from 3am onwards which indicated the consequences of late night walk-up into the night-time economy.

The report concluded that any relaxation to the CIA would lead to an increase in the number of late-night drinking venues which would in turn result in greater levels of late night crime and disorder which would place increased pressures on policing not only in the City but throughout the Division. For this reason SWP Swansea Neath Port Talbot Division endorsed the policy and opposed any relaxation to it.

### The current situation

The ENTE has bounced back from closure and restrictions brought about by the Covid 19 Pandemic during 2020/21 and is now once again operating at normal capacity. Since the last report there has been a number of changes to the city centre, Wind St and surrounding areas which could be said to have an impact on the ENTE, examples being:

- The increased popularity of Swansea as a university City with in-excess of 30,000 students between the two main universities (Swansea University & UWTSD), many of which reside in the city and socialise within the ENTE.
- Construction of six purpose-built student accommodations (PBSA) within the city centre which have a combined population of approx. 4,000 students. A further PBSA is currently under construction which is due to open for the 2023/24 academic year.
- Wind St has now become a pedestrian zone with the installation of numerous items of street furniture throughout the length of the street.
- Increase use of outdoor pavement café areas outside licensed premises, partly in response to Covid restrictions, however many have become permanent.
- Opening of the Arena concert venue in February 2022 which hosts events such as music concerts, shows and conventions and has a maximum capacity of 3,500.
- On-going development of the St David's area located between Wind St and the Arena which will contain several new licensed premises when complete.

In addition to the above there continues to be ENTE premises located at the Kingsway and also High St/College St, although the main focus of ENTE activity within the city continues to be at Wind St and surrounding area. The Kingsway is currently undergoing redevelopment into a commercial/business zone as well as residential premises, therefore it is anticipated that ENTE activity will decrease in this area. I will examine this in more detail later in the report.

Also, the past few years has seen the emergence and increased popularity of further ENTE spots outside of the city centre, these being:

Uplands  
SA1  
Mumbles

### Current police response

Swansea Neath Port Talbot Division has a long history of policing the evening and night-time economy within the cumulative impact zone, which is done via the long-running operation, 'Swansea After-Dark'. This is implemented on the busiest days of the week for the ENTE, Wednesdays (student night), Fridays & Saturdays. In addition to this After-Dark deployments also take place on other key dates for the ENTE such as bank holiday weekends, A Level result night, Beaujolais Day, Halloween etc.



After-Dark patrols typically involve a team of 1 x sergeant and approx. 12 PCs (Wed & Sat) predominantly working between the hours of 6pm to 4 am, although some shifts are staggered to provide coverage later into the night. These officers are not dedicated solely to After Dark but are abstracted from their primary roles such as Response & Neighbourhood Policing as well as criminal investigation and public protection roles throughout the Division.

Patrols are carried out on foot around Wind St and its environs and due to the volume of licensed premises and patrons there is a need for a 'meet and greet' approach where officers are encouraged to interact with the public, providing early intervention to identify and tackle crime & disorder and also vulnerability at the earliest opportunity.

Given the emergence of other pockets of ENTE such as SA1 & Uplands After-Dark officers also deploy to these areas thus reducing the number of officers patrolling Wind St. In addition, After-Dark officers are periodically required to assist in other areas of the Division in the event of exceptional demand.

Such are the demands of the role, After-Dark officers will inevitably become involved in arrests, interventions and enquiries throughout the evening which may well result in them being committed for the rest of the evening and subsequently not deployable for further patrols. Therefore, the team of 12 officers will become eroded as the evening progresses and there will be far fewer officers available later in the shift, which is a peak time given the staggered closing times for licensed premises typically between midnight and 4am. During this time a large number of persons, many intoxicated have egressed the many licensed premises and will be congregating in numbers at various fast-food establishments and taxi ranks prior to making their way home. This is a crucial period during the evening when the maximum number of officers are required to prevent crime & disorder, prevent harm and to promote public safety, however the fewest number are actually available, visible and deployable. Having supervised After Dark teams for many years I can attest to this attrition of resources, which is the norm.

#### Help Point

A further measure adopted by SWP in an effort to tackle vulnerability within the ENTE and to help break demand on After-Dark officers is the Help Point. This is a collaborative venture involving SWP and a number of key partners and is funded by the Police & Crime Commissioner, Welsh Ambulance Service & local health board.

The premises is located at the Strand Car park and is staffed by St Johns Ambulance (SJA) staff & volunteers, student volunteers (PSV) and a police officer. The Help Point is open from 10pm to 4am on Wednesdays & Saturdays and also key dates such as bank holiday weekends etc. An initial pilot scheme to trial Friday night opening has recently been carried out and further work on this is currently on-going.

Since its inception eight years ago the Help Point has treated in excess of 6,000 patients for conditions ranging from intoxication, injury and medical issues.

Access into the Help Point for those who need it is via three main routes:

- Patient brought in by police
- Pro-active patrols by student volunteers who identify vulnerable patient
- Direct contact from venues to SJA control via Nite-net radio with student volunteers then deployed to collect the patient.

Running costs are approximately £1,000 per night. There are only three paid staff (nurse, paramedic & police officer), the bulk of the personnel being SJA volunteers & student volunteers.

Patient numbers over the past year indicate that on average 12 patients will be treated at the Help Point on a Saturday evening and 10-12 on Wednesdays, however this figure drops outside of term-time when less students are active within the ENTE.

The Help Point is considered to be an excellent example of best practice & partnership working within the ENTE which has a real impact in tackling vulnerability and breaking demand for officers, freeing them up to deal with other issues.

### Other agencies

Staff and volunteers from other agencies also operate within the city centre ENTE to promote public safety including:

- Taxi Marshals
- City Centre Rangers
- Street pastor scheme (volunteers from various faith groups who patrol Wind St and provide assistance to those who need it).

### Statistics

The following statistics contain an overview of total occurrences during the evening & night-time economy period (1800-0600 hrs) over a five-year period (2017-22) for the three cumulative impact areas:

**Wind St and surrounding area:** Wind Street, The Strand (to the junction with Welcome Lane), Worcester Place, Castle Street, Castle Gardens, Castle Square, Temple Street, Green Dragon Lane, Little Wind Street, Salubrious Place, Salubrious Passage, Caer Street, Princess Way, St Mary’s Street, St Mary’s Square, St David’s Place, York Street, Victoria Road

**The Kingsway and surrounding area:** The Kingsway, Dillwyn Street (from the junctions with The Kingsway and Oxford Street), Oxford Street (from the junctions with Dillwyn Street and Princess Way), Picton Lane, Union Street (from the junctions of The Kingsway and Oxford Street), Park Street, Portland Street, Bellvue Way, Dynevor Place, Horton Street, Pell Street, Cradock Street, Northampton Lane, Christina Street, Newton Street

**High St and surrounding area:** High Street, College St

We will examine each of these area in more detail and look at hourly breakdown for all crimes, violence and anti-social behaviour, to give an indication of the demand facing SWP officers, however an overview is as follows:

### **Total Occurrences during ENTE period (1800 hrs – 0600 hrs)**

	<b><u>Wind St</u></b>	(% change)	<b><u>Kingsway</u></b>	(% change)	<b><u>High St</u></b>	(%change)
2017/18	<b>1899</b>		<b>919</b>		<b>370</b>	
2018/19	<b>1719</b>	(-9.5%)	<b>688</b>	(-25%)	<b>524</b>	(+141%)
2019/20	<b>1350</b>	(-21.5%)	<b>604</b>	(-12%)	<b>433</b>	(-17%)
<b>2020/21</b>	<b>469</b>	<b>(-287%)</b>	<b>318</b>	<b>(-189%)</b>	<b>414</b>	<b>(-4%)</b>
2021/22	<b>1308</b>	(+278%)	<b>504</b>	(+158%)	<b>320</b>	(-23%)

Wind St – 31% decrease in occurrences over five-year period 2017-22

Kingsway – 45% decrease in occurrences over five-year period 2017-22

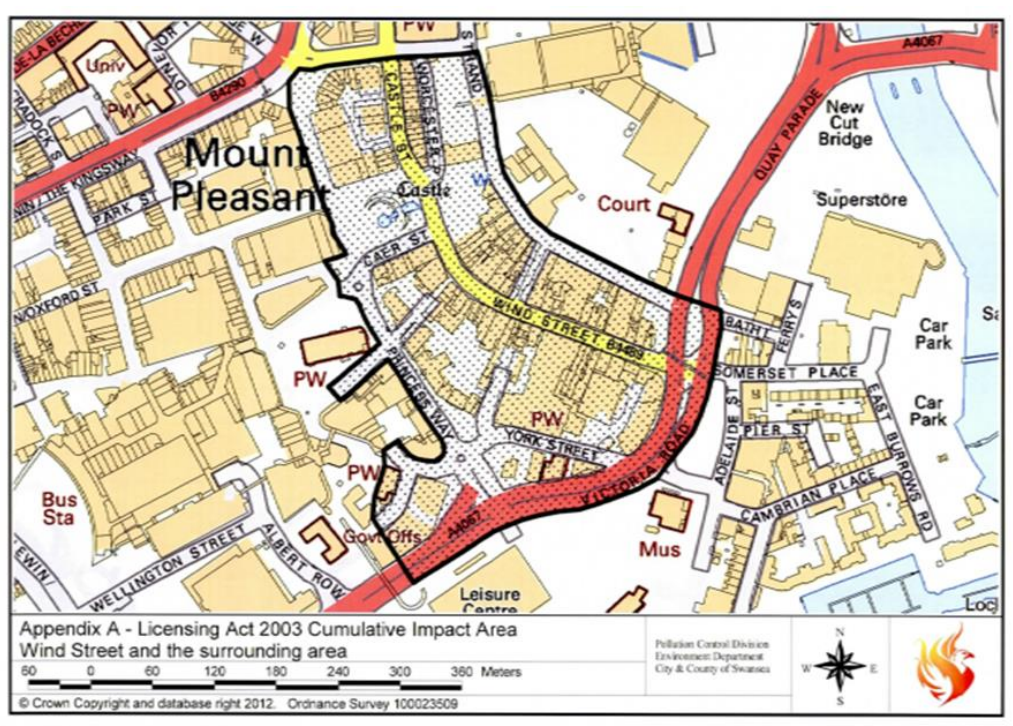
High St – 13% decrease in occurrences over five-year period 2017-22

- % change represents the year on year difference

The figures highlighted in red represent the period most affected by restrictions and closure to ENTE due to the Covid 19 pandemic. It can be seen that Wind St and the Kingsway experienced a significant drop in demand however there is no discernible difference for High St during this period, although it should be noted that the number of occurrences for High St is considerably less than the other areas.

The figures for 2021/22 also indicate that demand has largely returned to pre-pandemic levels.

### Wind St

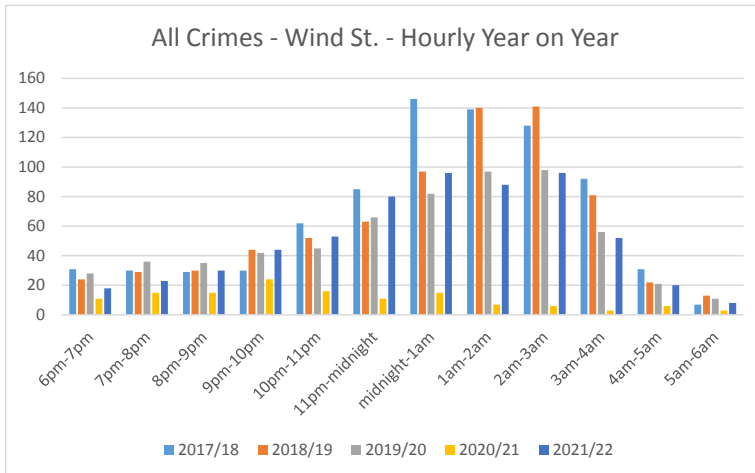


#### All Crimes Wind St

	2017/18	2018/19	2019/20	2020/21	2021/22
6pm-7pm	31	24	28	11	18
7pm-8pm	30	29	36	15	23
8pm-9pm	29	30	35	15	30
9pm-10pm	30	44	42	24	44
10pm-11pm	62	52	45	16	53
11pm-0000	85	63	66	11	80
0000-1am	146	97	82	15	96
1am-2am	139	140	97	7	88
2am-3am	128	141	98	6	96
3am-4am	92	81	56	3	52
4am-5am	31	22	21	6	20
5am-6am	7	13	11	3	8
<b>TOTAL</b>	<b>810</b>	<b>736</b>	<b>617</b>	<b>132</b>	<b>608</b>

The above data shows that there has been a 25% reduction in crime within the Wind St CIA between 2017-22. Also of note is the huge reduction in crime during the main period of Covid restrictions & closures during 2020/21.

