

COUNCIL SUMMONS

You are hereby summoned to attend a Meeting of the COUNCIL OF THE CITY AND COUNTY OF SWANSEA to be held in the Council Chamber, Guildhall, Swansea on Thursday, 26 November 2015 at 5.00 pm

The following business is proposed to be transacted:

1. **Apologies for Absence.**
2. **Disclosures of Personal and Prejudicial Interests.** 1 - 2
3. **Minutes.** 3 - 10
To approve and sign as a correct record the minutes of the Ordinary meeting of Council held on 22 October 2015.
4. **Written Responses to Questions asked at the Last Ordinary Meeting of Council.** 11 - 16
5. **Announcements of the Presiding Member.**
6. **Announcements of the Leader of the Council.**
7. **Public Questions.**
Questions must relate to matters on the open part of the Agenda of the meeting and will be dealt within a 10 minute period.
8. **Public Presentation - None.**
9. **Presentation by the Chief Fire Officer, Mid and West Wales Fire and Rescue Service.**
Chris Davies, Chief Fire Officer, will update Members on the geographical challenges, the Authority area, the Service's performance in Swansea, public value, efficiencies and value for money. This will be followed by a question and answer session.
Report of the Cabinet Member for Wellbeing and Healthy City.
10. **Houses in Multiple Occupation (HMO) Licensing Policy 2016.** 17 - 26
Report of the Cabinet Member for Finance and Strategy.
11. **Council Tax Base Calculation – 2016/2017** 27 - 32
Report of the Cabinet Member for Enterprise, Development & Regeneration.
12. **Review of the Gambling Policy** 33 - 96

Report of the Cabinet Member for Transformation and Performance.

- 13. Membership of Committees. 97 - 98**
Report of the Leader.
- 14. Appointment of Chief Executive. 99 - 108**
Report of the Head of Democratic Services.
- 15. Dispensation for Councillor Leave of Absence - Councillor B G Owen. 109 - 110**
- 16. Independent Remuneration Panel for Wales (IRPW) Draft Annual Report 2016 - Consultation. 111 - 116**
- 17. Appointment of Community/Town Council Member of Standards Committee. 117 - 128**
- 18. Councillors' Questions. 129 - 137**
- 19. Notice of Motion: Councillors C E Lloyd, R C Stewart, C Richards, M C Child, W Evans, R Francis-Davies, J E C Harris, D H Hopkins, A S Lewis & J A Raynor. 111 - 116**
This Council opposes the introduction of the Trade Union Bill 2015. We ask that this Council write immediately to urge the UK Conservative Government at Westminster to abandon this Bill and make a commitment to work in partnership with the Trade Union movement to achieve a fairer society.
- We believe this bill is driven by Conservative ideology and is an outdated response to the challenges of the 21st century.
- This bill is counterproductive, vindictive, socially divisive, and will lead to more confrontational relationships between employers and employees, and ultimately undermine rather than support the delivery of important public services. Swansea Council already has a long tradition of good relationships with our Trade Union colleagues and fully recognises the extremely important role they play within this organisation, the public and private sectors and the wider community. It is also our view that Swansea Council is more than able to determine the how it interacts with its employees and Trade Unions and does not need legislation on this issue. This Bill is an attack on democracy.
- 20. Notice of Motion: Councillors R C Stewart, C Richards, A S Lewis, J A Raynor, R Francis-Davies, D H Hopkins, W Evans, M C Child, C E Lloyd & J E C Harris. 117 - 128**
PROPOSED REDUCTION IN FEED IN TARIFFS FOR RENEWABLE ENERGY SCHEME

This Council protests in the strongest possible terms at the size of the reduction in Feed in Tariffs for solar photo voltaic (PV) installations and to the inadequate notice of the changes, which will have a significant detrimental impact on the delivery of all future renewable energy schemes in Swansea and the UK.

The Council recognises the significant benefit to the environment, the economy and society of the promotion of Solar PV and other forms of renewable energy. These schemes have been subsidised by Government's Feed in Tariff (FiT). The FiT has been a huge success and helped local authorities, Registered Social Landlords and community energy groups to build viable business models for their projects, helping to reduce and localise energy spend, tackle fuel poverty and generate an income to re-invest in the area. The FiT has also been successful in helping to establish a renewable energy industry that now employs an estimated 2,010 people in Wales. These benefits are now at risk of being lost, with an estimated 1,608 jobs (80%) at risk as a result of the proposed 87% cut to the FiT.

This Council calls upon Central Government to reconsider their position in reviewing the scale of the cut in FiTs and implement a regime that makes Solar PV affordable for local communities and ensure changes are introduced so that the industry has sufficient time to adjust, providing stability and maintaining investor confidence in renewable energy schemes.



Patrick Arran
Head of Legal and Democratic Services
Civic Centre
Swansea

Tuesday, 17 November 2015

To: All Members of the Council

Disclosures of Interest

To receive Disclosures of Interest from Councillors and Officers

Councillors

Councillors Interests are made in accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea. You must disclose orally to the meeting the existence and nature of that interest.

NOTE: You are requested to identify the Agenda Item / Minute No. / Planning Application No. and Subject Matter to which that interest relates and to enter all declared interests on the sheet provided for that purpose at the meeting.

1. If you have a **Personal Interest** as set out in **Paragraph 10** of the Code, you **MAY STAY, SPEAK AND VOTE** unless it is also a Prejudicial Interest.
2. If you have a Personal Interest which is also a **Prejudicial Interest** as set out in **Paragraph 12** of the Code, then subject to point 3 below, you **MUST WITHDRAW** from the meeting (unless you have obtained a dispensation from the Authority's Standards Committee)
3. Where you have a Prejudicial Interest you may attend the meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, **provided** that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. In such a case, you **must withdraw from the meeting immediately after the period for making representations, answering questions, or giving evidence relating to the business has ended**, and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration (**Paragraph 14** of the Code).
4. Where you have agreement from the Monitoring Officer that the information relating to your Personal Interest is **sensitive information**, as set out in **Paragraph 16** of the Code of Conduct, your obligation to disclose such information is replaced with an obligation to disclose the existence of a personal interest and to confirm that the Monitoring Officer has agreed that the nature of such personal interest is sensitive information.
5. If you are relying on a **grant of a dispensation** by the Standards Committee, you must, before the matter is under consideration:
 - i) Disclose orally both the interest concerned and the existence of the dispensation; and
 - ii) Before or immediately after the close of the meeting give written notification to the Authority containing:
 - a) Details of the prejudicial interest;

- b) Details of the business to which the prejudicial interest relates;
- c) Details of, and the date on which, the dispensation was granted; and
- d) Your signature

Officers

Financial Interests

1. If an Officer has a financial interest in any matter which arises for decision at any meeting to which the Officer is reporting or at which the Officer is in attendance involving any member of the Council and /or any third party the Officer shall declare an interest in that matter and take no part in the consideration or determination of the matter and shall withdraw from the meeting while that matter is considered. Any such declaration made in a meeting of a constitutional body shall be recorded in the minutes of that meeting. No Officer shall make a report to a meeting for a decision to be made on any matter in which s/he has a financial interest.
2. A "financial interest" is defined as any interest affecting the financial position of the Officer, either to his/her benefit or to his/her detriment. It also includes an interest on the same basis for any member of the Officers family or a close friend and any company firm or business from which an Officer or a member of his/her family receives any remuneration. There is no financial interest for an Officer where a decision on a report affects all of the Officers of the Council or all of the officers in a Department or Service.

CITY AND COUNTY OF SWANSEA

MINUTES OF THE COUNCIL

HELD AT COUNCIL CHAMBER, CIVIC CENTRE, SWANSEA ON
THURSDAY, 22 OCTOBER 2015 AT 5.00 PM

PRESENT: Councillor D W W Thomas (Presiding Member) Presided

Councillor(s)	Councillor(s)	Councillor(s)
C Anderson	P R Hood-Williams	H M Morris
J C Bayliss	B Hopkins	G Owens
P M Black	D H Hopkins	D Phillips
R A Clay	L James	C L Philpott
U C Clay	Y V Jardine	J A Raynor
A C S Colburn	A J Jones	T H Rees
D W Cole	J W Jones	I M Richard
A M Cook	M H Jones	C Richards
S E Crouch	S M Jones	R V Smith
P Downing	E J King	R C Stewart
C R Evans	E T Kirchner	D G Sullivan
V M Evans	A S Lewis	G J Tanner
W Evans	D J Lewis	C M R W D Thomas
E W Fitzgerald	R D Lewis	M Thomas
R Francis-Davies	C E Lloyd	L G Thomas
F M Gordon	P Lloyd	L J Tyler-Lloyd
J A Hale	K E Marsh	L V Walton
J E C Harris	P M Matthews	T M White
T J Hennegan	P N May	N M Woollard
C A Holley	P M Meara	

78. **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors J E Burtonshaw, M C Child, J P Curtice, N J Davies, A M Day, C R Doyle, J Newbury, B G Owen, P B Smith, R J Stanton, C Thomas and G D Walker.

79. **DISCLOSURES OF PERSONAL AND PREJUDICIAL INTERESTS.**

The Head of Legal and Democratic Services gave advice regarding the potential personal and prejudicial interests that Councillors and / Officers may have on the agenda.

The Head of Democratic Services reminded Councillors and Officers that the "Disclosures of Personal and Prejudicial Interests" sheet should only be completed if the Councillor / Officer actually had an interest to declare. Nil returns were not

required. Councillors and Officers were also informed that any declarable interest must be made orally and in writing on the sheet.

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

- 1) Councillors C Anderson, V M Evans, C A Holley, J W Jones, M H Jones, S M Jones, E T Kirchner, C E Lloyd, P M Meara, M Thomas and N Woollard declared a Personal Interest in Minute 86 "Chief Social Services Officer Annual Report 2014-2015";
- 2) Councillor G J Tanner declared a Personal Interest in Minute 88 "Local Housing Strategy 2015-2020".

80. **MINUTES.**

RESOLVED that the following Minutes be approved and signed as a correct record:

- 1) Ordinary Meeting of Council held on 24 September 2015 subject to the following amendment:
 - a) Minute 61 "Disclosures of Personal and Prejudicial Interests". Add Councillor A S Lewis to the list of Personal Interests in relation to Minute 68 "Swansea Local Development Plan (LDP) Proposed Housing and Strategic Site Allocations".

81. **ANNOUNCEMENTS OF THE PRESIDING MEMBER.**

1) **Condolences**

a) **Memorial Service Details for Rebekah Bartolozzi**

The Presiding Members stated that a Memorial Service to celebrate the life of Danielle Rebekah Bartolozzi, daughter of Councillor Paulette Smith and former Councillor Roger Smith had been arranged for 1 November 2015 at St Benedict's Catholic Church, Clydach at 2.00 p.m.

He stated that Sophia, Rebekah's daughter requested that everyone wears a dash of pink as pink was her mummy's favourite colour.

2) **Congratulations**

a) **High 5 Awards**

The Presiding Member stated that the High 5 Awards started in 2012 with the express aim of identifying, recognising and rewarding inspirational children and young people within the communities of Swansea. The entire concept was based on views gathered from children and young people across Swansea through consultation.

The 2015 Awards were the fourth awards ceremony with a record number of nominations. There were 141 Individual nominations and over 20 Groups nominated. Everyone nominated received a certificate and a voucher. There were 10 Individual winners and 2 Group winners.

He stated that all winners were presented with their award at a gala evening at the Liberty Stadium by High 5 Awards Ambassador, Leon Britton of Swansea City Football Club.

He congratulated all involved.

b) UNESCO (United Nations Educational, Scientific and Cultural Organisation) Learning City

The Presiding Member congratulated to the Authority on receiving the Inaugural UNESCO Learning City Award, the first of its kind in the World. Along with representatives from Swansea University, the Authority was represented by Councillor C E Lloyd on behalf of the Leader of the Council at the 2nd International Conference on Learning Cities held in Mexico City to receive the award.

The purpose of UNESCO is to contribute to peace and security by promoting international collaboration through education, science, and culture to further universal respect for justice, the rule of law and human rights along with fundamental freedom proclaimed in the United Nations Charter.

The Conference was attended by over 500 delegates from 80 countries and as well as being a huge honour for the Authority, it was an excellent opportunity to showcase Swansea on the World stage as a leader in the areas of Innovation, Entrepreneurship and Inclusion.

3) Welcome Back

The Presiding Member welcomed Councillors H M Morris and C M R W D Thomas back to Council following periods of ill health.

82. ANNOUNCEMENTS OF THE LEADER OF THE COUNCIL.

1) City Deal

The Leader of the Council stated that a major investment boost that would help make Swansea's economy internationally competitive could soon be on the way. He stated that the Authority was making progress on its plan to apply for a City Deal that would unlock investment worth billions of pounds and generate hundreds of new jobs.

A City Deal is an agreement between the UK government and a city that gives local areas specific powers and freedoms to help support economic growth, create jobs or invest in local projects.

83. **PUBLIC QUESTIONS.**

Due to technical issues affecting the microphone and audio system, some questioners could not be heard. In light of this, the Leader of the Council agreed that the questioner that could not be heard could submit her questions in writing for a written response. He also invited members of the public into the Council Chamber to use a microphone in order to ask their questions if they wished.

A number of questions were asked by members of the public. The relevant Cabinet Member responded. Those questions not requiring a written response are listed below:

- 1) David Davies asked a question in relation to Minute 90 "Amendments to the Council Constitution". He asked that consideration be given so as to allow members of the Public to ask questions of any Councillor".

The Leader of the Council indicated that he would raise the matter with the Constitution Working Group.

Those questions requiring a written response are listed below:

- 1) Lis Davies submitted the following questions in writing:

- i) Agenda Item 11 "Local Housing Strategy". Page 64.

"During October one homeless person was found dead in a doorway in Oxford Street and another fined for begging in High Street. The Councils Rough Sleepers Winter Plan – offers temporary accommodation during the winter months along with other temporary measures, however, there appears to be no mention of any strategy for the permanent re-homing of the homeless. Therefore, I would appreciate answers to the following questions.

- a) A copy of any report identifying how successful the homeless strategy has been in previous years?
- b) Copies of risk assessments carried out identifying the probable mortality rates amongst the homeless community during a predicted cold winter?
- c) Since 2012 to date, how many homeless persons have been provided with permanent homes by the Council?
- d) Chapter 6 – Ageing Population. How many older people's complexes / units are currently provided by the Council in Swansea?"

- ii) Agenda Item 17 "Democratic Services Annual Report 8 May 2014 - 18 May 2015".

"Page 238. The report states that the WLGA is now intending to charge for services on top of the annual payment it receives from the City and County of Swansea.

- a) What is the annual contribution paid by the City and County of Swansea for membership of the WLGA?"

- iii) Agenda Item 17 "Democratic Services Annual Report 8 May 2014 - 18 May 2015".

"Page 236. The report identifies that 26 Councillor training events had been arranged. However, although there were 582 available spaces on offer, only 171 Councillors attended. This equates to about 30% attendance. Therefore, a response to the following question would be appreciated.

- a) A detailed breakdown of the costs associated with running the Councillor training programme, to include – both in-house and external costs relating to the WLGA and consultants fees?"

84. **PRESENTATION - SYRIAN REFUGEE COMMITTEE IN SWANSEA.**

Dr Nada Najar gave a presentation on the work of the 'Syrian Refugee Committee in Swansea' and the plight of the people of Syria.

Councillor R C Stewart, Leader of the Council gave thanks for the presentation.

85. **PUBLIC PRESENTATION - ABERTAWE BRO MORGANNWG UNIVERSITY HEALTH BOARD - ARCH (A REGIONAL COLLABORATION FOR HEALTH) PROGRAMME.**

Andrew Davies, Chair of the Abertawe Bro Morgannwg University (ABMU) Health Board gave a presentation on the work of the 'Abertawe Bro Morgannwg University Health Board - A Regional Collaboration for Health (ARCH) Programme."

Councillor R C Stewart, Leader of the Council gave thanks for the presentation.

86. **CHIEF SOCIAL SERVICES OFFICER ANNUAL REPORT 2014/15.**

The Acting Chief Social Services Officer presented the Chief Social Services Annual Report 2014-2015 for information.

87. **MID TERM BUDGET STATEMENT 2015/16.**

The Section 151 Officer submitted a report which outlined the current year financial performance together with an updated assessment of savings requirements over the period of the Medium Term Financial Plan.

The Leader of the Council and Cabinet Members gave their response to the Statement by way of a presentation to Council.

RESOLVED that:

- 1) The comments made in the report be noted and the revised Resources forecast and forecast of spending pressures be adopted in terms of future budget planning;
- 2) The financial forecast in relation to the current year be noted and whatever actions are required in order to move towards a balanced revenue outturn for 2015-2016 be endorsed;
- 3) Comments in relation to the funding of the Capital Programme set out in the report be noted and the funding shortfall continues to be addressed by a policy encompassing all asset sales.

88. **LOCAL HOUSING STRATEGY 2015 - 2020.**

The Next Generation Services Cabinet Member submitted a report which sought approval of the Local Housing Strategy for the period 2015-2020.

RESOLVED that:

- 1) The Local Housing Strategy be approved.

Note:

- a) Councillor P M Black asked the following questions of the Next Generation Services Cabinet Member.
 - 1) How we will use the registration and licensing system for the private rented sector to drive up the quality of privately rented homes in Swansea and improve their management?
 - 2) There are 2269 homes in Swansea that have been empty for more than 6 months. The use of recyclable empty home loans is very welcome but we have now effectively picked off the easy fruit. Will the Council be considering Empty Dwelling Management Orders and CPOs to reduce the number of empty homes further?
 - 3) A recent BBC FOI found that over the last 5 years 750 children aged 16 and 17 have been put in B&Bs across Wales, 100 off those stayed longer than the 6 week limit. Does Swansea feature in those figures and are we able to sustain the objective of NOT placing independent 16 and 17 year olds in unsupported B&Bs in the future? If not then when do we envisage being able to do this?
 - 4) The Welsh Government have removed priority need status for ex-prisoners but have just developed a national pathway for homeless services for this

group. What engagement have the council had with this and how advanced are our arrangements to rehouse homeless ex-prisoners, particularly women and young people?

- b) Councillor E W Fitzgerald stated that she would write directly to the Next Generation Services Cabinet Member in order to ask her questions.

89. **MEMBERSHIP OF COMMITTEES.**

The Transformation and Performance Cabinet Member submitted a report which sought approval of the nominations / amendment to the membership of Committees.

He indicated that an additional change had been submitted.

RESOLVED that the membership of the Council Bodies listed below be amended as follows:

- 1) **Local Authority (LA) Governor Panel**
Remove Councillor R A Clay.
Add Councillor J E Burtonshaw.
- 2) **Local Pension Board**
Remove Councillor D W Cole.
Add Councillor J E C Harris.
- 3) **Scrutiny Programme Committee**
Remove Councillor R A Clay.
Add Councillor U C Clay.

90. **AMENDMENTS TO THE CONSTITUTION.**

The Presiding Member, Monitoring Officer and Head of Democratic Services jointly submitted a report which sought to make amendments in order to simplify, improve and / or add to the Council Constitution in relation to the following area(s):

- 1) Part 4 – Rules of Procedure - Council Procedure Rules.

RESOLVED that the changes to the Council Constitution as outlined in Paragraph 4 of the report together with any further consequential changes be adopted.

91. **COUNCILLORS' QUESTIONS.**

1) **Part A 'Supplementary Questions'**

Eleven (11) Part A 'Supplementary Questions' were submitted. The relevant Cabinet Member(s) responded by way of written answers contained in the Council Summons.

No question(s) required a written response:

2) Part B 'Questions not requiring Supplementary Questions'

No Part B 'Questions not requiring Supplementary Questions' were submitted.

92. SCRUTINY DISPATCHES – QUARTERLY IMPACT REPORT.

The Chair of the Scrutiny Programme Committee submitted an information report setting out the Scrutiny Dispatches - Quarterly Impact Report.

93. WRITTEN RESPONSES TO QUESTIONS ASKED AT THE LAST ORDINARY MEETING OF COUNCIL.

The Head of Legal and Democratic Services submitted an information report setting out the written responses to questions asked at the last Ordinary Meeting of Council.

94. DEMOCRATIC SERVICES ANNUAL REPORT

The Chair of Democratic Services submitted an information report setting out the Democratic Services Annual Report for the period 8 May 2014 to 18 May 2015.

95. NOTICE OF MOTION: COUNCILLORS M C CHILD, R C STEWART, J A RAYNOR, J E C HARRIS, C RICHARDS, A S LEWIS, C E LLOYD, D H HOPKINS, R FRANCIS-DAVIES, W EVANS.

The following motion was proposed by Councillor R Francis-Davies and seconded by Councillor E T Kirchner.

“This Council calls on Welsh Government to introduce minimum unit pricing for alcohol, starting at 50p per unit, as this will have a significant impact on reducing alcohol-related harm. It will also be in line with what’s happened in Scotland where legislation has already been passed. Minimum pricing would mean that there is a baseline price for alcohol, below which it couldn’t be sold. This would target high strength alcoholic drinks that is sold very cheaply – drinks that are often consumed by the heaviest drinkers, as well as by younger drinkers. Moderate drinkers will feel little effect from minimum pricing. Alcohol-related harm remains one of the biggest health problems facing the UK, with over 10 million adults drinking more than recommended guidelines. Alcohol is a contributor to 60 different diseases and its excessive consumption is a significant cause of premature death in the UK. IT costs the NHS £3.5 billion, while alcohol-related crime costs an estimated £11 billion each year. Approximately 2.6 million children in the UK are living with parents who are drinking dangerous amounts, while over 700,000 live with dependent drinkers. There is a clear link between the price of alcohol and the level of alcohol-related harm, so it goes without saying that the most effective way to reduce harm is to control price and availability”.

RESOLVED that the motion as outlined above be approved.

The meeting ended at 8.30 pm

CHAIR

Report of the Head of Legal and Democratic Services

Council – 26 November 2015

WRITTEN RESPONSES TO QUESTIONS ASKED AT THE LAST ORDINARY MEETING OF COUNCIL

The report provides an update on the responses to Questions asked during the last Ordinary Meeting of Council on 22 October 2015.

FOR INFORMATION

1. INTRODUCTION

- 1.1 It was agreed at Council on 8 April 2010 that a standing item be added to the Council Summons entitled “Written Responses to Questions Asked at the Last Ordinary Meeting of Council”.
- 1.2 A “For Information” report will be compiled by the Democratic Services Team collating all written responses from the last Ordinary Meeting of Council and placed in the Agenda Pack;
- 1.3 Any consequential amendments be made to the Council Constitution.

2. RESPONSES

- 2.1 Responses to questions asked during the last ordinary meeting of Council are included as Appendix A.

