



## City and County of Swansea

### Notice of Meeting

You are invited to attend a Meeting of the

## Cabinet

**At:** Council Chamber, Guildhall, Swansea

**On:** Thursday, 17 May 2018

**Time:** 2.00 pm

**Chair:** Councillor Rob Stewart

**Membership:**

Councillors: M C Child, W Evans, R Francis-Davies, D H Hopkins, A S Lewis, C E Lloyd, J A Raynor, M Sherwood and M Thomas

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The use of Welsh is welcomed. If you wish to use Welsh please inform us by noon on the working day before the meeting.

### Agenda

### Page No.

1. **Apologies for Absence.**
2. **Disclosures of Personal and Prejudicial Interests.**  
[www.swansea.gov.uk/disclosuresofinterests](http://www.swansea.gov.uk/disclosuresofinterests)
3. **Minutes.** 1 - 4  
To approve & sign the Minutes of the previous meeting(s) as a correct record.
4. **Leader of the Council's Report(s).**  
The Leader of Council made no announcements.
5. **Public Question Time.**  
Questions must relate to matters on the open part of the Agenda of the meeting and will be dealt with in a 10 minute period.
6. **Councillors' Question Time.**
7. **Report of the Safeguarding PD&DC - Joining Up Services Around Children.** 5 - 11
8. **Review of the Statement of Policy for Licensing.** 12 - 68
9. **Review of the Policy on the Licensing of Sex Establishments.** 69 - 93

- |   |                  |
|---|------------------|
| <b>10. Local Authority Governor Appointments.</b>                                 | <b>94 - 95</b>   |
| <b>11. Increased Planned Places at Penybryn Special School.</b>                   | <b>96 - 103</b>  |
| <b>12. Welsh Government Targeted Regeneration Investment Programme 2018-2021.</b> | <b>104 - 154</b> |

**Next Meeting:** Thursday, 21 June 2018 at 10.00 am



**Huw Evans**  
**Head of Democratic Services**  
**Tuesday, 8 May 2018**

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



City and County of Swansea

## Minutes of the **Cabinet**

Council Chamber, Guildhall, Swansea

Thursday, 19 April 2018 at 2.00 pm

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

**Councillor(s)**

M C Child  
D H Hopkins  
J A Raynor

**Councillor(s)**

W Evans  
A S Lewis  
M Sherwood

**Councillor(s)**

R Francis-Davies  
C E Lloyd  
M Thomas

**Apologies for Absence**

Councillor(s): None.

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

In accordance with the Code of Conduct adopted by the City and County of Swansea, the following interest(s) were declared:

- 1) Councillor M C Child declared a Personal and Prejudicial Interest in Minutes 172 "Pre Decision Scrutiny Feedback on Outcome of Residential Care and Day Services for Older People Commissioning Reviews" and 173 "Outcome of Residential Care and Day Services for Older People Commissioning Reviews" but remained, spoke and voted due to his dispensation from the Standards Committee;
- 2) Councillors M C Child, W Evans, R Francis-Davies, D H Hopkins, A S Lewis, C E Lloyd and M Thomas declared a Personal Interest in Minute 178 "Local Authority Governor Appointments";
- 3) Councillor J A Raynor and M Sherwood declared a Personal and Prejudicial Interest in Minute 178 "Local Authority Governor Appointments" and withdrew from the meeting prior to its consideration.

### 168. Minutes.

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

- 1) Cabinet held on 15 March 2018;
- 2) Special Cabinet held on 22 March 2018.

**169. Leader of the Council's Report(s).**

The Leader of the Council stated that a trial of the Authority's eVoting system would be taking place; however it would not form the formal vote. The traditional normal show of hands voting procedure would be used to record the formal vote.

**170. Public Question Time.**

No questions were asked.

**171. Councillors' Question Time.**

Councillor A M Day asked a number of questions in relation to Minutes 172 "Pre Decision Scrutiny Feedback on Outcome of Residential Care and Day Services for Older People Commissioning Reviews" and 173 "Outcome of Residential Care and Day Services for Older People Commissioning Reviews".

The Health and Wellbeing Cabinet Member responded.

**172. Pre Decision Scrutiny Feedback on Outcome of Residential Care and Day Services for Older People Commissioning Reviews.**

Councillor P M Black presented the pre decision scrutiny feedback from the Adult Services Scrutiny Performance Panel.

**173. Outcome of Residential Care and Day Services for Older People Commissioning Reviews.**

The Cabinet Member for Health and Wellbeing presented a report, which outlined the preferred options for the Residential Care and Day Services for Older People Commissioning Reviews, with a view to proceeding to public and staff consultation on the preferred options.

**Resolved that:**

- 1) Complex care and residential reablement be commissioned through the Authority's internal residential service and concentrate residential respite within the internal service, unless service users chose to access respite or complex care in the independent sector;
- 2) The Authority proceed to a 12 week public and staff consultation on the proposal to maintain a mixed delivery model of internal and external services and apply a greater degree of specialism on internal beds;
- 3) The Authority proceed to a 12 week public and staff consultation on the proposal to transform the day service so it focusses on higher dependency, and complex / dementia care.

**174. Adult Services Review of Commissioning Strategies for Adults with a Learning Disability, Physical Disability and Sensory Impairment and Mental Health.**

The Cabinet Member for Health and Wellbeing presented a report, which provided an overview of progress to date with the Adult Services Commissioning Reviews in relation to accommodation and housing related provision and day services for adults with a learning disability and sensory impairment, and mental health, with a view to seeking agreement of those strategies.