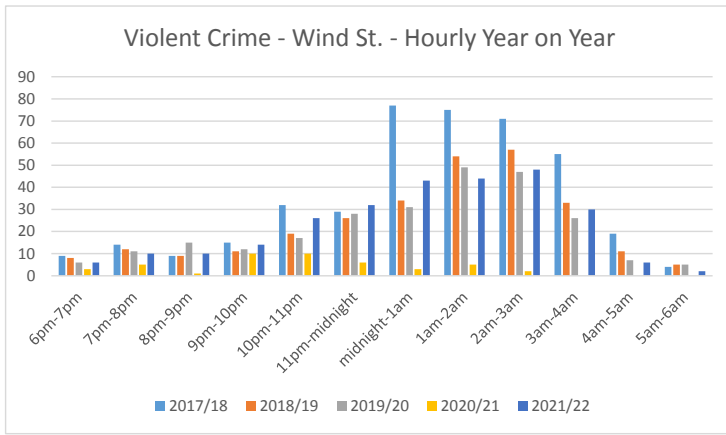
It also shows that the peak time for demand is between 10pm-4am (highlighted in red). This is illustrate below:



### Violent Crime - Wind St

	2017/18	2018/19	2019/20	2020/21	2021/22
6pm-7pm	9	8	6	3	6
7pm-8pm	14	12	11	5	10
8pm-9pm	9	9	15	1	10
9pm-10pm	15	11	12	10	14
10pm-11pm	32	19	17	10	26
11pm-0000	29	26	28	6	32
0000-1am	77	34	31	3	43
1am-2am	75	54	49	5	44
2am-3am	71	57	47	2	48
3am-4am	55	33	26	0	30
4am-5am	19	11	7	0	6
5am-6am	4	5	5	0	2
<b>TOTAL</b>	<b>409</b>	<b>279</b>	<b>254</b>	<b>45</b>	<b>271</b>

The above represents a 33% reduction in violent crime between 2017-22. Also replicated is the large decrease during the main Covid period 2020/21. In addition, the pattern of peak demand between 10pm-4am is repeated:

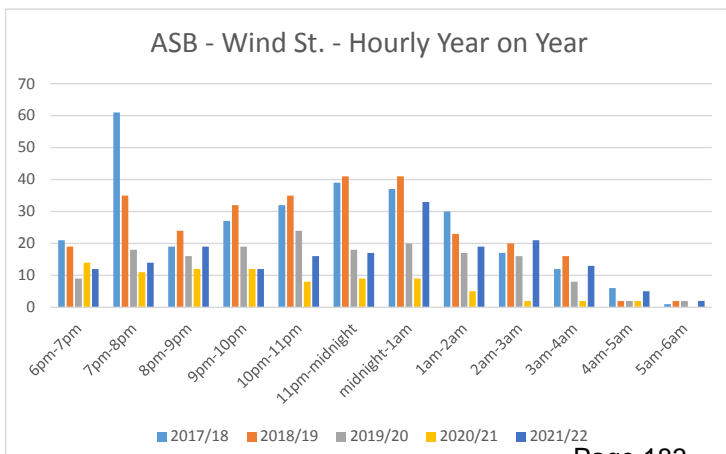


### Anti-Social Behaviour - Wind St

	2017/18	2018/19	2019/20	2020/21	2021/22
6pm-7pm	21	19	9	14	12
7pm-8pm	61	35	18	11	14
8pm-9pm	19	24	16	12	19
9pm-10pm	27	32	19	12	12
10pm-11pm	32	35	24	8	16
11pm-0000	39	41	18	9	17
0000-1am	37	41	20	9	33
1am-2am	30	23	17	5	19
2am-3am	17	20	16	2	21
3am-4am	12	16	8	2	13
4am-5am	6	2	2	2	5
5am-6am	1	2	2	0	2
<b>TOTAL</b>	<b>302</b>	<b>290</b>	<b>169</b>	<b>86</b>	<b>183</b>

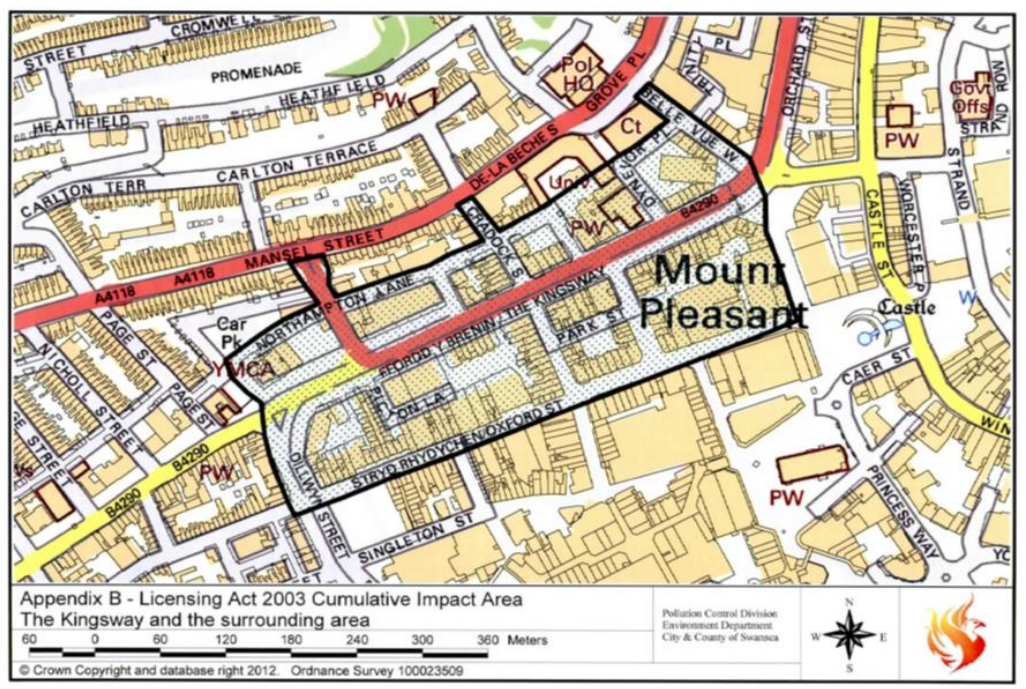
The above represents a 39% reduction in anti-social behaviour between 2017-22. Again, the effects of Covid restrictions and closure can be seen in 2020/21.

In addition, peak demand is also between 10pm-4am although this is not as clearly pronounced as the previous figures:





## The Kingsway



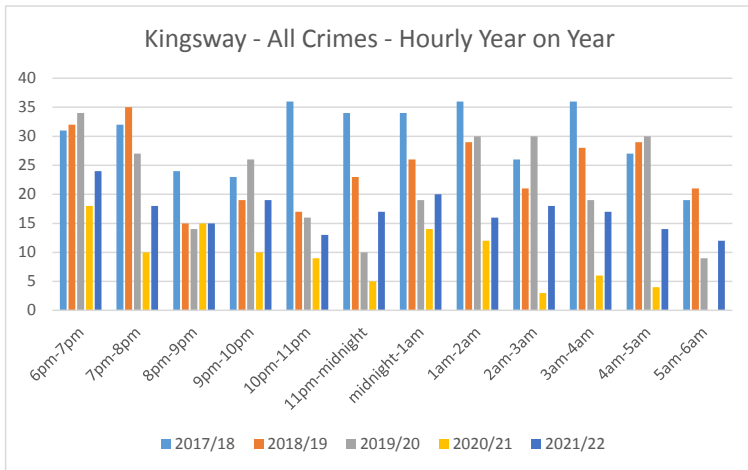
### All Crimes - Kingsway

	2017/18	2018/19	2019/20	2020/21	2021/22
6pm-7pm	31	32	34	18	24
7pm-8pm	32	35	27	10	18
8pm-9pm	24	15	14	15	15
9pm-10pm	23	19	26	10	19
10pm-11pm	36	17	16	9	13
11pm-0000	34	23	10	5	17
0000-1am	34	26	19	14	20
1am-2am	36	29	30	12	16
2am-3am	26	21	30	3	18
3am-4am	36	28	19	6	17
4am-5am	27	29	30	4	14
5am-6am	19	21	9	0	12
<b>TOTAL</b>	<b>358</b>	<b>295</b>	<b>264</b>	<b>106</b>	<b>203</b>

The above shows a 43% reduction in all crime within the Kingsway CIA between 2017/22.

Again, a large drop in crime is evident during the Covid period 2020/21.

Hourly demand is evenly spread during the ENTE period as shown below:

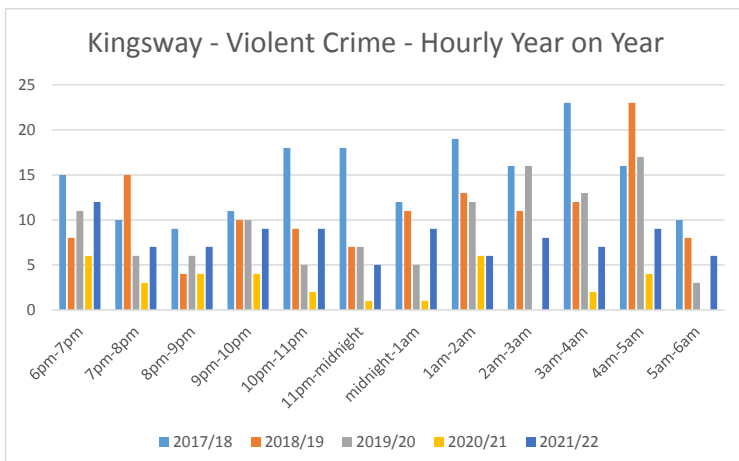


**Violent Crime - Kingsway**

	2017/18	2018/19	2019/20	2020/21	2021/22
6pm-7pm	15	8	11	6	12
7pm-8pm	10	15	6	3	7
8pm-9pm	9	4	6	4	7
9pm-10pm	11	10	10	4	9
10pm-11pm	18	9	5	2	9
11pm-0000	18	7	7	1	5
0000-1am	12	11	5	1	9
1am-2am	19	13	12	6	6
2am-3am	16	11	16	0	8
3am-4am	23	12	13	2	7
4am-5am	16	23	17	4	9
5am-6am	10	8	3	0	6
<b>TOTAL</b>	<b>177</b>	<b>131</b>	<b>111</b>	<b>33</b>	<b>94</b>

The above shows a 45% reduction in violent crime over the five-year period 2017-22.

Again, a large drop can be seen in the figures for 2022/21, and hourly demand is evenly split, with a slight increase later in the night:



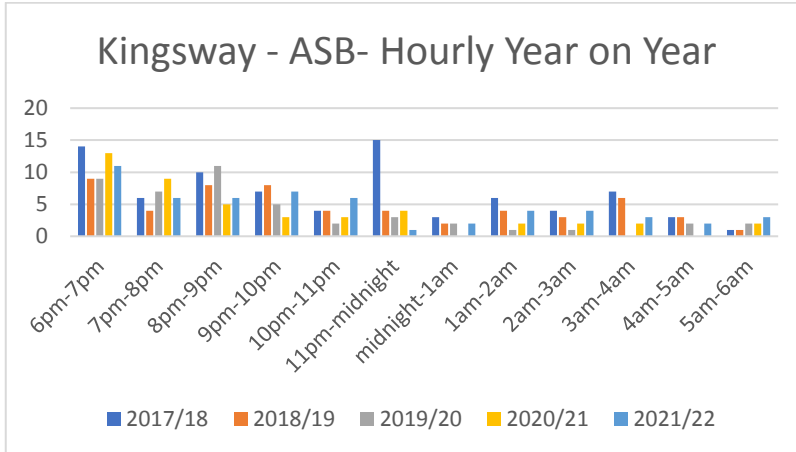
### Anti-Social Behaviour - Kingsway

2017/18 2018/19 2019/20 2020/21 2021/22

6pm-7pm	14	9	9	13	11
7pm-8pm	6	4	7	9	6
8pm-9pm	10	8	11	5	6
9pm-10pm	7	8	5	3	7
10pm-11pm	4	4	2	3	6
11pm-0000	15	4	3	4	1
0000-1am	3	2	2	0	2
1am-2am	6	4	1	2	4
2am-3am	4	3	1	2	4
3am-4am	7	6	0	2	3
4am-5am	3	3	2	0	2
5am-6am	1	1	2	2	3
<b>TOTAL</b>	<b>80</b>	<b>56</b>	<b>45</b>	<b>45</b>	<b>55</b>

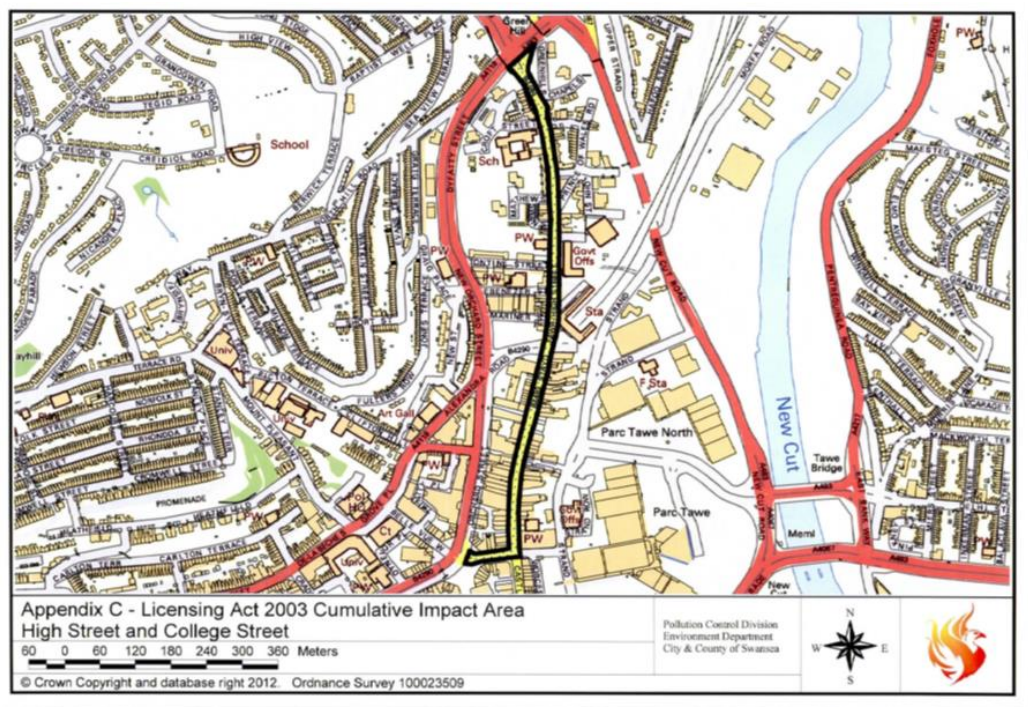
The above represents a 31% reduction in ASB at the Kingsway over the five year period 2017-22.

Again, hourly demand is evenly split:





## High Street (& College St)



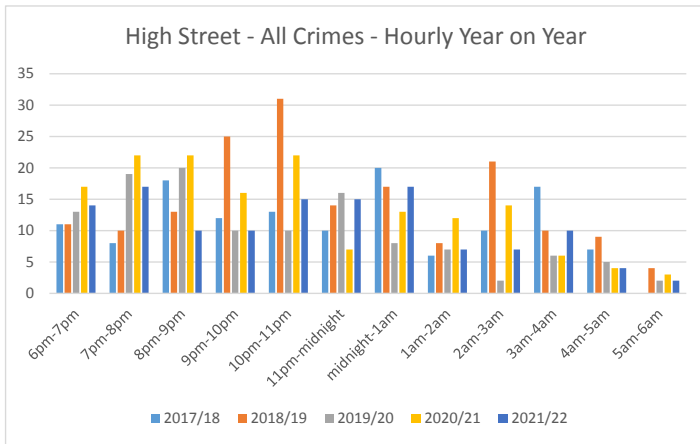
### All Crimes-High St

	2017/18	2018/19	2019/20	2020/21	2021/22
6pm-7pm	11	11	13	17	14
7pm-8pm	8	10	19	22	17
8pm-9pm	18	13	20	22	10
9pm-10pm	12	25	10	16	10
10pm-11pm	13	31	10	22	15
11pm-0000	10	14	16	7	15
0000-1am	20	17	8	13	17
1am-2am	6	8	7	12	7
2am-3am	10	21	2	14	7
3am-4am	17	10	6	6	10
4am-5am	7	9	5	4	4
5am-6am	0	4	2	3	2
<b>TOTAL</b>	<b>132</b>	<b>173</b>	<b>118</b>	<b>158</b>	<b>128</b>

The above shows a 3% reduction in crime within the High St CIA between 2017-22.

The previous pattern of lower figure during the main Covid period 2020/21 is not seen here.