Background Papers: None

Appendices: Appendix A (Questions & Responses)

**Providing Council with Written Responses to Questions at Council –
22 October 2015**

1.	<p>Lis Davies Questions: Agenda Item 11 “Local Housing Strategy”. Page 64.</p> <p>1) “During October one homeless person was found dead in a doorway in Oxford Street and another fined for begging in High Street. The Council’s Rough Sleepers Winter Plan – offers temporary accommodation during the winter months along with other temporary measures, however, there appears to be no mention of any strategy for the permanent re-homing of the homeless. Therefore, I would appreciate answers to the following questions.</p> <p>a) A copy of any report identifying how successful the homeless strategy has been in previous years?</p> <p>b) Copies of risk assessments carried out identifying the probable mortality rates amongst the homeless community during a predicted cold winter?</p> <p>c) Since 2012 to date, how many homeless persons have been provided with permanent homes by the Council?</p> <p>d) Chapter 6 – Ageing Population. How many older people’s complexes / units are currently provided by the Council in Swansea?”</p> <p>Joint Response of the Cabinet Members for Next Generation Services and Anti-Poverty</p> <p>1) The Local Housing Strategy 2015-2020 aims to address key housing issues in our area over the five-year period. It also takes into account the changed financial climate and housing market, in order to ensure an up to date and focussed delivery of housing and housing related services. Tackling homelessness is a key part of the document.</p> <p>The Strategy has taken account of the 10 Year Homelessness Plan for Wales and focusses on the prevention of homelessness. This is achieved by working across organisational and policy boundaries, on placing the service user at the centre of service delivery, on ensuring social inclusion and equality of access to services and on making the best use of available resources.</p> <p>Specifically the Homelessness chapter (6.1) sets out our challenges and objectives when providing permanent housing solutions for homeless residents. This chapter also describes Move On accommodation and the steps taken to both prevent homelessness and also to help people maintain a tenancy in the long term. In addition, chapter 5.2 (Letting and Managing Council Housing) makes specific reference to our assessment based Allocations Policy that is used to ensure transparent and equitable allocation of homes to those who need them most, including the homeless.</p> <p>a) There is no published report on the success of the homelessness strategy, we do however conduct a robust annual homelessness review. This review looks at the data available on persons approaching the Council for assistance in relation to homelessness. The reasons for them approaching the Council are studied in detail. This information is used to inform our</p>
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strategic response and commissioning of services to manage homelessness locally.

In addition we have a performance management framework in place that is monitored and reported within the Council and to Welsh Government. This for example indicates our homelessness prevention levels, allows comparisons to be made with other Councils and areas for improvement to be identified.

b) Whilst we do not conduct any specific activities to identify probable mortality rates during periods of cold weather, there is a robust Winter Plan in place for Swansea. This is reviewed each year and aims to ensure all possible support is available to rough sleepers at times of severe weather. The weather is closely monitored and the plan is put into force when required.

For the last four winters we have operated a partnership between the Council, the Voluntary Sector and local churches to provide a Night Shelter and other essential services during some of the coldest months of the year.

Over the last two winters 77 Night Shelter referrals were accepted. 41 were moved into some form of accommodation from the Night Shelter. Some returned to the streets or went to stay with friends or family, but have since been helped into accommodation again. Accommodation provided may be a long term tenancy with a private or a social landlord, or an initial placement in a temporary supported housing scheme that has an exit strategy for planned moves into longer term independent housing.

For a variety of complex reasons not all rough sleepers want assistance. However, the Local Authority and the Voluntary Sector continue to try and engage with all rough sleepers to ensure that the risk of harm is minimised and their basic needs are met. The Local Authority also works very closely with the local health board. In particular, we are in close liaison with the outreach nurse and the street homeless mental health nurse.

c) Since Jan 2012, a total of 2891 households presenting as homeless have been housed permanently by the Council and RSL's. In addition, the Council has assisted 1,364 in securing accommodation in the private rented sector.

d) There are 31 Council owned, warden supported sheltered housing complexes across the City with a total of 983 units of accommodation. They provide a range of property types from bedsits to bungalows.

In addition there are 552 units of older person's accommodation throughout the City, again offering a range of property type from bedsits to 2 bedroomed bungalows.

We hope the information above is of use in terms of answering your queries. If however you require further detail then please let us know.

2.

Lis Davies

Questions:

1)Agenda Item 17 "Democratic Services Annual Report 8 May 2014–18 May 2015".

Page 13

"Page 238. The report states that the WLGA is now intending to charge for

services on top of the annual payment it receives from the City and County of Swansea.

a)What is the annual contribution paid by the City and County of Swansea for membership of the WLGA?”

2)Agenda Item 17 “Democratic Services Annual Report 8 May 2014–18May 2015”.

“Page 236. The report identifies that 26 Councillor training events had been arranged. However, although there were 582 available spaces on offer, only 171 Councillors attended. This equates to about 30% attendance.

Therefore, a response to the following question would be appreciated.

a) A detailed breakdown of the costs associated with running the Councillor training programme, to include – both in-house and external costs relating to the WLGA and consultants fees?

Response of the Cabinet Member for Transformation & Performance

1)The City and County of Swansea pays various subscriptions to the Welsh Local Government Association (WLGA). During the financial period 2015-2016 the following has been paid to the WLGA:

Basic Subscription	£92,512
WLGA Procurement Unit	£7,680
WLGA European Office	£10,565
WLGA Regional Employers Levy (estimated)	£16,815
Total	£127,572

2) Of the 26 Councillor Training events organised by the Authority, 20 were run in house by Officers of the Authority. The costs relating to the remaining 6 training events are:

Date	Event	Officer	Cost
04.08.2014	Public Engagement	Participation Cymru / Rhian Millar	Training was provided by the WLGA and Participation Cymru at no cost to the Authority.
05.08.2014	Public Engagement	Participation Cymru / Rhian Millar	
06.08.2014	Public Engagement	Participation Cymru / Rhian Millar	
15.10.2014	Financial Governance	Jeff Dong & external consultants	The cost of Trustee Training is included within the specification of the retained Treasury Management Advisors (Capita Asset Services).
19.11.2014	Workshop – Elected Members Role in Supporting and Promoting Gypsies, Roma and Travellers	Jake Bowers in conjunction with Anna Morgan, WLGA	Training was provided by the WLGA at no cost to the Authority.
25.11.2014	Scrutiny Councillor Development Session – Making the best use of performance information	Local Government Information Unit (LGIU)	The LGIU provided the training at no cost to the Authority. Room Hire £90.00 Tea and coffee £29.58.

3. Councillor P M Black Questions:

1) How we will use the registration and licensing system for the private rented sector to drive up the quality of privately rented homes in Swansea and improve their management.

2) There are 2269 homes in Swansea that have been empty for more than 6 months. The use of recyclable empty home loans is very welcome but we have now effectively picked off the easy fruit. Will the council be considering Empty Dwelling Management Orders and CPOs to reduce the number of empty homes further.

3)The Welsh Government have removed priority need status for ex-prisoners but have just developed a national pathway for homeless services for this group. What engagement have the council had with this and how advanced are our arrangements to rehouse homeless ex-prisoners, particularly women and young people.

4) A recent BBC FOI found that over the last 5 years 750 children aged 16 and 17 have been put in B&Bs across Wales, 100 off those stayed longer than the 6 week limit. Does Swansea feature in those figures and are we able to sustain the objective of NOT placing independent 16 and 17 year olds in unsupported B&Bs in the future? If not then when do we envisage being able to do this.

Joint Response of the Cabinet Members for Wellbeing and Healthy City and Next Generation Services

1) We welcome the new powers under the Housing (Wales) Act 2014 for the registration of landlords and licensing of landlords and letting and managing agents. Welsh Government has designated Cardiff Council as the Single Licensing Authority (SLA) for Wales. Whilst Cardiff will have the lead role with regards to the administration of the new licensing/registration regime, we will be working closely with them and Welsh Government to promote the new requirements under the 'Rent Smart Wales' banner across the private rented sector in Swansea. Our aim is to build on our established proactive approach of working with landlords and agents locally to improve property condition and management standards. Information on Rent Smart Wales has been and will continue to be distributed via existing networks, including the Council's website and the local landlords' forum.

There are elements of enforcement of the new legislation which are delegated to local authorities and we will be taking enforcement action, where necessary and appropriate, to ensure compliance with the legislation.

Two of the main aims of the new legislation are to improve standards of letting and management practice in the private rented sector, and to bring about a raised awareness about rights and responsibilities for both tenants and landlords. It does not deal directly with housing quality, but it is anticipated that increased knowledge and management standards will lead to improved levels of accommodation as well as increased confidence for tenants in their landlords and agents.

2)Recyclable empty homes loans are one of the mechanisms by which we were able to intervene and assist in bringing 456 long-term empty private dwellings back into occupation in 2014-2015.

For many years, Swansea has been proactive in dealing with empty homes in poor condition and was the first local authority in Wales to use the Empty Dwelling Management Order (EDMO) powers. We currently have one property which is managed through an EDMO.

The EDMO process has proved to be very resource intensive but we will continue to consider their use in appropriate circumstances

The use of Compulsory Purchase Orders (CPOs) as a mechanism for bringing empty properties back into use has been examined. Whilst CPOs can be a useful tool, especially where there is a reluctant owner, the powers do present financial risks to the Council including high officer and legal costs and a requirement for compensation which are not recoverable.

In Swansea we have however found the enforced sale procedure to be a much more effective method. This can only be used where an owner has local land charges outstanding in relation to the property, but this is often the case for empty properties which are having a severe impact on a neighbourhood. With enforced sale all costs, including legal, administrative and officer costs are recoverable. Swansea has carried out 14 enforced sales to date, with an additional two owners settling all debts prior to sale and a further two properties currently going through the process. Each of these properties had been empty for a number of years and in poor condition, and sale to a new owner has resulted in repair or renovation works being carried out and the properties have been re-occupied.

3) Swansea has been represented on the Welsh Government Prisoner Accommodation and Resettlement Working Group and has actively contributed to the development of the Pathway. The Pathway outlines the work that is done with a prisoner in the 3 months prior to release, including re-establishing links with family and homelessness help if needed.

Locally our Housing Options service has had a dedicated Prisoner Resettlement Caseworker for many years. The role includes prison visits and receiving referrals direct from the prisons, and we are currently receiving 20-30 referrals per month.

There are no bespoke arrangements for women or young people who have been in custody; however specific issues are taken into account which may impact on these client groups when assisting with rehousing. This for example includes previous domestic violence, substance misuse, inexperience of managing a tenancy, and consideration of need for particular types of support in appropriate accommodation.

We received additional funding from WG this year to cover the period from April 2015, when the legislation relating to former prisoners changed. This is intended to assist former prisoners in the interim period until the full introduction of the new Pathway. Swansea is currently using this funding to provide short term temporary accommodation for all former prisoners whilst more suitable stable accommodation is sought. We have a high level of success in moving people into accommodation quickly, which may include private rented housing and supported housing projects.

4) Officers in Social Services are currently considering the statistics quoted by the BBC, and will provide a response as soon as possible to enable us to reply fully to your question.

Report of the Cabinet Member for Wellbeing and Healthy City

Council – 26 November 2015

HOUSES IN MULTIPLE OCCUPATION (HMO) LICENSING POLICY 2016

Purpose:	To agree the proposed new HMO Licensing Policy, which includes the Mandatory HMO Licensing Scheme for the whole of Swansea and renewal of the Additional HMO Licensing Scheme for Castle and Uplands electoral divisions.
Policy Framework:	HMO Licensing Policy 2011 Local Housing Strategy 2015-2020
Reason for Decision:	To seek authority to introduce the HMO Licensing Policy to take effect from 9 March 2016.
Consultation:	Legal, Finance, Access to Services.
Recommendation(s):	It is recommended that: 1. Council approves and publishes the Policy.
Report Author:	Paula Livingstone
Finance Officer:	Aimee Dyer
Legal Officer:	Sandie Richards
Access to Services Officer:	Phil Couch

1.0 Introduction

- 1.1 Houses in multiple occupation (HMOs) provide an important source of affordable housing for people across our communities. The standards of management across the stock are variable.
- 1.2 Council approved its first HMO Licensing Policy in November 2006. This was reviewed in 2008 and again in 2011. An Additional HMO Licensing Scheme for Castle and Uplands was first introduced in 2008. This Scheme was re-designated in line with the Policy review in 2011. Significant changes at that time were the introduction of a graduated fee structure relating to the number of occupiers, a new Management Standard and the additional sanction of a reduced licensing period to

reflect poor management performance and the decisions of Licensing Committee.

- 1.3 The licence fees were reviewed for 2015 – 2016 and were increased from 1st April 2015.

2.0 Policy Review

- 2.1 There are a number of factors which have influenced the need for this review.
- 2.2 The legislation governing HMO licensing, Housing Act 2004, states that a designation of an Additional Licensing Scheme will cease to have effect no later than five years after the date on which the designation comes into force. The current Additional Licensing Scheme came into force on 9th March 2011.
- 2.3 The Council's HMO Licensing Policy includes the requirement for a review.
- 2.4 The Housing (Wales) Act 2014 will introduce new legislation from autumn 2015 that will require private landlords to register and private landlords or their agents to obtain a licence to operate. Licence applicants will need to attend an accredited training course, pass a fit and proper person test and abide by a code of conduct. An individual or business will need to apply for one licence for all their rental properties in Wales. The new scheme, called Rent Smart Wales, will be administered and delivered by Cardiff Council for the whole of Wales and will replace the voluntary Landlord Accreditation Wales to which the Council has contributed since 2008. These new requirements are separate from and additional to HMO licensing.

3.0 The Proposed Policy

- 3.1 The new Policy includes a number of changes including:
 - a) A change in the fee structure;
 - b) Minor changes to the licence conditions to provide clearer understanding of technical issues, better control on removal of waste at the end of tenancies and the introduction of a requirement for licence holders to provide contact details for emergencies to occupiers of immediately adjacent properties;
 - c) The removal of the Swansea Management Standard due to the legislative changes being introduced later this year under the Housing (Wales) Act 2014 and Rent Smart Wales;
 - d) A change to the duration of a licence so that no licence will be issued for longer than five years from the date of receipt of the application for

a new licence. No renewal will be issued for longer than five years from the date of expiry of the previous licence.

4.0 Consultation

4.1 A draft HMO Licensing Policy was put out for general public consultation in July. Key consultees were landlords and agents across the private rented sector in Swansea, the Swansea Student Liaison Forum, residents' groups and Citizens Advice Bureau. An article about the consultation also appeared in the South Wales Evening Post. 35 responses were received and they are included in Appendix A. A response has been provided to each of the respondents.

4.2 The key points raised in the responses to the consultation were:

- a) Fees and the cost of running the scheme;
- b) Minor changes to the licence conditions;
- c) Fines to be used for non-compliance;
- d) The number and density of HMOs;
- e) Concerns over parking;
- f) Concerns about to-let signs;
- g) The number of HMOs emerging in St Thomas;
- h) The wider context of the Housing (Wales) Act 2014.

5.0 Response to Consultation

5.1 All the points raised have been considered and are commented on here.

a. **Fees**

The licence fee is covered in section 6 below;

b. **Suggested Changes to Licence Conditions**

Some of the suggestions for changes to the licence conditions are outside the remit of the Housing Act 2004 and cannot be included as part of the HMO Licensing Policy. The legislation specifically prohibits licence conditions requiring any alteration in the terms of a tenancy under which any person occupies the house. Licence conditions may not be imposed on anyone other than the licence holder unless that person consents to them. Contact details for the Council's Pollution Control Team have been added to licence condition 17.

c. **Fines**

There is no legal mechanism for fining anyone who fails to comply with HMO Licence conditions.

d. **Number and Density**

There are currently no legal powers to control the number and density of HMOs. Welsh Government is currently considering changes to the Planning Use Classes Order for HMOs which may in turn allow Council to introduce new controls over density. This is however, a planning matter and not something which can be included as an HMO Licensing consideration.

e. **Parking**

Parking provision is a highways consideration where planning permission is required for an HMO with more than six occupiers and outside the remit of the Housing Act 2004. This cannot be included as part of the HMO Licensing Policy.

f. **To-Let Signs**

The Council has a Voluntary Code for Advertisers on To-Let signs which is also a planning matter and not something which can be included in the HMO Licensing Policy.

g. **St Thomas**

Both Swansea University and the University of Wales Trinity St David's have developed sites in the east of the city and there are proposals for further development. This has raised concerns over the spread of student HMOs from the traditional areas in Castle and Uplands to St Thomas and the impact they might have. Whilst Additional HMO Licensing is within a local housing authority's discretion, prior to declaring an Additional Licensing scheme the Council must consider that a significant proportion of HMOs in the area are being managed sufficiently ineffectively as to give rise, or be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public. Currently there is no evidence to this effect and the legal requirements cannot be satisfied. The area will however be kept under close review.

h. **Housing (Wales) Act 2014**

The wider context of the Housing (Wales) Act 2014 is dealt with in 2.4.

5.2 A number of points raised in response to the consultation can be acted upon and the draft Policy has been amended to include the following changes:

- a) Reference has been made to the planning context regarding HMO numbers and density.

- b) Monitoring and review of the situation in St Thomas has been included;
- c) Reference has been made to the registration and licensing requirements of the Housing (Wales) Act 2014;
- d) Additional statistical information has been included about the Castle and Uplands wards and the statistical information about the number of licensed HMOs across the City & County has been updated.

6.0 Licence Fee Structure

6.1 The Council may fix a fee to an HMO licence application. The fee may only take into account the costs incurred in carry out the licensing function. In 2011 a graduated fee structure was introduced reflecting the additional costs in licensing larger properties.

6.2 At present the licence fee for an HMO with 3 or 4 occupiers is £650. The fee increases by £50 for each additional occupier.

6.3 Having re-assessed the actual costs involved it is proposed that the fee is increased by £50, but that there is a reduction of £70 for applicants wishing to renew an existing licence. The proposed fees, subject to approval, will be as follows:

(a) New application:

- For 3 or 4 occupiers £700
- Each additional occupier +£50

(b) Application to renew an existing licence by the same applicant submitted within the two months prior to the expiry of the existing licence:

- For 3 or 4 occupiers £630
- Each additional occupier +£50

(c) Application to renew an existing licence by the same applicant submitted after the existing licence has expired:

- For 3 or 4 occupiers £700
- Each additional occupier +£50

6.4 This maintains a graduated fee structure and also provides a discount for applicants renewing licences within the required legal timeframes whose applications consequently require less administration.

6.5 Whilst the Council cannot legally fix a fee for administrative changes when varying a licence (e.g. for change of licence holder's address), any application to increase the maximum number of occupiers under the licence requires the licence holder to pay a fee of £50 for each additional occupier of the property. This fee will remain in the 2016 fee structure.

7.0 Timetable

7.1 The Council approved its original Additional HMO Licensing Scheme in 2008 under the terms of the National Assembly for Wales General Approval 2007.

7.2 Subject to Council approval, the renewed scheme will become effective on 9th March 2016.

8.0 Equality and Engagement Implications

8.1 The Access to Services Team has advised that an EIA is not required for the renewal of the Policy.

9.0 Financial Implications

9.1 The proposals outlined for fees in section 6 above would yield an estimated additional annual income of approximately £10k to ensure full cost recovery.

10.0 Legal Implications

10.1 The proposed revisions to the Policy are in line with the Housing Act 2004 and subsidiary regulations, Welsh Government guidance on Additional HMO Licensing Schemes and also allow the Council to meet its statutory duty in respect of the Housing Health and Safety Rating System. The proposed fee structure is set on a cost recovery basis.

10.2 The legal framework is set out in Part 3 of the Policy.

Background Papers: HMO Licensing Policy 2016 including appendices
www.swansea.gov.uk/hmoconsultation

Appendices: Appendix A - Comments from Consultation
Respondents

Appendix A

Comments from Consultation Respondents

The key points raised in responses to the consultation were:

- A Fees and costs of running the scheme
- B Minor changes to the licence conditions
- C Fines to be used for non-compliance
- D Number and density of HMOs
- E Concerns over parking
- F Concerns about to-let signs
- G Number of HMOs emerging in St Thomas
- H Wider context of the Housing (Wales) Act 2014

Responses to the comments are detailed in section 5 of the report.

Comments from Respondent	Key points
Fees are too high.	A
Documents are clear and useful and spell out constraints and requirements. Fee should be reduced for landlords applying to re-license where property still meets licensing requirements.	A
Licence fee should be increased. Attendance at a training course/professional development should be compulsory as part of the Fit and Proper person requirement. The Tenants' Charter should be reinstated in the Declaration of Understanding.	A, B
Opposed to re-designation of Additional licensing scheme. Costs are too high. There is overlap with proposals for registration and licensing under Housing (Wales) Act 2014. More Council resources should be put into voluntary collaborative working rather than licensing.	A, H
Policy is generally clear and covers most issues. Policy should include reference to other housing and planning requirements. Suggestions made about inspections under Part 1, Housing Act 2004 and role of Members in referrals. Fees should be higher. Suggestions made about operation of Temporary Exemption Orders. Information given to neighbours should also include contact details for Council. Some licence conditions should be more specific on types of issues or time periods. Relevant training attended by licence holder should be displayed in property. Notice to be displayed in window linked to public register and ICT systems. Consider reward system for positive tenant feedback. Query about Additional licensing being extended to St Thomas.	A, B, G, H

Agree with principles and neighbours having emergency contact. Suggestion made for more control over external appearance of properties. Could policy address ongoing issue with occupiers ignoring refuse disposal arrangements.	B
Suggestion to make landlords and agents explicitly responsible for tenants' behaviour.	B
Broadly welcome proposals. Suggestion to extend licence requirement relating to electrical appliances.	B
A review every five years is too long. Landlords should have a responsibility to make sure tenants deal with rubbish.	B
Concerns over rubbish bags left outside properties when tenants leave.	B
Suggestion for greater control of letting agents. Level of enforcement should be increased. A system of fines should be introduced. Conditions should be extended to higher quality fire doors. Suggestion about widening scope of fit and proper person criteria. Suggestion that Welsh Government make changes with legislation to control density of HMOs and sound-proofing.	B,C,D,H
Review broadly welcomed. A system of fines should be introduced. There should be greater enforcement. Licences should be displayed in property windows. Licence condition to be included about cleanliness of property internally. Requirement to be included about noise made by fire doors. Greater control over letting agents.	B,C, H
Welcome requirement for close neighbours to have contact details. Landlords should be legally responsible for tenants' refuse disposal. Too many HMOs which devalue other property and destroy neighbourhood.	B, D
Licence conditions should be enforced. Council should report poorly maintained HMOs to HMRC. Greater control of letting signs. Council Tax should be reduced for families living in areas with over density of HMOs. Efforts should be made to encourage re-conversion of HMOs to family dwellings. Licensing of HMOs for first year students should be prohibited. Suggestion that more space should be available within property to reduce occupancy levels. HMOs should be sound-proofed. Licence conditions should relate to external appearance of property.	B, F

A limit should be introduced for the number of HMOs in an area. Fines should be imposed for landlords failing to comply with licence conditions. There should be a central register of landlords with contact details. A grant should be available for people to convert empty HMOs back to single occupancy.	C, D
Noise-reduction measures should be included. Parking space should be included as associated amenity. Requirement for immediate neighbours to have contact details is good idea. Notice should be displayed in window of licensed properties.	C, E
Conditions should be monitored and enforced. Fines should be introduced for landlords. Greater control of letting signs suggested. Licensing periods should be one year not five.	C, F
Introduce cap on number of HMOs in an area.	D
Consideration to be given to density of HMOs in relation to non-HMO housing.	D
Rubbish in Brynmill is a problem. Landlords' contact details should be made available. Council should prosecute landlords. A limit on the number of HMOs should be introduced.	D
Area is at saturation point with HMOs.	D
Welcome general aim of policy. Concerned about density of HMOs in certain areas.	D
Limit should be introduced about number of HMOs.	D
Policy should ensure balance between HMOs and other housing.	D
Parking requirements should be considered when issuing licence. Additional controls should be extended to other areas not just Castle and Uplands.	D, E
Parking provision to be included when considering issuing a licence. Landlord to nominate one person to be responsible for refuse. Controls on number of HMOs in an area should be introduced.	D, E
Agree with proposed regulation. Greater control of letting signs suggested. Landlords should have greater control over rubbish and recycling. Residents should be able to report problems quickly. Some streets have too many HMOs.	D, F

Proposed policy is just a paper exercise. There should be more control over letting agents. Concern over amount of to-let signs. Concerns that landlords do not pay enough attention to condition of properties.	F, H
Policy should include proposed review of situation in St Thomas and impact of new student developments.	G
Questions over how HMO licensing fits with new requirements under Housing (Wales) Act 2014.	H
Suggestion that sanctions for breach of licence conditions could be reinforced.	Other
Very comprehensive policy.	Other
No benefit in scheme and policy should be abolished.	Other
Scheme is bogus and ignored by landlords, tenants and agents.	Other

Report of the Cabinet Member for Finance and Strategy

Council – 26 November 2015

COUNCIL TAX BASE CALCULATION 2016/17

Purpose: This report details the calculation of the Council Tax Base for the City and County of Swansea, its Community Councils and the Swansea Bay Port Health Authority for 2016/17. The Council is required to determine the Council Tax Bases for 2016/17 by 31 December 2015.