**Resolved** that the following Strategies be approved:

- 1) Mental Health Commissioning Strategy;
- 2) Adult Learning Disability Services Commissioning Strategy;
- 3) Physical Disability and Sensory Impairment Commissioning Strategy.

**175. FPR 7 - Disabled Facilities & Improvement Grant Programme 2018/19.**

The Cabinet Member for Housing, Energy and Building Services presented a report, which provided details of the Disabled Facilities & Improvement Grant Programme and also sought approval to include schemes in the 2018-2019 Capital Programme. The report complies with Financial Procedure Rule 7 "Capital Programming and Appraisals" - To commit and authorise schemes as per the Capital Programme.

**Resolved** that:

- 1) The Disabled Facilities and Improvement Grant Programme as detailed, including its financial implications be approved and included in the 2018-2019 Capital Budget.

**176. Western Bay Pooled Fund for Care Homes Options Paper.**

The Cabinet Member for Health and Wellbeing submitted a report which, highlighted the legal duty to achieve pooled fund arrangements for care homes and make recommendations for implementation.

**Resolved** that:

- 1) Option 1 as outlined in the report be implemented.

**177. FPR 7 - Mumbles Coastal Protection - Flood and Coastal Erosion Risk Management Grant 2018/19.**

The Cabinet Member for Environment Services presented a report, which confirmed the Flood and Coastal Risk Management (Capital) grant from Welsh Government and included the expenditure in the Capital Programme for 2018-2019.

**Resolved** that:

- 1) The Flood and Coastal Risk Management (Capital) grant of £682,500 be confirmed and 25% match funding for the scheme be included in the Capital Programme for years 2018 to 2020. The total cost for the initial phase of the scheme is £910,000.

## 178. Local Authority Governor Appointments.

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

### Resolved that:

- 1) The following nominations recommended by the Chief Education Officer in conjunction with the Cabinet Member for Children, Education and Lifelong Learning be approved as recommended by the Chief Education Officer in conjunction with the Cabinet Member for Children, Education and Lifelong Learning:

|     |   |                                  |
|-----|---|----------------------------------|
| 1)  | Bishopston Primary School                       | Cllr Lyndon Jones                |
| 2)  | Brynmill Primary School                         | Diane Ford<br>Cllr Mary Sherwood |
| 3)  | Cadle Primary School                            | Cllr Elliott King                |
| 4)  | Cila Primary School                             | Yvonne Brenton                   |
| 5)  | Dunvant Primary School                          | David Maclaughland               |
| 6)  | Gendros Primary School                          | Ann Cook                         |
| 7)  | Glais Primary School                            | Stuart Page                      |
| 8)  | Glyncollen Primary School                       | Michael Hedges                   |
| 9)  | Gors Primary School                             | John Morrissey                   |
| 10) | Gwyrosydd Primary School                        | Cllr Samuel Pritchard            |
| 11) | Llanrhidian Primary School                      | Christopher Abbott               |
| 12) | Oystermouth Primary School                      | Cllr Myles Langstone             |
| 13) | Penllergaer Primary School                      | Faith McCready                   |
| 14) | Talycopa Primary School                         | Edwyn Davies                     |
| 15) | Tre Uchaf Primary School                        | Alan Hodges                      |
| 16) | Bishop Vaughan Catholic<br>Comprehensive School | Joe Blackburn                    |
| 17) | Cefn Hengoed Comprehensive School               | Finola Wilson                    |
| 18) | Gowerton Comprehensive School                   | Christine Hughes                 |
| 19) | Penyrheol Comprehensive School                  | Cllr Andrew Stevens              |

The meeting ended at 2.49 pm

**Chair**

**Published: 23 April 2018**



## Report of the Chair of the Safeguarding Policy Development and Delivery Committee

Cabinet – 17 May 2018

### Joining Up Services Around Children

|                                    |  |
|------------------------------------|--|
| <b>Purpose:</b>                    | To report back to Cabinet on progress of the Committee in relation to the Council commitment to continue to develop services that join up around the child |
| <b>Policy Framework:</b>           | Corporate Plan; Council UNCRC scheme, Corporate Parenting Strategy   |
| <b>Consultation:</b>               | Access to Services, Finance, Legal   |
| <b>Recommendation(s):</b>          | It is recommended that:<br><br>1) Cabinet note the feedback from the Committee   |
| <b>Report Author:</b>              | Chris Sivers   |
| <b>Finance Officer:</b>            | Paul Cridland  |
| <b>Legal Officer:</b>              | Tracey Meredith  |
| <b>Access to Services Officer:</b> | Catherine Window   |

#### 1. Introduction

- 1.1 The Safeguarding Policy Development and Delivery Committee (PDDC) when first established agreed a workplan for 2017/18. The workplan had a focus on some key areas agreed as policy commitments at the Council meeting on 27 July 2017. Amongst these was one relating to joining up services around children:

*We will ensure that children and young people are engaged and consulted on council policy and decision making to ensure their voices and opinions are heard. We will promote the United National Convention on the Rights of the Child in order to give children a voice.*

1.2 Since that time, the PDDC has explored a number of areas and services that support this ambition and are considering ways of further developing the policy agenda.

## **2. The Work of the Committee in 2017/18**

2.1 The Committee invited speakers and held discussions on a series of items, in order to further develop their understanding of what work is already being delivered and where potential gaps and challenges might be.