Again, as seen at the Kingsway there is a more even spread of hourly demand:

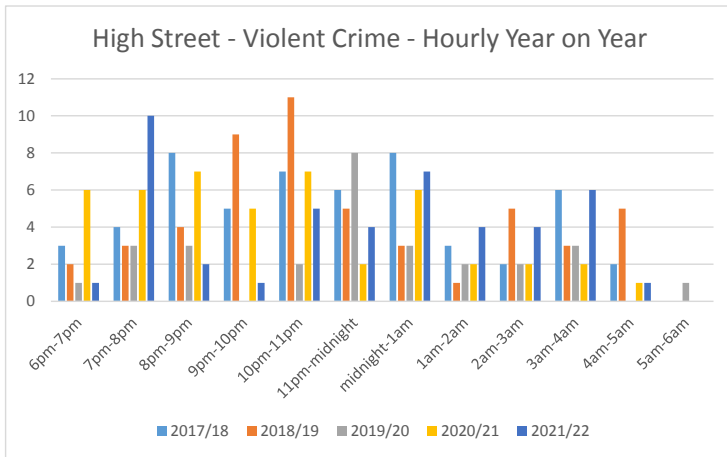


### Violent Crime - High St

	2017/18	2018/19	2019/20	2020/21	2021/22
6pm-7pm	3	2	1	6	1
7pm-8pm	4	3	3	6	10
8pm-9pm	8	4	3	7	2
9pm-10pm	5	9	0	5	1
10pm-11pm	7	11	2	7	5
11pm-0000	6	5	8	2	4
0000-1am	8	3	3	6	7
1am-2am	3	1	2	2	4
2am-3am	2	5	2	2	4
3am-4am	6	3	3	2	6
4am-5am	2	5	0	1	1
5am-6am	0	0	1	0	0
<b>TOTAL</b>	<b>54</b>	<b>51</b>	<b>28</b>	<b>46</b>	<b>45</b>

Violent crime has reduced by 17% during the period 2017-22.

Again, an even spread throughout the ENTE period is evident:

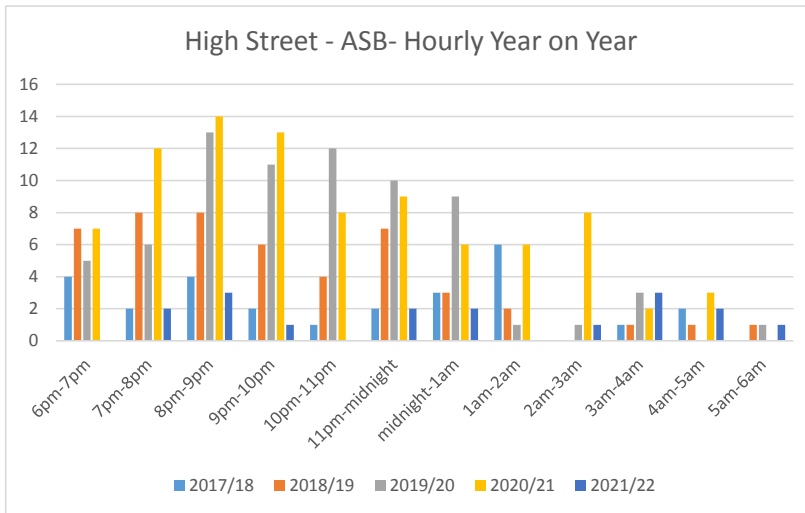


### ASB-High St

	2017/18	2018/19	2019/20	2020/21	2021/22
6pm-7pm	4	7	5	7	0
7pm-8pm	2	8	6	12	2
8pm-9pm	4	8	13	14	3
9pm-10pm	2	6	11	13	1
10pm-11pm	1	4	12	8	0
11pm-0000	2	7	10	9	2
0000-1am	3	3	9	6	2
1am-2am	6	2	1	6	0
2am-3am	0	0	1	8	1
3am-4am	1	1	3	2	3
4am-5am	2	1	0	3	2
5am-6am	0	1	1	0	1
<b>TOTAL</b>	<b>27</b>	<b>48</b>	<b>72</b>	<b>88</b>	<b>17</b>

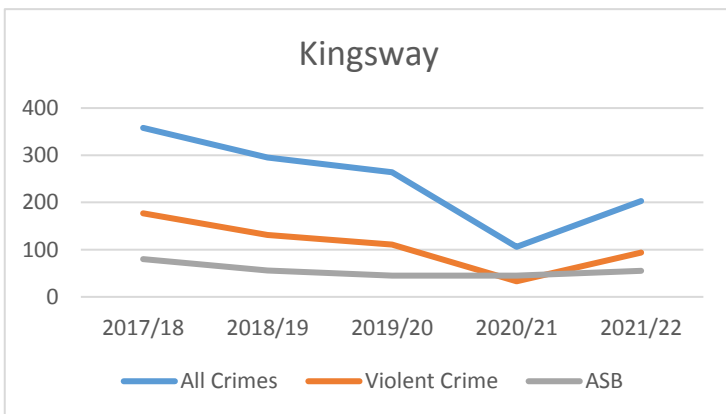
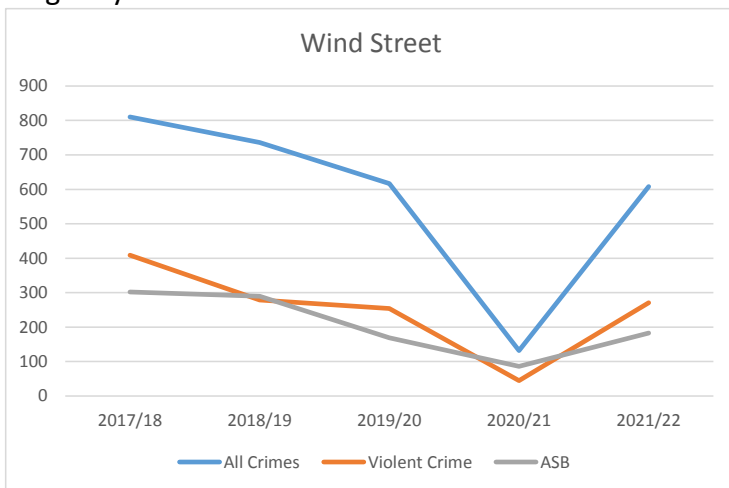
ASB has reduced by 37% over the five-year period, however a considerable spike occurred during 2019/20 & 2020/21 before falling back to much lower levels in 2021/22.

Peak time for ASB is earlier in the evening than we have seen in other areas with 8pm-midnight being the busiest period:

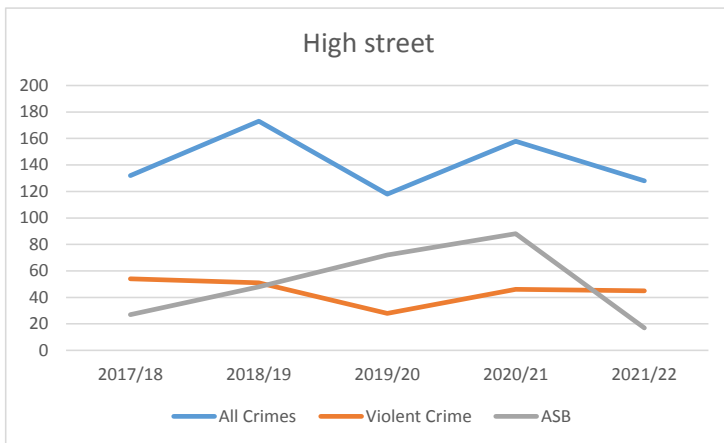


**The Covid years 2020/21**

We have seen from the figures that the closure of licensed premises and restrictions to their opening hours and operations has impacted crime figures considerably for Wind St & the Kingsway. This is illustrated as follows:



Curiously this phenomenon was not replicated at High St where figures rose from 2019/20 levels:



A possible explanation for this is the fact that the High St area is located close to Swansea central railway Station and has a number of businesses such as convenience stores which are open 24/7 and reflects the transient nature of the area.

Also, it should also be noted that although the bulk of Covid restrictions occurred during 2020/21, there was also a period of closure and restrictions to licensed premises over Xmas 2021 going into Jan 2022, therefore figures for last year do not reflect a full year of normal trading and taking that into account it is likely that figures for next year will be back to pre-Covid levels.

### Conclusions

#### Wind St

Despite a substantial policing commitment the evening and night-time economy continues to generate significant police demand, particularly between 2200-0400 hrs at Wind Street.

The Covid years 2020/21 serve to highlight the dramatic effect of ENTE activity on crime and disorder. **Significantly less ENTE activity equals significantly less police demand.**

The outside pavement café area used by many of the premises on Wind St has created greater pedestrian congestion due to a decrease in space between venues. Coupled with queues for entry to premises at peak times a number of pinch points have become evident. This increases the risk of disorder.

The current ENTE policing model via After Dark is geared towards providing coverage during the peak demand times (up to 0400 hrs).

The supporting infrastructure – Help Point, Taxi Marshals, Street Pastor scheme does not extend beyond 0400 hrs and is unlikely to do so in future.

Any move towards significantly greater saturation of high-volume vertical drinking establishments (HVVDDE's) within the ENTE (particularly Wind St) would likely lead to increased police demand.

Any move towards later opening of licensed premises within the ENTE would mean an increase in intoxicated persons in the area later into the night, which in turn risks increasing police demand later into the night, beyond 0400 hrs.

Many of the licensed premises located at Wind St regularly submit Temporary Event Notices (TENs) which extend their licensable activities beyond their normal operating hours and later into

the night, thus increasing further the number of persons in the ENTE later into the night and the knock-on effect on police demand.

Any change to the previous cumulative impact policy involving later opening would likely mean an increase in applications to extend opening hours later into the night. This increase in HVVDE's would effectively promote a late-night drinking culture which is at odds with the image of Swansea as a Purple Flag city which boasts a diverse and vibrant ENTE.

Any change to the existing After Dark arrangements to extend police coverage later into the night would have an adverse effect on policing throughout the Swansea Neath Port Talbot Division.

The current regime of staggered closing times between midnight and 0400 hrs allows for a gradual decline in number of persons within the ENTE as they make their way home at varying times and reduces demand at pinch points such as taxi ranks and fast-food establishments and is the favoured approach.

During the previous CIA policy cycle we have observed a decrease in police demand:

Total occurrences down 31% 2017-22

Total crime down 25% 2017-22

Violent crime down 33% 2017-22

ASB down 39% 2017-22

This indicates that the previous CIA policy has been successful and should be re-introduced, particularly in light of the changes taking place within the ENTE in the City and the potential for expansion over the next few years. It also reflects the success of After Dark and the lessons learned over many years of policing the ENTE.

**It should also be considered that crime figures do not represent the total picture of police demand, for example the crime prevention effect of early interventions made by officers to prevent minor incidents escalating is not recorded.** In addition, an incident may be reported on the night however there may well be following up enquiries required the following day and beyond, which means that ENTE demand further impacts upon day-to-day policing.

The policing environment is continually changing to take into account emerging trends. As well as focussing on public order and violence within the ENTE there is also a need to tackle issues such as vulnerability, violence against women and girls (VAWG), drink spiking, drug misuse etc and these themes will be a focus for After Dark officers going forward.

### The Kingsway

Police demand at the Kingsway is approximately 2.5 times less than that of Wind St based on 2021/22 total occurrence figures (504 for Kingsway, 1308 for Wind St).

During the previous CIA policy cycle we have observed a decrease in police demand:

Total occurrences down 45% 2017-22

Total crime down 43% 2017-22

Violent crime down 45% 2017-22

ASB down 31% 2017-22

Again, this indicates that the previous CIA policy was effective. It also reflects the changing nature of the Kingsway with development on-going which will focus more on office and residential premises and less on ENTE premises. Any new cumulative impact policy should take this change into account.

### High Street

Police demand at High St is currently four times less than that of Wind St based on total occurrence figures for 2021/22 (320 for High St, 1308 for Wind St).

The area has seen smaller decreases than the other two areas, nevertheless the figures reveal a decrease in police demand:

Total occurrences down 13% 2017-22

Total crimes down 3% 2017-22

Violent crime down 17% 2017-22

ASB down 37% 2017-22

Again, this suggests that the previous CIA policy has been a success in this area.

High St continues to have numerous ENTE premises, and since the previous CIA there has been an influx of students residing in new purpose-built student accommodation (PBSAs) there is a potential for more to spring up to service the extra demand created by their presence. Any new CIA policy should take this into account.

Finally, I wish to stress that the Covid years 2020/21 have shown beyond doubt that there is a link between ENTE activity and police demand. A busier ENTE equals higher police demand. The current policing provision for the ENTE is based on the existing ENTE environment. Any expansion of this would have consequences for policing, and these consequences would be felt throughout Swansea Neath Port Talbot Division.

The bottom line is that when venues close their doors and customers leave, responsibility to manage the situation on the streets rests firmly with police, being the lead agency and only agency consistently present late at night, hence a framework to regulate this environment is welcome.

Consideration has been given to submitting data in relation to emerging areas such as Uplands, SA1 & Mumbles, however, as has been demonstrated in this report Wind St continues to be the main area of police demand in the ENTE and is the area where cumulative impact is most felt.

Therefore, taking the above factors into account, SWP Swansea Neath Port Talbot Division wish to put on record that the adoption a new Cumulative Impact Area policy is supported, particularly so in relation to Wind Street, however any move towards a relaxation of the policy involving later opening and/or significantly greater saturation levels of licensed premises within the ENTE is not supported.

Respectfully submitted for your information and consideration.

# Appendix D - Integrated Impact Assessment Screening Form

**Please ensure that you refer to the Screening Form Guidance while completing this form.**

**Which service area and directorate are you from?**

Service Area: Licensing – Housing and Public Health

Directorate: Place

**Q1 (a) What are you screening for relevance?**

- New and revised policies, practices or procedures
- Service review, re-organisation or service changes/reductions, which affect the wider community, service users and/or staff
- Efficiency or saving proposals
- Setting budget allocations for new financial year and strategic financial planning
- New project proposals affecting staff, communities or accessibility to the built environment, e.g., new construction work or adaptations to existing buildings, moving to on-line services, changing location
- Large Scale Public Events
- Local implementation of National Strategy/Plans/Legislation
- Strategic directive and intent, including those developed at Regional Partnership Boards and Public Services Board, which impact on a public bodies functions
- Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans)
- Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy)
- Major procurement and commissioning decisions
- Decisions that affect the ability (including external partners) to offer Welsh language opportunities and services

**(b) Please name and fully describe initiative here:**

The Policing and Crime Act 2017 amended the Licensing Act 2003 to place ‘Cumulative Impact Assessments’ (CIAs) on a statutory footing by introducing paragraph 5a of the Licensing Act 2003. This amendment came into force on 6<sup>th</sup> April 2018.

Swansea Council first adopted a special policy on Cumulative Effect in 2013, with amendments being made in a review in 2017, as it was recognised that certain types of premises, due to their nature, would not add to existing cumulative impact. The special policy formed part of the Statement of Licensing Policy, which was last reviewed in July 2018 however, due to the Covid-19 pandemic, the Cumulative Impact Policy (CIP) was not reviewed in 2021 as planned and therefore lapsed.