Policy Framework: None

Reason for Decision: To comply with statutory requirements.

Consultation: Legal and Finance.

Recommendation: The calculation of the Council Tax Base for 2016/17 be approved.

In accordance with the Local Authorities (Calculation of Tax Base) (Wales) Regulations 1995, as amended, the calculation by the City and County of Swansea Council for the year 2016/17 shall be:

For the whole area 89,151

For the area of Community Councils:

Bishopston	1,975
Clydach	2,576
Gorseinon	3,108
Gowerton	1,960
Grovesend & Waungron	404
Ilston	312
Killay	2,067
Llangennith, Llanmadoc & Cheriton	496
Llangyfelach	949
Llanrhidian Higher	1,587
Llanrhidian Lower	334
LLwchwr	3,395
Mawr	742
Mumbles	9,594
Penllergaer	1,355
Pennard	1,454
Penrice	425
Pontardulais	2,255
Pontlliw & Tircoed	1,034
Port Eynon	416
Reynoldston	281
Rhossili	189

Three Crosses	711
Upper Killay	565

For the area of the Swansea Bay Port Health Authority	61,926
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Report Author: Rose McCreesh

Finance Officer: Mike Hawes

Legal Officer: Tracey Meredith

**Access to Services
Officer:** Sherill Hopkins

1. Council Tax Base Calculation.

- 1.1 The City and County of Swansea Council is required to determine the Council Tax Base for 2016/17 based on its estimated position.
- 1.2 The Tax Base is used by the Council to calculate its Council Tax for 2016/17.
- 1.3 The Police and Crime Commissioner for South Wales will be informed of the Council's Tax Base in relation to their precepts and levies.
- 1.4 The Tax Base must be calculated as follows:
 - take the number of dwellings for each valuation band as at 31 October 2015
 - adjust for the estimated changes during the year, i.e. additions, reductions (including those for disabled adaptations), deletions and exemptions
 - reduce by the number of discounts allowed
 - convert each Band to a Band D equivalent by applying the relevant multiplier, e.g. for Band A multiply by 6 and divide by 9
 - sum the Band D equivalent for each band
 - multiply this by the estimated collection rate
 - add the Band D equivalent of exempt class O properties, i.e. dwellings owned by the Ministry of Defence

The following assumption has been made –

- the collection rate will be 97.5%
- 1.5 The estimated 2016/17 Council Tax Base for the whole of the City and County of Swansea has been calculated as 89,151. The comparable figure for 2015/16 was 89,066.
 - 1.6 The calculation of the Council's Tax Base is set out in Appendix A. Percentage changes are shown in Appendix B.

2. Financial Implications.

- 2.1 The gross tax base, before applying the collection rate, has slightly increased and will be reflected in the Revenue Support Grant which the Council receives from Welsh Government, so that there will in total only be a marginal net impact of increased income to the Council.

3. Legal Implications

- 3.1 There are no additional legal implications to those set out in the report.

4. Equality and Engagement Implications

- 4.1 There are no equality implications. The calculation is a statutory requirement using formulae set out in regulations for Council Tax setting purposes.

Background Papers: None

Appendices:

Appendix A – Council Tax Base 2016/17 – Calculation Appendix B – Council Tax Base 2016/17 – Percentage changes

Council Tax Base 2016/17 - Calculation

Appendix A

Band	*A	A	B	C	D	E	F	G	H	I	Total
Estimated no of chargeable dwellings		15,956	26,767	22,710	15,288	11,789	7,620	3,675	1,104	494	105,403
Disabled Dwelling Adjustment	27	141	-6	-17	-12	-36	-44	-32	17	-38	
Sub Total (1)	27	16,097	26,761	22,693	15,276	11,753	7,576	3,643	1,121	456	105,403
Discounts Adjustment	-3	-2,616	-3,349	-2,349	-1,429	-906	-512	-209	-72	-22	-11467
Sub Total (2)	24	13,481	23,412	20,344	13,847	10,847	7,064	3,434	1,049	434	93,936
Ratio to Band D	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	21/9	
Band D Equivalent	13	8,988	18,210	18,083	13,847	13,258	10,204	5,723	2,098	1013	91,437

Estimated Collection Rate%	97.5%
Sub Total	89,151
Class O - Band D Equivalent	0
Council Tax Base 2016/17	89,151

Appendix B

Council Tax Base 2016/17 – Percentage Changes

	2016/17	2015/16	No.	%
For the whole area	89151	89066	85	0.10
Bishopston	1975	1947	28	1.44
Clydach	2576	2566	10	0.39
Gorseinon	3108	3097	11	0.36
Gowerton	1960	1962	-2	-0.10
Grovesend & Waungron	404	398	6	1.51
Ilston	312	315	-3	-0.95
Killay	2067	2075	-8	-0.39
Llangennith, Llanmadoc and Cheriton	496	492	4	0.81
Llangyfelach	949	952	-3	-0.32
Llanrhidian Higher	1587	1594	-7	-0.44
Llanrhidian Lower	334	326	8	2.45
Llwchwr	3395	3294	101	3.07
Mawr	742	739	3	0.41
Mumbles	9594	9596	-2	-0.02
Penllergaer	1355	1358	-3	-0.22
Pennard	1454	1442	12	0.83
Penrice	425	432	-7	-1.62
Pontarddulais	2255	2268	-13	-0.57
Pontlliw & Tircoed	1034	1043	-9	-0.86
Port Eynon	416	418	-2	-0.48
Reynoldston	281	281	0	0
Rhossili	189	195	-6	-3.08
Three Crosses	711	718	-7	-0.97
Upper Killay	565	570	-5	-0.88
Swansea Bay Port Health Authority	61926	62000	-74	-0.12

Report of the Cabinet Member for Enterprise, Development and Regeneration

Council - 26 November 2015

REVIEW OF THE GAMBLING POLICY

Purpose:	To consider the responses to the consultation on the draft of the revised Gambling Policy, for the period January 2016 to January 2019.
Policy Framework:	The City and County of Swansea, Statement of Principles, Gambling Act 2005. (The Gambling Policy)
Reason for Decision:	To comply with the requirements of the Gambling Act 2005 and to publish the policy by the required date of 31 January 2016.
Consultation:	Extensive consultation on the proposed amendments to the policy has been undertaken involving existing licence holders, representatives of persons carrying on gambling businesses, statutory bodies, representatives of interested parties and City and County of Swansea Members. Legal, Finance, Access to Services have been consulted in respect of this report.
Recommendation:	<p>It is recommended that:</p> <p>Council adopts the revised Policy attached at Appendix A and the additional suggested amendment in paragraph 4.2 of the report, as the Statement of Policy for Gambling for the City and County of Swansea from 31 January 2016.</p>
Report Author:	Lynda Anthony
Finance Officer:	Aimee Dyer
Legal Officer:	Lyndsay Thomas
Access to Services Officer:	Phil Couch

1.0 Introduction

- 1.1 The Gambling Act 2005 (the Act) requires the City and County of Swansea, as the Licensing Authority, to review its Statement of Principles under the Gambling Act 2005, (Gambling Policy), every three years.
- 1.2 The current Gambling Policy (the Policy) was adopted at Council on 20th December 2012 for publication in January 2013.
- 1.3 The reviewed Policy must be issued for consultation and adopted by Council before publication. The Policy must be published at least 4 weeks before it comes into effect on the 31st January 2016.
- 1.4 On 20th August 2015 Cabinet agreed the proposed amendments to the Policy to be issued for consultation. A copy of the draft Policy issued for consultation is attached at Appendix A to the report.

2.0 The Consultation

- 2.1 Extensive consultation on the proposed amendments to the Policy was undertaken involving existing licence holders, representatives of persons carrying on gambling businesses, statutory bodies, representatives of interested parties and City and County of Swansea Members.
- 2.2 The consultation period ended on the 2nd October 2015 and two responses were received. These were from Coral Racing Limited, which operates betting offices across Great Britain and Gosschalks Solicitors, acting for the Association of British Bookmakers (ABB). Copies of the responses are attached at Appendix B and C respectively.

3.0 The Responses

- 3.1 In summary the response received from Coral Racing Limited provides background information on the company and confirms that they are broadly supportive of the Policy document
- 3.2 Coral's make specific mention of paragraph 40.3 of the document, which deals with local risk assessments for operators, in particular they express the view that highlighting particular locations in the policy infers that a betting shop in such locations may not be appropriate. The response also confirms that they are not aware of evidence that problem gambling is taking place at such locations and that the location of a licensed betting office within the proximity of schools or similar locations will cause harm to the licensing objective.
- 3.3 Coral confirms that that they already operate systems which ensure that the licensing objectives are strongly promoted across its estates and believes that there is no requirement to list specific locations or if they are listed, the Policy should confirm that the Council knows of no link between such locations and a licensed betting office.
- 3.4 The response from Gosschalks Solicitors, confirms that the response is submitted on behalf of the ABB, details their involvement with a high

percentage of the High Street betting market, explains the ABB approach to partnership working with local authorities, details its views on the implementation of the new Licence Conditions and Codes of Practice (LCCP) requirements relating to local area risk assessments and their impact on the licensing regime and also makes specific comments on the amended Policy.

- 3.5 The specific comments in respect of the amended Policy relate to paragraphs 24 and 40.
- 3.6 In respect of paragraph 24 they suggest that the Policy would be assisted by an acknowledgement that a betting premises licence authorises the holder to make up to 4 gaming machines available as gaming machines are not subject to conditions on a licence, unlike betting machines.
- 3.7 In respect of paragraph 40 specific reference is made to paragraph 40.3, in particular the matters referred to regarding the location of the premises, problems of anti-social behaviour, youth crime, street/underage drinking etc. are not considered to be relevant matters for operators to consider when undertaking local risk assessments and it is suggested that they are removed from the policy.

4.0 Officer Observations

- 4.1 The information contained within the two responses received has been considered by officers and the following observations are made.
- 4.2 In respect of the comments made regarding paragraph 24, it is suggested that the Policy is amended to reflect the observations made as follows. Paragraph to be added at 24.6 which states:

“The holder of a betting premises licence may make available for use, up to four gaming machines of Category B, C or D. Category B machines at betting premises are restricted to sub-category B2, B3 and B4.”

- 4.3 In respect of paragraph 40.3, whilst it is noted that the responses provided represent companies that have considerable experience in the operations of betting offices, the purpose of the information contained in paragraph 40.3 is to provide guidance to assist all licence holders in assessing the local risks posed by the provision of gambling facilities at each of their premises and to enable them to have policies, procedures and control measures in place to mitigate those risks. The matters listed may not be relevant to all premises and paragraph 40.3 also states that the list is not exhaustive and other relevant factors should also be taken into consideration. In view of this it is considered that matters listed in paragraph 40.3 should be retained, therefore no further amendments to the policy are suggested.

5.0 Proposed Changes to the Policy

- 5.1 A copy of the draft of the revised Policy issued for consultation is attached at Appendix A to this report. The changes proposed are

identified in bold italics and any text to be removed is shown by striking through.

5.2 The majority of the Policy has not been changed. Where changes have been made, these are to reflect the changes made to The Guidance and also to provide clarification in respect of specific matters.

5.3 The main changes proposed are:

- The Document has been renumbered.
- A paragraph has been added in respect of when amendments may be made to the policy without the need for consultation. (Paragraph 2.3, page 4)
- A paragraph has been added identifying when the Licensing Authority may depart from the Policy. (Paragraph 2.5, page 4)
- A change has been made in respect of the body designated as competent to advise the Licensing Authority about the protection of children from harm. (Paragraph 5.2, page 6)
- A paragraph has been added in respect of partnership working to promote the delivery of the licensing objectives. (Paragraph 7.3, page 8)
- Paragraphs have been added in respect of a risk based inspection programme. (Paragraphs 9.6 & 9.7, pages 9 & 10)
- A paragraph has been added confirming the fundamental rights of applicants, responsible authorities and interested parties. (Paragraph 10, page 10)
- A paragraph has been added in respect of integrating strategies. (Paragraph 11, page 10)
- A paragraph has been added in respect of a new requirement that operators consider local risks. (Paragraph 12.5, page 11)
- A paragraph has been added in respect of the grant of a premises licence. (Paragraph 14.3, page 12)
- A paragraph has been added clarifying the difference between betting machines and gaming machines. (Paragraph 24.5, page 20)
- A paragraph has been added in respect of adult gaming provided as supplementary activity to the main purpose in premises. (Paragraph 26.3, page 22)
- Paragraphs have been added detailing the measures the Licensing Authority may consider to meet the licensing objectives in respect of Adult Gaming Centres and Licensed Family Entertainment Centres (FECs). (Paragraphs 26.4 & 27.3, pages 22 & 23)

- A paragraph has been added confirming the procedure the Licensing Authority will following respect of Category C gaming machines in licensed FECs. (Paragraph 27.4, page 23)
- A paragraph has been added defining Travelling Fairs (Paragraph 28.1, page 23)
- Additional information has been added in respect of a review of a premises licence. (Paragraph 30, pages 24 & 25)
- A paragraph has been added defining Unlicensed Family Entertainment Centres. (Paragraph 32.3, page 26)
- Additional information has been added in respect of Alcohol Licensed Premises. (Paragraph 33, pages 26, 27 & 28)
- A paragraph has been added defining Equal Chance Gaming. (Paragraph 34.1, page 28)
- A paragraph has been added in respect of Club Gaming Permits (Paragraphs 34.2 & 34.3, page 28)
- A paragraph has been added in respect of Prize Gaming (Paragraph 35.1, page 29)
- A paragraph has been added in respect of objections to Occasional Use Notices (Paragraph 37.2, page 30)
- Information has been added in respect of the Licensing Objectives (Paragraph 39, pages 30,31, 32 & 33)
- Information on local risk assessments for operators has been added. (Paragraph 40, page 33)
- Information in respect of a new concept of local area profiles has been added. (Paragraph 41, pages 34)
- Additional information in respect of decision making has been added. (Paragraph 42, page 34 & 35)
- Details of the appeal procedure for parties aggrieved by decisions of the Licensing Authority have been added. (Paragraph 43, page 35)
- Information on the Licensing Authority providing reasons for decisions has been added. (Paragraph 44, page 35)
- Information in respect of the Licensing Authority implementing Magistrate Court decisions has been added. (Paragraph 45, page 35 & 36)

- Details of how the Licensing Authority will deal with concerns in respect of licensed premises have been added. (Paragraph 46, page 36)
 - A paragraph has been added in respect of encouraging operators to develop an information sharing network. (Paragraph 47, page 36)
 - Changes have been made to the list of consultees (Appendix B, page 39)
 - Changes have been made to the bullet points in the table (Appendix C, page 40)
- 5.4 In addition to the above changes it is also suggested that following the consultation, paragraph 24.6 is added, as detailed in paragraph 4.2 of this report.

6.0 Equality and Engagement Implications

- 6.1 An Equalities Impact Assessment (EIA) Screening Form has been completed with the agreed outcome that a full EIA report was not required.

7.0 Financial Implications

- 7.1 There are no financial implications associated with this report.

8.0 Legal Implications

- 8.1 It is a legal requirement that the Policy is reviewed every three years.
- 8.2 The Act, statutory guidance and statutory instruments set out requirements regarding the form and content of the policy.

Background Papers: Gambling Commission Guidance to Licensing Authorities (5th edition).

Appendices: Appendix A – Draft Gambling Policy.
Appendix B – Response from Coral Racing Limited
Appendix C – Response from Gosschalks Solicitors

CITY AND COUNTY OF SWANSEA

STATEMENT OF PRINCIPLES

GAMBLING ACT 2005

(GAMBLING POLICY)

DRAFT

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CITY AND COUNTY OF SWANSEA

GAMBLING POLICY

JANUARY 2016 – JANUARY 2019

Foreword

The City and County of Swansea is responsible under the Gambling Act 2005 (the Act) for licensing premises and issuing permits and authorisations for the temporary use of premises, amongst other matters. The Licensing Authority is also required to prepare and publish **a statement of the licensing principles that they propose to apply in exercising their functions under the Act. This is known as the Gambling Policy (the Policy).** The **Policy** must be reviewed every three years.

This Policy is intended to assist applicants, residents, local businesses, statutory consultees and Licensing Committees in their decision making role.

1.0 Licensing Objectives

1.1 Licensing Authorities when exercising their functions under the Act must have regard to the licensing objectives. These are:-

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

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

- in accordance with any relevant Codes of Practice issued by the Gambling Commission;
- in accordance with any relevant Guidance issued by the Gambling Commission;
- in accordance with the Authority's Policy; and
- Reasonably consistent with the licensing objectives.

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2.0 Introduction

- 2.1 The City and County of Swansea is the Licensing Authority under the Act.
- 2.2 The Policy must be published at least every three years. This Policy will come into effect on the 31st January ~~2013~~ **2016** and will have effect until 30th January ~~2016~~ **2019**. The policy can be reviewed from “time to time” and any amended parts consulted upon. The policy must then be re-published.
- 2.3 ***Where updates are required due to changes in national legislation, statutory guidance or contact details, the Licensing Authority reserves the right to amend this policy without consultation where it is necessary to ensure the policy reflects national legislation or statutory guidance.***
- 2.4 The Licensing Authority declares that this policy has been prepared having regard to the provisions of the Guidance issued by the Gambling Commission (The Guidance), the licensing objectives in the Act and any responses from those consulted. All references to the Guidance refer to the 5th Edition published in **September 2015**.
- 2.5 ***The Licensing Authority acknowledges that it may need to depart from this Policy and from the Guidance in individual and exceptional circumstances and where the case merits such a decision in the interests of the promotion of the licensing objectives. Any such decision will be taken in consultation with the appropriate legal advisors for the Licensing Authority, and the reasons for any such departure will be fully recorded.***
- 2.6 ***This policy was approved at a meeting of Council on (DATE TO BE INSERTED) and was published on (DATE TO BE INSERTED).***

This Policy is available on the City and County of Swansea website at www.swansea.gov.uk

3.0 The City and County of Swansea

- 3.1 The City and County of Swansea covers an area of 378 kilometres (146 square miles), has a population of **239,022** people and is Wales’ second largest city. Some two-thirds of the County’s boundary is with the sea. The City and County of Swansea can be broadly divided into 4 physical areas. In the north, the Lliw Uplands present an open moorland feature; the Gower Peninsular in the west, a rural landscape with contrasting coasts and a collection of small villages; the urban and

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suburban centre stretching from Swansea to Gorseinon and Pontarddulais; and the coastal strip around Swansea Bay, no more than 2 miles in width.

- 3.2 The urban area of the City and County is chiefly focused on Swansea and radiates to the west and north of the city centre around Swansea Bay to Mumbes; over Townhill to Cwmbwrla, Treboeth, Fforestfach and Penlan; through Uplands, Sketty, Killay and Dunvant; along the Swansea Valley communities of Hafod, Landore, Plasmarl, Morryston to Clydach; and on the east side of the River from St Thomas to Bonymaen, Llansamlet and Birchgrove.
- 3.3 The second urban focus centres on the Gowerton, Gorseinon and Loughor triangle, along with the nearby communities of Pontarddulais and Penllergaer.
- 3.4 The City and County of Swansea is served by 24 community councils.
- 3.5 A map of the Council area is attached at Appendix A.

4.0 Consultees

- 4.1 The **Licensing Authority** consulted widely on this statement between [INSERT DATES] before finalising and publishing. **The following were consulted:-**
- South Wales Police;
 - Representatives of persons carrying on gambling businesses within the **Licensing Authority's** area who will be affected by this Policy;
 - Persons/bodies representing the interests of persons likely to be affected by the exercise of the **Licensing Authority's** functions under the Act and by this Policy.
- 4.2 A full but not exhaustive list of consultees is shown at Appendix B.

5.0 Responsible Authorities

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

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

5.2 In accordance with the Guidance, **the Licensing Authority** designates ~~Local Safeguarding Children Board~~ **Child and Family Services of the City and County of Swansea** for this purpose.

5.3 The contact details of all the Responsible Authorities under the Act are available via the Council's website at www.swansea.gov.uk.

6.0 Interested Parties

6.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Act as follows:

6.2 "For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person-

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

6.3 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party.

6.4. The principles are:

- Each case will be decided upon its merits;
- The Licensing Authority will not apply a rigid rule to its decision-making;
- The Licensing Authority will consider the examples of considerations provided in the Guidance;
- Decisions on premises licences and temporary use notices, will be made in accordance with Guidance;
- The Licensing Authority will, in accordance with the Guidance, ensure that the phrase "has business interests" will be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

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- 6.5 The Guidance states that those representing persons living close to premises or who have business interests could include trade associations, trade unions, residents' and tenants' associations. The Licensing Authority will not, however, generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Act e.g. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.
- 6.6 Interested parties can be persons who are democratically elected such as Councillors, Welsh Assembly Members and Members of Parliament. No specific evidence of being asked to represent an interested person will be required as long as the Councillor etc represents the Ward likely to be affected. Likewise, Parish Councils, likely to be affected will be considered to be interested parties. Other than these persons, the Licensing Authority will generally require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- 6.7 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Licensing Division. Contact details are provided at paragraph 48 below.

7.0 Licensing Authority Functions

- 7.1 Licensing Authorities are required under the Act to:
- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences;
 - Issue Provisional Statements;
 - Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities by issuing Club Gaming Permits and/or Club Machine Permits ;
 - Issue Club Machine Permits to Commercial Clubs;
 - Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres ;
 - Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
 - Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed

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premises, under the Licensing Act 2003, where there are more than two machines;

- Register small society lotteries below prescribed thresholds;
- Issue Prize Gaming Permits;
- Receive and Endorse Temporary Use Notices;
- Receive Occasional Use Notices;
- Provide information to the Gambling Commission regarding details of licences issued;
- Maintain registers of the permits and licences that are issued under these functions.