2.2 At meetings during 2017/18, the Committee has discussed:

- Corporate Parenting Board
- Family Support Continuum and Commissioning Review
- CYP Strategic Partnership Board
- Big Conversation and Super Survey
- United Nations Convention on the Rights of the Child / Rights Respecting Schools Award
- How schools work with and prioritise children who are being looked after.

Minutes and papers from previous meetings are available on the relevant pages on the Council's website.

2.3 In their discussions, Committee members talked about what a strong joined up system around the child might look like. These were the areas they commented on:

- We focus our efforts on outcomes for the child
- We agree with other organisations an overall strategy and actions for children and young people
- We have embedded children's rights in our moral purpose and service delivery
- We provide information for families that is easy to access with a single point of contact
- We are ambitious in terms of outcomes for children and support their achievement
- Support for children and families is seamless, whoever provides that support
- For children who are potentially unable to achieve their potential, we provide proportionate support at the right time
- We understand the needs of children and families and particularly those who have additional needs
- We ensure that children and young people are involved in our developing services and we act on their views and opinions – we have an open and honest conversation with children and young people if we cannot do it
- We prioritise safeguarding and work to keep children safe



- We have a consistent and cross-cutting performance framework across a range of services.
- 2.4 For the Council, the primary way we have developed activity to do this is through the Children and Young People's Partnership Strategy for our work with other public and voluntary sector agencies and the development of our continuum of support through the Family Support Commissioning Review and implementation arrangements.

### **3. UNCRC and Engaging Young People**

3.1 An annual progress report on the progress of the implementation of the Children's Rights Scheme in relation to embedding the UNCRC is produced annually and has been discussed at Scrutiny Committee, Cabinet and full Council through November and December 2017, as per the Council's Children's Rights scheme.

3.2 The report outlines progress in relation to the objectives in the Children's Rights Scheme which are:

- Making such arrangements as is considered suitable to promote and facilitate participation by children in decisions of the authority which might affect them, as required in the Children and Families (Wales) Measure 2010.
- Developing knowledge and understanding of the UNCRC through training for all staff and decision makers within the City and County of Swansea, including other statutory and key voluntary partners.
- Promotion and awareness raising of the UNCRC.
- Ensuring appropriate and robust mechanisms are in place to receive feedback and complaints in relation to the UNCRC.
- Ensuring compliance, accountability and impact of the UNCRC due regard duty that is evidenced based.

### **Rights Respecting Schools Award (RRSA)**

3.3 The work with schools to meet the original target of all schools in Swansea being on their journey towards becoming a Rights Respecting School by 2017 has been very successful.

Reach of RRSA process 2013 – 2017:

- Approximately 48,358 children and young people
- Approximately 2052 teaching staff
- Approximately 1324 non-teaching staff

Achievements of the RRSA process 2013-2017 (@August 2017):

- Not Engaged / No Contact – 0 schools
- Engaged and Trained – 9 schools
- Record of Commitment/Action Plan – 11 schools
- Level 1 – 51 schools
- Level 2 – 25 schools

## Engagement of children and young people

3.4 We have a number of mechanisms for engaging with children and young people (CYP) – and the main ones are listed below:

- Big Conversation (1 Every half term)
- Pupil Voice Forum (1 Every half term)
- Participation in Early Years Settings – Family Information Services/Flying Start
- 123 Forum – LAC 7-11 (School Holidays)
- Shout Out Forum – LAC 11-18 (Fortnightly)
- Consultation & Engagement Events
- CYP Super Survey (Bi-annually)
- Total of 5577 C&YP engaged (annually)

3.5 Themes explored through the Big Conversations included:

- Mental health – 19.05.16
- Anti-bullying – 15.07.16
- Housing and homelessness – 30.09.16
- Support in transition to adulthood – 18.11.17
- Sustainable Swansea – 20.01.17
- Domestic abuse – 31.03.17
- Substance abuse – 20.05.17
- Feeling safe in school – 07.07.17
- A curriculum for life – 29.09.17
- Budget – 19.1.18
- Wellbeing (Primary Schools) – 7.2.18
- Extremism– 23.3.18

3.6 Outcomes from the Big Conversations have included:

- Swansea Council's Housing Service is working to develop a young people's advisory group for the service.
- As a result of the discussing the Council's budget, the proposal to increase school meals was modified to better meet the needs of children and families in Swansea.
- The Big Healthy Relationship Conversation raised questions about the curriculum and what could be included in PSHE lessons.

3.7 The Pupil Voice Forum conversations covered the following topics:

- What does the "Best education" look like
- School Meals Service Review
- Welsh in Education Strategic Policy
- Play provision in schools
- Introducing the New Chief Education Officer
- High 5 Awards
- Anti-Bullying
- Attendance Strategies

- Education Department priorities
- Safer Swansea Campaign
- Identity & Equality
- Wellbeing in Schools

3.8 Outcomes from the Pupil Voice Forum conversations include:

- A request to consider blanket policies for schools that showcase good practice and set some consistency to approach
- A request from pupils to consider more pro-active wellbeing/anti-bullying and mental health support in schools
- Exploration of sustainable, greener energy efficient alternatives
- Discussion and request to centralize a database for bullying reporting
- A request to move toward accessible language in all documents produced and brought to the Pupil Voice Forum.