The proposal is that this Cumulative Impact Assessment is published under the new provisions of the Licensing Act 2003. It will have the same the effect and apply to the same areas that were contained in the CIP that came into force in 2018. The policy will be reviewed no later than every three years from the date it comes into force.

**Q2 What is the potential impact on the following: the impacts below could be positive (+) or negative (-)**

	High Impact		Medium Impact		Low Impact		Needs further investigation
	+	-	+	-	+	-	
Children/young people (0-18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Older people (50+)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any other age group	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Future Generations (yet to be born)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



## Appendix D - Integrated Impact Assessment Screening Form

Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race (including refugees)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Asylum seekers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gypsies & travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community cohesion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Q3 What involvement has taken place/will you undertake e.g. engagement/consultation/co-productive approaches?  
Please provide details below – either of your activities or your reasons for not undertaking involvement**

As per section 5a of the Licensing Act 2003, in preparing the Cumulative Impact Assessment the Licensing Authority will consult with the persons mentioned in section 5(3) of the Licensing Act 2003, namely:

- South Wales Police;
- Mid & West Wales Fire Authority;
- Abertawe Bro Morgannwg University Health Board
- persons/bodies representing local holders of premises licenses;
- persons/bodies representing local holders of club premises certificates;
- persons/bodies representing local holders of personal licenses;
- persons/bodies representing businesses and residents.

And will also consult the following:

- Local Authority Members;
- The Licensing Committee;
- Representatives of other appropriate Council functions including:
  - Community Safety
  - Planning Services
  - Estates
  - Transportation & Engineering
  - Regeneration
  - Culture & Tourism
  - Social Services
  - Pollution Control
  - Health and Safety
  - Trading Standards
- Neighbouring Licensing Authorities;
- Swansea Magistrates Court
- Licensing Solicitors
- Accident and Emergency Department

## Appendix D - Integrated Impact Assessment Screening Form

- The Ambulance Service
- Musicians Union

**Q4 Have you considered the Well-being of Future Generations Act (Wales) 2015 in the development of this initiative:**

- a) Overall does the initiative support our Corporate Plan's Well-being Objectives when considered together?  
Yes  No
- b) Does the initiative consider maximising contribution to each of the seven national well-being goals?  
Yes  No
- c) Does the initiative apply each of the five ways of working?  
Yes  No
- d) Does the initiative meet the needs of the present without compromising the ability of future generations to meet their own needs?  
Yes  No

---

**Q5 What is the potential risk of the initiative? (Consider the following impacts – equality, socio-economic, environmental, cultural, legal, financial, political, media, public perception etc...)**

High risk

Medium risk

Low risk

---

**Q6 Will this initiative have an impact (however minor) on any other Council service?**

Yes

No

If yes, please provide details below

**Q7 ~~What is the cumulative impact of this proposal on people and/or communities when considering all the impacts identified within the screening and any other key decisions affecting similar groups/ service users made by the organisation?~~**

*(You may need to discuss this with your Service Head or Cabinet Member to consider more widely if this proposal will affect certain groups/ communities more adversely because of other decisions the organisation is making. For example, financial impact/poverty, withdrawal of multiple services and whether this is disadvantaging the same groups, e.g., disabled people, older people, single parents (who are mainly women), etc.)*

Any applicant wishing to apply for the grant or variation of a premises licence/club premises certificate in an area where the CIA applies will be required to give consideration to potential cumulative impact issues when setting out the steps that they will take to promote the licensing objectives as part of their application. The application, including the proposed steps to promote the licensing objectives, will be considered by the Licensing Authority and the other Responsible Authorities, who will each determine whether or not to make representations in response to the application. The Licensing Committee will determine any application that is subject to representations and will consider each application on its merits, having regard to their duty to promote the Licensing Objectives.

# Appendix D - Integrated Impact Assessment Screening Form

## Outcome of Screening

**Q8 Please describe the outcome of your screening below:**

- **Summary of impacts identified and mitigation needed (Q2)**
- **Summary of involvement (Q3)**
- **WFG considerations (Q4)**
- **Any risks identified (Q5)**
- **Cumulative impact (Q7)**

(Q2) The screening identifies that the impact of the introduction of a CIA by Swansea Council is I to all groups identified in Q2.

(Q3) Consultation on the proposed CIA will be undertaken with all parties identified in Q3 and all responses received will be considered by Full Council.

(Q4) All aspects of the WFG Act principles have been considered and it is of low impact.

(Q5) The potential risks are low to all aspects being considered.

(Q7) Any applicant wishing to apply for the grant or variation of a premises licence/club premises certificate in an area where the CIA applies will be required to give consideration to potential cumulative impact issues when setting out the steps that they will take to promote the licensing objectives as part of their application. The application, including the proposed steps to promote the licensing objectives, will be considered by the Licensing Authority and the other Responsible Authorities, who will each determine whether or not to make representations in response to the application. The Licensing Committee will consider and determine any application that is subject to representations on its merits, having regard to their duty to promote the Licensing Objectives

(NB: This summary paragraph should be used in the relevant section of corporate report)

Full IIA to be completed

Do not complete IIA – please ensure you have provided the relevant information above to support this outcome

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email.

<b>Screening completed by:</b>
<b>Name: Yvonne Lewis</b>
<b>Job title: Team Leader Licensing</b>
<b>Date: 29/11/22</b>
<b>Approval by Head of Service:</b>
<b>Name:</b>
<b>Position:</b>
<b>Date:</b>

Please return the completed form to [accesstoservices@swansea.gov.uk](mailto:accesstoservices@swansea.gov.uk)

# Agenda Item 13.



## Report of the Cabinet Member for Community (Services)

Cabinet – 19 January 2023

### Fixed Penalty Notices for Breach of Householder Duty of Care in relation to Fly Tipping

<b>Purpose:</b>	To seek approval to adopt and implement the Household Waste Duty of Care (Fixed Penalties) (Wales) Regulations 2019 to issue fixed penalty notices (FPNs) as a more proportionate response to tackling small scale fly tipping where appropriate.
<b>Policy Framework:</b>	The Environmental Protection Act 1990 Section 34 as amended by The Household Waste Duty of Care (Fixed Penalties) (Wales) Regulations 2019 <a href="http://www.legislation.gov.uk/wsi/2019/331/introduction/made">http://www.legislation.gov.uk/wsi/2019/331/introduction/made</a>
<b>Consultation:</b>	Access to Services, Finance, Legal.
<b>Recommendation(s):</b>	It is recommended that Cabinet: <ol style="list-style-type: none"><li>1) Approves the issue of Fixed Penalty Notices in accordance with the legislation</li><li>2) Approves the fixed penalty fee be set at £300 to be paid within 14 working days in accordance with the legislation</li><li>3) Approves an early payment amount of £150 if paid within 10 working days.</li></ol>
<b>Report Author:</b>	Fran Williams
<b>Finance Officer:</b>	Paul Roach
<b>Legal Officer:</b>	Tracey Meredith
<b>Access to Services Officer:</b>	Catherine Window

## **1. Introduction**

- 1.1 The Household Waste Duty of Care (Fixed Penalties) (Wales) Regulations 2019 is an amendment to Part II of the Environmental Protection Act 1990 (EPA 1990) section 34. It amends and improves previous legislation available to Local Authorities in Wales.
- 1.2 The Act amends legislation to provide an opportunity for householders to avoid court and a possible criminal record by way of a Fixed Penalty Notice (FPN). FPNs offer a more efficient and proportionate response to tackling Household Duty of Care (HDoC) in regard to fly tipped waste, which will also help ease the burden on the court system.

## **2. Fixed Penalty Notice Procedures**

- 2.1 The Act increases the number of offences that can be dealt with by the issue of FPNs.
- 2.2 Using FPNs is an optional course for councils to tackle those who admit the offence and free up court and council time. Failure to pay the penalty will result in prosecutions for the original offence. FPN's will not be used where prosecution through the court is more appropriate ie the deliberate transfer of waste knowing it will be fly tipped or for persistent offenders or where there is a history of not paying FPN's.

## **3. Level of Fixed Penalty**

- 3.1 Table A below outlines the offence, the fixed and the amount for early payment of the FPNs which can be applied.
- 3.2 The level of penalty is set out in the legislation: which is as follows:
  - a) Fixed Penalty - £300
  - b) Discounted Penalty for early payment (if offered) - £150
- 3.3 The recommendation is that a discounted penalty is offered for early payment which will be set at £150 if paid within 10 working days. The alternative would be to not agree an early payment option with all FPN's having to be paid at the rate of £300 within 14 days.

**Table A**

Sections & Legislations	Offence	Amount		Suggested Amount for Early Payment
The Household Waste Duty of Care (Fixed Penalties) (Wales) Regulations 2019	Fixed Penalty notices for contravention of section 34(2)(a):Wales EPA 1990 34ZB	£300		£150 if paid within 10 working days

3.4 The Act also generally requires the use of fixed penalties to be used for specific purposes as the Council is able to retain the amounts paid to it. Those purposes are laid down specifically but, in the main, require reinvestment of the FPNs back into the service that generated the FPN.

3.5 It must be emphasised that this is not an income generating exercise. These procedures give the Council further regulatory options to prosecute and it is expected that income from all FPNs will still remain relatively low.

#### **4. Integrated Assessment Implications**

4.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

4.1.1 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in

accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

4.1.2 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

4.1.3 The outcome of the screening was that a full IIA was not required due to their being low impact on protected groups.

## **5. Financial Implications**

5.1 The income generated will be additional to existing budgets and there will be no additional costs. However, that extra income is expected to be minimal. Any such income will be used solely and incidentally to offset the costs of other early intervention, awareness raising, advertising, removal/disposal and enforcement action in respect of fly tipping

## **6. Legal Implications**

6.1 The Household Waste Duty of Care (Fixed Penalties) (Wales) Regulations 2019 prescribes the ranges that certain fixed penalties are required to fall within. The proposed amounts in the report are as specified in the Regulations.

6.2 Regard should be given to Welsh Government Guidance for Local Authorities on Household Waste Duty of Care – Fixed Penalty Notices in particular as to when FPN's should be issued.

**Background Papers:** None

**Appendices:**

Appendix A - IIA Screening

## Appendix A - Integrated Impact Assessment Screening

Please ensure that you refer to the Screening Form Guidance while completing this form.

### Which service area and directorate are you from?

Service Area: Waste, Parks & Cleansing

Directorate: Place

### Q1 (a) What are you screening for relevance?

- New and revised policies, practices or procedures
- Service review, re-organisation or service changes/reductions, which affect the wider community, service users and/or staff
- Efficiency or saving proposals
- Setting budget allocations for new financial year and strategic financial planning
- New project proposals affecting staff, communities or accessibility to the built environment, e.g., new construction work or adaptations to existing buildings, moving to on-line services, changing location
- Large Scale Public Events
- Local implementation of National Strategy/Plans/Legislation
- Strategic directive and intent, including those developed at Regional Partnership Boards and Public Services Board, which impact on a public bodies functions
- Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans)
- Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy)
- Major procurement and commissioning decisions
- Decisions that affect the ability (including external partners) to offer Welsh language opportunities and services
- Other

### (b) Please name and fully describe initiative here:

Update current adopted legislation to include Householder Duty of Care under Duty of Care Environmental Protection Act 1990 Section 34/33ZB providing the ability to issue fixed penalty notices (FPNs) as a more proportionate response to tackling small scale fly tipping where appropriate.

### Q2 What is the potential impact on the following: the impacts below could be positive (+) or negative (-)

Impact	High Impact		Medium Impact		Low Impact		Needs further Investigation
	+	-	+	-	+	-	
Children/young people (0-18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Older people (50+)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any other age group	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Future Generations (yet to be born)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race (including refugees)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Asylum seekers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gypsies & travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community cohesion	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Human Rights	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Q3 What involvement has taken place/will you undertake e.g. engagement/consultation/co-productive approaches? Please provide details below – either of your activities or your reasons for not undertaking involvement**

Amendment to current adopted legislation already in place.

**Q4 Have you considered the Well-being of Future Generations Act (Wales) 2015 in the development of this initiative:**

- a) Overall does the initiative support our Corporate Plan's Well-being Objectives when considered together?  
 Yes  No
- b) Does the initiative consider maximising contribution to each of the seven national well-being goals?  
 Yes  No
- c) Does the initiative apply each of the five ways of working?  
 Yes  No
- d) Does the initiative meet the needs of the present without compromising the ability of future generations to meet their own needs?  
 Yes  No

**Q5 What is the potential risk of the initiative? (Consider the following impacts – equality, socio-economic, environmental, cultural, legal, financial, political, media, public perception etc...)**

High risk

Medium risk

Low risk

**Q6 Will this initiative have an impact (however minor) on any other Council service?**

Yes

No

If yes, please provide details below

**Q7 Will this initiative result in any changes needed to the external or internal website?**

Yes

No

If yes, please provide details below

Adoption of legislation will be included in current information on website

**Q8 What is the cumulative impact of this proposal on people and/or communities when considering all the impacts identified within the screening and any other key decisions affecting similar groups/ service users made by the organisation?**

Effective enforcement of flytipping in communities. Educating public in regard to responsibilities of waste disposal. Preventing waste being flytipped by having the correct information in relation to waste disposal. Expanding Duty of Care information to householders. Duty of Care legislation currently applies to business.

**Outcome of Screening**

**Q9 Please describe the outcome of your screening using the headings below:**

- **Summary of impacts identified and mitigation needed (Q2)** – Positive outcomes with no mitigation required
- **Summary of involvement (Q3)** - This report covers business as usual activities, so does not require any engagement/consultation
- **WFG considerations (Q4)** - Covered
- **Any risks identified (Q5)** – None
- **Cumulative impact (Q7)** - This report covers business as usual activities, and generally results in a positive outcome for all.

(NB: This summary paragraph should be used in the ‘**Integrated Assessment Implications**’ section of corporate report)

Full IIA to be completed

Do not complete IIA – please ensure you have provided the relevant information above to support this outcome

<b>Screening completed by:</b>
<b>Name:</b> Frances Williams
<b>Job title:</b> Waste Enforcement Team Leader
<b>Date:</b> 01/11/22
<b>Approval by Head of Service:</b>
<b>Name:</b> Chris Howell
<b>Position:</b> Head of Waste, Parks & Cleansing
<b>Date:</b> 09/11/2022

# Agenda Item 14.



## Report of the Cabinet Member for Corporate Service & Performance

Cabinet – 19 January 2023

### Update Estate Management Report on Swansea Airport

<b>Purpose:</b>	The purpose of the report is to update on the current estate management activities at Swansea Airport and seeks authority to proceed with the recommendations as outlined below.
<b>Policy Framework:</b>	Asset Management Plan 2017 - 2021; Land Transaction Procedure Rules
<b>Consultation:</b>	Finance, Legal, Access to Services
<b>Recommendation(s):</b>	It is recommended that Cabinet:  1) In accordance with the legal advice provided by the Council's legal officers in conjunction with external advisers Geldards LLP, Cabinet does not oppose the principle of the S.26 request (Landlord and Tenant Act 1954) for a new tenancy with its existing tenant, Swansea Airport Limited but proposes alternative lease terms.  2) Delegates authority to the Head of Property Services and Chief Legal Officer to negotiate and agree the appropriate terms of the lease renewal to safeguard the Council's position whilst ensuring the Tenant continues to invest further in the asset.
<b>Report Author:</b>	Geoff Bacon
<b>Finance Officer:</b>	Ben Smith
<b>Legal Officer:</b>	Debbie Smith
<b>Access to Services Officer:</b>	Rhian Millar

## **1.0 Introduction**

- 1.1 Swansea Council owns the freehold interest in Swansea Airport, which is currently leased to a third-party operator.
- 1.2 Since the date of the last report to Cabinet, Officers have been continuing to work closely with Tenant to ensure the various actions have been completed and this report seeks to update Cabinet on the progress to date.