7.2 It should be noted that the Licensing Authority will not be involved in licensing remote gambling at all. This is the responsibility of the Gambling Commission via operating licences. Spread betting is regulated by The Financial Services Authority and the National Lottery is regulated by The National Lottery Commission.

7.3 ***The Licensing Authority recognises that the licensing function in respect of gambling is only one means of promoting delivery of the three licensing objectives and should not therefore be seen as a means for solving all problems within the community. The Licensing Authority will therefore continue to work in partnership with neighbouring authorities, South Wales Police, the Safer Swansea Partnership, local businesses, local people and those involved in child protection to promote the licensing objectives as outlined. In addition, the Licensing Authority recognises its duty under Section 17 of the Crime and Disorder Act 1998, with regard to the prevention of crime and disorder.***

8.0 Exchange of Information

8.1 The Licensing Authority, in fulfilling its functions under sections 29, 30 and 350 of the Act, in relation to the exchange of relevant information with the Gambling Commission and other regulatory bodies, will comply with current advice issued by the Commission. In exchanging such information, the Licensing Authority will act in accordance with the provisions of the Act and with the provisions of the Data Protection Act 1998. The Licensing Authority will also have regard to any guidance issued by the Gambling Commission on this matter as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

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9.0 Enforcement

- 9.1 Licensing Authorities are required by regulation under the Act to state the principles to be applied by the Authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under Section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 9.2 The City and County of Swansea's principles are that it will be guided by the Guidance and it will endeavour to be:
- Proportionate: regulators should only intervene when necessary; remedies should be appropriate to the risk posed, and costs identified and minimised;
 - Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
 - Consistent: rules and standards must be joined up and implemented fairly;
 - Transparent: regulators should be open, and keep regulations simple and user friendly; and
 - Targeted: regulation should be focused on the problem, and minimise side effects.
- 9.3 In accordance with the Guidance the Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 9.4 The Licensing Authority will use appropriate enforcement to promote the Licensing Objectives. The main enforcement and compliance role for the Licensing Authority under the Act will be to ensure compliance with the premises licences and other relevant permissions.
- 9.5 The Gambling Commission is the enforcement body for the operating licences and personal licences. Any concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.
- 9.6 ***The Licensing Authority will carry out a risk-based inspection programme, having regard to:***
- ***The licensing objectives;***
 - ***Relevant codes of practice;***
 - ***The Guidance;***
 - ***The principles set out in this Statement of Licensing Policy;***
 - ***The Licensing Authority's enforcement policy.***

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9.7 ***The Licensing Authority will have regard to the Guidance in respect of 'test purchasing' when considering making test purchases at gambling premises.***

10.0 Fundamental Rights

10.1 ***Under the terms of the Act any individual or company may apply for a variety of permissions and have their applications considered on their individual merits. Equally, any Interested Party or Responsible Authority has the right to make relevant representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Act.***

10.2 ***Applicants and those making relevant representations in respect of applications to the Licensing Authority have a right of appeal to the Magistrates Court against the decisions of the Council.***

11.0 Integrating Strategies

11.1 ***By consulting widely prior to this Policy Statement being published, the Licensing Authority will take full account of local policies covering crime prevention, culture, transport, planning and tourism as part of an integrated strategy for the Council, Police and other agencies. Many of these strategies may not be directly related to the promotion of the three licensing objectives, but may indirectly impact upon them.***

12.0 PREMISES LICENCES

12.1 General Principles

12.2 Premises licences are subject to the requirements set out in the Act and regulations, ***including*** the specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

12.3 This Licensing Authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission ;

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- reasonably consistent with the licensing objectives; and
- in accordance with the Authority's Gambling Policy.

12.4 In accordance with the Guidance moral objections to gambling are not considered a valid reason to reject applications for premises licences and demand is not a criterion for a Licensing Authority.

12.5 ***The Gambling Commission have also issued Licence Conditions and Codes of Practice (LCCP). These were revised in February 2015 and came into force in May 2015. The revised LCCP introduce formal requirement for operators to consider local risks. The Licensing Authority will have regard to the LCCP when considering applications.***

13.0 Definition of Premises

13.1 Premises is defined in the Act as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. A single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can reasonably be regarded as being different premises. This approach has been taken to allow large multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences where appropriate safeguards are in place. The Licensing Authority will pay particular attention if there are issues about sub-divisions of a single building or plot and will ensure that mandatory conditions relating to access are observed.

13.2 Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

13.3 The Licensing Authority takes particular note of the Guidance and will take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular the Authority will be aware of the following:

- Entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit;

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- Customers should be able to participate in the activity named on the premises licence;
- The third licensing objective seeks to protect children from being harmed by Gambling. In practice this means not only preventing them taking part in gambling but also preventing them from being in close proximity to gambling. Premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.

13.4 The Licensing Authority will also consider other issues including:

- Whether the premises has a separate registration for business rates;
- Whether the neighbouring premises is owned by a different person;
- Whether each of the premises can be accessed from the street or public passageway;
- Whether the premises can only be accessed from other gambling premises.

14.0 Premises Ready For Gambling

14.1 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future consistent with the scale of building or alterations required before the premises are brought into use. If the construction of a premise is not yet complete or if they need alteration, or if the applicant does not yet have the right to occupy them, an application for a provisional statement should be considered.

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

- Firstly, whether the premises ought to be permitted to be used for gambling;
- Secondly, whether appropriate conditions can be put into place to cater for the situation that the premises are not yet in the state in which they ought to be, before gambling takes place;

14.3 ***Applicants should note that the Licensing Authority is not obliged to grant a licence and is also entitled to decide that it is appropriate to grant a licence subject to conditions.***

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15.0 Location

15.1 The Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises. In accordance with the Guidance, this Authority will pay particular attention to **the licensing objective relating to** the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. When considering the Licensing Objectives with regard to the location, the Licensing Authority may take into consideration the following facts

- Size and nature of premises;
- Type of facilities applied for;
- Nature of area in which premises is to be situated;
- Potential impact of premises on area;
- Any other reasonable factor.

15.2 Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant to show how potential concerns can be overcome.

16.0 Door Supervisors

16.1 The Guidance states that licensing authorities may consider whether there is a need for door supervisors in respect of the licensing objectives of protection of children and vulnerable persons being harmed or exploited by gambling and preventing premises becoming a source of crime. Where operators and licensing authorities decide that supervision of entrances/machines is appropriate, the Licensing Authority will determine whether these supervisors need to be Security Industry Authority (SIA) licensed.

17.0 Duplication with Other Regulatory Regimes

17.1 The Licensing Authority **will take into account all relevant matters and will** seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. The Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval. It will however consider carefully, any concerns about conditions which are not able to be met

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by licensees due to planning restrictions should such a situation arise.

- 17.2 When dealing with a premises application for finished buildings, the Authority will not take into account that those buildings have to comply with the necessary planning or building consents. Fire or health and safety risks will not be taken into account as these matters are dealt with under other relevant legislation.

18.0 Casinos

- 18.1 On the 4th November 2014, the City and County of Swansea acting as a Licensing Authority agreed to pass a resolution not to issue casino licences under Section 166 of the Act. This resolution came into effect on the 5th December 2014. The decision followed a consultation process and consideration of the responses received.
- 18.2 A potential applicant for a casino premises licence should be aware that this resolution has been passed and that applications for a casino premises licence will not be considered by this Authority. Any application received will be returned and the applicant informed that a resolution not to issue casino licences is in place for the City and County of Swansea.
- 18.3 This resolution will not affect existing casino premises licences including any applications for variations or transfers of these licences.
- 18.4 The resolution will last for a period of 3 years from the date it takes effect. After this time the Authority may pass a new resolution not to issue casino premises licences.
- 18.5 In 2006, the City and County of Swansea submitted a proposal to the Independent Casino Advisory Panel to license one Large and one Small casino. On 19 May 2008 the Categories of Casino Regulations 2008 and the Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 were made. The latter Order specifies which Licensing Authorities may issue Large and Small Casino Premises Licences. The City and County of Swansea was one of the eight authorities authorised to issue a Small Casino Premises Licence.
- 18.6 On 26 February 2008, the Secretary of State for Culture Media and Sport issued the Code of Practice on Determinations under Paragraphs 4 and 5 of Schedule 9 to the Act, relating to Large and Small Casinos, which sets out: -

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- the procedure to be followed in making any determinations required under Paragraphs 4 and 5 of Schedule 9 to the Act; and;
- matters to which the Licensing Authority should have regard in making those determinations.

18.7 The Licensing Authority is permitted to grant a Premises Licence for a Small Casino. To grant a casino premises licence the Licensing Authority is required to publish an invitation for applications to be made for a Small Casino Licence under Schedule 9 of the Gambling Act 2005 and will determine the applications received in accordance with The Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008, the Department for Culture Media and Sport's Code of Practice and the Gambling Commission's Guidance to Licensing Authorities.

18.8 There are potentially two stages to the determination process. In making a determination required by Paragraph 4 of the Schedule, the Licensing Authority must apply the procedure for assessing applications for premises licences which it ordinarily applies to such applications (Casino Application Stage 1). Where the Licensing Authority determines that it would, if it were able, grant more than one of the Stage 1 applications, the applicants who made those applications would be invited to participate in Casino Application Stage 2.

Note: paragraphs 18.7 & 18.8 do not apply whilst the resolution not to issue casino licences is in force

18.9 As the City and County of Swansea has been authorised to issue a small casino premises licence it is required to set out the principles it would apply in determining such an application, notwithstanding that it has passed a resolution not to issue casino licences.

19.0 General Principles – Casino Premises

19.1 Subject to the provisions in the Act, any person may make an application. The Licensing Authority will determine each application according to criteria which are: -

- the same for all applicants;
- made known to all applicants;
- not pre-selected to favour a particular applicant or application.

19.2 The Licensing Authority shall ensure that any pre-existing contract,

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arrangements or other relationship with a company or individual does not affect the procedure for assessing applications so as to make it unfair or perceived to be unfair to any applicant. The Licensing Authority shall therefore disregard any contract, arrangement or other relationship.

19.3 The Licensing Authority recognises that applicants may either apply for a full Casino Premises Licence or alternatively a Provisional Statement. Applicants for full Premises Licences however must fulfil certain criteria in that they must: -

- hold or have applied for an Operating Licence; and
- have the right to occupy the premises in question.

19.4 Unless otherwise specified, any reference to the application and procedures for a 'premises licence' for a casino in the following parts of this section of this document shall also include the application and procedures for a 'provisional statement' for a casino.

19.5 In making any decision in respect of an application, the Licensing Authority shall not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building regulation and any decision shall not constrain any later decision by the Authority under the law relating to planning or building.

19.6 The Licensing Committee will make the determination on casino licence applications at Stage 1 and at Stage 2. During Stage 2, the Licensing Committee will be supported by an Advisory Panel of Officers and others with appropriate experience.

19.7 In accordance with the Code of Practice issued by the Secretary of State, the Licensing Authority will ensure that there is a Register of Interest in place disclosing interest in any contract, arrangement or other relationship with an applicant or a person connected or associated with an applicant. Applicants should note that this does not apply to any agreement between the Licensing Authority and applicant entered into during Stage 2 of the application process.

20.0 Casino Application Stage 1

20.1 The Licensing Authority will provide an Application Pack which will include a statement of the principles that it proposes to apply and the procedure that it proposes to follow in assessing applications for the Small Casino Premises Licence.

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- 20.2 At this stage, the Licensing Authority cannot accept any additional information other than the prescribed application form laid down in The Gambling Act 2005 (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007. All such additional information will be disregarded and returned to the applicant.
- 20.3 With regard to Stage 1, ***the principles as stated in Paragraphs 12-18*** of the Gambling Policy shall apply to all applications.
- 20.4 The Licensing Authority recognises that each of the other applicants is considered an ‘interested party’ and as a result may make representations. It is recognised that the Licensing Authority’s decision at Stage 1 may be appealed against, in which case the Licensing Authority will not proceed further until all appeals have been dealt with.
- 20.5 If this process results in more than one provisional decision to grant a Premises Licence, Casino Application Stage 2 will be implemented.

21.0 Principles to be applied to casino application Stage 2

- 21.1 The Licensing Authority will apply to Stage 2 the following principles in determining whether or not to grant a Casino Premises Licence: -
- Any provision that is made for the protection of children and other vulnerable people from harm or exploitation arising from gambling, whether in the proposed casino or the wider community;
 - Any provision that is made for preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Any provision that is made for ensuring that gambling is conducted in a fair and open way;
 - Likely effects of an application on employment and regeneration in Swansea;
 - Design and location of the proposed development;
 - Range and nature of non gambling facilities to be offered as part of the proposed development;
 - Any financial and other contributions;
 - The deliverability of the proposals contained in the applications.
- 21.2 In determining which application is likely to result in the greatest benefit to Swansea, the Licensing Authority has set out matters which

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are likely to receive the greatest weight (Appendix C). However, an applicant is not debarred from putting forward other benefits which the Licensing Authority will consider and weight to the extent that it considers them relevant.

21.3 Although applicants are able to submit an application for any location within Swansea which will be judged on its own individual merits, the Licensing Authority is provisionally of the view that the locations for the Small Casino likely to bring the greatest benefit to Swansea are ***is Swansea City Centre.***

- ~~Swansea city centre;~~
- Swansea waterfront.

22.0 Casino Application Stage 2

22.1 The Licensing Authority will agree and implement a protocol governing the storage of confidential information submitted during Stage 2 of the application process so as to maintain confidentiality.

22.2 At this Stage, applicants will be required to state the benefits their applications, if granted, would bring to Swansea.

22.3 The Licensing Authority will *itself* evaluate all applications and *make the decision* to grant the available Small Casino Premises Licence to the applicant that in its opinion will result in the greatest benefit to Swansea.

22.4 The Licensing Authority may enter into a written agreement with an applicant and may determine to attach conditions to any licence issued so as to give effect to any agreement entered into. The Licensing Authority may have regard to the effect of any agreement so entered in making the determination on the applications.

22.5 The Advisory Panel, appointed by the Licensing Authority, will carry out a preliminary assessment of each Stage 2 application. Following the preliminary assessment, the Advisory Panel may engage in discussions or negotiations with each Stage 2 applicant with a view to the particulars of an application being refined, supplemented or otherwise altered so as to maximise the benefits to the Authority's area that would result from it, were it granted.

22.6 The Advisory Panel will assess each bid according to criteria set out in the Application Pack. The applicant will be sent the Advisory Panel's assessment of its application to enable the applicant to correct any

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factual errors or (without providing new information) make representations as to the assessment.

22.7 The Advisory Panel will then provide a final written report to the Licensing Committee which will include its recommendation as to the correct band for each criterion, its qualitative assessment and also the applicant's response. The Licensing Committee will consider the Advisory Panel's report and will determine the precise score for each criterion. The Licensing Committee will not take further evidence or representations made by the applicants but will then make its decision. Any legal advice required shall be supplied by the Solicitor acting for the Licensing Authority. The Licensing Authority will accept or reject any advice given as it considers appropriate.

22.8 All Stage 2 applicants will be informed of the decision and reasons for approval or rejection as soon as is reasonably practicable. It is noted that once a decision has been made there will be no right of appeal.

23.0 Bingo Premises

23.1 Children and young people are allowed to enter bingo premises licensed for bingo however, they are not permitted to participate in the bingo, and if category B or C gaming machines are available, these must be separated from areas where children and young people are allowed. The Licensing Authority will ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

24.0 Betting Premises

24.1 The Act contains a single class of licence for betting premises. However, within this single class of licence, there will be different types of premises which require licensing.

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- 24.2 The Act also permits betting intermediaries to operate from premises, although betting intermediaries usually offer their services via remote communication, such as the internet. In principle, however, there is nothing to prevent a betting intermediary applying for a betting premises licence to offer intermediary services upon the premises.
- 24.3 The Authority is aware of its power to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence.
- 24.4 In considering whether to impose such a condition the Licensing Authority will, among other things, take into account the size of the premises, the number of counter positions available for person to person transactions, and the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons.
- 24.5 ***The Act provides that a machine is not a gaming machine if it is designed or adapted for use to bet on future real events. Betting premises may make available machines that accept bets on live events, such as horseracing, as a substitute for placing a bet over the counter. These “betting machines” are not gaming machines: they merely automate the process, which can be conducted in person and, therefore, do not require regulation as a gaming machine.***

25.0 Tracks

- 25.1 The Licensing Authority is aware that tracks may be subject to one or more premises licence, provided each licence relates to a specified area of the track.
- 25.2 In accordance with the Guidance, the Licensing Authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas they are not permitted to enter.
- 25.3 The Licensing Authority will expect the applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place but that they are still prevented from entering areas where gaming machines (except category D machines) are provided.

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- 25.4 The Licensing Authority notes that the Guidance requires Licensing Authorities to consider the location of gaming machines at tracks. Applications for track premises licences will need to demonstrate that where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, that these machines are located in areas where children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.
- 25.5 Betting Machines - The Licensing Authority will in accordance with the Gambling Commissions Guidance, take into account the size of the premises, the number of counter positions available for person to person transactions and the ability of staff to monitor the use of machines when considering the number/nature/circumstances of betting machines an operator wants to offer.
- 25.6 The Licensing Authority will also take note of the Guidance which suggests that Licensing Authorities consider restricting the number and location of such machines in respect of applications for track betting premises licences.
- 25.7 The Licensing Authority will consider attaching a condition to track premises licences requiring the track operator to ensure that the rules of betting are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. An example may be that the rules are printed in the race-card or made available in leaflet form from the track office.
- 25.8 The Act requires applicants to submit plans of the premises with their application in order to ensure the Licensing Authority has the necessary information to determine whether the premises are fit for gambling.
- 25.9 Plans for tracks do not need to be in a particular scale but should be drawn to scale and should be sufficiently detailed to include the information required by the regulations.

26.0 Adult Gaming Centre (AGC)

- 26.1 The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling.

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26.2 The Licensing Authority will expect applicants to satisfy the authority that there will be sufficient measures to ensure that no-one under the age of 18 is permitted to enter an AGC. The Licensing Authority will have particular regard to the location of and entry to AGCs to minimise the opportunities for children to gain access.

26.3 ***Where gambling facilities are provided at premises as a supplementary activity to the main purpose of the premises; e.g. motorway service areas and shopping malls, the Licensing Authority will expect the gambling area to be clearly defined to ensure that customers are fully aware that they are making a choice to enter into the gambling premises and that the premises is adequately supervised at all times.***

26.4 ***The Licensing Authority may consider measures to meet the licensing objectives such as:***

- ***Proof of age schemes;***
- ***CCTV;***
- ***Supervision of entrances/machine areas;***
- ***Physical separation of areas;***
- ***Location of entry;***
- ***Notices/signage;***
- ***Specific opening hours;***
- ***Self-exclusion schemes;***
- ***Provision of information leaflets/helpline numbers for organisations such as GamCare.***

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

27.0 Licensed Family Entertainment Centres (FEC)

27.1 The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only areas.

27.2 Children and young persons will be permitted to enter a FEC and may play on the category D machines. They will not be permitted to play on category C machines and it will be a requirement that there must be clear segregation between the two types of machine so that children do not have access to category C machines.

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27.3 ***The Licensing Authority may consider measures to meet the licensing objectives such as:***

- ***Proof of age schemes;***
- ***CCTV;***
- ***Supervision of entrances/machine areas;***
- ***Physical separation of areas;***
- ***Location of entry;***
- ***Notices/signage;***
- ***Specific opening hours;***
- ***Self-exclusion schemes;***
- ***Provision of information leaflets/helpline numbers for organisations such as GamCare;***
- ***Measures/training for staff on how to deal with children on the premises, for example, suspected truancy from school.***

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

27.4 ***The Licensing Authority will, in accordance with the Guidance, refer to the Gambling Commission's website in respect of any conditions that apply to operating licences that regulate the way in which the area containing the category C machines should be delineated.***

28.0 Travelling Fairs

28.1 ***Travelling fairs are defined as 'wholly or principally' providing amusements on a site that has been used for fairs for no more than 27 days per calendar year.***

28.2 Where category D machines and/or equal chance prize gaming without a permit are to be made available for use at travelling fairs it is the responsibility of the Licensing Authority to ensure that the facilities for gambling amount to no more than an ancillary amusement.

28.3 The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

28.4 The 27-day statutory maximum for the land being used as a fair is per calendar year, and it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land.

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28.5 The Licensing Authority will work with its neighbouring Authorities to ensure that any land, which crosses its boundaries, is monitored so that the statutory limits are not exceeded.

29.0 Provisional Statements

29.1 Developers may wish to apply for provisional statements before entering into a contract to buy or lease land to judge whether a development is worth taking forward. There is no need for the applicant to hold an operating licence or have the right to occupy premises to apply for a provisional statement.

29.2 Where representations about premises licence applications are made following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

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

30.0 Reviews

30.1 ***The Licensing Authority may initiate the review of a premises licence or may review a premises licence following the receipt of an application from a responsible authority or interested party.***

30.2 ***The Licensing Authority must grant an application for review unless it decides to reject the application on the grounds that the application for review:-***

- is not relevant in respect of the Guidance, the relevant codes of practice, the Policy or the licensing objectives;

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- is frivolous;
- is vexatious;
- will certainly not cause the Authority to amend, revoke or suspend the licence;
- is substantially the same as the grounds cited in a previous application relating to the same premise. The Licensing Authority will take into account the time lapsed since the previous application when considering this point;
- is substantially the same as the representations made at the time the application for the premises licence was considered. The Licensing Authority will take into account the time lapsed since the previous application was considered and will not review the licence on the basis of the same arguments considered on the grant of the premises licence.

30.3 *The purpose of the review will be to determine whether the Licensing Authority should take any action in relation to the licence. If action is justified, the options open to the Licensing Authority are:-*

- *add, remove or amend a licence condition imposed by the Licensing Authority;*
- *exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;*
- *suspend the premises licence for a period not exceeding three months; and*
- *revoke the premises licence.*

30.4 *In determining what action, if any, should be taken following a review, the Licensing Authority must have regard to the principles set out in Section 153 of the Act, as well as any relevant representations.*

30.5 *In particular, the Licensing Authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.*

31.0 Permits / Temporary & Occasional Use Notice

31.1 Permits - The Act introduces a range of permits granted by Licensing Authorities when premises provide a gambling facility and either the

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stakes and prizes are very low or gambling is not the main function of the premises.