3.9 Committee members were updated on the Supersurvey:

- An online, interactive, bilingual survey
- Aimed at Children and Young People aged 11-19
- Designed in partnership with schools & Viewpoint
- Carried out bi-annually in Secondary Schools
- Responses are anonymous
- Opportunity for pupils to leave contacts details if they require help/support
- Data from the survey - informs and provides evidence for a range of partnership priorities
- All participating schools receive individual reports

3.10 This the 3<sup>rd</sup> Super Survey we have run. Over the Summer and Autumn terms of 2016 the views of **3,688** young people were gathered through the Survey.

*This is a 14% rise in survey participants in comparison to the 2014 Super Survey, which 3,225 young people took part in.*

- Thirteen secondary schools participated.  
Most of the data was collected through ten of them.  
A minority of data was gathered through other settings.

3.11 Committee members were pleased to hear the results and breadth of activity that was taking place to ensure that the voices of children and young people are being heard in developing Council policy.

#### **4. Additional Activity to Support this Ambition**

4.1 In addition to the work areas listed above, across the Council much additional activity to develop joined up working around children is being carried out, a sample of which is listed below:

- Activity to support young people who are not engaged in education, employment or training (NEET)
- Transformational activity to remodel Education Other Than At School (EOTAS)
- Safeguarding arrangements in schools
- Partnership working on reducing the numbers of young people offending and reoffending through the Youth Offending Service
- The Commissioning Review on the introduction of the Additional Learning Needs and Education Tribunal Bill
- Identification of and support for young carers
- Swansea's Wellbeing Strategy
- Employability activities targeted at young people experiencing care
- Safeguarding and child protection arrangements
- The practise models and rights based approaches to coproducing support plans through the Signs of Safety and Signs of Wellbeing models
- Development of a cross-cutting performance framework for services working with children and young people, to gauge impacts and flows between services
- Development of a People Commissioning Hub.

These may potentially become areas for further development with the Committee, in the coming municipal year.

## **5. Conclusion**

- 5.1 On the whole, we are satisfied that the current policies being adopted by the Council, working with other agencies, achieve good outcomes for children and young people. Having invested significant effort in becoming more joined up for young people in recent years within our own services, increasing challenges in how we join up services with other organisations have emerged more strongly. For further step change in our focus on children, the Committee has considered how joined up the Council services are around children and young people and suggests that the Cabinet may wish to consider the pace and scale of change amongst wider partnerships and consider recommending this item to the work programme of the Committee in the new municipal year.

## **6. Financial Implications**

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

## **7. Legal Implications**

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

## **8. Equality and Engagement Implications**

- 8.1 There are no equality and engagement implications associated with this report, beyond the outline of engagement activity with young people in paragraphs 3.4 – 3.10.

**Background papers:** None.

**Appendices:** None



## Report of the Cabinet Member for Commercial Opportunities & Innovation

Cabinet – 17 May 2018

### Review of the Statement of Policy for Licensing

|                                    |   |
|------------------------------------|---|
| <b>Purpose:</b>                    | To seek agreement for the draft of the revised Licensing Policy to be issued for consultation.  |
| <b>Policy Framework:</b>           | Licensing Act 2003 Statement of Policy for Licensing  |
| <b>Consultation:</b>               | Legal, Finance, Access to Services  |
| <b>Recommendation(s):</b>          | It is recommended that Cabinet:<br><br>1) agree the proposed changes to the Council's Statement of Policy for Licensing;<br><br>2) agree that the revised policy is issued for consultation prior to reporting back to Council for adoption |
| <b>Report Author:</b>              | Lynda Anthony   |
| <b>Finance Officer:</b>            | Aimee Dyer  |
| <b>Legal Officer:</b>              | Lyndsay Thomas  |
| <b>Access to Services Officer:</b> | Ann Williams  |

#### 1.0 Background

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

any appropriate revisions. Any revisions to the Policy must be issued for consultation before they can be introduced.

- 1.3 The last full review of the Policy was in 2013 and as permitted under the provisions of the statutory guidance issued by the Home Office under Section 182 of the Act (the Guidance) the Council resolved to adopt a Cumulative Impact Policy/Special Policy (CIP) for the city centre to be included in the Policy. A further review of the CIP was completed in January 2017 and additional changes introduced.
- 1.4 The current policy review must be completed and the Policy adopted and published by the 30<sup>th</sup> July 2018 to comply with the statutory timescale.

## **2.0 Review of the Policy**

2.1 Officers have undertaken a full review of the Policy, in accordance with the current Guidance issued in April 2017. Where changes are proposed they are identified in bold italic type and where it is proposed to remove information, this is shown by striking through the text. A draft of the proposed changes to the Policy is attached at Appendix A. A summary of the changes is detailed below and the reason for the change is also indicated in brackets e.g. changes in legislation, statutory guidance, updated wording:

- Table of Contents, number 14 has been updated. “Live Music, Dancing and Theatre” has been deleted and replaced with “Outdoor Events and Crowded Places Guidance”.
- Foreword Part (a) has been amended to replace “for 10 years” with “indefinitely”. (changes in legislation)
- Foreword Part (b) paragraph (iii) wording has been added relating to combined fighting sports and where activity takes place in private. (changes in legislation)
- Foreword Part (d) detail has been added regarding recent deregulation in relation to entertainment. (changes in legislation)
- Foreword penultimate paragraph outdated information has been removed. (updated wording)
- Paragraph 1.3 has been updated to reflect the date of issue of the current Guidance. (changes to guidance).
- Paragraph 3.2, updated information has been added in relation to the purpose of the Policy. (updated wording)
- Paragraph 4.2 reference to “Environmental Health” has been added. (changes in legislation)