## **2.0 Background of the Airport and Existing Lease**

- 2.1 The site of Swansea Airport originally formed part of Fairwood Common, which was transferred as a gift to the Council's predecessor in title in 1938 to commemorate the coronation of King George VI. The freehold interest in the site is now held by the Council by virtue of the various local government reorganisations that have taken place since the original transfer. The site was requisitioned during the Second World War for use as an air defence airfield. Once not required for military use, the Council decided to establish a municipal aerodrome and secured the enactment of the Swansea Corporation (Fairwood Common) Act 1956.

That Act, inter alia, extinguished the rights of common in respect of the airport site and allowed the Council to operate an airport under the provisions of the Civil Aviation Act 1949.

- 2.2 The 1956 Act also provided that, were the aerodrome use to be abandoned for a period of five years, the land should be "held by the Corporation for the purpose of being preserved as an open space for the enjoyment of the public under the Open Spaces Act 1906 and the provisions of that Act shall apply.....as if they had been acquired by the Corporation thereunder". The provisions of the 1956 Act were re-enacted in the West Glamorgan Act 1987 and again by the Local Government (Wales) Act 1994.
- 2.3 The entire airport site is currently leased to Swansea Airport Ltd under the original lease which expired on 31<sup>st</sup> December 2016 (holding over), at an annual rent of £5,000. The lease includes an obligation on the lessee not to use the premises for any purpose other than that of an airfield with at least one runway licensed by the Civil Aviation Authority to "Category One" level, together with various associated uses. The lessee is responsible for all repairs and for insuring the premises. There is attached to the lease a schedule of equipment and furnishings that were provided by the Council and which the lessee is also obliged to maintain or replace as necessary.

## **3.0 Current Situation**

- 3.1 The Airport has always been subject of complaints and expressions of dissatisfaction in connection with the management of the airport. Issues in

connection with lack of aviation fuel, general management, staffing levels, etc. have all been raised over the years since the lease was first granted. The Council have the ability to influence a very limited number of elements of the operations at the airport via the terms of the lease but broadly speaking the day-to-day operations of the airport fall outside of Council control.

- 3.2 Cabinet will be aware that one of the key conditions of the lease is that the Airport holds a Civil Aviation Authority (CAA) licence. This licence was suspended a few years ago due to non-compliance but was subsequently reinstated in 2021. Since that point, the CAA has carried out a number of audits and the most recent report is contained within **Appendix A**. The CAA report contains 5 level two findings and 4 observations which require rectification by December 2022. The Tenant has confirmed the 5 level two findings have now been dealt with and actioned as 'closed'. The points of observations are ongoing but are not mandatory.
- 3.3 Since Officers last reported to Cabinet, a copy of the original Schedule of Condition dated 1991 has been located and is contained within **Appendix B & C**. Whilst the Tenant still has an obligation to keep the property in repair and decorate frequently, the Tenant is not obligated to put into better condition.
- 3.4 On the personnel side, a new management team has formed over the last 12/18 months and all mandatory positions have now been filled including the Accountable Manager, Operations Manager and Safety Officer. Whilst there are still concerns that the existing staffing structure does not provide for full resilience, this ultimately not within the Council's gift to control whilst it is operational.
- 3.5 There is no doubt that the airport still requires ongoing investment in order to attract/retain new operators and customers. There are clear financial challenges associated with running an airport which have been highlighted to Cabinet previously.
- 3.6 Cabinet will be aware that the Council has received expressions of interest from other parties to take on management of the airport. Whilst it is reassuring to know there is interest from alternative user groups, the Council should not take these into account when considering a renewal of the lease under the statutory provisions governed by the Landlord and Tenant Act 1954.
- 3.7 The Tenant has recently served a S.26 notice on the Council requesting a new tenancy, subject to terms to be negotiated. The Council as a duty to respond to this application by 3<sup>rd</sup> February should it wish to oppose the request.
- 3.8 Whilst the current airport operation is supported in principle, it would not be one that the Council could justify supporting financially either directly or by stepping in and funding its day to day management.

3.9 In a situation where the lease has come to an end, the Council must be mindful that if the airport was run internally, along with the considerable additional financial costs it would impact the authority's commitment to deliver climate change as the resulting carbon emissions would be significant. As part of its Corporate Plan, the Council is committed to enhancing nature and biodiversity throughout Swansea and to reduce its carbon footprint. Therefore, the decision to manage the airport in-house would likely conflict with this key objective, especially given its net zero carbon targets.

#### **4.0 Conclusion**

4.1 Given the progress which has been made to date and the legal advice which has been received from the Council's independent solicitors, Geldards LLP, the Tenant has legally demonstrated sufficient progress in order to support its S.26 application and the request for a new tenancy.

4.2 The Council has a number of options available to it:-

4.2 (a) It is able to contest the S.26 application and formally refuse the request for new tenancy. However, the legal advice received to date, relating to the sufficient grounds to oppose the notice (under S.30) and the associated risks needs to be taken into account.

4.2 (b) The Council can acknowledge the request for a new tenancy and commence negotiations on the specific lease terms with a view to protecting the Council's interest and also with the objective of ensuring that recent progress is maintained and confidence established. This option is dependent on negotiation and tenant engagement which if unsuccessful could still lead to legal proceedings at a later date. Therefore, the recommendation for this option would be for Cabinet to agree the principle of granting a new lease whilst giving the Head of Property the specific delegation to agree the final terms of the lease.

4.2 (c) The third option would be for the Council not to respond to the S.26 notice. This however would result in the renewal of the lease as the Council would have lost the opportunity to oppose the s.26 notice and the grant of a new tenancy. The Council's unwillingness to engage or respond may have cost implications and the final terms of the lease would ultimately be decided by a Court.

4.3 If Cabinet are minded to make a decision to renew the lease in-line with legal advice provided to the Council rather than exploring alternative options, then the terms of the new lease would need to be carefully considered.

4.4 Authority would need to be given to the Head of Property Services and Chief Legal Officer to decide on the appropriate terms of the lease renewal

to safeguard the Council's position whilst ensuring the Tenant continues to invest further in the site.

- 4.5 Cabinet are reminded that the Council is acting in its capacity as Landlord and therefore often needs to take a commercial and pragmatic view given the options which it has available. Up to this point the Council has attempted to assist to improve the relationships at the Airport however officers cannot be involved in any ongoing day to day management discussions which are specialist, not fundamental to its estate management position and are outside of its Landlord and Tenant relationship.

## 5. Integrated Assessment Implications

- 5.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

- 5.1.1 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

- 5.1.2 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

- 5.2 An IIA screening form (**Appendix D**) has been completed with the outcome that a full IIA report will not be required as there is no disproportionate impact at this stage.

The IIA process will need to be revisited dependant on the agreed direction of travel although will not be required in the event of a lease renewal to the existing tenant.

## **6.0 Financial Implications**

- 6.1 As explained within the previous Cabinet reports, the financial implications will be very much dependent on the direction of travel as there are substantial costs associated with proceeding with litigation and in turn, alternative options.
- 6.2 The Council does not currently contribute to the capital/revenue costs whilst it is leased to a third party. Additional base funding will need to be identified in order to pursue alternative options.
- 6.3 The Council may still require some modest funding if specialist support is retained on an ad-hoc basis but this can be potentially accommodated from within existing service budgets or if necessary contingency.

### **Appendices:**

**Appendix A** – CAA Audit Report (September 2022)

**Appendix B** – Schedule of Condition (dated 20<sup>th</sup> December 1991) – Narrative

**Appendix C** – Schedule of Condition (dated 20<sup>th</sup> December 1991) – Photos

**Appendix D** – IIA Screening Form





# Oversight Report

Report Date:  
29 September 2022

## Details

<b>Audit Reference Number</b> ADR.56	<b>Organisation Name</b> Swansea Aerodrome (GA)
<b>Lead Auditor</b> Jaskiran Bhuller	<b>Audit Type</b> AAA\Aerodromes\Onsite\Ongoing Oversight

## Dates

Start Date	End Date	Closed Date
27/09/2022	28/09/2022	

## Overview

A periodic onsite audit was conducted to verify continued compliance with national licensing requirements set out in Civil Aviation Publication (CAP) 168 'Licensing of Aerodromes', the Air Navigation Order, the Aerodrome Licence, ICAO Annex 14 and the Aerodrome Manual.

The Accountable Manager should confirm rectification of Findings to the relevant Aerodrome Inspector by the target date shown

Although corrective action is not obligatory for an observation, acknowledgement and any intended action should be notified to the relevant Aerodrome Inspector by the Target Date shown. If you reject an observation, please justify your rationale

## Audit Scope

Licensing Documentation

Safety Management Systems

Aerodrome Inspection

Surveys

Apron Management

Runway/Taxiway Incursion Prevention

Aeronautical Ground Lighting (AGL)

Fuel Management

Wildlife Hazard Management

Aerodrome Safeguarding

On-Aerodrome Developments

Minimum Scale of Services to be provided

Level of Protection

Remission

Extinguishing Agents, Vehicles & Ancillary Equipment

Minimum number of Staff Designated as RFFS Personnel

## Audit Scope

Training

Emergency Planning

Vehicles

Ancillary Equipment and Medical Provision

Response Time

RFFS/emergency planning theme items

## CAA Audit Team

Jaskiran Bhuller

Steve Parry

## Auditees

David Howells

## Findings

Number	ADR.4021	Requirement	CAP 168 - Chapter 2 The Aerodrome Manual		
<b>Details</b>					
CAP 168 -Chapter 2 - The Aerodrome Manual:-					
The Aerodrome Manual (V3.1 Aug 2022 revision) contains organograms and references to roles which are out of date. The Aerodromes policy states that if changes are required SIs will be issued. No SIs could be evidenced and as such the Aerodrome Manual requires a full review or temporary SIs issuing.					
Level	Status	Target Date	Closure Date	Raised By	
2	Open	28/12/2022		Jaskiran Bhuller	

Number	ADR.4022	Requirement	Appendix 2C Aerodrome Safety Management System		
<b>Details</b>					
CAP 168 - Appendix 2C - Safety Management System:-					
A number of senior roles within the Aerodrome team have changed in relation to personnel fulfilling these roles.					
No change process or CAP 700 assessments have been produced to identify any risks or training needs in relation to these role changes.					
The Aerodrome should review its change process and ensure CAP 700 assessments are completed.					
Level	Status	Target Date	Closure Date	Raised By	
2	Open	28/12/2022		Jaskiran Bhuller	

## Findings

Number	ADR.4023	Requirement	CAP 168 - Chapter 4 The assessment and treatment of obstacles		
<b>Details</b>					
CAP 168 - Chapter 4 - The assessment and treatment of obstacles:-					
Safeguarding in the Aerodrome Manual (AOI1 011) states that a safeguarding map is lodged with the local council and planning authorities.					
The Accountable Manager confirmed that no map was lodged with either party.					
The Aerodrome should review its Safeguarding procedures and ensure that a means of communicating with the local planning authority is available.					
Level	Status	Target Date	Closure Date	Raised By	
2	Open	28/12/2022		Jaskiran Bhuller	

Number	ADR.4024	Requirement	CAP 168 - Chapter 9: Aerodrome emergency plan		
<b>Details</b>					
CAP 168 - Chapter 9 - Aerodrome emergency plan - Fuel Emergency Operating Procedures:-					
The Emergency Operating Procedures relating to aircraft fuel operations is dated January 2014. These procedures appear to be significantly out of date and should be reviewed as a matter of urgency.					
Level	Status	Target Date	Closure Date	Raised By	
2	Open	28/12/2022		Jaskiran Bhuller	

Number	ADR.4025	Requirement	CAP 168 - Chapter 2 - Appendix 2C: Accountable Manager		
<b>Details</b>					
CAP 168 - Chapter 2 - Appendix 2C - Accountable Manager:-					
The Aerodromes SMS states that an external contractor (Osprey) will conduct annual internal audits of the Aerodromes facilities , procedures and processes and will also attend Safety Review Group meetings.					
This process has not taken place within the last 12 month period.					
The Accountable Manager should decide if this process is to continue or if he is satisfied that the Aerodrome can conduct internal auditing.					
Level	Status	Target Date	Closure Date	Raised By	
2	Open	28/12/2022		Jaskiran Bhuller	

## Observations

Number	ADR.4026	Requirement	Training		
<b>Details</b>					
Observation - Training and Assessor Qualifications:-					
Currently and number of staff undertake delivery of training and assessment. Evidence of Qualifications to carry out these functions should be a. current and b. recorded in the Aerodromes documentation.					
Trainers should not be assessing their own training packages.					
Level	Status	Target Date	Closure Date	Raised By	
AAA-Observations	Open	28/12/2022		Jaskiran Bhuller	

Number	ADR.4027	Requirement	Licensing Documentation		
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**Details**

Observation - Accountable Manager competency and qualification:-

The new accountable manager is competent to carry out the role however he would benefit from a formal Accountable Managers training course to allow him to understand his role and responsibilities fully.

Level	Status	Target Date	Closure Date	Raised By
AAA-Observations	Open	28/12/2022		Jaskiran Bhuller

Number	ADR.4029	Requirement	Safety Management Systems	
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**Details**

Observation - SMS

During the audit it was noted the aerodrome was unable to demonstrate that the investigation process was effective and complete. The actions to be taken as a result of the investigation process were not clearly identified and followed by not being captured in the risk/to-do register.

Level	Status	Target Date	Closure Date	Raised By
AAA-Observations	Open	28/12/2022		Jaskiran Bhuller

Number	ADR.4028	Requirement	CAP 168 - Chapter 7 Aerodrome signals, signs and markings	
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**Details**

Observation - Runway Hold point signage

During the audit it was identified that the runway hold paint markings did not align with the runway hold signage positions. It is recommended that these two are aligned to avoid confusion for the operators.

It was also noted that the mandatory signage for Runwy22-04 hold point did not conform to the standards as set in the CAP 168, Chapter 7- Aerodrome Signals, signs and markings.