32.0 Unlicensed Family Entertainment Centres (FEC) - Gaming Machine Permits

- 32.1 Where a premises does not hold a premises licence but wishes to provide only Category D gaming machines, an application may be made to the Licensing Authority for a permit.
- 32.2 The Licensing Authority will expect applicants to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such **policies** and procedures will be considered on their merits. They may include training of staff regarding suspected truant school children, how to deal with unsupervised, very young children or children causing problems in and around the premises. In accordance with the Guidance, applicants will be expected to demonstrate a full understanding of the maximum stakes and prizes of the gambling permissible in unlicensed FECs, that they have no relevant convictions and that staff are trained to have a full understanding of the maximum stakes and prizes.
- 32.3 ***Unlicensed FECs are premises which are wholly or mainly used for making gaming machines available, therefore, exclude any premises primarily used for any other purposes, e.g. canteens, fast food takeaways, leisure centres, garages and petrol filling stations, taxi offices.***
- 32.4 ***The Licensing Authority cannot attach conditions to this type of permit.***

33.0 Alcohol Licensed Premises

- 33.1 The Act provides an automatic entitlement **to alcohol licence holders** to make available 2 gaming machines of category C or D for use in premises licensed to sell alcohol for consumption on the premises. To take advantage of this **entitlement, the person who holds the alcohol licence must notify the** Licensing Authority and pay the prescribed fee.
- 33.2 ***This is not an authorisation procedure as the Licensing Authority have no discretion to consider the notification or turn it down.***
The Licensing Authority can **however**, remove the automatic authorisation in respect of any particular premises if:

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- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

- 33.3 **Licensing Authorities may issue licensed premises gaming machine permits for any number of category C or D machines. This will replace and not be in addition to the automatic entitlement to two machines. If the holder of an alcohol licence for a premises wishes to have more than 2 machines**, then an application for a permit must be submitted to the Licensing Authority. **The Licensing Authority will** consider the application based upon the licensing objectives, any guidance issued by the Gambling Commission under Section 25 of the Gambling Act 2005, and such matters as they think relevant.
- 33.4 The Licensing Authority considers that such matters will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only category C gaming machines.
- 33.5 Measures which will satisfy the Authority that there will be no access may include the adult machines **being located** in sight of the bar **and staff who will monitor** that the machines are not being used by those under 18. Notices and signage may also assist.
- 33.6 In relation to the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.
- 33.7 It is recognised that some **holders of** alcohol licences **wish to provide gaming machines in areas not covered by their alcohol licence. This would require an application for a premises licence and** it is likely that this would be dealt with as an application for an Adult Gaming Centre premises licence.

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33.8 The Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

33.9 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machines.

34.0 Club Gaming Permits

34.1 The Licensing Authority may grant members' clubs and miners' welfare institutes (but not commercial clubs) club gaming permits or club machine permits. These enable premises to provide gaming machines as well as equal chance gaming and games of chance as prescribed in regulations. ***Equal chance gaming includes games such as poker or bingo where the chances are equally favourable to all participants and players are not competing against a bank.*** The Licensing Authority will only refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or
- an objection has been lodged by the Gambling Commission or the police.

34.2 Club gaming permits allow the provision of no more than three gaming machines. These may be from categories **B3A**, B4, C or D. ***Only one B3A machine can be sited as part of this entitlement.*** The club is permitted to choose the combination of machines on its premises. The Licensing Authority may grant or refuse a permit but it may not attach any conditions to a permit.

34.3 ***If a Member's Club or Miner's Welfare Institute does not wish to have the full range of facilities permitted by a Club Gaming Permit they may apply for a Club Machine Permit. This authorises the holder to have up to three gaming machines of categories B3A, B4, C and D.***

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35.0 Prize Gaming & Prize Gaming Permits

- 35.1 ***Gaming is prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming.*** A prize gaming permit is a permit issued by the Authority to authorise the provision of facilities for gaming with prizes on specified premises.
- 35.2 An application for a permit can only be made by a person who occupies or plans to occupy the relevant premises and if the applicant is an individual, they must be aged 18 or over. An application for a permit cannot be made if a premises licence or club gaming permit is in effect for the same premises.
- 35.3 The applicant is expected to set out the types of gaming that is intended to be offered and to demonstrate that they understand the limits to stakes and prizes set out in regulations and that the gaming is offered within the law.
- 35.4 The Licensing Authority may not attach conditions to this type of permit.

36.0 Temporary Use Notices

- 36.1 Temporary use notices (***TUN***) allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be considered suitable for a temporary use notice would include hotels, conference centres, and sporting venues.
- 36.2 A temporary use notice may only be ***given by a*** person or company holding a relevant operating licence. For example, the holder of a betting operating licence could apply to provide betting facilities at a snooker tournament.
- 36.3 The type of gambling that can be authorised by temporary use notices is prescribed by regulations. The Licensing Authority will consider objecting to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

37.0 Occasional Use Notices

- 37.1 Where there is betting on a track on eight days or less in a calendar year betting may be permitted by an occasional use notice (***OUN***) without the need for a full premises licence.

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37.2 ***There is no provision for objections to be submitted, provided the notice will not result in betting facilities being available for more than 8 days in a calendar year. The Licensing Authority will however consider the definition of a 'track' and whether the use of OUNs is permitted.***

38.0 Registration of Small Society Lotteries

38.1 In carrying out its functions in relation to Lotteries the Authority will have regard to the Act, the Guidance and any Regulations issued by the Secretary of State.

39.0 The Licensing Objectives

39.1 ***In exercising its functions under the Act, particularly in relation to premises licences temporary use notices and permits, the Licensing Authority must have regard to the licensing objectives.***

39.2 **Objective 1** - Preventing gambling from being a source of crime and disorder; being associated with crime and disorder or being used to support crime.

39.2.1 The Commission takes a leading role in preventing gambling from being a source of crime.

39.2.2 Anyone applying to the Authority for a premises licence will have to hold an operating licence from the Commission before a licence can be issued so the Licensing Authority will not be concerned with the suitability of an applicant. Where concerns about a person's suitability arise the Licensing Authority will bring those concerns to the attention of the Commission without delay.

39.2.3 The Authority will ***consider*** the proposed location of gambling premises in terms of this objective. ***If an area has particular problems with disorder, organised crime etc, the Authority will consider carefully whether gambling premises are suitable to be located there and whether controls may be appropriate to prevent the premises being associated with or used to support crime. This may include conditions on the premises licence such as the provision of door supervisors.***

39.2.4 The Authority will seek to address issues of disorder under the Act. Disorder is intended to mean activity that is more serious and disruptive than nuisance. A disturbance could be ***considered*** serious enough to constitute disorder if Police assistance was required to deal

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with it. Another factor the Authority is likely to take into account is how threatening the behaviour was to those who could see or hear it.

- 39.2.5 The Authority will, when determining applications, consider whether the grant of a Premises Licence will result in an increase in crime and disorder.
- 39.2.6 Applicants are encouraged to discuss the crime prevention procedures in their premises with the Authority's Licensing Officers and **Officers from** South Wales Police before making a formal application.
- 39.2.7 In considering licence applications, the Authority will in particular take into account the following:-
- The design and layout of the premises;
 - The training given to staff in crime prevention measures appropriate to those premises;
 - Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
 - Where premises are subject to age restrictions, the procedures in place to conduct age verification checks;
 - The likelihood of any violence, public order or policing problem if the licence is granted.

39.3 Objective 2 - Ensuring gambling is conducted in a fair and open way

- 39.3.1 Generally, the Gambling Commission would not expect Authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be a matter for either the management of the gambling business and therefore relevant to the Operating Licence, or will be in relation to the suitability and actions of an individual and therefore relevant to the Personal Licence. Both of these licences are the responsibility of the Gambling Commission.
- 39.3.2 As track operators will not necessarily have an operating licence from the Gambling Commission the Authority may, in certain circumstances, require conditions of licence to ensure that the environment in which betting takes place is suitable.

39.4 Objective 3 - Protecting children and other vulnerable persons from being harmed or exploited by gambling

- 39.4.1 The Authority has noted the Guidance that this objective means that children and young persons should be prevented from taking part in

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gambling and should be prevented from entering those gambling premises which are adult only environments. The Authority will therefore consider as suggested in the Guidance, whether specific measures are required at particular premises, regarding this objective.

- 39.4.2 The Authority is also aware of the Gambling Commission Codes of Practice in relation to specific premises.
- 39.4.3 It is noted that the Gambling Commission does not seek to **define** “vulnerable persons” but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This Authority will consider this licensing objective on a case by case basis.
- 39.4.4 The Authority will seek to ensure that there are restrictions on advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.
- 39.4.5 The Authority will consult with South Wales Police and the ~~Local Safeguarding Children Board~~ **Principal Officer for Safeguarding Quality and Performance, Child and Family Services** and the ~~Adult Protection Committee~~ **and the Principal Officer for Safeguarding and Wellbeing of the City and County of Swansea** on any application that indicates there may be concerns over access for children or vulnerable persons
- 39.4.6 ***The Guidance sets out considerations that an operator must take into account in order to protect children and young people from accessing gambling premises.***
- 39.4.7 ***The LCCP prescribe how operators must prevent children from using age restricted gaming or gambling activities, particularly where gaming machines are licensed.***
- 39.4.8 The Authority will expect applicants to offer their own measures to meet the licensing objectives in respect of issues such as:
- Proof of age;
 - CCTV;
 - Supervision of entrances/machine areas;
 - Physical separation of areas;
 - Locations of entry/gaming machines;

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- Notices/signage;
- Specific opening hours;
- Self Exclusion schemes *i.e. when someone asks an operator to refuse to accept their custom to prevent them from gambling;*
- Provision of information leaflets/helpline numbers for organisations such as Gamcare.

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

39.4.9 The Authority will judge the individual merits of each application before deciding whether to impose conditions to protect children and vulnerable adults on particular categories of premises. This may include such requirements as:-

- Appropriate signage for adult only areas;
- Supervision of entrances;
- Use of supervisors;
- Segregation of gambling areas from areas frequented by children;
- Supervision of gaming machines in non adult gambling specific premises.

39.4.10 Any conditions attached will be proportionate to and will be:

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises and type of licence applied for;
- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other aspects.

40.0 Local Risk Assessments for Operators

40.1 ***The LCCP require new applicants and operators of existing premises seeking to vary a licence, to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises. They are also required to have policies, procedures and control measures to address those risks.***

40.2 ***Operators are required to make the risk assessment available to the Licensing Authority when an application is submitted for a new premises licence, variation of a premises licence or otherwise on request.***

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40.3 ***In undertaking their risk assessments, operators should have regard to the following:***

- ***The layout of the premises in particular access to the premises by children and vulnerable persons;***
- ***The location of the premises in particular the proximity to premises/areas where the presence of children/vulnerable persons may be expected e.g. schools, parks, playgrounds, entertainment venues such as cinemas and bowling alleys, shops, cafes, bus stops, premises with alcohol licences, medical centres, care homes, money outlets, treatment centres for addictions;***
- ***The location of the premises in relation to problems of antisocial behaviour, youth crime, street/underage drinking, disorder;***
- ***Incidents of underage gambling;***
- ***Details relating to self exclusions;***
- ***Patterns in gambling e.g. coincide with benefit payments, salary payments;***

This list is not exhaustive and other relevant factors should also be taken into consideration.

41.0 Local Area Profiles

41.1 ***The current Guidance introduces the concept of local area profiles (LAP) for Authorities as a means of mapping out local areas of concern. There is no requirement for an Authority to have a LAP or if they have a LAP for it to be included in the Policy.***

41.2 ***Where the Authority develops a LAP this will be contained in a separate document and made available in conjunction with the Policy.***

42.0 Decision Making

42.1 ***The powers and duties of the Licensing Authority under the Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority.***

42.2 ***It is considered that many of the functions will be largely administrative in nature with no perceived areas of contention. In***

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the interests of efficiency and cost effectiveness these will, for the most part, be carried out by officers.

42.3 *Appendix D sets out the recommended delegation of functions and decisions by guidance. The Licensing Authority may, nevertheless, refer any matter to the Licensing Committee or Sub-Committee.*

43.0 Appeals Procedure

43.1 *Appeal provisions for parties aggrieved by decisions of the Licensing Authority are set out in Sections 206 to 209 of the 2005 Act. Appeals must be made to the Magistrates Court for the area in which the licensing authority, which has considered the application, is situated.*

43.2 *An appeal has to be commenced by giving notice of the appeal by the appellant to; The Clerk to the Justices, Swansea Magistrates Court, Grove Place, Swansea SA1 5DB within a period of 21 days, beginning with the day on which the appellant was notified by the Licensing Authority of the decision to be appealed against.*

43.3 *On determining an appeal, the Court may:*

- Dismiss the appeal;***
- Substitute the decision appealed against with any other decision that could have been made by the licensing authority;***
- Remit the case to the licensing authority to dispose of the appeal in accordance with the direction of the Court;***
- Make an order about costs.***

44.0 Reasons for Decisions

44.1 *In anticipation of such appeals, the Licensing Authority will provide comprehensive reasons for its decisions. The Licensing Authority will address the extent to which decisions have been made with regard to any relevant codes of practice and guidance issued by the Gambling Commission, reasonably consistent with the licensing objectives and in accordance with this Policy Statement.*

45.0 Implementing the Determination of the Magistrates' Court

45.1 *As soon as the decision of the Magistrates' Court has been notified to all parties, the Council will not delay its implementation*

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and necessary action will be taken forthwith unless ordered by a higher court to suspend such action (for example, as a result of an ongoing judicial review). The Act provides for no other appeal against the determination of the Magistrates' Court.

46.0 Concerns in respect of Licensed Premises

46.1 *The Licensing Authority will investigate complaints in respect of licensed premises in relation to matters relating to the licensing objectives for which it has responsibility.*

46.2 *Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, the Licensing Authority may initially arrange a meeting to address and clarify the issues of concern.*

46.3 *This process will not override the right of any party to decline to participate in any meeting or mediation process.*

47.0 Information Sharing Network - Operators

47.1 *The Licensing Authority will encourage and will support local operators to create and maintain an information sharing network to discuss issues of problem gamblers that are identified. This will also be an opportunity for operators to discuss issues with the licensing officers.*

48.0 Further Information

For further information about the Gambling Act 2005 or this Gambling Policy please contact the Licensing Division at the following address:

Licensing Food and Safety Division
Housing and Public Protection Services
Directorate of Place
City & County of Swansea
Civic Centre
Oystermouth Road
Swansea
SA1 3SN

Or:

Telephone: 01792 635600
Email: evh.licensing@swansea.gov.uk

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Website: www.swansea.gov.uk

Information is also available from:-

Gambling Commission

Victoria Square House
Victoria Square
Birmingham
B2 4BP

Tel: 0121 230 6500

Fax: 0121 237 2236

Email: info@gamblingcommission.gov.uk

Website: www.gamblingcommission.gov.uk

Department of Culture Media and Sport

2-4 Cockspur Street
London
SW1Y 5DH

Tel: 020 7211 6200

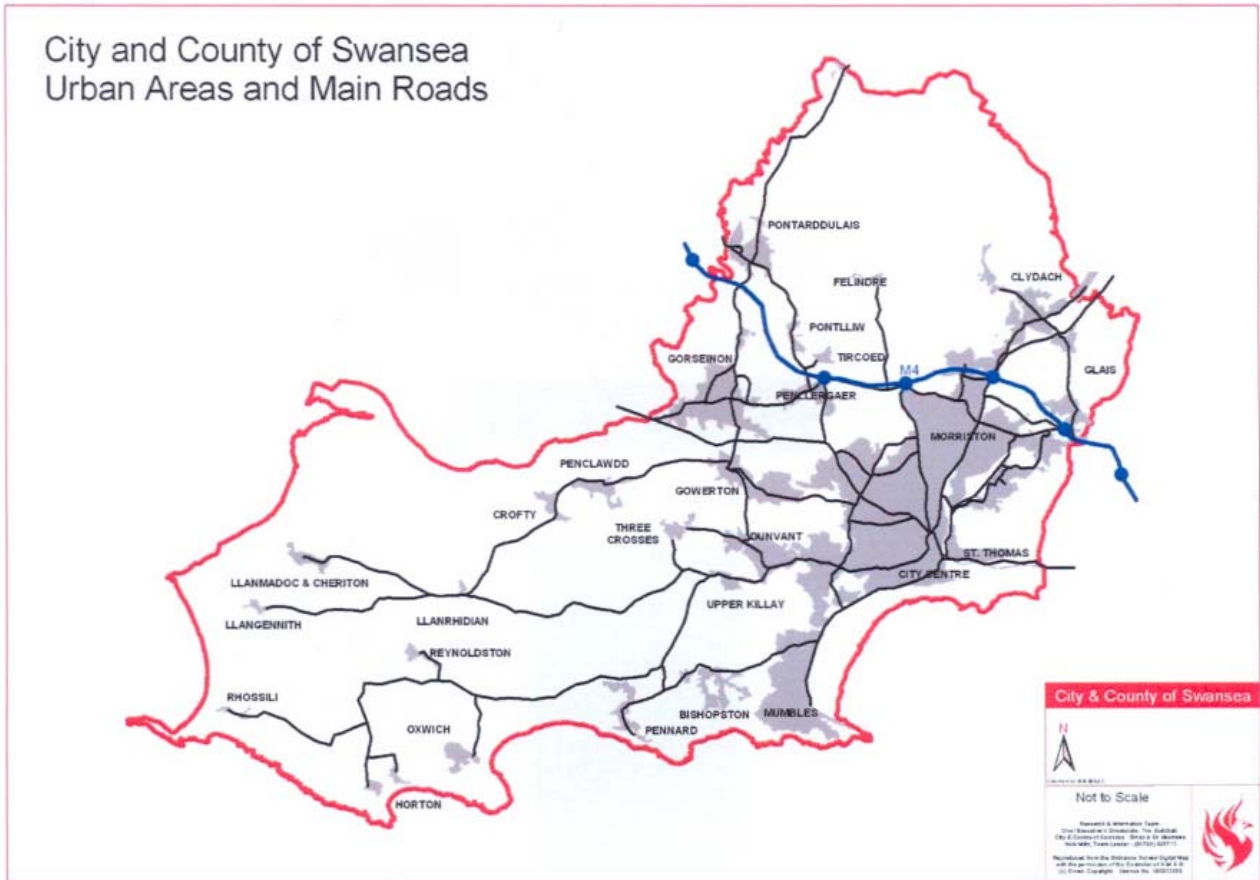
Email: enquiries@culture.gov.uk

Website: www.culture.gov.uk

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APPENDIX A



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APPENDIX B - Consultees

The Licensing Authority has consulted the following on the content of this Gambling Policy:-

- Association of British Bookmakers
- British Amusement Catering Trade Association (BACTA)
- Bingo Association
- British Casino Association
- British Beer & Pub Association
- British Greyhound Racing Board
- Casino Operators Association of the UK
- Club & Institute Union
- Gambling Commission ~~Regional Inspector~~
- Gamcare
- ~~Lacors~~
- Lotteries Council
- Maritime & Coastguard Agency
- Neighbourhood Watch
- ~~Public Houses~~ **Permit Holders**
- ~~Bingo Halls~~ **Premises Licence Holders**
- ~~Clubs~~
- ~~Amusement Arcades~~
- ~~Betting Shops~~
- Responsibility in Gambling Trust
- Responsible Authorities:-
 - Chief Officer of Police
 - Licensing Authority
 - Chief Fire Officer
 - HM Revenue & Customs
 - Environmental Health
 - Gambling Commission
 - Planning
 - Child & Family Services
 - ~~Local Safeguarding Children Board/Adult Protection~~
- Licensing Committee
- Elected Members of City and County of Swansea
- Legal Services
- Community Councils

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APPENDIX C

City and County of Swansea

Small Casino Licence – Principles and Criteria

Principles	Criteria – Benefits/Avoidance of Disbenefits	Importance
<p>Any provision that is made for the protection of children and other vulnerable people from harm or exploitation arising from gambling, whether in the proposed casino or the wider community</p>	<p>Extent to which applicant can demonstrate measureable outcomes for Swansea with regard to the following:</p> <ul style="list-style-type: none"> • Commitment to evaluation of social impacts of gambling and ability to evaluate. • Investment in problem gambling schemes/funding for treating programmes/funding to Gambling Research, Education and Treatment Foundation (GREaT). Responsible Gambling Trust • Problem gambling measures; <i>including how the applicant will contribute to education on the risks of gambling, in particular for children and young people.</i> • Demonstrably high level management commitment to social responsibility. • Commitment to staff training on social responsibility issues and recognition of 	<p>(Very High/High/Medium)</p> <p>Very High</p>

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	<p>problem gambling.</p> <ul style="list-style-type: none"> • Operation of self exclusion schemes/ exclude self-barred individuals from entry. • Responsible marketing/advertising. Who will be targeted? • Proximity of casino to schools, children, places of worship youth and elderly populations. 	
<p>Any provision that is made for preventing gambling from being a source of crime or disorder or being associated with crime or disorder or being used to support crime.</p>	<ul style="list-style-type: none"> • Steps taken to promote safe evening and night time economy. • Provision of CCTV and security measures. • Liaison/consultation with responsible authorities to promote the prevention of crime and disorder objectives under the Gambling Act 2005 and the Licensing Act 2003. 	<p>Very High</p>
	<ul style="list-style-type: none"> • Provision of satisfactory levels of/appropriately qualified and licensed door supervisors. • Liaison with police architectural/crime prevention officers to ensure that where possible opportunities for crime are designed out. 	
<p>Any provision that</p>	<ul style="list-style-type: none"> • Provision of separate 	<p>Very High</p>

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is made for ensuring that gambling is conducted in a fair and open way	<p>area/room to allow customers to familiarize themselves with the rules of the games.</p> <ul style="list-style-type: none"> • Fair and effective complaints procedure how complaints and disputes are recorded and monitored. 	
Likely effects of application on employment and regeneration in Swansea	Employment: <ul style="list-style-type: none"> • Number of full-time equivalent jobs created and/or safeguarded from the construction and operation of the casino; • Number of jobs created for the long term economically inactive and unemployed; • Mitigation measures in respect of lost jobs. • Employment policies (pay, terms, equalities, skills training). • Empowerment of local disadvantaged groups through employment. • How the proposal will contribute to tackling deprivation, high levels of economic inactivity and long term unemployment? • Staff Development – opportunities for staff to obtain training and development (including 	<p>Very High</p> <p>Very High</p>

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	<p>training leading to nationally accredited awards) and to achieve career progression.</p> <ul style="list-style-type: none"> • Provision of support to education and training establishments in the area; <p>Regeneration:</p> <ul style="list-style-type: none"> • The extent to which the proposals will act as a direct catalyst for complementary development. 	
	<ul style="list-style-type: none"> • The extent to which the development would create an all year round, diverse tourism/leisure economy such as permanent employment, and generation of further investments. • Steps taken to broaden the visitor demographic. • Steps taken to promote a vibrant night time economy. • The extent to which the development increases the provision of high quality, leisure services/cultural amenities (such as 4*/5* hotel, conference facilities etc.) • Positive multiplier effects on business community. • Proposals for making supply chain and sourcing opportunities available to 	

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	<p>organizations and individuals in the area.</p> <ul style="list-style-type: none"> • Proposals for engaging with local community partnerships, and for contributing financially or otherwise to community services and facilities; • Compatibility with regeneration/planning strategies. • Commitment to the periodic evaluation of the economic impact on Swansea of the casino. 	
<p>Design and location of the proposed development</p>	<p>Design:</p> <ul style="list-style-type: none"> • Compatibility with the Council’s development plan and supporting planning strategies. • Degree of integration with existing movement routes, buildings, uses, landscapes, open spaces and strategic car parks. • Provision of other complementary facilities to create a mixed use development and a vibrant destination. • Impact on existing adjacent developments, avoiding adverse impact to neighboring occupiers. • Attainment of high standards of design and buildings of significant architectural merit. 	<p>Very High</p>

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	<ul style="list-style-type: none"> • Address issues of security and crime prevention in the design of buildings and routes around them. • Accessibility by modes of travel other than the private car. • Promote resource efficient buildings and layouts using sustainable design and construction techniques in accordance with BREEAM criteria set by the Welsh Assembly Government. • Preserve any listed buildings (and their settings) and enhance conservation areas. • Community engagement – proposals for consultations and involvement in design. <p>Location:</p> <ul style="list-style-type: none"> • Application considered on its own merit, but local preference for a city centre or waterfront brownfield location to deliver regeneration objectives. 	<p>Very High</p>
	<ul style="list-style-type: none"> • Extent to which the proposed location is less or more likely to lead to the loss of an existing leisure facility. 	