- Paragraph 4.3 reference to “vicinity” has been deleted. (changes in legislation)
- Paragraph 6.3 additional wording has been added (updated wording)
- Paragraph 6.6 has been replaced and additional information included (updated wording)
- Paragraph 6.7 is the previous paragraph 6.6 (renumbered)
- Paragraph 6.8 is the previous paragraph 6.7 and the original 6.8 has been deleted (renumbered)
- Paragraph 6.9 is the previous paragraph 6.11 (renumbered)
- Paragraph 6.10 is the previous 6.9 and the wording has been amended to state that the policy will reviewed regularly instead of a maximum period of five years.
- Paragraph 6.11 is the previous 6.9 and the wording has been amended (updated wording)
- Paragraph 6.12 has been amended and wording deleted. (updated wording)
- Paragraph 6.20 has been amended and additional wording added to clarify the types of negative cumulative impact that will be considered.
- Paragraph 6.21, a sentence has been added in relation to the current review of the CIP. (updated wording)
- Paragraph 6.24, information has been added to clarify that the Licensing Authority expects applications in the cumulative impact area to be exceptional and what is not considered to be exceptional.
- Paragraph 7.2 has been amended to replace “friction” with “potential for disorder” (changes to wording).
- Paragraph 9.5 has been deleted. (changes in legislation)
- Paragraph 9.6 in now 9.5
- Paragraph 9.7 is now 9.6
- Paragraph 9.8 is now 9.7
- Paragraph 9.9 is now 9.8



- Paragraph 9.10 is now 9.9
- Paragraph 10.2 has been updated to include “marriage and civil partnership and Welsh Language”. (changes in legislation)
- Paragraph 11.3, reference to Building Control has been removed and reference to liaising with Planning has been added. (changes to guidance).
- Paragraph 12.1 “necessary” has been changed to “appropriate”. (changes in legislation)
- Paragraph 12.2 “necessary” has been changed to “appropriate” and “interested parties” to “other persons”. (changes in legislation)
- Paragraph 12.6, mandatory conditions updated. (changes in legislation)
- Paragraphs 14.1 to 14.4 deleted. (changes in legislation)
- Paragraph 14.5 deleted and the information added to 15.3.
- Paragraph 14.1 – 14.8 Information on Outdoor Events and Crowded Place Guidance added. (changes to guidance).
- Paragraph 15.2, reference to “Licensing Authority” added.(change of wording)
- Paragraph 15.3 Information added from paragraph 14.5.
- Paragraph 15.7 – 15.9, information added in relation to dispensing with hearings. (updated wording)
- Paragraph 15.7 is now 15.10
- Paragraph 15.8 is now 15.11
- Paragraph 15.9 is now 15.12
- Paragraph 15.10 is now 15.13 Information added in relation to number late TEN’s. (changes in legislation)
- Paragraph 15.11 is now 15.14 Information updated in relation to number of TEN’s that can take place. (changes in legislation)
- Paragraph 15.12 is now 15.15 wording updated in relation to Bank Holidays. (updated wording)
- Paragraph 15.13 is now 15.16

- Paragraph 15.14 is now 15.17 and wording. (updated wording).
- Paragraph 16.1 wording updated (changes to committee name)
- Paragraph 16.2 wording updated. (changes to committee name)
- Paragraph 16.4 wording updated. (changes to committee name)
- Paragraph 16.6 wording updated. (changes to committee name)
- Paragraph 16.7 wording updated.
- Paragraph 16.24 has been updated to clarify what the Licensing Authority expects in relation to applications for premises within the CIP area.
- Paragraph 18.2 wording updated to remove “major” and “leaflet”. (updated wording).
- Paragraph 20, contact details updated.

### **3.0 Review of the CIP/Special Policy**

- 3.1 The CIP/special policy was introduced in July 2013 based, in the main, on evidence provided by South Wales Police on the levels of crime and disorder in the areas. The special policy was subsequently reviewed and amended in January 2017 and introduced certain exemption from the CIP/special policy. This special policy is currently being reviewed in full as part of the review of the licensing policy.
- 3.2 Where a CIP has been adopted, for a licence to be granted, the onus is on the applicant to demonstrate that their application will not add to the existing cumulative impact in an area. Where a CIP has not been introduced/exemptions apply, a licence must be granted unless there is evidence provided by a responsible authority or other person that supports a decision to refuse the application.
- 3.3 There are currently 3 areas covered by the CIP, these are:
- Wind street and the surrounding area
  - Kingsway and surrounding area
  - High Street and College Street
- 3.4 As the initial introduction of the CIP was, in the main, based on evidence provided by South Wales Police (SWP), updated evidence on levels of crime and disorder has been submitted as part of the current review. A copy of the document submitted is attached at Appendix B.