Level	Status	Target Date	Closure Date	Raised By
AAA-Observations	Open	28/12/2022		Jaskiran Bhuller

## Definition of Findings

### LEVEL 1 (ONE) NON-COMPLIANCE CREATING A SIGNIFICANT SAFETY HAZARD

Level 1 items will be reported to the Accountable Manager for action if a major failure of compliance has been identified with the aerodrome licensing requirements set out in either the Air Navigation Order, the Aerodrome Licence, ICAO Annex 14 or Civil Aviation Publication (CAP) 168.

If any Level 1 items are reported, the major failure of compliance must be rectified immediately or within the short timescales indicated. Failure to do so will result in the CAA having to take regulatory action, which could result in suspension of the Aerodrome Licence.

### LEVEL 2 (TWO) NON-COMPLIANCE

Level 2 items will be reported to the Accountable Manager for action if it has been identified that the Aerodrome is not in full compliance with the aerodrome licensing requirements set out in either the Air Navigation Order, the Aerodrome Licence, ICAO Annex 14, Civil Aviation Publication (CAP) 168 or the Aerodrome Manual.

If any Level 2 items are reported, the CAA Aerodrome Oversight team must be informed that these items have been rectified by the dates agreed with the aerodrome during the inspection, and shown in the Latest Correction Date box. Failure to rectify any items within the agreed time scale may result in the CAA having to take regulatory action, which could result in suspension of the Aerodrome Licence.

### OBSERVATIONS

An Observation may be raised where there is potential for future non-compliance if no action is taken, or where we wish to indicate an opportunity for safety improvement or something that is not good practice. Corrective action is not obligatory for an observation, but acknowledgment and the identification of any intended action is expected. If you reject an observation, please justify your rationale.

## Report issue

Issued to	Original Report Issue Date
David Howells	29/09/2022

**SWANSEA AIRPORT  
SCHEDULE OF CONDITIONS  
AND DILAPIDATIONS**

This is the Schedule of Dilapidations referred to in clause 4.20 of the lease of Swansea Airport in favour of Swansea Aviation Ltd.

Signed:- T. Martin Jones 20/12/91

SWANSEA AIRPORT

SCHEDULE OF CONDITIONS AND DILAPIDATIONS

FEBRUARY 1991

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1.0

Introduction

This report describes the condition of the estate at Swansea Airport.

For brevity not all components are referred to in the description of buildings e.g. doors, door furniture, windows. Where components are not directly referred to they may be assumed to be considered in good condition at the time of the survey.

Some photographs have been taken to identify buildings and dilapidations. These are set out in numerical order in a separate Appendix and are referred to by number in the right hand margin of the text of this report, opposite the description to which the pictures refer.

2.0

Terminal Building

This is a three storey reinforced brickwork building, mainly clad with timber shingles but also having rendered elevations to the second floor and brick faced and timber framed annexes on the ground floor. 1 2

The first floor is of timber construction while at second floor level the floor and roofs are of reinforced concrete. 3

The timber shingles referred to above show evidence of previous slippage on all elevations. Their condition suggests they have not received any decorative or preservative treatment for some time. 4

On the south east corner at second floor level the shingles are perishing. Windows and doors to the building are in good condition unless otherwise stated. 5

2.1.0

The accommodation briefly comprises:-

Ground Floor: Reception Foyer  
Reception Office  
Cleaner's Cupboard  
Passageway leading to:  
    Customs Office  
    Fire Officer's Room  
Bar and Restaurant  
Kitchen and Store  
Toilets  
Bar Porch

Stairs and Landings:

First Floor: Briefing Room  
Radio Room (S.W. corner)  
Office (N.W. corner)  
Photocopying Room (N.E. corner)  
Duty Crew Stores (Central)  
Electronic Stores (West Middle)  
Senior ATC Office (S.E. corner)  
Manager's Office

Second Floor: Air Traffic Control Tower  
Toilet

2.1.1 G.F. Reception Foyer

This is entered from the north elevation of the building. The 'Portaflek' decoration to walls and paintwork to joinery is in good condition. There is an interlocking suspended ceiling comprising 600 x 600 mineral fibre fissured tiles and incorporating 2 No. modular 1200 x 600 fluorescent light fittings, all in good condition. The floor covering comprising 'Altro' Mandopave heavy duty vinyl floor covering is in good condition.

Furniture and fittings include:

- 1 No. Creda Electric Storage Heater
- 2 No. Armchairs

2.1.2 G.F. Reception Office

In good condition except for discolouration to the 'Portatone' decoration to walls. This room houses electrical switchgear to building.

2.1.3 Cleaner's Cupboard at bottom of stairs

Poor decorative order but adequate for purpose used. Some holes to north wall require making good.

2.1.4 Corridor (Leading to Customs Office and Fire Officer's Room and Customs Building)

This is part of a timber frame extension to the terminal building on the south east corner which includes the Customs Office. Walls are lined with hardboard and are in good decorative order. The vinyl sheet floor covering is in fair condition only and in need of a deep clean. The thumb turn cylinder lock to door from reception is inoperative.

2.1.5 H.M. Customs Office

The floor covering is as above. The hardboard interior lining is damaged adjacent to a redundant incoming B.T. cable fixture on the south wall. The fibreboard ceiling tiles are in poor decorative condition having brown stains possibly due to interstitial condensation or from a leaking roof. The roof covering is built up bitumen felt with mineral surface top layer in good condition. At the time of inspection the roof was not leaking during adverse weather conditions.

6

Fixtures include:

- 1 No. W.H.B. The cold water pipe under the basin has burst.
- 1 No. Santon hot water heater

Externally on the south elevation, a mullion is completely rotten and cills require immediate repair and painting to prevent further decay. 7

2.1.6 Fire Officer's Room

This room is in overall good condition except for staining and minor cracking to the thermoplastic floor tiles near the sink.

Fixtures include:

- Sink
- Santon hot water heater

2.1.7 Bar and Restaurant

The Bar and Restaurant seating area is all in good condition apart from defects listed below. 8

Both toplights to the timber windows on the west elevation require easing.

The concrete step threshold to the west entrance porch requires a new coat of floor paint.

1 No. 600 x 600 suspended ceiling tile is damaged by water penetration to the building running down the walls of the floor above and penetrating the floor and ultimately reaching the suspended ceiling. 14

1 No. recessed downlighter luminaire was inoperative.

Although not comprehensive fittings and furniture in the Restaurant include:

- 9 No. Dining tables
- 30 No. Chairs
- 7 No. Bar stools
- 3 No. Dimplex electric storage heaters
- 1 No. Juke box
- 2 No. Cigarette machines
- 5 No. Modular 1200 x 600 fluorescent light fittings
- 11 No. Recessed downlighter light fittings

2.1.8

Restaurant Kitchen and Store

The Kitchen fixtures and fittings are all in good condition apart from the following defects: 9

1 No. drawer front is missing from the base unit next to the stove. 10

The wall in the top south east corner of the room requires making good at the exist of the air extract duct.

The decoration needs making good to ceiling and wall following installation of new ducting and fan control.

The surface to the walls above the worktops were in a rough condition prior to decoration with eggshell oil paint. Consequently the walls are liable to collect dirt and grease at an unacceptable rate, making cleaning difficult to maintain adequate hygiene standards.

2.1.9.0 Bar Toilets

2.1.9.1 Lobby

The toilets are entered via a lobby off the Bar/Restaurant. The lobby has an exit door at each end. At the east exit door there is efflorescence, typical of rising damp, at floor level, although this may be caused by water capillary action from cleaning operations of the vinyl floor. Externally the damp proof course is bridged by mortar bedding and is less than 150 mm above ground level. There is also efflorescence to the west exit door reveal and the reveals of the west elevation window in the lobby. The paint is also flaking off the north wall where a doorway has previously been blocked up. This may be due to poor preparation of new plasterwork and not using an alkali resisting primer. The floor covering is 'Altro Mandopaire' vinyl sheet which is in good condition with no defects. Ceiling decoration is in good condition.

#### 2.1.9.2 Disabled Toilet

The wall plaster has hairline cracks on the east wall although these are not considered structurally significant.

Otherwise the decoration and 'Altro' safety vinyl floor covering are in good condition.

Fittings include:

- 4 No. Support rails
- 1 No. Wash hand basin
- 1 No. Santon hot water sanspray
- 1 No. Electric air hand drier
- 1 No. W.C. and cistern

The W.C. seat to the above is broken otherwise fittings are in good condition.

#### 2.1.9.3 Gents Toilet

Decoration and 'Altro' safety vinyl floor covering are in good condition.

Fittings include:

- 1 No. Dimplex electric storage heater
- 1 No. W.C. and cistern
- 2 No. Wash hand basins
- 1 No. Liquid soap dispenser
- 3 No. Urinals

Of the above, the W.C. seat was broken and although not damaged, the right hand side urinal was insecurely fixed to the wall as were both wash hand basins and the W.C. pan was insecurely fixed to the floor. Also the trap to the right hand side urinal was leaking.

The 'Cistermiser' water flow control valve to the urinal flushing system appears to be inoperative since the trickle tap to the cistern is continually flowing.

2.1.9.4 Ladies Toilet

Decoration and the 'Altro' safety vinyl floor covering are in good condition.

Fittings include:

- 1 No. Dimplex electric storage heater
- 1 No. Electric air hand drier
- 2 No. Wash hand basins
- 1 No. Liquid soap dispenser
- 1 No. Santon hot water heater
- 1 No. Sanitary towel macerator
- 3 No. W.C.'s and cisterns

The above are in good condition with the exception of 2 No. W.C. seats being broken.

Also 2 No. luminaires (16W2D fluorescent) were not working and the shade was missing to 1 No.

The window stay to the window toplight was also inoperative.

2.1.9.5 Staff Toilet

The decoration to walls is in poor condition. Some paint is flaking off the walls and some is damaged by efflorescence.

Fittings include:

- 1 No. W.C. and cistern
- 1 No. Wash hand basin
- 1 No. Liquid soap dispenser
- 1 No. Santon hot water spray
- 1 No. Vent axia air extractor fan and duct

The above are in good condition.

The roof covering to the toilets comprising three layer built up bitumen felt with top layer of 12 mm solar reflective chippings is in good condition and does not appear to be leaking.



2.1.10 Bar Porch

The bar porch construction basically comprises a low level brickwork wall supporting a fully glazed timber framework to ceiling height and having a flat roof. 2

The damp proof course in the low level wall is bridged by the mortar beds on two elevations and on the south elevation it is bridged by a cement render plinth which in turn is bridged by flower beds. 11

The glazing framework is showing signs of decay in the cill mitred corner joints and the timber glazing beading at the cill/ mullion joints is decaying and the paintwork breaking down in these areas. This requires immediate attention to prevent further decay which could prove expensive to remedy. Above cill level the paintwork is in good condition and the timber sound. However, the external entrance door to the porch is rotten at the bottom rail.

The roof has exposed timber cantilever joists and timber fascia, all painted and in good condition. The built up felt roof covering has a top layer of solar reflective chippings. There are no visible roof defects and no indication of leaks.

Internally the ceramic floor tile is in good condition and decoration is in good condition although paintwork and walls require cleaning.

2.2.0 First Floor

The linoleum sheet floor covering to this floor is in fair condition only. There are isolated damaged areas and the floorboards are 'grinning' through the covering due to lack of adequate underlay.

The corridor and rooms each have 1 No. electric storage heater with the exception of the Radio Room (S.W. corner) which has 2 No. The accommodation is in good condition except for the floor covering and the defects described below. The accommodation on the floor comprises:

2.2.1 Photocopying Room (N.E. corner)

The window furniture to the north window is inoperative.



2.2.10

### Roof Coverings to First Floor

15

The flat roof over the west end of the First Floor has a bitumen felt covering laid over asphalt. The covering is painted with a green reflective paint which is partly eroded. Overall the covering is not in good condition and has inadequate falls resulting in considerable ponding of rainwater including ponding at the skirting flashing to the Control Tower.

At this location water is leaking to the Radar Room and Radio Room below. There is also a roof leak to the Duty Crew Stores below. The mineral surface felt at the eaves is damaged at the south west corner.

The flat roof over the Photocopying Room in the north east corner has a solar reflective top layer presumably on bitumen felt on asphalt. At the eaves the felt is dressed directly into the cast iron rainwater guttering and is in a perished condition. The guttering also requires cleaning out of chippings eroded from the roof. The roof over the Senior A.T.C.'s room in the south east corner of the First Floor is in the same condition as above, except that there are no indications that the roof is leaking.

The safety tubular steel guard rail around the First Floor roof and the emergency exit ladder on the south elevation is all secure and in good condition.

2.3.0

### Second Floor

2.3.1

#### Air Traffic Control Tower

This room is in overall good decorative order but subject to the following defects.

The ceiling comprises 610 mm square fibreboard tiles glued to a batten framework. This fixing appears to be inadequate; a number of tiles are loose and I am advised, frequently fall.

There is minor staining to the ceiling above the external door to the adjacent flat roof. This may be caused by interstitial condensation from the concrete roof. I am advised that no water has been witnessed dripping from this area.

There is minor efflorescence at window reveals and at low level in the south west and north west corners of the room.

The floor covering comprises foam backed carpet laid over thermoplastic floor tiles. The covering is satisfactory except at the entrance to the room where a missing section of carpet requires an edge strip since it presents a health and safety hazard.

The aluminium door onto the adjacent flat roof has loose hinges due to worn threads in the door frame.

#### 2.3.2 Second Floor Toilet

There is a small amount of mould growth to the ceiling and window reveals, typically caused by condensation.

1 No. window pane is broken and the thermoplastic floor covering is sound but stained in parts.

Fixtures include:

- 1 No. W.C. and cistern
- 1 No. Electric air hand drier
- 1 No. Santon hot water heater
- 1 No. Soap dispenser
- 1 No. Mirror
- 1 No. Paper dispenser

Of the above, the W.C. flushing cistern is not functioning adequately, but otherwise the fixtures are in good condition.

#### 2.3.3 Second Floor Roof

The roof covering to the second floor is in good condition without leaks. The covering comprises built up bitumen felt, presumably over an original asphalt covering and has a silver solar reflective paint covering without any defects.

#### 2.4 Stairs and Landing

The stairs are of reinforced concrete construction, showing no signs of stress and having a granolithic finish to steps and landings, painted with floor paint. This paint is worn on the landings and the edge of stair treads. Non slip surfacing applied to the treads is in good condition.

The walls, painted with Portaflek paint system is in good condition apart from an isolated small area of efflorescence below the window on the half landing between the First and Second Floors.

Steel tubular handrailing to the stairs is in good condition and securely fixed to walls and floor. However, the handrailing provides inadequate protection and a serious hazard to children on the top landing if they had occasion to visit this building (e.g. staff relatives or school parties).

The tungsten light fittings to the stairs are working satisfactorily but 2 No. light shades are missing.

3.