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	<ul style="list-style-type: none"> • Impact on neighbouring businesses and residents (during construction and once in operation). • Extent to which proposed location will maximize the number of new visitors to Swansea. 	
Range and nature of non gambling facilities to be offered as part of the proposed development.	<ul style="list-style-type: none"> • The range and complementary nature of other ancillary facilities offered within and outside the casino development. 	High
Any financial and other contributions	<ul style="list-style-type: none"> • Confirm amount of financial contributions offered and on what basis they will be paid (e.g. one off payment, annual index linked contributions in perpetuity, a percentage of the Gross Gaming Yield etc.). 	Very High
	<ul style="list-style-type: none"> • Confirm financial payments made for late or non delivery of operations or benefits. • If proposal involves loss of existing facilities, will such facilities be replaced and where? • Direct cultural benefits such as showcasing local art/artists. • Support for local supporting/cultural/charitable schemes. 	

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	<ul style="list-style-type: none"> • Communication, consultation and partnership working with local Community Partnerships, in particular Communities First. • Contributing financially to additional community services and facilities. • Other benefits the applicant proposes to provide not elsewhere described. 	Medium
Deliverability	<ul style="list-style-type: none"> • Status of approved (e.g. Planning), signed development agreement, 3rd party guarantees. 	Very High
	<ul style="list-style-type: none"> • Timescales for implementation and completion of development and operations. • Timescale, duration and form taken for the delivery of proposed benefits. • Developer/Operator – financial status, track record here and abroad, clear and detailed business plan of proposals. • Evidence of consultation with Statutory Bodies and Responsible Authorities, to ensure due compliance with any and all Statutory Regulation and Legislation. 	

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APPENDIX D – Table of Delegations of Licensing Functions

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING SUB-COMMITTEE	OFFICERS
Three year Gambling Policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate			X (to be approved by the Executive)
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

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Licensing Division
Housing and Public Protection Service
Directorate of Place
City & County of Swansea
Civic Centre
Oystermouth Road
Swansea
SA1 3SN

1st October 2015

Dear Sir,

Consultation on City & County of Swansea Council's Statement of Principles – Gambling Act 2005

Coral Racing Limited is most grateful to be given the opportunity to respond to this consultation exercise. Coral was one of the first national bookmakers to be licensed under the Betting and Gaming Act of 1960, and so has been operating the length and breadth of the UK for over 50 years. Its premises comprise locations in the inner city, on the high street, in suburbs and in rural areas, and in areas of both high and low deprivation. It now operates 1850 betting offices across Great Britain, which comprise about 20% of all licensed betting offices. It is, therefore, a highly experienced operator.

Coral Racing Limited are broadly supportive of the document. It again notes that the Board when considering applications are still required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives', additionally noting that it should not take into account of any moral objections to gambling.

Coral Racing Limited recognise the requirement to supply risk assessments (requirement is from 6th April 2016) with future applications and variations following the consultation completion (Section 40 within your Draft Statement).

Whilst each case will correctly be judged on its merits, by highlighting locations within section 40.3; notably

- The layout of the premises in particular access to the premises by children and vulnerable persons;
- The location of the premises in particular the proximity to premises/areas where the presence of children/vulnerable persons may be expected e.g. schools, parks, playgrounds, entertainment venues such as cinemas and bowling alleys, shops, cafes, bus stops, premises with alcohol licences, medical centres, care homes, money outlets, treatment centres for addictions;
- Incidents of underage gambling;
- Patterns in gambling e.g. coincide with benefit payments, salary payments

infers that a licensed betting office in such locations may not be appropriate. If there is any evidence that problem gambling is taking place in such locations, Coral are not aware of it. Additionally, Coral knows of no evidence that the location of a licensed betting office within the proximity of schools or similar locations mentioned in the statement causes harm to the licensing objectives or causes any greater risk of ensuring the licensing objectives not being met.



Coral Racing Limited
One Stratford Place, Montfichet Road, London E20 1EJ
Registered Office: New Castle House, Castle Boulevard, Nottingham NG7 1FT
Registered in England No. 541600
Tel: 020 3288 7000 Fax: 020 3288 7050

Coral knows of no evidence that children coming from schools are gaining access to betting offices. Coral's general experience, in common with other bookmakers, is that children are not interested in betting, and in any case the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises. There are very many examples of betting offices sited immediately next to schools and colleges and no evidence whatsoever that they cause problems.

The reason for Coral's caution against making such perceptions, which we anticipate is similar to that of the other main bookmakers, is that it already operates systems which ensure that the licensing objectives are strongly promoted across its estate.

For example:

- Coral benefits from an operating licence granted by the national regulator, the Gambling Commission. Therefore, its corporate systems for the promotion of the licensing objectives have been approved by the Commission, which continues to exercise vigilance in this regard through inspections and examination of regulatory returns.
- Coral is subject to the Licence Conditions and Codes of Practice, which are effectively the national code of operation to ensure that the licensing objectives are promoted.
- It carries out health and safety risk assessments pursuant to its legal obligations. These assessments are shortly to be extended so that formal compliance assessments are conducted.
- It conducts risk assessments in relation to Exposure to Violence, Aggression and Conflict (EVAC assessments).
- It operates the assessment principles of the Safe Bet Alliance, the national code for safe premises. It was one of the architects of the code.
- It operates the ABB's Code for Responsible Gambling, and again was one of the architects of that code.
- It operates an extensive compliance manual, upon which all staff members are trained. Copies are available for your inspection if required.
- It contributes to the Responsible Gambling Trust, which seems to promote responsible gambling who in-turn contribute to GamCare, the national problem gambling charity.

Coral's experience is that, through all it does, it achieves an exemplary degree of compliance, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced with future premises licence applications from April 2016, Coral believe that these should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed. In other words, there should be no requirement to list specific locations or at least, if they are listed, confirm that the Council knows of no link between such locations and a licensed betting office.

Notwithstanding this, such locations if necessary would automatically be included with the operators risk assessment submitted when the application is considered.

If we can provide any further information, we would be pleased to do so.

Yours faithfully,



John Liddle
Director of Development – Coral Retail



City and County of Swansea Council
Licensing Division
Housing and Public Protection Division
Directorate of Place
Civic Centre
Oystermouth Road
Swansea
SA1 3SN

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / LHK / 097505.00004
#GS393081
Your ref:
Date: 29 September 2015

Dear Sir/Madam,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council's review of its gambling policy statement.

The ABB represents over 80% of the high street betting market. Its members include large national operators such as William Hill, Ladbrokes, Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

This response will explain the ABB approach to partnership working with local authorities, it will detail its views on the implementation of the new LCCP requirements, from April 2016, relating to operators' local area risk assessments and their impact on the licensing regime and will then make specific comment with regard to any statement(s) of concern/that are welcomed in your draft policy.

The ABB is concerned to ensure that any changes are not implemented in such a way as to fundamentally change the premises licence regime through undermining the "aim to permit" principle contained within s153 Gambling Act 2005.

The current regime already adequately offers key protections for communities and already provides a clear process (including putting the public on notice) for representations/objections to premises licence applications. The recent planning law changes effective since April 2015 have also already increased the ability of local authorities to consider applications for new premises, as all new betting shops must now apply for planning permission.

It is important that any consideration of the draft policy and its implementation at a local level is put into context. There has recently been press coverage suggesting that there has been a proliferation of betting offices and a rise in problem gambling rates. This is factually incorrect.

Over recent years betting shop numbers have been relatively stable at around 9,000 nationally, but more recently a trend of overall downwards decline can be seen. The latest Gambling Commission industry statistics show that numbers as at 31 Mar 2015 were 8,958 - a decline of 179 from the previous year, when there were 9,137 recorded as at 31 March 2014.

As far as problem gambling is concerned, successive prevalence surveys and health surveys reveal that problem gambling rates in the UK are stable (0.6%) and possibly falling.

Working in partnership with local authorities

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and we welcome the opportunity to respond to this consultation.

There are a number of examples of the ABB working closely and successfully in partnership with local authorities.

LGA – ABB Betting Partnership Framework

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA). This was developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms and established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the *“...desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be.”*

The framework built on earlier examples of joint working between councils and the industry, for example the Ealing Southall Betwatch scheme and Medway Responsible Gambling Partnership.

In Ealing, the Southall Betwatch was set up to address concerns about crime and disorder linked to betting shops in the borough. As a result, crime within gambling premises reduced by 50 per cent alongside falls in public order and criminal damage offences.

In December last year, the Medway Responsible Gambling Partnership was launched by Medway Council and the ABB. The first of its kind in Britain, the voluntary agreement allows anyone who is concerned they are developing a problem with their gambling to exclude themselves from all betting shops in the area.

The initiative also saw the industry working together with representatives of Kent Police and with the Medway Community Safety Partnership to develop a Reporting of Crime Protocol that is helpful in informing both the industry, police and other interested parties about levels of crime and the best way to deal with any crime in a way that is proportionate and effective.

Lessons learnt from the initial self-exclusion trial in Medway have been incorporated into a second trial in Glasgow city centre, launched in July this year with the support of Glasgow City Council, which it is hoped will form the basis of a national scheme to be rolled out in time for the LCCP deadline for such a scheme by April 2016.

Jane Chitty, Medway Council's Portfolio Holder for Planning, Economic Growth & Regulation, said: *"The Council has implemented measures that work at a local level but I am pleased to note that the joint work we are doing here in Medway is going to help the development of a national scheme."*

Describing the project, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, Cllr Paul Rooney said:

"This project breaks new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator."

Primary Authority Partnerships in place between the ABB and local authorities

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities.

These Partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the Partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015.

By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

Local area risk assessments

With effect from 6th April 2016, under new Gambling Commission LCCP provisions, operators are required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated.

Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy and local area profile in their risk assessment, and these must be reviewed

where there are significant local changes or changes to the premises, or when applying for a variation to or a new premises licence.

The ABB is concerned that overly onerous requirements on operators to review their local risk assessments with unnecessary frequency could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this should be where evidence can be provided to demonstrate that the change could impact the premises' ability to uphold the three licensing objectives.

Although ABB members will be implementing risk assessment at a local premises level, we do not believe that it is for the licensing authority to prescribe the form of that risk assessment. We believe that to do so would be against better regulation principles. Instead operators should be allowed to gear their risk assessments to their own operational processes informed by Statements of Principles and the local area profile.

The ABB supports the requirement as set out in the LCCP, as this will help sustain a transparent and open dialogue between operators and councils. The ABB is also committed to working pro-actively with local authorities to help drive the development of best practice in this area.

Local Area Profiles – Need for an evidence based approach

It is important that any risks identified in the local area profile are supported by substantive evidence. Where risks are unsubstantiated there is a danger that the regulatory burden will be disproportionate. This may be the case where local authorities include perceived rather than evidenced risks in their local area profiles.

This would distort the "aim to permit" principle set out in the Gambling Act 2005 by moving the burden of proof onto operators. Under the Act, it is incumbent on licensing authorities to provide evidence as to any risks to the licensing objectives, and not on the operator to provide evidence as to how they may mitigate any potential risk.

A reversal of this would represent a significant increase in the resource required for operators to be compliant whilst failing to offer a clear route by which improvements in protections against gambling related harm can be made.

We would also request that where a local area profile is produced by the licensing authority that this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.

Concerns around increases in the regulatory burden on operators

Any increase in the regulatory burden would severely impact on our members at a time when overall shop numbers are in decline, and operators are continuing to respond to and absorb significant recent regulatory change. This includes the increase to 25% of MGD, changes to staking

over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

Moving away from an evidence based approach would lead to substantial variation between licensing authorities and increase regulatory compliance costs for our members. This is of particular concern for smaller operators, who do not have the same resources to be able to put into monitoring differences across all licensing authorities and whose businesses are less able to absorb increases in costs, putting them at risk of closure.

Such variation would in our opinion also weaken the overall standard of regulation at a local level by preventing the easy development of standard or best practice across different local authorities.

Employing additional licence conditions

The ABB believes that additional conditions should only be imposed in exceptional circumstances where there are clear reasons for doing so - in light of the fact that there are already mandatory and default conditions attached to any premises licence. The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statements as to the need for evidence.

This would further increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities.

Specific Policy Comments

Section 24 of the policy deals with betting premises. The policy would be assisted by an acknowledgement that a betting premises licence authorises the holder to make up to four gaming machines, each of which must be category B, C or D, available for use (s172(8) Gambling Act 2005). The policy should also make it clear that whilst limitations may be placed on the number of betting machines, conditions on the premises licence cannot dictate the number of gaming machines.

Section 40 of the policy deals with local risk assessments for operators. Section 40.1 correctly acknowledges that the local risk assessment is to assess the local risk to the licensing objectives posed by the provision of gambling facilities. Thereafter (at paragraph 40.3) the policy indicates that operators should have regard inter alia to the location of the premises in relation to problems of anti-social behaviour, youth crime, street/underage drinking, patterns in gambling relating to the payment of benefits and salaries. These issues are not relevant as far as reasonably consistent operation in accordance with the licensing objectives are concerned. Issues on the street relating to underage people and anti-social behaviour have nothing whatsoever to do with the operation of gambling and a requirement to assess patterns in gambling relating to benefit payments suggests that persons on benefits are automatically vulnerable to gambling related harm. This cannot be the case. How an operator is expected to assess gambling trends with regard to benefit payments is impossible to work out. We respectfully submit that these issues should be removed from the statement of policy.

Conclusion

The industry fully supports the development of proportionate and evidenced based regulation, and is committed to minimising the harmful effects of gambling. The ABB is continuing to work closely with the Gambling Commission and the government to further evaluate and build on the measures put in place under the ABB Code for Responsible Gambling, which is mandatory for all our members.

ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, we already do this successfully in partnership with local authorities now. This includes through the ABB Code for Responsible Gambling, which is mandatory for all our members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff. We would encourage local authorities to engage with us as we continue to develop both these codes of practice which are in direct support of the licensing objectives.

Yours faithfully,

GOSSCHALKS

Report of the Cabinet Member for Transformation and Performance

Council – 26 November 2015

MEMBERSHIP OF COMMITTEES

Purpose:	Council approves the nominations/amendments to the Council Bodies.
Policy Framework:	None.
Reason for Decision:	To agree nominations for Committee Membership.
Consultation:	Political Groups.
Recommendation:	It is recommended that: 1) The amendments to the Council Bodies listed in paragraph 2 be approved.
Report Author:	Gareth Borsden
Legal Officer:	Tracey Meredith
Finance Officer:	Carl Billingsley
Access to Services Officer:	N/A

1. Introduction

- 1.1 Meetings of Council regularly agree and amend the membership of the various Committees/Council Bodies as reflected in the lists submitted by the Political Groups.

2. Changes to Council Body Membership

- 2.1 The Political Groups have indicated that they have changes to Council Bodies as indicate below.

Audit Committee

Remove Councillor Geraint Owens
Add Councillor Terry Hannegan

Prevention and Social Care Reform CAC

Remove Councillor A M Cook
Add Councillor C Anderson

Planning Committee

Remove Councillor P B Smith
Add Councillor P Downing

3. Financial Implications

3.1 There are no financial implications associated with this report.

4. Legal Implications

4.1 There are no legal implications associated with this report.

Background Papers: Local Government & Housing Act 1989, the Local Government (Committees & Political Groups) Regulations 1990.

Appendices: None

Report of the Leader

Council – 26 November 2015

APPOINTMENT OF CHIEF EXECUTIVE

Purpose:	To provide Council with options to replace the Chief Executive
Policy Framework:	Standing Orders
Reason for Decision:	To enable a replacement to be appointed when the current Chief Executive retires
Consultation:	Legal, Finance and Access to Services.
Recommendation(s):	It is recommended that: 1) An interim Chief Executive be appointed on an internal basis ring-fenced to the existing Directors 2) The successful candidate would be paid the same remuneration as the current Chief Executive
Report Author:	Steve Thomas, Chief Executive Welsh Local Government Association
Finance Officer:	Mike Hawes
Legal Officer:	Patrick Arran
Access to Services Officer:	Not applicable

1.0 Introduction

The Chief Executive, Mr Jack Straw, has informed the Leader of his intention to retire from the Council on the 29th May 2015. The Leader has agreed to this request. This report is to provide Council with the options open to it to replace the Chief Executive.

- 1.2 There is no legal requirement to have a Chief Executive, but a local authority must designate one of its officers as the Head of their Paid Service.¹ However, the post of Chief Executive entails far more than the

¹ Local Government & Housing Act 1989 - Section 4

duties of the statutory Head of Paid Service and virtually all local authorities have a Chief Executive.

- 1.3 In order to ensure probity and transparency of process the Leader has asked Mr Steve Thomas, the Chief Executive of the Welsh Local Government Association to provide independent advice to Council. On the assumption that Council will wish to appoint a successor to Mr Straw, there are four options available.

2. Options

The options are as follows:

- External permanent appointment
- Shared Chief Executive with Neath Port Talbot
- External temporary appointment
- Internal temporary appointment

- 2.1 The pros and cons of each option is set out below

2.2 External Recruitment of a new Chief Executive

Pros

- Refreshing the senior leadership approach with candidates applying from outside the authority opens the organisation up to a larger pool of applicants and wider experience/seniority
- “Fresh pair of eyes” - Hiring a candidate with a proven track record in a different local government context allows the Council to get an insider's view as to what the other mechanisms of delivery and governance can be successful
- Hiring an external candidate also opens up many opportunities to find experienced and highly-qualified and skilled candidates who will help the Council meet its diversity requirements
- Allows good internal candidates the opportunity to “throw their hat in the ring”.
- Underpinned by a clear process which is open, transparent and led by councillors

Cons

- Longer process- can be between 3 and 6 months with recruitment and notice.
- More expensive process due to advertising and interviews required.

- Good practice tends to dictate a psychometric testing and assessment centre. Cardiff's total cost for recruitment of a Chief Executive was reported at £53k which included an executive search. This is "top end" but anything between £20k to £35k would not be unusual
- Selection process may not be effective enough to reveal the best candidate, equally the salary level may need to be revisited (Attracting existing Chief Executives from England can be difficult as salaries are usually much higher than Wales – See Appendix 1 below)
- Outside candidates can take time to "hit the ground running". It can also impact on the morale of internal candidates not chosen for the role.
- Would need to be examined with Welsh Government in light of proposed local government re-organisation. The Minister for Public Services has recently written to Carmarthenshire and Ceredigion asking them to explain why they have proceeded to make permanent appointments at this time. Although it must be noted that Welsh Government do not as yet have any legal power to prevent local authorities making such appointments.

2.2.1 The Chief Executive salary is recommended by the Independent Remuneration Panel (Section 143A Local Government Measure 2011) and local authorities have to "have regard" to the recommendation. This applies where the salary changes up or down. This will be an issue to consider in the event of a permanent external appointment or an interim internal or external candidate being retained on anything other than the existing salary.

2.3 Conclusion

Given the current uncertainty regarding local government re-organisation, this option **is not recommended** at this time. It will however have to be revisited in due course and this will be set out below in relation to the option which is being recommended.

3. Sharing a Chief Executive with another authority

Pros

- Clearly chimes with the need for greater efficiency and resource savings.
- Could anticipate the direction of travel on local government re-organisation.
- Could open up the opportunity for creating wider pooling of officer resources across authorities
- Would cement the City Region approach around Swansea
- Would probably find favour and support in Welsh Government

Cons

- It takes “two to tango”. It can only happen when the two councils or more agree it is reasonable, feasible and productive.
- The track record of this approach is very limited and not associated with hugely successful outcomes particularly in unitary authorities.
- Requires a person of huge capacity and capability to take on “two jobs”.
- “Creates a Servant with two masters”. Dealing with two groups of politicians in a non-merged council creates extra layers of complexity and can lead to significant problems of dual accountability
- The scale and focus of the job is an issue. Can a large city council, facing huge cuts afford to risk an approach where the Chief Executive is essentially “part time”?

3.1 Conclusion

The challenges facing this Council and the uncertainty over local government re-organisation mean that this option carries too much risk. If Welsh Government takes any concrete steps toward local government re-organisation in the near future, then this option would need to be re-considered. However, there is little prospect of any immediate momentum prior to the Welsh Government elections in May 2016.

This option **is not recommended**.

4. Interim appointment - External Advertisement

Pros

- Refreshing the senior leadership approach with candidates applying from the outside the authority opens the organisation up to a larger pool of applicants and wider experience/seniority.
- Interim solutions are a useful, and often necessary, short-term fix particularly in a climate of political and organisational uncertainty.
- “Fresh pair of eyes” - Hiring a candidate with a proven track record in a different local government context allows the Council to get an insider's view as to what the other mechanisms of delivery and governance can be successful
- External interims are “Pay As You Go” and are not on the payroll.

Cons

- Sourcing an interim who fits within the organisation culture can often be difficult.
- An interim solution sometimes has the negative impact of essentially putting the authority on hold until a permanent solution is achieved
- Outside candidates can take time to “hit the ground running”. It can also impact on the morale of internal candidates not chosen for the role
- External interims are usually former chief executives with high levels of experience but often a variable track record
- Can be an expensive option with high daily rates

4.1 Conclusion

This is **not an option that is recommended** due to the challenges facing the Council and the need for stability and continuity in the short term. In the absence of a permanent appointment the Council will need someone who is able to act into the post immediately with sufficient corporate knowledge to ensure continuity.

5. Ring-fenced Internal Recruitment

Pros

- Interim solutions are a useful, and often necessary, short-term fix particularly in a climate of political and organisational uncertainty.
- An internal interim resource can hit the ground running with knowledge of the authority, its culture and a good understanding of the issues it faces.
- Investing in an Interim position can significantly boost team morale and signal a clear intent to make best use of available resources.
- An interim appointment can become permanent and - subject to paragraph 5.1 below - could be looked upon as a trial period with no long-term commitment.
- Would be likely to be acceptable to Welsh Government in light of proposed local government re-organisation as this has occurred in other authorities recently for example RCT

Cons

- If there is a change to the salary there would need a dialogue to be commenced with the IRPW
- An interim solution can lead to a period of uncertainty especially if the candidate is perceived as a “stopgap” to the next appointment.
- Can militate against the taking of tough choices and long term strategic decision making
- Appointing an interim may be perceived as not properly testing the market and failing to recruit from a wider talent pool.
- Can be perceived as a cautious approach when a transformative one may be required.