- 3.5 In summary, the information submitted by SWP provides information on how the CIP is used operationally, trends in all aspects of crime, including violence offences, alcohol related offences and anti-social behaviour, together with professional observations from police officers responsible for interpreting and implementing the CIP on an operational level.
- 3.6 Based on the evidence provided, SWP confirm that they support the retention of the CIP, without amendment.
- 3.7 The view from SWP is that to relax or amend the CIP for Wind Street and the surrounding areas will lead to a significant increase in the saturation levels of licensed premises and increase levels of crime and disorder.
- 3.8 Recent analysis of statistics available for Wind Street and the surrounding area shows that between 2016 and 2017 there has been a 78% increase in recorded crime, the busiest period being between 11pm and 3am, a 63% increase in violent crime, the busiest period being between 8pm and 3am, a 37% increase in drunk and disorderly crimes, the busiest period being between 8pm and 7am, anti-social behaviour shows a 14% decrease between 8pm and 7am.
- 3.9 SWP has confirmed that the sudden increase in recorded crime and violent crime can be partly attributed to changes in procedures where incidents are now recorded as a crime at first contact. They also highlight that crimes form only a small part of demand on police resources within Wind Street as officers deal with numerous non-crime related incidents and a significant number of incidents relating to people's vulnerability within the night time economy.
- 3.10 The view from SWP is that the CIP should remain in place for the Kingsway and surrounding area until all development has been completed.
- 3.11 The Kingsway and the surrounding area still has licensed premises and is dominated by 2 premises in particular but has seen the closure of a number of large entertainment venues in recent years. Recent analysis of statistics between April 2015 and March 2018 shows a reduction of 9% in recorded crime, the busiest period for all recorded crime being between midnight and 4am. Figures also show a 23% reduction in anti-social behaviour but a 6% increase in violent crime, the busiest period for violent crime being between 1am and 4am. Recent visits to the area also witnessed a number of violent disturbances in the streets surrounding the Kingsway from 2am onwards.
- 3.12 In respect of High Street and College Street the view from SWP is that the CIP should remain in place, regeneration of the area in recent years has had a positive impact on the crime and disorder statistics for

the area and continued implementation of the CIP should continue to have a positive effect.

- 3.13 The statistics for High Street and College Street between March 2015 and March 2018 show a 22% reduction in reported crime, the busiest period being between midnight and 4am, a 31% reduction in violent crime, the busiest period being between 9pm and 4am and a 62% reduction in anti-social behaviour, the busiest period being between 8pm and 2am.
- 3.14 Overall SWP support the retention of the existing CIP in its current form and state that it has assisted in the control of the number of licensed premises within the night time economy. SWP consider that if it is amended or relaxed in any way that allows an increase in the number of premises operating later hours, there will be a negative effect in terms of crime and disorder and the ability to effectively police the areas.

#### **4.0 Equality and Engagement Implications**

- 4.1 An Equality Impact Assessment screening form has been completed with the agreed outcome that a full Equalities Impact Assessment report is not required.

#### **5.0 Legal Implications**

- 5.1 The review of the policy is a statutory requirement.
- 5.2 Failure to undertake a review may result in decisions of the Council being challenged by Judicial Review and/or appeals to the Magistrates Court.
- 5.3 A special policy represents a restrictive approach to the granting of licences where relevant representations have been made. A special policy cannot be rigidly applied and each application must be dealt with on its own merits. The reasons and evidence for the special policy being introduced and the negative cumulative impact identified should be set out in the special policy.
- 5.4 Under a special policy the presumption is to refuse an application/variation unless an applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. Any application should be judged against the reasons and evidence for the special policy being introduced and the cumulative impact identified in the special policy.
- 5.5 It is not sufficient simply that there is a heavy concentration of licensed premises in the area, there needs to be an evidential basis demonstrating the cumulative impact of the concentration. An authority

needs to consider the evidence and be satisfied that the inclusion of a special policy is both appropriate and necessary.

- 5.6 A special policy has to be reviewed regularly to assess whether it is needed any longer or there is a need to expand or reduce the CIP area.
- 5.7 Deficiencies in the consultation process and /or the adoption of a special policy can be challenged by way of Judicial Review. Any refusal of application pursuant to a special policy can be appealed to the Magistrates Court.

## **6.0 Financial Implications**

- 6.1 There are no financial implications.

### **Background Papers:**

Licensing Act 2003, Statement of Policy for Licensing 2013

### **Appendices:**

Appendix A – Draft Statement of Policy for Licensing

Appendix B – South Wales Police Evidence in respect of the CIP/special policy



CITY AND COUNTY OF SWANSEA  
DINAS A SIR ABERTAWE

# LICENSING ACT 2003

## STATEMENT OF POLICY FOR LICENSING

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

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## City and County of Swansea

### Licensing Act 2003

#### Statement of Policy for Licensing

#### FOREWORD

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

- (a) Administering the process for issuing “**personal licences**” to sell alcohol. A personal licence is required for a person wishing to sell alcohol and unless surrendered or revoked remains in force ~~for 10 years~~ **indefinitely**; and
- (b) the authorisation of any premises for “licensable activities” through the issue of a “**premises licence**” or “**club premises certificate**” which remains in force until surrendered or revoked, or by a “**temporary event notice**”. “Licensable activities” are:
  - (i) the sale of alcohol by retail;
  - (ii) the supply of alcohol by or on behalf of a club;
  - (iii) the provision of regulated entertainment (i.e. the performance of a play, exhibition of film, indoor sporting event, boxing or wrestling entertainment [indoor and outdoor] **combined fighting sports such as cage fighting**, performance of live music, any playing of recorded music, a performance of dance, entertainment of a similar description to performance of live music, playing of recorded music and dance).  
NB - Only where the entertainment takes place in the presence of an audience for the purpose of entertaining that audience **or where the activity takes place in private, be the subject of a charge made with a view to profit**;
  - iv) the provision of late night refreshment.
- (c) Certain activities in relation to the provision of entertainment and the provision of hot food and hot drink are exempt from licensing requirements. Details of these exemptions can be found in the Licensing Act 2003.
- (d) **Certain activities are now no longer required to be licensed due to changes in legislation as a result of deregulation.**



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

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

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

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

**Unauthorised Activity: It is a criminal offence under section 136 of the 2003 Act to carry on any of the licensable activities listed above other than in accordance with a licence or other authorisation under the 2003 Act. If an**

***unauthorised activity takes place then the Police and local authorities have powers to take action.***

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

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

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

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

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

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

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

The population of the City and County of Swansea stands at approximately 238,700. This represents 8% of the total population of Wales.