### Passenger Lounge

Annexed to the Terminal Building, the Passenger Lounge is a single storey timber framed structure having a flat roof. 16

The timber structure to the external walls is in poor condition, being subject to numerous scarfed repairs. Primarily the framework is glazed apart from infill panels at low level and some cedar wood tongue and grooved cladding. The low level panels appear to be fibre cement sheet (possibly containing asbestos) externally painted. There are 2 No. broken window panes to the east elevation. External paintwork is in reasonably good condition. 17

The flat roof covering is of built up bitumen felt, the top layer painted green. The surface shows signs of deterioration, including cracking and bubbling, although there is no evidence of leaks inside the building. 18

The timber skirtings which enclose service cables crossing the roof are rotting and some are insecure.

Internally the walls are lined with hardboard which is in good condition. The ceiling, comprises 1200 mm square fibre board tiles are these are insecurely pinned to the roof joists and 23 No. are sagging on at least one edge. The vinyl sheet floor covering is in fairly good condition but requires a deep clean. Internal decoration is in good condition.

Internal fixtures and furniture includes:

- 8 No. Creda electric storage heaters (including 1 each to 2 No. sub-let offices)
- 1 No. Juke box
- 1 No. Fire extinguisher
- 1 No. Wall clock
- 45 No. Lounge seats
- 10 No. Assorted tables

All the above are in good condition.

2 No. strip fluorescent light diffusers are missing.

4.

#### Customs Halls

This building is annexed immediately to the west of 19 the Terminal Building. It is a single storey timber framed building and is externally in good condition, having a low pitched roof recently recovered with built up bitumen felt with mineral surface top layer and clad internally. 24

Internally the ceiling consists of fibre board tiles pinned to the ceiling joists, the walls are clad with hardboard and the floor is covered with thermoplastic tiles. All are in good structural and decorative condition apart from the isolated defects listed below.

There is staining to the ceiling at the start of the corridor to the south east double leaf doors.

3 No. floor tiles are lifting near the entrance door to the Terminal Building.

Floor tiles are lifting in the south west corridor to the single leaf external door. the bottom rail to this door is rotten. 20

The hardboard internal panelling is bowing and a joint opening above 2 No. electric storage heaters on the west wall. There is also slight discolouration to the wall decoration above these two radiators caused by air convection currents. 21

There are 3 No. Creda electric storage heaters in total in the Customs Hall.

At the south side of the Hall, Ladies and Gents Toilets are situated.

Fixtures to these include:

Gents Toilet - 1 No. W.C. and cistern  
2 No. Urinals  
1 No. Wash hand basin  
1 No. Soap dispenser  
1 No. Santon hot water heater  
1 No. Wall mirror

Ladies Toilet - 2 No. W.C.'s and cisterns  
1 No. Wash hand basin  
1 No. Santon hot water heater  
1 No. Soap dispenser  
1 No. Wall mirror

The above fixtures are in good condition apart from the lid missing from 1 No. W.C. flushing cistern.

An office in the north east corner of the Customs Hall, occupied by 'Skyline' is all in good condition.

5.

#### Immigration Building

This is a single storey timber framed building having a flat roof and is connected to the Customs Hall by a short linked corridor.

The building lies on a blockwork plinth, in good condition, although to the south elevation the plinth has been painted and this paint is in poor condition.

The building is clad externally with pre-finished fibre cement sheets. These remain exposed on the north and west elevations and are in good condition. 22  
On the south and west elevations this finish has been over cladded with BSC Colourcoat profiled sheeting to provide additional weather protection. This sheeting is in good condition but has been 23  
subject to minor impact damage at low level on the south elevation.

All windows and the door to the south elevation are manufactured from uPVC and are all in good condition.

The roof is covered with built up felt, the top 24  
layer having a mineral aggregate surface. Although not presently leaking the roof has numerous bubbles in its surface and appears ripe for replacement.

The uPVC rainwater system is in good condition.

Internally the painted fibreboard ceiling, hardboard lined walls and vinyl floor covering are all in good condition, except for a small damp patch in the south east corner of the building at low level i.e. within the Immigration Office. Also within this office the Gower cord carpet is badly stained and dirty but not worn.

The building is served by 1 No. Dimplex and 2 No. Electrolux electric storage heaters in good working order. There are however 3 No. strip fluorescent luminaires not functioning.

An office exists in the north west corner of the building occupied by the 'Microlight Club'. This is all in good condition internally but the threshold to the external timber flush door requires painting.

6.

Fire Tender Building (1)

This single storey building is of brick and blockwork cavity wall construction, externally rendered with Tyrolean finish, painted white. Internally the walls are pointed and painted with black waterproof paint from floor level to a height approximately 1.5 m above floor level. 25

There is a structurally significant internal horizontal crack approximately 760 mm above floor level at the rear of the building (west wall) and another in the left hand rear corner approximately 2 m above floor level. These should be monitored. 26 27

A traditional timber roof construction supports a pitched corrugated asbestos roof covering which is not leaking. However, the ceiling comprising large fibreboard sheets fixed to the ceiling joists is in very poor condition. The fixing of the boards is inadequate and most boards are partially hanging from the sealing. 28

The concrete floor is in good condition apart from a small area of subsidence approximately 0.5 m square at the entrance to the building.

The timber concertina doors function satisfactorily but have some rotten sections at the base of the doors which have been subject to repair.

7.

Fire Tender Building (2)

This single storey building is of clay block and brick construction, partly half brick single skin and part one brick thick. The walls are pointed internally and have 2 No. structurally significant vertical cracks on the rear (west) elevation. Similarly there is 1 No. vertical crack at a wall pier on the north elevation and 2 No. diagonal cracks on the same wall. The painted external Tyrolean render is tailing on the south elevation. The paint is peeling off the wall and the Tyrolean is spalling. 29 30 31

The pitched steel truss and purlin roof supports a corrugated asbestos roof covering which has 4 No. small leaks at the sheet fixings and 1 No. hole approximately 450 x 100 mm on the north side. The steel trusses (2 No.) are heavily corroded. 32 33



## Doors

8.

### Duty Crew Building

34

This building is situated between the Fire Tender Buildings and is occupied by the Fire Tender Duty Crew with a part partitioned off which is occupied by the 'Falcon Aero Club'.

The single storey timber frame building has a low pitched roof covering of built up bitumen felt with a mineral surface top layer in good condition not leaking. The external elevations are part glazed and part clad with cedar wood tongue and grooved vertical cladding, in overall good condition. However, asbestos cement sheet plinth cladding between brickwork piers is damaged to the front elevation. Also on the front (east) elevation, the bottom timber beading is missing to the right hand side casement, as viewed from outside, making the glazing insecure and draughty.

This casement also requires easing. The occupants also complain of excessive draughts around the window frame. uPVC rainwater goods are in good condition.

Internally the Crew Room has a fibre board sheet ceiling with part of a board missing in the north west corner of the room and 1 No. board insecure. Internal decoration is fair only and the vinyl sheet flooring is in fair condition.

Fixtures include 1 No. strip fluorescent tube fitting and 3 No. tungsten light bulb fittings, one of the latter being damaged. 1 No. Creda electric storage heater is fitted.

The occupants (Duty Crew) advise that they personally (and not Swansea City Council fitted a sink and accessories and 1 No. electric bar fire.

The room to the south end of the building is occupied by the Falcon Aero Club. This room has stains to the fibre board ceiling in two locations, although there are no current roof leaks. Internal decoration is in good condition and the ends to the floorboards are rotten at the west entrance door threshold. The room is fitted with 1 No. Creda electric storage heater.

9.

Garage for Petrol Tanker

36

This single storey building is of blockwork construction having a flat roof and concrete floor and is accessed by timber concertina doors.

The walls are rendered externally with white spar dashing which appears to be relatively new and in good condition. There is, however, a gap in the rendering between the door frame on the west elevation and a new uPVC fascia board on the north elevation. These gaps could lead to water ingress behind the rendering and accelerated failure of the render during adverse weather conditions, particularly on the north elevation. The walls are pointed internally and in good condition.

The flat roof appears to be relatively new, comprising built up felt, having a mineral surface top layer, all laid on 'Norboard' waterproof chipboard and is not leaking. The timber roof joists are secured to the walls by 'holding down' straps of inadequate cross section.

The bottom section of cast iron rainwater downpipe is missing on the south elevation.

The sliding timber concertina doors are in good condition, including paintwork, but one section has been subject to a rough scarfed repair following impact damage. The bottom section of the left hand stile to the door frame, as viewed from the outside, is rotten.

The concrete floor is in good condition.

10.

Old Hangar (1)

This building has a steel lattice portal frame construction, the frame being in good condition. The intermediate structure has been subject to isolated repairs (i.e. replacement of corroded members) and is now in satisfactory condition.

The covering to the roof and gables has recently been changed and is in good condition and not leaking. The covering comprises B.S.C. colourcoat plastisol profiled sheeting and detail components fitted to manufacturer's instructions.

The west and east elevations are externally clad with corrugated galvanised sheeting. The sheets are subject to isolated impact damage and have some small holes left by previous services fixings. The external paint system has broken down and is in very poor condition. However the cladding itself does not have excessive rust, is securely fixed and in overall fairly good condition from a performance point of view, if not aesthetically.

36

The hangar doors to the north and south elevations are in poor condition.

The framework to the doors are corroded, particularly horizontal angle sections. On the north elevation the corrugated sheets are corroded, the two most easterly doors are non operative and the others difficult to open. On the south elevation the overhead tracking was recently the subject of an emergency repair when one of the doors was in danger of collapsing. It must therefore be considered that the doors have exceeded their useful life and at least from a health and safety viewpoint consideration should be given to their replacement.

37

38

Internally the concrete floor is in good condition and the electric lighting installed approximately five years ago is in good working order.

11.

New Hangar (2)

This is a steel stanchion and beam portal frame building. The portal frames are in good, rust free condition and painted with red oxide paint.

The north and south elevations are clad at low level with galvanised corrugated sheeting all in good condition. At high level the elevations and the roof are clad with corrugated fibre cement sheets (possibly containing asbestos) incorporating translucent corrugated lights.

I am advised that 'two or three' sheets to the roof are lifting during high winds.

There are 6 No. sliding hangar doors to the west and east elevations clad in galvanised sheets, all of which are in good condition and operating efficiently. However, on the east elevation there are isolated dents at low level and the pelmet housing the high level tracking is missing from above the extreme south east door.

40

All external elevations are painted and in fairly good condition.

Internally the tarmacadam surfacing is in very good condition with no defects

12. Security Alarm System

All buildings referred to above, with the exception of the Passenger Lounge, are served by a security alarm system which is activated by strategically placed passive infra red detectors. The system was installed approximately two years ago and is in good working order.

13. Storage Sheds (Building No. 1)

There is a single storey building having single skin half brick and pier walls and pitched roof.

The walls are painted externally and in fair condition. The steel windows are in fair condition, the openings lights requiring maintenance to hinges. 42  
2 No. window panes are broken to the east elevation.

The roof has recently been subject to repair and the roof covering renewed. The roof structure comprises steel trusses bolted at node joints supporting a timber purlin framework. Defective areas of the timber framework have been renewed. the new roof covering consists of B.S. C. colourcoat plastisol corrugated sheeting. Tanalised and painted fascia boards and new uPVC rainwater goods were fixed at the same time as the roof renewal and all are in good condition.

The east end of the building is used to garage a tractor. In this are the plasterboard ceiling is in very poor condition. Approximately 40% of the boards are missing or damaged and the remaining ceiling is in very poor decorative condition, suffering from black mould and peeling paintwork. 43

The brickwork and clayblock walls have previously been painted but the paint system has now broken down and is in very poor condition. The concrete floor is in good condition.

The building is divided internally by clayblock cross walls and timber stud partitions. The clayblock cross walls are inadequately bonded to brick piers and there is structural movement at these junctions. 44

The storage access to the north west area of this building is in similar condition to the Tractor Store described above.

The rest of the building is divided into offices, now unoccupied. they are in overall fair condition with the most obvious defect being stains and bowing to the fibre board ceilings. Venetian blinds are fitted to windows throughout the building and are in satisfactory condition.

14. Swansea Flying Club (External inspection only)

This is a single storey building situated on the left hand side of the approach road to the Terminal Building. 45  
46

The wall construction is half brick thick single skin brick and clayblock walls with intermediate piers. The walls are externally rendered with a Tyrolean finish and painted. The render and the bricks are badly spalling on the south and west elevations, especially the west, and there is spalling to a lesser degree on the other elevations. 47

All external joinery, apart from two relatively new windows on the south elevation, is defective and in need of replacement.

It is not known whether the corrugated asbestos sheet roof covering is leaking, but it appears to have been recently repaired on the western end, possibly following storm damage.

15. Spectators' Enclosure

Situated between the Terminal Building and Car Park, this area is partly laid to lawn and partly covered with tarmacadam surfacing. This surfacing has broken down, has considerable weed growth and a small pothole near the adjacent fence. 48

Within the enclosure there are situated 6 No. P.C. concrete and timber slat 'park type' seats. Three of these seats, adjacent to the car park, each have 1 No. back rest timber slats missing, need redecorating and one of these three requires resecuring in a new concrete foundation. The other three seats are in good condition.

There are also 6 No. timber picnic suites (table and bench seats) all in good condition and 5 No. free standing litter bins all in good condition.

16. Terminal Building Car Park

The open textured macadam car park is in overall good condition except for an area at the entrance to the car park, approximately 10 m x 2 m, which shows minor subsidence and cracking to the surface.

17. Boundary Fencing

49-56

67.

The boundary fencing primarily consisting of PVC coated chainlink fencing is in overall good condition but has isolated damage in 34 locations where repairs are required. Repairs include re-aligning posts, renewing posts and repairing the chainlink fencing. Examples of damage are illustrated. See also map indicating locations of damage.

67.

18. Perimeter Access Road

This macadam road roughly follows the boundary fence. Approximately 80% of its length is in very poor condition having numerous pot holes.

19.0 Runways

67.

19.1 Runway 04/22

This is a concrete runway with a transverse brushed surface finish. The runway is in overall good condition. The only area of concern is the transverse expansion joints. The bitumen sealer in the joints is in places standing proud of the surface and there are also voids in the joints allowing the ingress of water and potential frost damage. The joints require raking out and renewing to the specification of a competent engineer with regard to materials and workmanship. Consideration may have to be given to the distance between the transverse joints which appears excessive by current design standards.

57

The existing joints appear to have failed due to the sealant being forced out of the joint by compression between the concrete slabs during thermal movement. When the 'proud' sealant is then cut off at the surface there are then inevitably voids left in the joint. D.O.T. guidelines recommend that joints of this type are not filled flush to the surface initially to allow for subsequent vertical movement of the sealant. There have been isolated repairs to the concrete at these joints but only one area of damage was observed at a joint in Section 22 at the time of inspection.

58

19.2

Runway 33/15

This runway is in need of extensive maintenance. The runway has a macadam surface except for a concrete section fronting the taxi apron.