5.1 As with a permanent appointment, this option would ordinarily engage the legal requirements set out in the Local Authorities (Standing Orders) (Wales) Regulations 2006 which require posts over £100k to be advertised. However, there is an exemption to this requirement when the local authority proposes to appoint a Chief Officer for a period of no longer than 12 months. Therefore, it would be in order to appoint an internal candidate as part of a ring-fenced process subject to the time

limitation on the appointment. It is in order to restrict the pool of eligible applicants to the current Directors.

5.2 Conclusion

Taking everything into account, **this is the option that is being recommended to Council.** It will provide a level of stability leading up to the local government elections in 2017 when a permanent appointment can be made.

- 5.3 However, there will have to be a careful consideration of the timeline bearing in mind that the authority will have to advertise and appoint to coincide with the end of the maximum 12 month period unless Welsh Government grants dispensation to exceed this. Therefore, the process, including a future permanent appointment will need to be carefully choreographed to ensure there was no prospect of the authority acting unlawfully either by extending past the 12 month time limit or by not having a Head of Paid Service.

6.0 **Equality and Engagement Implications**

There are no equality and engagement implications arising from the recommendation.

7.0 **Financial Implications**

- 7.1 It is proposed that the interim Chief Executive would receive the same remuneration as the current Chief Executive. There will be an overlap of approximately one month to facilitate a hand-over and therefore, there will be an additional cost whilst both the current Chief Executive and the interim are in post

- 7.2 The current Chief Executive will not receive any payment from the City and County of Swansea on retirement although the Council will have to reimburse the Pension Fund for any pension costs payable prior to normal retirement age. Any costs incurred will be dependent on personal decisions by the current Chief Executive on pension options but will be paid on an unreduced basis which is consistent with all other employees who would take Early retirement prior to normal retirement age.

- 7.3 It is anticipated that any restructure arising from the appointment made will be met from within existing Council Budgets.

8.0 **Legal Implications**

There are no legal implications in addition to those already set out in the report.

9.0 **Equality Implications**

There are no equality implications arising from this report.

Background Papers: None

Appendices: Sample Pay Rates

Sample Pay Chief Executives in England

Council	Name	Job title	2012-13 remuneration (£)				Total remuneration 2011-12 (£)	Notes	
			Salary	Compensation for loss of office	Other payments	Employer pension contributions			Total
Surrey	D McNulty	Chief Executive	210,350	0	4,053	31,132	245,535	245,133	-
Wandsworth	Mr. C. J. Buss	Director of Finance and Deputy Chief Executive	185,913	0	19,639	39,054	244,606	238,787	-
Newham	Mr. K Bromley Derry	Chief Executive	195,000	0	0	44,655	239,655	237,315	-
Birmingham	S Hughes	Chief Executive	205,000	0	0	33,210	238,210	260,360	-
Bradford	Tony Reeves	Chief Executive	204,948	0	1,239	30,555	236,742	227,459	-
Essex	Joanna Killian	Chief Executive	210,000	0	819	25,830	236,649	254,769	-
Lambeth	Derrick Anderson	Chief Executive	193,075	0	11,033	32,437	236,545	226,290	-
Lancashire	P Halsall	Chief Executive	194,655	0	5,300	36,400	236,355	235,781	-
Kensington and Chelsea	Derek Myers	Joint Chief Executive	209,866	0	14,686	11,738	236,290	266,991	-
Liverpool	Ged Fitzgerald	Chief Executive	199,500	0	11,856	24,926	236,282	233,793	-
Hampshire	Andrew Smith	Chief Executive	207,372	0	0	27,166	234,538	234,538	-
Bexley	Will Tuckley	Chief Executive	185,397	0	10,621	38,192	234,210	234,507	-

Welsh Local Authority Chief Executive Remuneration

Figure 8 – Unitary Authorities – chief executive salary trend

Local government	2009-10	2010-11	2011-12	2012-13
Anglesey County Council (Isle of)	£124,700	£227,900	£110,986	£141,000
Blaenau Gwent County Borough Council	£114,146	£111,866	£103,050	£107,347
Bridgend County Borough Council	£131,251	£131,178	£131,091	£109,263
Caerphilly County Borough Council	£131,645	£123,665	£123,665	£144,598
Cardiff County Council	£176,376	£176,376	£179,663	£183,726
Carmarthenshire County Council	£164,847	£165,349	£185,365	£181,645
Ceredigion County Council	£102,821	£105,523	£108,226	£108,226
Conwy County Borough Council	£111,863	£114,435	£100,140	£105,851
Denbighshire County Council	£108,722	£131,667	£124,859	£125,000
Flintshire County Council	£131,233	£131,233	£131,233	£131,233
Gwynedd Council	£108,264	£108,264	£108,264	£108,264
Merthyr Tydfil County Borough Council	£137,195	£137,195	£120,213	£120,495
Monmouthshire County Council	£110,000	£110,000	£110,000	£110,000
Neath Port Talbot County Borough Council	£134,253	£134,253	£129,725	£134,253
Newport City Council	£116,836	£116,836	£122,770	£134,636
Pembrokeshire County Council	£156,745	£159,462	£208,170	£194,661
Powys County Council	£124,000	£127,000	£130,000	£133,000
Rhondda Cynon Taf County Borough Council	£142,000	£142,000	£142,000	£142,000
Swansea (City and County of)	£155,901	£163,077	£140,000	£140,000
Torfaen County Borough Council	£111,278	£111,278	£110,850	£111,279
Vale of Glamorgan Council	£143,026	£141,469	£146,412	£133,565
Wrexham County Borough Council	£107,472	£109,040	£105,000	£109,000

Report of the Head of Democratic Services

Council - 26 November 2015

DISPENSATION FOR COUNCILLOR LEAVE OF ABSENCE – COUNCILLOR B G OWEN

Purpose:	To seek dispensation in accordance with Section 85 of the Local Government Act 1972.
Policy Framework:	None.
Reason for Decision:	To comply with the Local Government Act 1972.
Consultation:	Legal and Finance.
Recommendation:	It is recommended that: 1) Councillor B G Owen be granted dispensation not to attend meetings for the period up to 31 May 2016 in accordance with Section 85 of the Local Government Act 1972.
Report Author:	Huw Evans
Legal Officer:	Patrick Arran
Finance Officer:	Carl Billingsley

1. Introduction

- 1.1 Councillor B G Owen has notified the Authority that due to illness he may be absent from Council meetings for some time. This could result in him being in breach of Section 85 of the Local Government Act 1972 whereby failure to attend meetings of the Authority for a period of 6 consecutive months would mean that he would cease to be a member of the Authority.
- 1.2 In accordance with Section 85 of the Local Government Act 1972, Council Councillor B G Owen has requested that he be granted dispensation not to attend meetings for the period up to 31 May 2016.
- 1.3 Section 85 of the Act allows an Authority to approve his absence thus dis-applying the provision. However, the approval must be granted before the expiry of the six month period. Councillor B G Owen last attended a meeting on 3 June 2015. The last meeting attended being the Business and Administration Cabinet Advisory Committee. Therefore, Council has to approve the reason for his absence before the 2 December 2015.

1.4 In accordance with Section 85(1) of the Local Government Act 1972, Council Councillor B G Owen has therefore requested that Council approve the reason for his absence and note that he may not attend meetings for the period up to 31 May 2016.

2. Electoral Division Duties

2.1 Councillor B G Owen' Electoral Division duties will be undertaken by his Mynyddbach Electoral Division colleagues.

3. Financial Implications

3.1 None.

4. Legal Implications

4.1 None other than mentioned in the report.

Background papers: None

Appendices: None.

Report of the Head of Democratic Services

Council – 26 November 2015

APPOINTMENT OF COMMUNITY / TOWN COUNCILLOR MEMBER TO THE STANDARDS COMMITTEE

Purpose:	To consider the recommendation of the Standards Committee and to appoint a Community / Town Councillors to the Standards Committee.
Policy Framework:	None.
Reason for Decision:	To comply with the Standards Committee (Wales) Regulations 2001 as amended.
Consultation:	Finance and Legal.
Recommendation(s):	It is recommended that: <ol style="list-style-type: none">1) Community Councillor Philip Crayford (Llangyfelach Community Council) be appointed the Community / Town Council Member of the Standards Committee.2) The term of office shall be no more than 4 years or until the Ordinary Election of the Community Council of which the Community Councillor is a member, whichever is the shorter.3) Councillor P Downing be removed from the membership of the Standards Committee.4) The amended "Article 9 "The Standards Committee" as outlined in Appendix B of the report be adopted.
Report Author:	Huw Evans
Finance Officer:	Carl Billingsley
Legal Officer:	Tracey Meredith
Access to Services Officer:	Phil Couch

1. Introduction

- 1.1 Council at its meeting on 25 June 2015 resolved that the Community / Town Council Standards Sub Committee be merged with the Standards Committee. Subsequently, Community / Town Councillors were invited to apply to sit on the merged Committee.
- 1.2 The Standards Committee were tasked with interviewing candidates however the appointment itself was reserved to Council based on the recommendation of the Standards Committee.

2. Standards Committee

- 2.1 Two applications were received. The Standards Committee interviewed both applicants on 13 November 2015.
- 2.2 The Standards Committee recommended that Community Councillor Philip Crayford (Llangyfelach Community Council) be recommended to Council for appointment as the Community / Town Council Member of the Standards Committee.

3. Term of Office

- 3.1 The term of office shall be no more than 4 years or until the Ordinary Election for the Community Council of which the community Councillor is a member, whichever is the shorter.

4. Merger of the Community / Town Council Standards Sub Committee and Standards Committee

- 4.1 Should Council resolve to accept the recommendation of the Standards Committee, it shall mean that the Community / Town Council Standards Sub Committee shall cease to exist and that its terms of reference will be included in the newly merged Standards Committee as agreed by Council on 25 June 2015. For ease these terms of reference are appended as **Appendix A**.
- 4.2 Such a resolution would also necessitate that a Councillor from the ruling Group would need to be removed from the membership of the Committee. The Labour Political Group have indicated that Councillor P Downing would be the Councillor to be removed from the Committee.

5. Amendments to the Council Constitution - Article 9 “The Standards Committee”

- 5.1 Should Council resolve to accept the recommendation of the Standards Committee, it shall mean that the Community / Town Council Standards Sub Committee shall cease to exist. As such Article 9 “The Standards Committee” will need to be amended so as to remove all reference to the former Community / Town Councils Standards Sub Committee and to make other minor amendments.
- 5.2 The amended “Article 9 “The Standards Committee” is attached as **Appendix B**.

6. Equality and Engagement Implications

- 6.1 An Equality Impact Assessment (EIA) screening process took place prior to the consultation period. The outcomes indicated that it was low priority and a full report was not required.

7. Financial Implications

- 7.1 The payment of a Community / Town Council Member on the Standards Committee is set by the Independent Remuneration Panel for Wales and the payment is within existing budget.

8. Legal Implications

- 8.1 There are no legal implications other than those already mentioned in the report.

Background Papers: None.

Appendices: None.

**Standards Committee - Terms of Reference
Agreed by Council on 25 June 2015**

- 1 To promote and maintain high standards of conduct and probity in respect of Councillors & Co-opted Members of the Authority and Community / Town Councillors within the area of the City and County of Swansea.
- 2 To assist Members of the Authority and Community / Town Councils to observe their Authority's Code of Conduct.
- 3 To advise the Authority and Community / Town Councils on the adoption, monitoring and review of their Code of Conduct.
- 4 To advise and train Members on matters relating to the Code of Conduct.
- 5 To grant dispensations to Members in accordance with the Standards Committees (Grant of dispensations) (Wales) Regulations 2001 and Section 81 (5) of the Local Government Act 2000.
- 6 To consider allegations of breaches of Code of Conduct made against Members.
- 7 To oversee the Authority's protocol on Member and Officer working relationships.
- 8 To oversee and monitor the Authority's Whistle Blowing Policy and general confidential reporting Procedures.
- 9 To provide training to Members on conduct and ethical standards issues and any developments relevant to these areas.
- 10 To specifically consider and deal with less serious allegations of impropriety concerning Members.
- 11 To oversee the register of Members interests required under Section 81(1) of the Local Government Act 2000.
- 12 To consider all appeals relating to the Dealing with Unreasonable or Unacceptable Behaviour by Members of the Public Policy.
- 13 To consider any other matters placed before the Committee by the Monitoring Officer.

Note: Members refers to Councillors and Co-Opted Members of the City and County of Swansea and Community / Town Councillors within the boundaries of the City and County of Swansea.)

9. ARTICLE 9 – THE STANDARDS COMMITTEE

9.1 Standards Committee

The Council will establish a Standards Committee in accordance with the Standards Committees (Wales) Regulations 2001 ('The Regulations').

9.2 Political Balance

Standards Committees do not have to comply with the Political Balance Rules in Section 15 of the Local Government and Housing Act 1989.

9.3 Membership

9.3.1 The Standards Committee will compose of nine (9) Members:

- i) Five (5) 'Independent' Members. Independent Members are not Councillors or Officers or the spouse of a Councillor or an Officer of this Council or any other relevant Authority as defined by the Regulations. They shall be appointed in accordance with the Regulations.
- ii) Three (3) Councillors of the City and County of Swansea appointed by Council.
- iii) One (1) Community / Town Councillor from within the boundaries of the City and County of Swansea appointed by Council.

9.4 Term of Office

9.4.1 Independent Members are appointed for a period of no less than four nor more than six years and may be re-appointed for one further consecutive term not exceeding four years;

9.4.2 Members of the Local Authority who are members of the Standards Committee will have a term of office of no more than four years or ending at the next ordinary local government election following their appointment, whichever is the shorter. They may be re-appointed once.

9.4.3 Community / Town Councillors. The term of office shall be no more than 4 years or until the Ordinary Election for the Community Council of which the Community Councillor is a member, whichever is the shorter. They may be re-appointed once.

9.5 Voting

All nine (9) members of the Standards Committee are entitled to vote.

9.6 Community / Town Council Members

A Community / Town Council member shall not take part in the proceedings of the Standards Committee when any matters relating to their Community / Town Council is being considered.

9.7 Chairing the Committee

- 9.7.1 Only an Independent Member of the Standards Committee may be the Chair.
- 9.7.2 The Members of the Standards Committee will elect the Chair.
- 9.7.3 The Chair can be removed by a resolution of two thirds of the members of the Committee.

9.8 Role and Function

- 9.8.1 The Standards Committee will have the following roles and functions:
 - i) Promoting and maintaining high standards of conduct by Councillors, Community / Town Councillors and Statutory Co-optees;
 - ii) Assisting the Councillors, Community / Town Councillors and Statutory Co-optees to observe the Members' Code of Conduct;
 - iii) Advising the Council on the adoption or revision of the Members' Code of Conduct;
 - iv) Monitoring the operation of the Members' Code of Conduct;
 - v) Advising, training or arranging to train Councillors, Community / Town Councillors and Statutory Co-optees on matters relating to the Members' Code of Conduct;
 - vi) Granting dispensations to Councillors, Community / Town Councillors and Statutory Co-optees from requirements relating to interests set out in the Members' Code of Conduct;
 - vii) Dealing with any reports from the Monitoring Officer on any matter.
- 9.8.2 The Standards Committees will also undertake roles, for ethical audit purposes, including:
 - i) Overview of the Whistleblowing Policy;
 - ii) Overview of Complaints Handling and Public Services Ombudsman for Wales Investigations.
- 9.8.3 The Procedure for investigating complaints is determined by the Standards Committee, and may be amended by the Committee at any time.

Report of the Head of Democratic Services

Council – 26 November 2015

INDEPENDENT REMUNERATION PANEL FOR WALES (IRPW) DRAFT ANNUAL REPORT 2016 - CONSULTATION

Purpose:	To inform Council of the Independent Remuneration Panel for Wales (IRPW) Draft Annual Report 2016 and to outline the determinations made. The comments made at Council will form the formal response to the consultation by the City and County of Swansea.
Policy Framework:	None.
Reason for Decision:	To prepare a formal response to the Independent Remuneration Panel for Wales (IRPW) Draft Annual Report 2016 consultation.
Consultation:	Access to Services, Finance, Legal.
Recommendation(s):	It is recommended that: 1) The views of the Council are sought.
Report Author:	Huw Evans
Finance Officer:	Carl Billingsley
Legal Officer:	Patrick Arran
Access to Services Officer:	Phil Couch

1. Introduction

- 1.1 The Independent Remuneration Panel for Wales (IRPW) is the body tasked with setting the remuneration levels for Councils in Wales. Each year, they publish a Draft Annual Report which is circulated for consultation.
- 1.2 The 2016 Draft Annual Report is currently out for consultation. The consultation period closes on 30 November 2015.
- 1.3 This report sets out the determinations in the Draft Annual Report 2016 and proposes a response to them.
- 1.4 The full IRPW Draft Annual Report 2016 may be viewed at <http://gov.wales/irpwsb/home/publication/2016-17/draft-annual-report-2016-17/?lang=en>

2. Duties Placed on the Democratic Services Committee

- 2.1 An extract of Paragraph 1.17 of the IRPW Draft Annual Report 2016 states:

“The Panel expects that the support provided should take account of the specific needs of individual members. The functions of the Democratic Services Committee include a requirement to review the level of support provided to members to carry out their duties and the Panel would expect these Committees to carry this out and bring forward proposals to full Council as to what is considered to be reasonable...”

- 2.2 Paragraph 1.18 of the IRPW Draft Annual Report 2016 states:

“The Panel notes that members have not always utilised the support that has been provided through the Panel’s remuneration framework, particularly in respect of the care allowance. Some members are reluctant to claim all that they are entitled to claim in support of their work, particularly the care allowance, because of concerns about the adverse publicity this can attract. Democratic Services Committee should take steps to encourage and facilitate eligible members in claiming these allowances.”

- 2.3 In light of the content of Paragraphs 1.17 and 1.18 of the IRPW Draft Annual Report 2015, the Chair of Democratic Services and Head of Democratic Services have agreed to add the issue to the work plan of the Democratic Services Committee.

3. Determinations within the IRPW Draft Annual Report 2016

- 3.1 The IRPW Draft Annual Report 2016 contains 51 Determinations in all. A large number of these determinations don’t directly affect the City and County of Swansea and as such they are omitted from this report.

- 3.2 An “Extract of the Determinations of the IRPW Draft Annual Report 2016 and Comments of the City and County of Swansea” is appended as **Appendix A**. The appendix sets out the determinations together with initial comments which are intended to stimulate debate and ultimately a formal response to the IRPW consultation.

4. Independence of the Independent Remuneration Panel for Wales

- 4.1 The Authority echoes the concerns of the WLGA in that the independence of the IRPW may have been compromised, given they have introduced new proposals following a Ministerial remit letter and that questions were raised about the IRPW's decision-making processes given the proposals are a significant deviation from an established and stable remuneration framework, even though the evidence and methodology has remained unchanged.

5. Equality and Engagement Implications

- 5.1 An Equality Impact Assessment (EIA) screening process took place prior to the consultation period. The outcome indicated that it was low priority and a full report was not required.

6. Financial Implications

- 6.1 There are no specific financial implications associated with this report.

7. Legal Implications

- 7.1 There are no specific legal implications associated with this report.

Background Papers: None.

Appendices:

Appendix A	Extract of the Determinations of the IRPW Draft Annual Report 2016 and Comments of the City and County of Swansea.
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Extract of the Determinations of the IRPW Draft Annual Report 2016 and Comments of the City and County of Swansea

Section 3 - Payments to Elected Members of Principal Councils: Basic, Senior and Civic Salaries

NOTE: For ease this report only outlines the salary figures of Group A Council's to which the City and County of Swansea belongs.