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

The Swansea economy has a proportionately large share of jobs in the public administration, hospitality, financial services and retail sectors. Of the 104,400 people

employed within Swansea (2011), an estimated 89.9% (93,900) are employed in the service sectors, with 33% (34,400) working within the public sector. For further information go to [www.swansea.gov.uk/lmestats](http://www.swansea.gov.uk/lmestats)

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

## 1. INTRODUCTION

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

## 2. PURPOSE / OBJECTIVES

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

### 3. SCOPE AND LIMITATION

3.1 This statement of licensing policy has been prepared in accordance with the requirements of the Act and also having regard to the guidance issued under Section 182 of the Act, by the Home Secretary in **April 2017** ~~October 2012~~ following previous revisions of this guidance. Where the licensing policy departs from this guidance, reasons why such a decision has been made are provided.

3.2 ~~The policy sets out a general approach to the making of licensing decisions by the Licensing Authority but does not undermine the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits.~~

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

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

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

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

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

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

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

#### 4. CONTROL

- 4.1 Licensing is about regulating “licensable activities” on licensed premises, in qualifying clubs and at temporary events.
- 4.2 Any terms and conditions attached to a premises licence or club premises certificate will focus on matters within the control of the Premises Licence Holder or Designated Premises Supervisor. Temporary Event Notices may be subject to modifications if considered necessary by the Police **and/or Environmental Health**
- 4.3 These terms and conditions or modifications will centre on the premises being used for licensable activities ~~and the vicinity of those premises i.e. the premises and its vicinity.~~
- 4.4 The Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activities in the area concerned. It will be expected that any representation made by “Other Persons” will indicate how the application will directly affect them in relation to one or more of the licensing objectives.
- 4.5 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and beyond the direct control of the persons holding the relevant authorisation.
- 4.6 Where it is disputed that an incident occurs in the area of a licensed premises the ultimate decision will be determined by the courts.
- 4.7 The Council will use the controls in licensing law as part of a holistic approach to the management of the evening and night-time economy particularly in the city centre.
- 4.8 The Licensing Authority will consider all methods of control which will promote the licensing objectives. These may include the introduction of Early Morning alcohol Restriction Orders (EMRO’s) and a Late Night Levy. In all cases of introducing any control procedures, a consultation process will take place with all parties concerned.
- 4.9 When acting as a Responsible Authority, the Licensing Authority will only make a representation to an application when it is considered to be absolutely necessary. Such cases ~~will~~ **may** include the absence of a representation from a Responsible Authority and when an application will add to the cumulative impact of licensed premises in an area. When a representation is made there will be a distinct separation of responsibilities to ensure procedural fairness and eliminate conflict of interests.

## 5. CONSULTATION

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

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

5.2 The following will also be consulted to ensure that this policy does not conflict with other policies, strategies or initiatives operated by the Council and neighbouring Local Authorities.

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

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

- 5.4 The Licensing Authority will consider evidence from the Area Health Board, acting as a Responsible Authority, concerning alcohol related health harms. Statistical evidence, particularly from Accident and Emergency admissions or Ambulance Service data, may be used in determining control measures. Evidence may also be used in the determination of applications under the Act.

## 6. CUMULATIVE IMPACT AND SPECIAL POLICY

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

6.7 The Licensing Authority after considering the available evidence will consult the individuals and organisations listed in 5.1 and 5.2 above. If it determines that attaching conditions to a licence is unlikely to address the problems identified, it will consider adopting a special policy of refusing new licences. This would apply whenever relevant representations are received about the cumulative impact on the licensing objectives from responsible authorities and other persons which the Licensing Authority consider after hearing those representations should lead to refusal.

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

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

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

~~6.8 Where a special policy is in place applications for new premises licences, club premises certificates or material variations will normally be refused if relevant representations to that effect are received, unless it can be demonstrated that the operation of the premises involved will not add to the negative cumulative impact already being experienced. Applicants will need to address the special policy issues in the operating schedule submitted with their application to rebut the presumption of refusal of the application. If no relevant representations are received the application will be granted in accordance with the operating schedule submitted.~~

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

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



- ~~6.11 The effect of all licensed premises in an area will be taken into account when considering a special policy.~~
- 6.12 A special policy will not be used to revoke a licence for a premises if representations are received regarding problems with an existing licence. ~~Cumulative impact on the promotion of the licensing objectives will only be considered as a relevant representation when an application for the grant or variation of a licence or certificate is being considered.~~
- 6.13 Where it is evident that there is a problem in an area after a licence or certificate has been granted and it is clear that an individual premises is undermining the promotion of one or more of the licensing objectives in that area, the licence will only be reviewed if representations are made about that objective by a responsible authority or other person.
- 6.14 A special policy will not be used to justify rejecting an application for variation of an existing licence or certificate except where the variation is directly relevant to the policy and is necessary for the promotion of the licensing objectives e.g. increase in capacity of a venue.
- 6.15 A special policy relating to cumulative impact will not include provisions for a terminal hour in an area.
- 6.16 A special policy will not impose quotas on the number or capacity of premises or in relation to any matter which would restrict the consideration of any application on its individual merits.
- 6.17 The Licensing Authority will have regard to the individual characteristics of each premises and the differing impact they will have on the promotion of the licensing objectives.
- 6.18 The Licensing Authority recognises that there are other mechanisms available for controlling cumulative impact once customers have left licensed premises. These include:
- Planning controls;
  - Positive measures to create a safe and clean city centre environment in partnership with local businesses, transport operators and other local authority departments;
  - Provision of CCTV, adequate taxi rank space, provision of late night public conveniences, street cleaning;
  - Powers of local authorities to designate and control areas where alcohol cannot be consumed;
  - Police enforcement in relation to disorder and anti-social behaviour;
  - Prosecution for alcohol related offences ;