Section 33 of the runway has crazed cracking to its wearing course over its whole length which could lead to rapid deterioration of the surface. 59

Section 15, although not so extensively and regularly cracked, is in poorer condition due to breaking up of the surface. There are isolated areas of heave opening up cracks and the surface has broken areas which require immediate attention. 60  
61  
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There is also a poor transverse joint between Section 33 and the concrete apron approach, which requires regulating to remove the sudden change in level. 63

19.3

Runway 10/28

This macadam surface is in reasonable condition having only minor isolated areas requiring attention.

20.

Taxi Apron

The taxi apron is of concrete construction and is in good condition but the macadam approach to the apron off runways 10/28 and 15/33 requires attention. There are sunken areas which require regulating infill prior to resurfacing to include all potholes and broken areas of surfacing in the area. 64  
65  
66

21.

Runway Lighting

All runway lighting is functioning satisfactorily and the approach lights to runway 04/22 has recently been inspected by the Civil Aviation Authority and is working to their satisfaction.

22.

Sewers

There are no main drainage facilities available at the airport. A separate drainage system caters for foul and rainwater discharges. The foul system is connected to a septic tank.

Although the drainage system has not been physically inspected there are no apparent operational problems with it.

23.

Fire Hydrants

There are only six fire hydrants situated at the airport. These are located as follows:-

1. At main entrance to airport near junction of A4118 and access road to airport.
2. On road leading from Cambrian Flying Club in a south west direction to the apron.
3. Adjacent to Parachute Club.
4. One at each end of the old hangar.
5. Adjacent to fuel installation on apron.

There are no hydrants on the runway. Airport staff advise that all hydrants are operational.

24.

Fuel Installation

The condition of the fuel storage and installation equipment has not been assessed as part of this survey.



Appendix C

SWANSEA AIRPORT  
SCHEDULE OF CONDITIONS  
AND DILAPIDATIONS  
APPENDIX

These are the photographs referred  
to in clause 4.20 of the lease of  
Swansea Airport in favor of  
Swansea Aviation Ltd

Signed: T. Martin Jones  
20/12/91



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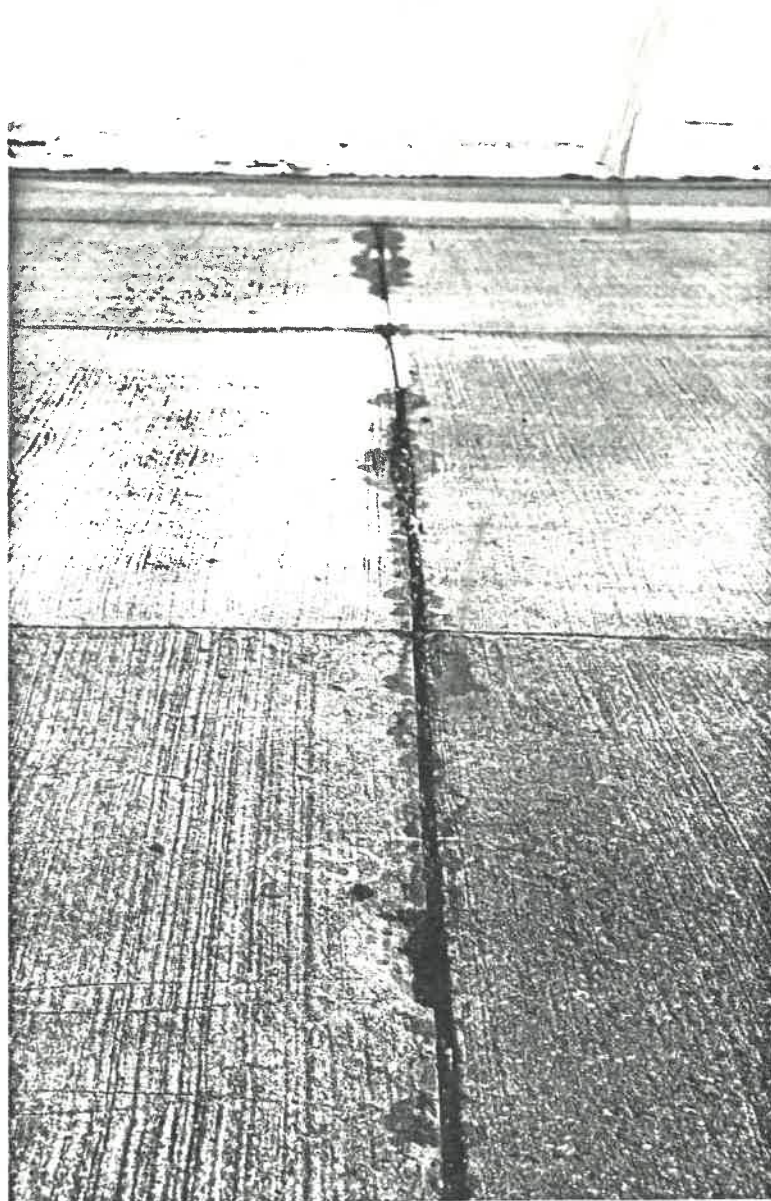
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Please ensure that you refer to the Screening Form Guidance while completing this form.

**Which service area and directorate are you from?**

Service Area: Property Services

Directorate: Place

**Q1 (a) What are you screening for relevance?**

- New and revised policies, practices or procedures
- Service review, re-organisation or service changes/reductions, which affect the wider community, service users and/or staff
- Efficiency or saving proposals
- Setting budget allocations for new financial year and strategic financial planning
- New project proposals affecting staff, communities or accessibility to the built environment, e.g., new construction work or adaptations to existing buildings, moving to on-line services, changing location
- Large Scale Public Events
- Local implementation of National Strategy/Plans/Legislation
- Strategic directive and intent, including those developed at Regional Partnership Boards and Public Services Board, which impact on a public bodies functions
- Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans)
- Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy)
- Major procurement and commissioning decisions
- Decisions that affect the ability (including external partners) to offer Welsh language opportunities and services

**(b) Please name and fully describe initiative here:**

**Management Update for Swansea Airport:** The purpose of the report is to update Cabinet on the current estate management activities at Swansea Airport and requests authority to proceed in accordance with the legal advice provided by the Council’s legal officers in conjunction with external advisers Geldards LLP.

**Q2 What is the potential impact on the following: the impacts below could be positive (+) or negative (-)**

	High Impact		Medium Impact		Low Impact		Needs further investigation
	+	-	+	-	+	-	
Children/young people (0-18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Older people (50+)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any other age group	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Future Generations (yet to be born)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race (including refugees)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Asylum seekers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gypsies & travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community cohesion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Q3 What involvement has taken place/will you undertake e.g. engagement/consultation/co-productive approaches?  
Please provide details below – either of your activities or your reasons for not undertaking involvement**

As per Q1(b) above, the purpose of the report is to update Cabinet on the current estate management activities at Swansea Airport and requests authority to proceed in accordance with the legal advice provided by the Council’s legal officers in conjunction with external advisers Geldards LLP.

The current lease has security of tenure under the Landlord and Tenant Act (1954) which means the tenant has the right to renew the lease on the basis they are compliant with the term of the lease agreement. The Council acting as a commercially prudent Landlord has full discretion in this respect.

The lease renewal process will not require the need to consult with other stakeholders as this is a statutory process.

**Q4 Have you considered the Well-being of Future Generations Act (Wales) 2015 in the development of this initiative:**

- a) Overall does the initiative support our Corporate Plan’s Well-being Objectives when considered together?  
Yes  No
- b) Does the initiative consider maximising contribution to each of the seven national well-being goals?  
Yes  No
- c) Does the initiative apply each of the five ways of working?  
Yes  No
- d) Does the initiative meet the needs of the present without compromising the ability of future generations to meet their own needs?  
Yes  No

**Q5 What is the potential risk of the initiative? (Consider the following impacts – equality, socio-economic, environmental, cultural, legal, financial, political, media, public perception etc...)**

High risk

Medium risk

Low risk

**Q6 Will this initiative have an impact (however minor) on any other Council service?**

Yes       No (subject to recommendations being agreed)

**If yes, please provide details below**

**Q7 What is the cumulative impact of this proposal on people and/or communities when considering all the impacts identified within the screening and any other key decisions affecting similar groups/ service users made by the organisation?**

*(You may need to discuss this with your Service Head or Cabinet Member to consider more widely if this proposal will affect certain groups/ communities more adversely because of other decisions the organisation is making. For example, financial impact/poverty, withdrawal of multiple services and whether this is disadvantaging the same groups, e.g., disabled people, older people, single parents (who are mainly women), etc.)*

Negligible impact for the reasons mentioned above. Given the legal advice received, the existing tenancy will be renewed on commercial terms (which are yet to be agreed). The report also requests authority for Head of Property Services and Chief Legal Officer to decide on the next course of action to ensure the Council's position is protected.

**Outcome of Screening**

**Q8 Please describe the outcome of your screening below:**

The report is seeking approval for continuation of an existing lease agreement. There is little financial risk to the authority (other than ad-hoc consultancy costs) whilst the airport is leased to a third party operator. A further IIA will be required if Cabinet decide to pursue an alternative option which is contrary to the legal advice provided.

Full IIA to be completed

Do not complete IIA – please ensure you have provided the relevant information above to support this outcome

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email.

<b>Screening completed by:</b>
<b>Name: Alex O'Brien</b>
<b>Job title: Property Manager</b>
<b>Date: 17/11/2022</b>
<b>Approval by Head of Service:</b>
<b>Name: Geoff Bacon</b>
<b>Position: Head of Property Services</b>
<b>Date: 17/11/2022</b>

Please return the completed form to [accesstoservices@swansea.gov.uk](mailto:accesstoservices@swansea.gov.uk)



# Agenda Item 15.



## Report of the Chief Legal Officer

Cabinet – 19 January 2023

### Exclusion of the Public

<b>Purpose:</b>	To consider whether the Public should be excluded from the following items of business.	
<b>Policy Framework:</b>	None.	
<b>Consultation:</b>	Legal.	
<b>Recommendation(s):</b>	It is recommended that:	
<b>1)</b>	The public be excluded from the meeting during consideration of the following item(s) of business on the grounds that it / they involve(s) the likely disclosure of exempt information as set out in the Paragraphs listed below of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007 subject to the Public Interest Test (where appropriate) being applied.	
	<b>Item No's.</b>	<b>Relevant Paragraphs in Schedule 12A</b>
	16	14
<b>Report Author:</b>	Democratic Services	
<b>Finance Officer:</b>	Not Applicable	
<b>Legal Officer:</b>	Tracey Meredith – Chief Legal Officer (Monitoring Officer)	

#### 1. Introduction

- 1.1 Section 100A (4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, allows a Principal Council to pass a resolution excluding the public from a meeting during an item of business.
- 1.2 Such a resolution is dependant on whether it is likely, in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present during that item there would be disclosure to them of exempt information, as defined in section 100I of the Local Government Act 1972.

#### 2. Exclusion of the Public / Public Interest Test

- 2.1 In order to comply with the above mentioned legislation, Cabinet will be requested to exclude the public from the meeting during consideration of the

item(s) of business identified in the recommendation(s) to the report on the grounds that it / they involve(s) the likely disclosure of exempt information as set out in the Exclusion Paragraphs of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

- 2.2 Information which falls within paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended is exempt information if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 2.3 The specific Exclusion Paragraphs and the Public Interest Tests to be applied are listed in **Appendix A**.
- 2.4 Where paragraph 16 of the Schedule 12A applies there is no public interest test. Councillors are able to consider whether they wish to waive their legal privilege in the information, however, given that this may place the Council in a position of risk, it is not something that should be done as a matter of routine.

### **3. Financial Implications**

- 3.1 There are no financial implications associated with this report.

### **4. Legal Implications**

- 4.1 The legislative provisions are set out in the report.
- 4.2 Councillors must consider with regard to each item of business set out in paragraph 2 of this report the following matters:
  - 4.2.1 Whether in relation to that item of business the information is capable of being exempt information, because it falls into one of the paragraphs set out in Schedule 12A of the Local Government Act 1972 as amended and reproduced in Appendix A to this report.
  - 4.2.2 If the information does fall within one or more of paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended, the public interest test as set out in paragraph 2.2 of this report.
  - 4.2.3 If the information falls within paragraph 16 of Schedule 12A of the Local Government Act 1972 in considering whether to exclude the public members are not required to apply the public interest test but must consider whether they wish to waive their privilege in relation to that item for any reason.

**Background Papers:** None.

**Appendices:** Appendix A – Public Interest Test.



## Public Interest Test

No.	Relevant Paragraphs in Schedule 12A
<b>12</b>	<b>Information relating to a particular individual.</b>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 12 should apply. Their view on the public interest test was that to make this information public would disclose personal data relating to an individual in contravention of the principles of the Data Protection Act. Because of this and since there did not appear to be an overwhelming public interest in requiring the disclosure of personal data they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
<b>13</b>	<b>Information which is likely to reveal the identity of an individual.</b>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 13 should apply. Their view on the public interest test was that the individual involved was entitled to privacy and that there was no overriding public interest which required the disclosure of the individual's identity. On that basis they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
<b>14</b>	<b>Information relating to the financial or business affairs of any particular person (including the authority holding that information).</b>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 14 should apply. Their view on the public interest test was that:</p> <ul style="list-style-type: none"> <li>a) Whilst they were mindful of the need to ensure the transparency and accountability of public authority for decisions taken by them in relation to the spending of public money, the right of a third party to the privacy of their financial / business affairs outweighed the need for that information to be made public; or</li> <li>b) Disclosure of the information would give an unfair advantage to tenderers for commercial contracts.</li> </ul> <p>This information is not affected by any other statutory provision which requires the information to be publicly registered.</p> <p>On that basis they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>

No.	Relevant Paragraphs in Schedule 12A
15	<p><b>Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</b></p>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 15 should apply. Their view on the public interest test was that whilst they are mindful of the need to ensure that transparency and accountability of public authority for decisions taken by them they were satisfied that in this case disclosure of the information would prejudice the discussion in relation to labour relations to the disadvantage of the authority and inhabitants of its area. On that basis they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
16	<p><b>Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</b></p>
	<p>No public interest test.</p>
17	<p><b>Information which reveals that the authority proposes:</b></p> <p><b>(a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</b></p> <p><b>(b) To make an order or direction under any enactment.</b></p>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 17 should apply. Their view on the public interest test was that the authority's statutory powers could be rendered ineffective or less effective were there to be advanced knowledge of its intention/the proper exercise of the Council's statutory power could be prejudiced by the public discussion or speculation on the matter to the detriment of the authority and the inhabitants of its area. On that basis they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
18	<p><b>Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</b></p>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 18 should apply. Their view on the public interest test was that the authority's statutory powers could be rendered ineffective or less effective were there to be advanced knowledge of its intention/the proper exercise of the Council's statutory power could be prejudiced by public discussion or speculation on the matter to the detriment of the authority and the inhabitants of its area. On that basis they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>

# Agenda Item 16.

By virtue of paragraph(s) 14 of Schedule 12A  
of the Local Government Act 1972  
as amended by the Local Government (Access to  
Information) (Variation) (Wales) Order 2007.

Document is Restricted

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