Determination 1	Basic Salary in 2016/17 for elected members of principal councils shall remain at £13,300.
Comments	No change. Agreed
Determination 2	The Panel has determined that senior salary levels in 2016/17 for members of principal councils shall be as set out in Table 2 (of the IRPW Report). The proposed and current levels are outlined below for ease.
Comments	<p>In light of the desire of the Welsh Government to reorganise Local Government, it is prudent to continue with the pay freeze until such time as a final decision is made. As part of the reorganisation process the IRPW should carry out a full review of Councillor Remuneration taking on board its decision in 2009 to align salaries to the median gross earnings in Wales and the Remit letter from the Minister for Public Services dated 25 March 2015 which outlines Welsh Government's desire to reduce the cost of politics to the public purse.</p> <p>As such, the Council oppose any further reduction and propose that the levels remain frozen.</p> <p>The Authority is concerned at the proposal to create two levels of payments to Cabinet Members as it believes that a Leader of a Council would create a balanced Cabinet with collective responsibility. No Cabinet Member is more or less important to the decision making process. Whilst it may appear that some Portfolios are smaller than others, those with smaller budgets will face difficulties as a smaller budget could quite easily mean more drastic outcomes.</p>

	<p>The Authority therefore opposes the suggestion to create two levels of payments for Cabinet Members.</p> <p>The Authority also seeks clarity in relation to the determination relating to the proposed split levels of salary for Committee Chairs. Will the IRPW please provide a definition of ‘exceptional responsibility’?</p> <p>Determination 2 of the IRPW would have the following effect:</p>	
	1)	The Senior Salary of the Deputy Leader would fall by £200 per annum;
	2)	<p>There would be two levels of payments to Cabinet Members. The higher payment would be at £32,000 which is the current level paid to Cabinet Members. The lower payment would be at £28,800 which is £3,200 lower than the current level paid to Cabinet Members.</p> <p>The proposed system is as follows:</p> <p>Up to 5 Cabinet Posts (excluding Leaders) will be paid a salary of £32,000.</p> <p>Deputy Leaders (where appointed) will be one of the 5 posts and the salary will be increased by 15%. NOTE: This would take the Deputy Leader’s salary up to £36,800 which is £200 less than the current level of payment.</p> <p>Any other Cabinet Members (up to the statutory maximum) will be paid a salary of £28,800 which is £3,200 less than the current level paid to Cabinet Members.</p> <p>It would be a matter for individual authorities to decide the implementation of the determinations within their specific structures.</p>

	3)	<p>The Senior Salary of the Committee Chairs (if remunerated) will be split into 2 levels. Level 1 would be at £22,000, which is the current level payable. Level 2 would be at £20,000 which is £2,000 less than the current level payable to Committee Chairs.</p> <p>The IRPW states that “<i>although it will be a matter for individual authorities to decide which of the Chairs (if remunerated) are level 1 or level 2, the Panel expects that the payment of a level 1 salary would be to recognise exceptional responsibility</i>”.</p>
	4)	The Senior Salary of the Leader of the Largest Deputy Leader would fall by £2,000 per annum;

Senior Salaries (inclusive of basic salary) - Group A Councils	Proposed		Current
Band 1 Leader Deputy Leader	£53,000		£53,000
Deputy Leader	£36,800		£37,000
Band 2 Executive Members (up to a maximum of 4 or 5 if no Deputy Leader) Other Executive Members (to statutory maximum)	£32,000		£32,000 (One Level for all)
Other Executive Members (to statutory maximum)	£28,800		
Band 3 Committee Chairs (if remunerated)	Level 1	£22,000	£22,000 (One Level for all)
	Level 2	£20,000	
Band 4 Leader of the Largest Opposition Group	£20,000		£22,000
Band 5 Leader of Other Political Groups	£17,000		£17,000

Determination 3	The Panel has determined that (where paid) Civic Salaries at the following levels are payable (Table 3 of the IRPW Report) and will be applied by principal Councils as each considers appropriate, taking account of the anticipated workloads and responsibilities.
Comments	No change. Agreed
Determination 4	The Panel has determined that, where appointed and if remunerated, a Presiding Member must be paid a Band 3 Level 1 Senior Salary. This post will count towards the cap.
Comments	The Presiding Member in Swansea is not remunerated. Agreed
Determination 5	The Panel has determined that the post of deputy presiding member will not be remunerated.
Comments	No change. Agreed
Determination 6	The Panel has determined that each authority, through its Democratic Services Committee, must ensure that all its members are given as much support as is necessary to enable them to fulfil their duties effectively. All elected members should be provided with adequate telephone and email facilities and electronic access to appropriate information.
Comments	No Change. Agreed
Determination 7	The Panel has determined that such support should be without cost to the individual member. Deductions must not be made from members' salaries by the respective authority as a contribution towards the cost of support which the authority has decided necessary for the effectiveness and/or efficiency of members.
Comments	No Change. Agreed
Determination 8	All authorities must provide for the reimbursement of necessary costs for the care of dependent children and adults (provided by informal or formal carers) up to a maximum of £403 per month. Reimbursement shall only be made on production of receipts from the carer
Comments	No Change. Agreed

Determination 9	An elected member is entitled to retain a basic salary when taking family absence under the regulations irrespective of the attendance record immediately preceding the commencement of the family absence.
Comments	No Change. Agreed
Determination 10	When a senior salary holder is eligible for family absence, he/she will continue to receive the salary for the duration of the absence.
Comments	No Change. Agreed
Determination 11	It is a matter for the authority to decide whether or not to make a substitute appointment. The elected member substituting for a senior salary holder taking family absence will be eligible to be paid a senior salary, if the authority so decides.
Comments	No change. Agreed
Determination 12	If the paid substitution results in the authority exceeding the maximum number of senior salaries which relates to it, as set out in the Panel's Annual Report, an addition to the maximum will be allowed for the duration of the substitution. However, this will not apply to the Isle of Anglesey or Merthyr Tydfil Councils if it would result in the number of senior salaries exceeding fifty percent of the Council membership. Specific approval of Welsh Ministers is required in such circumstances.
Comments	No Change. Agreed
Determination 13	When an authority agrees a paid substitution for family absence, the Panel must be informed, within 14 days of the date of the decision, of the details including the particular post and the duration of the substitution.
Comments	No Change. Agreed

Determination 14	The Council's schedule of remuneration must be amended to reflect the implication of the family absence.
Comments	No Change. Agreed

Section 4 - Joint Overview and Scrutiny Committees (JOSC)

Determination 15	The chair of a Joint Overview and Scrutiny Committee is eligible for a salary equivalent to that part of a Band 3 Level 2 senior salary that remunerates a committee chair of a principal authority (£8,700).
Comments	<p>The current level of payment is £8,700. The proposal therefore is for the salary to drop by £2,000. There are no Councillors affected by this within the City and County of Swansea.</p> <p>In light of the desire of the Welsh Government to reorganise Local Government, it is prudent to continue with the pay freeze until such time as a final decision is made. As part of the reorganisation process the IRPW should carry out a full review of Councillor Remuneration taking on board its decision in 2009 to align salaries to the median gross earnings in Wales and the Remit letter from the Minister for Public Services dated 25 March 2015 which outlines Welsh Government's desire to reduce the cost of politics to the public purse.</p> <p>As such, the Council oppose any further reduction and propose that the levels remain frozen.</p>

Determination 16	In cases where the chair is already in receipt of a senior salary for a Band 3, 4 or 5 role the payment will be £3,350.
Comments	<p>The current level of payment is £4,350. The proposal therefore is for the salary to drop by £1,000. There are no Councillors affected by this within the City and County of Swansea.</p> <p>In light of the desire of the Welsh Government to reorganise Local Government, it is prudent to continue with the pay freeze until such time as a final decision is made. As part of the reorganisation process the IRPW should carry out a full review of Councillor Remuneration taking on board its decision in 2009 to align salaries to the median gross earnings in Wales and the Remit letter from the Minister for Public Services dated 25</p>

	<p>March 2015 which outlines Welsh Government's desire to reduce the cost of politics to the public purse.</p> <p>As such, the Council oppose any further reduction and propose that the levels remain frozen.</p>
Determination 17	The chair of a sub committee of a JOSC is eligible for a salary of £1,675.
Comments	<p>The current level of payment is £2,175. The proposal therefore is for the salary to drop by £500. There are no Councillors affected by this within the City and County of Swansea.</p> <p>In light of the desire of the Welsh Government to reorganise Local Government, it is prudent to continue with the pay freeze until such time as a final decision is made. As part of the reorganisation process the IRPW should carry out a full review of Councillor Remuneration taking on board its decision in 2009 to align salaries to the median gross earnings in Wales and the Remit letter from the Minister for Public Services dated 25 March 2015 which outlines Welsh Government's desire to reduce the cost of politics to the public purse.</p> <p>As such, the Council oppose any further reduction and propose that the levels remain frozen.</p>
Determination 18	In cases where the chair of the sub committee is already in receipt of a senior salary for a Band 3, 4 or 5 role the payment will be £837.
Comments	<p>The current level of payment is £1,090. The proposal therefore is for the salary to drop by £253. There are no Councillors affected by this within the City and County of Swansea.</p> <p>In light of the desire of the Welsh Government to reorganise Local Government, it is prudent to continue with the pay freeze until such time as a final decision is made. As part of the reorganisation process the IRPW should carry out a full review of Councillor Remuneration taking on board its decision in 2009 to align salaries to the median gross earnings in Wales and the Remit letter from the Minister for Public Services dated 25 March 2015 which outlines Welsh Government's desire to reduce the cost of politics to the public purse.</p>

	As such, the Council oppose any further reduction and propose that the levels remain frozen.
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Determination 19	Payments to chairs of task and finish sub committees are to be pro-rated to the duration of the task.
Comments	No Change. Agreed

Determination 20	Payments made to a chair of a JOSC, or a chair of a sub committee of a JOSC, are additional to the maximum proportion of the authority's membership eligible for a senior salary. It should be noted that the statutory limit of no more than 50% of a council's membership receiving a senior salary applies (Section 142 (5) of the Measure).
Comments	No change. Agreed

Determination 21	A deputy chair of a JOSC or sub committee is not eligible for payment.
Comments	No Change. Agreed

Determination 22	Co-optees to a JOSC or to a sub committee are not eligible for a co-opted member fee unless they are appointed by an authority under Section 144(5) of the Measure.
Comments	No Change. Agreed

Section 5 - Pension provision for Elected Members of Principal Councils

Determination 23	The entitlement to join the Local Government Pension Scheme (LGPS) shall apply to all eligible elected members of principal councils.
Comments	No Change. Agreed

Section 6 - Payments to Members of National Park Authorities, Section 7 - Payments to Members of Welsh Fire and Rescue Authorities and Section 8 - Payments to Co-opted Members of Principal Councils, National Park Authorities and Fire and Rescue Authorities

Determinations 24 - 43 relate to the above specific bodies. The Authority therefore has no comments on those determinations.

Section 9 - Specific or Additional Senior Salaries

Determination 44	The Panel has determined to include a provision for specific or additional senior salaries that do not fall within the current Remuneration Framework..
Comments	Agreed

Section 10 - Payments to Members of Community and Town Councils

Determinations 45 - 51 relate to the above specific body. The Authority therefore has no comments on those determinations.

Council – 26 November 2015

COUNCILLORS' QUESTIONS

PART A – SUPPLEMENTARIES

1.	<p>Councillor F M Gordon</p> <p>Can the Cabinet Member inform Council whether the Purple weekend was a success in Swansea, and have Swansea been re-awarded the Purple Flag this year.</p> <p>Response of Cabinet Member for Wellbeing & Healthy City</p> <p>The Purple Flag weekend was taken as an opportunity to highlight the diversity and quality of the Night Time opportunities for leisure and entertainment in the city, which along with good management and customer care, was a key factor in the city's success in achieving the award of the Purple Flag.</p> <p>There were a number of eye catching initiatives put in place which attracted much positive comment and media coverage, as well as increased business and footfall.</p> <p>The Purple Flag weekend also provided a perfect link to the outstanding programme of music, arts and cultural offering provided through the Swansea Festival.</p> <p>Due to the success of the initiative this year, it is hoped to further develop it as part of Swansea's successful Night Time Economy in 2016.</p> <p>Swansea has applied for renewal of its award of the Purple Flag, and results will be known in January 2016.</p>
2.	<p>Cllrs P M Black, C A Holley & M H Jones</p> <p>Will the Cabinet Member tell us what assessments of the travel needs of learners has taken place in Swansea and how children and young people were consulted as part of these assessments.</p> <p>Response of the Cabinet Member for Education</p> <p>The Learner Travel (Wales) Measure sets out the legal framework related to travel and transport provisions for learners travelling from home to school in Wales. The Measure places a legal duty on local authorities to assess the travel needs of learners in their area and to provide free home to school transport for learners of compulsory school age who are attending their nearest suitable school and who meet the specified distance criteria.</p> <p>The current school population in Swansea is 35,500 pupils and of these, free home-to-school transport is provided for just under 5,000 pupils.</p> <p>The Council's Transport Team is advised annually in the spring term of the intake of new pupils to schools for the following September. Checks are then carried out to establish if pupils live further than the statutory walking distances from their designated school. This assessment takes into account those routes which have been classed as 'unavailable' as a walking route for school transport purposes using the revised guidelines published by the Welsh Government in June 2014. Those pupils that live more than the statutory distances from school or where there is no available walking route qualify for free home to school transport and this is arranged for them for the start of the</p>

	<p>autumn term.</p> <p>In addition to assessing the needs of the new intake of pupils each year, the School Transport Team receive updated information from each of the schools on those pupils currently receiving free school transport. These updates highlight pupils who have moved house, or left the school and the School Transport Team reassess their needs and amend the transport provision to reflect these changes.</p> <p>Pupils with special educational needs or medical conditions have their transport needs assessed by the SEN Panel as part of the statementing process. The school Transport Team then arrange transport appropriate to the children's needs as agreed by the Panel. There is an annual review of transport provision for SEN pupils to reflect their changing needs in conjunction with parents, the school and social workers.</p> <p>The travel needs of pupils are reviewed whenever they change address, change school or there is a change in their particular needs.</p> <p>Walking routes are reassessed wherever concerns are raised by pupils, parents or schools and also in cases when for example there is a change to the road layout, footways are constructed or closed or there is a new housing development.</p> <p>In the last year, the Council has developed a working partnership with South Wales Police in undertaking assessments of the social dangers of walked routes to schools and makes available forms for parents and pupils to give their views on the safety of walked routes.</p>
3.	<p>Cllrs P M Black, C A Holley & P M Meara</p> <p>Will the Cabinet Member outline the Council's plans to improve access to Swansea West Business Park.</p> <p>Response of the Cabinet Member for Enterprise, Development & Regeneration</p> <p>The provision of a new highway from the A484 Llanelli Link Road to serve the Business Park was agreed in the Local Development Plan (LDP) Preferred Strategy (2014). It will form an integral part of a strategic housing site release to the west of Fforestfach which was recently agreed by Council (Sept 2015). The road would be required to be built by, and at full cost to, the site developers (a national housebuilder), who have obtained development options for the various landholdings over which the road would cross. The road will form part of the masterplan for the site, which is to be prepared and consulted upon alongside the emerging LDP, and the delivery of the road will be ensured by legal agreement as part of a future planning application.</p>
4.	<p>Cllrs M H Jones, A M Day & J W Jones</p> <p>Will the Leader/Cabinet Member tell Council if we are currently employing any Agency or Locum workers, if so how many and in which departments.</p> <p>Response of the Cabinet Member for Transformation & Performance</p> <p>See Appendix 1 for a breakdown of Agency Workers as the end of September 2015.</p>

5.	<p>Cllrs C A Holley, L G Thomas & M H Jones Will the Leader tell Council how many Councillors have travelled abroad since 2012 in relation to Council business and how has this been funded.</p> <p>Response of the Leader Since 2012, Twelve Councillors have travelled abroad to carry out Council business. Prior to each visit a business case was provided and deemed appropriate prior to any travel being undertaken. Some of the costs associated with the travel were met by Third Parties. No unnecessary travel was undertaken by Councillors and wherever possible costs were met by other parties.</p> <p>Five of the visits have been Civic Engagements carried out by the Lord Mayor and the remaining seven visits by Cabinet Members. The funding of the travel is outlined in Appendix 2.</p>
6.	<p>Cllrs M H Jones, P M Meara & R J Stanton The Blue Plaque scheme has been very successful can the Cabinet Member confirm if the Council is still funding this scheme</p> <p>Response of the Cabinet Member for Enterprise, Development & Regeneration The present blue plaque scheme was commenced in 2013 and has run annually ever since. To date 12 blue plaques have been unveiled in locations ranging from the city centre to a small village near Rhossilli. Interest in the scheme has grown steadily and has generated a significant level of positive publicity. The last plaque was dedicated to the physicist Edward “Taffy” Bowen which drew 35+ people to a little lane in Cockett.</p> <p>Other plaques have been awarded to: Pete Ham (musician), Griffith John (Missionary), Emily Phipps (suffragette), Ann Julia Hatton (authoress), Cwmdonkin Park (connection to Dylan Thomas), Vernon Watkins (poet), Edgar Evans (Polar Explorer), William Robert Grove (Scientist and Judge), Kingsley Amis (novelist), Lewis Weston Dillwyn (owner of Sketty Hall), St. Helens Rugby Ground and E. G. Bowen (scientist).</p> <p>The scheme generates real interest in Swansea and those former citizens who have achieved success in their chosen field of activity, for minimal expenditure. The Blue Plaque Advisory Group met in late October to decide the subjects for plaques in 2016.</p> <p>It can be confirmed that we will continue with the blue plaques scheme next year but it is of course subject to budget availability.</p>
7.	<p>Cllrs C A Holley, J Newbury & P M Black Since 2012 how many V.R. posts have been made and in what departments and what has been the cost to the pension fund.</p> <p>Response of the Cabinet Member for Transformation & Performance See Appendix 3 attached for a breakdown of ERVR applications which have been approved since 2012. There is no cost whatsoever to the Pension Fund</p>

	<p>as any Pension strain prior to normal retirement age is met by the Council.</p>
<p>8.</p>	<p>Cllrs J W Jones, M H Jones & P M Meara There are concerns being expressed about Sustainable Swansea and the implications that this will lead to between 2000 to 3000 staff being made redundant. Can the Leader confirm this is the case.</p> <p>Response of the Leader To suggest that Sustainable Swansea will lead to between 2,000 and 3,000 staff being made redundant is fundamentally flawed.</p> <p>Jobs are at risk in Swansea, and in every Local Authority across Wales as a direct result of the austerity agenda being pursued by the Westminster Government in refusing to adequately fund Public Services and by passporting additional costs to Local Government in pursuit of National Policies.</p> <p>All this at a time when overall National Debt continues to rise and, indeed, has risen by some 50% since the coalition first came to power, followed of course more latterly by a Conservative Government.</p> <p>Sustainable Swansea is the overarching policy that the Council has adopted to deal with austerity, and has at its core a number of workstreams designed to deliver a balanced budget despite its effects. These include:-</p> <ul style="list-style-type: none"> - New Models of delivery - Prevention - Efficiency - Stopping Services <p>Each of those workstreams has a number of delivery strands, such as re-commissioning of services, commercialisation and early intervention.</p> <p>Avoiding job losses wherever possible is at the Heart of the Sustainable Swansea Policy and all Members of the Council would be better placed in engaging and supporting the Policy rather than questioning its purpose and potential outcomes.</p> <p>The Council has an active and ongoing policy to reduce its workforce through Early Retirement/Voluntary Redundancy, Flexible Retirement, Flexible working and voluntary reduction of hours. Where redundancies are made the Council will seek to redeploy and retrain staff for alternative roles where appropriate.</p> <p>However, where savings requirements are such as to require redundancies, Members can be assured that proposals will be consulted upon with Trades Unions and affected staff in the normal way.</p> <p>At a time when the Council is actively seeking to avoid compulsory job losses wherever possible it is simply not possible to quantify the number of jobs at risk which is dependent solely on the actions of the Westminster Government as to the degree and timescale over which it continues to pursue a fundamentally</p>

flawed policy.

However, such is the scale of the savings requirement faced by the Council over the period of the Medium Term Financial Plan then it is inevitable that due to the relentless ideological pursuit of the austerity agenda by the conservative government in London I, which recently announced a further 30% reduction to local government funding, future job losses are inevitable. The scale is uncertain but is likely to be substantial if austerity continues for another 5 years. However this council is doing all it can to limit the impact of austerity on the services and the workforce.

PART B - None

**Council – 26 November 2015
COUNCILLORS' QUESTIONS**

APPENDIX 1

AGENCY WORKERS

Service Unit	Total Number of Employees Headcount	Total Number of Agency Workers	Percentage
Commercial Services	20	0	0
Communications and Customer Engagement	105	0	0
Finance and Delivery	306	1	0
Human Resources and Organisational Development	124	0	0
Information and Business Change	104	1	1
Legal and Democratic Services and Procurement	90	0	0
Poverty and Prevention	328	0	0
Cultural Services	447	15	3
Economic Regeneration and Planning	136	1	1
Housing and Public Protection	533	0	0
Education Improvement	121	0	0
Education Inclusion	280	0	0
Education Planning and Resources	933	0	0
Corporate Building and Property Services	687	18	3
Highways and Transportation	484	10	2
Waste Management	328	160	49
Adult Services	1227	44	4
Child and Family	419	0	0
Directorate Reports	94	0	0
Western Bay	10	0	0
TOTAL	6776	250	3.7

Date	Days	Traveller Names	Location	Reason for Visit & Benefit to Authority	Cost Breakdown		Total Cost	Financed By
15-18 Nov 2012	4	LM - Cllr R J Stanton DLM - J Twining Civic Officer - S Dennis	Frankfurt, Germany	Civic Engagement. Visit to ABB Training Centre and Twinned City.	Flights Car Park	£403.98 £90	£493.98	CCS
5-8 Sept 2013	4	LM - Cllr R J Stanton DLM - J Twining Civic Officer - S Dennis	Berlin, Germany	Civic Engagement. Lord Mayor visit to ABB HQ, Berlin due to having visited Mannheim in 2012.	Flights Car Park	£459.90 £52.90	£512.80	CCS
15-17 Oct 2013	2	LM - Cllr C Thomas Consort - D Thomas Officer - D J Cutler	Cork, Ireland	Civic Engagement. Celebrate Michael Collins Day.	Flights	£455.94	£455.94	CCS
1-4 Oct 2014	4	CM for Enterprise, Development & Regeneration - Cllr R Francis-Davies	Naples, Italy	CCS won the Enterprising Britain Awards. As a winning Project CCS was invited to the European Finals. Project was a partnership between CCS, Swansea Schools, Gower College Swansea, the two Universities and Local Businesses.	Hotel Cardiff on 30-09-15 Subsistence Taxi Fares	£75.00 £22.01 £77.17	£174.18	Gower College Swansea. All other costs by the Conference Host.
21-25 Oct 2014	4	CM for Wellbeing & Healthy City - Cllr M C Child	Athens, Greece	WHO International Healthy Cities Conference. Requirement of Membership.	Flights Car Park Hotel	£170.83 £44.00 £422.49	£637.32	CCS
20-23 Nov 2014	4	LM - Cllr C Thomas	Mannheim, Germany	Civic Engagement. ABB provided opportunity for ABB to see training received by apprentices in Swansea and to discuss ongoing twinning arrangements with Oberburgemeister's Office.	Flights	£304.44	£304.44	CCS
10-11 Feb 2015	2	CM for Wellbeing & Healthy City - Cllr M C Child	Dublin, Ireland	Purple Flag Round 11 Awards Ceremony. CCS awarded the nationally recognised standard of excellence in management of city centre at night.	Flights Car Park Hotel	£49.96 £23.49 £57.70	£131.15	CCS
14-15 Sep 2015	1	CM for Enterprise, Development & Regeneration - Cllr R Francis-Davies CM for Education - Cllr J A Raynor	Brussels, Belgium	Invite to "Jack to a King" Screening. Discuss urban agenda items. To find out about the work of the WLGA EU Office.	Trains Hotel	£439.60 £213.45	£653.05	WLGA European Office.

Date	Days	Traveller Names	Location	Reason for Visit & Benefit to Authority	Cost Breakdown		Total Cost	Financed By
24-27 Sep 2015	3	LM - Cllr J Newbury	Mannheim, Germany	Civic Engagement. Invitation to visit our twin City of Mannheim and to maintain twinning links.	Flights	£190.64	£190.64	CCS. Hotel paid for by Hosts.
26 Sept-1 Oct 2015	5	CM for Transformation and Performance - Cllr C E Lloyd	Mexico City, Mexico	UNESCO 2nd International Conference of Learning Cities.	Flights	N/A	N/A	Flights and Hotel sponsored by Chris Foxall. All other costs paid for personally by Cllr Clive Lloyd at no cost to the Authority.
				Received award on behalf of CCS and participated in launch of a new publication showcasing Swansea as a City of Learning.	Hotel	N/A	N/A	
15-17 Oct 2015	2	CM for Enterprise, Development & Regeneration - Cllr R Francis-Davies	Gothenburg, Sweden	Annual Conference of Culture Action Europe. To contribute to social and economic regeneration at a Local, National and European Level.	Flights	£56.80	£92.60	CCS
					Car Park	£35.80		

**Council – 26 November 2015
COUNCILLORS' QUESTIONS**

APPENDIX 3

ERVR APPLICATIONS APPROVED

PLACE					PEOPLE					CORPORATE SERVICES				
	2012/2013	2013/2014	2014/2015	2015/2016		2012/2013	2013/2014	2014/2015	2015/2016		2012/2013	2013/2014	2014/2015	2015/2016
Culture, Tourism, Sport & Leisure	2	11	9	9	Social Services	14	15	55	10	Communications & Consultations	0	0	2	1
Corporate Building and Property Services	2	5	23	1	Education	7	7	20	17	HR & OD	3	4	3	1
Highways & Transportation	5	5	9	2	Poverty & Prevention	0	0	7	4	Financial Services	5	6	12	4
Waste Management	3	3	1	13						Information & Business Change	3	4	2	2
Economic Regeneration & Planning	2	2	2	4						Legal, Democratic Services & Procurement	2	6	7	0
Housing & Public Protection	4	4	16	2										
TOTAL	18	30	60	31	TOTAL	21	22	82	31	TOTAL	13	20	26	8

OVERALL TOTAL				
	2012/2013	2013/2014	2014/2015	2015/2016
Place	18	30	60	31
People	21	22	82	31
Corporate Services	13	20	26	8
Overall Total	52	72	168	70