- Police powers of closure of a premises;
  - The provision to review a licence or certificate.
- 6.19 On 30<sup>th</sup> July 2013 the Council resolved to adopt a Cumulative Impact Special Saturation Policy for the following areas:
- i) Wind Street and the surrounding area as defined
  - ii) The Kingsway and the surrounding area as defined
  - iii) High Street and College Street as defined
- 6.20 The Special Policies for i) Wind Street and the surrounding area, ii) The Kingsway and the surrounding area and iii) High Street and College Street were introduced because the Authority was satisfied that it was appropriate and necessary to do so given the number of premises licensed to supply alcohol for consumption on and off the premises in these streets and the incidence of crime, disorder and public nuisance attributable to customers of such premises ***which can include but is not limited to litter, noise, intoxicated people contributing to crime and disorder, accumulations of people at certain times leading to conflict in queues for taxis and/or fast food outlets, the numbers of people leaving all types of premises at certain times.***
- 6.21 This action followed a report to the Cabinet of this Council on 1<sup>st</sup> November 2012. The report included crime and disorder statistics from South Wales Police, together with public nuisance statistics from the Environment Department of this Authority. The special policy was introduced following a comprehensive consultation process which was carried out between February and May 2013. ***The special policy was also reviewed as part of the review of the statement of licensing policy undertaken in 2018. Updated evidence on the recorded levels of crime and disorder for the special policy areas was received from South Wales Police and the evidence supported the retention of the existing special policy without amendment.***
- 6.22 Following a review of the Special Policy on 26<sup>th</sup> January 2017 it is now recognised that pubs, nightclubs, restaurants, hotels, theatres and other types of premises sell alcohol, serve food and provide entertainment but with different styles and characteristics and due to the nature of the premises will not add to existing cumulative impact. Having regard to those differences and the impact they are likely to have on the local area the following types of premises, providing certain licensable activities between the hours of 10.00am and 1.00am are exempt from the requirements of the special policy:
- Non – alcohol led premises;

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

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

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

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

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

- Wind Street
- The Strand to the junction with Welcome Lane
- Worcester Place

- Castle Street
- Castle Gardens
- Castle Square
- Green Dragon Lane
- Little Wind Street
- Salubrious Place
- Salubrious Passage
- Caer Street
- Princess Way
- St Mary's Street
- St Mary's Square
- St David's Place
- York Street
- Victoria Road

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

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

#### iii) **High Street and College Street**

- High Street
- College Street

## 7. **LICENSING HOURS**

- 7.1 When determining individual licence applications for premises the licensing hours will be decided having regard to the individual merits of each application. The presumption will be to grant the hours as requested unless there are objections

to those hours raised by responsible authorities or other persons on the basis of the licensing objectives.

- 7.2 The Licensing Authority recognises that longer licensing hours are important for those premises which sell alcohol, to ensure that concentrations of customers leaving premises simultaneously are avoided. This is particularly necessary to reduce the **potential for disorder** friction on streets at late-night fast food outlets, taxi ranks and other transport waiting areas which may lead to disorder and disturbance.
- 7.3 The Licensing Authority will not create “zones” with fixed trading hours for any areas in the City & County of Swansea to avoid a significant movement of people from one area to another in search of premises with later opening hours.
- 7.4 The Licensing Authority will closely examine the hours of business for premises which are situated in predominantly residential areas and will impose strict conditions relating to noise control where representations are received and it is considered necessary.
- 7.5 The Licensing Authority will allow shops, stores and supermarkets to sell alcohol, for consumption off the premises, at any time when the retail outlet in question is open for business. Limitations will only be imposed restricting the times alcohol can be sold from such premises if representations are received and there is evidence that the extended hours cause the premises to be a focus of disorder and disturbance.
- 7.6 The Licensing Authority may consider the introduction of an Early Morning alcohol Restriction Order, which will prohibit the sale of alcohol for a specified time period between the hours of 00.00 (midnight) and 06.00 hours, in the whole or part of its area, if it is satisfied that this will be appropriate for the promotion of the licensing objectives.

## 8. CHILDREN

- 8.1 The Licensing Authority will not limit the access of children to premises unless it is necessary for the prevention of physical, moral or psychological harm to them.
- 8.2 The Licensing Authority will consider the individual merits of each individual application.
- 8.3 In considering each application the following areas will give rise to particular concern in respect of children:
  - Where entertainment or services of an adult or sexual nature are commonly provided;

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

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

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

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

8.5 Where no licensing restrictions are in place admission of children to the premises will be at the discretion of the licensee. Where licensees consider that restrictions should be put in place, this must be identified in the operating schedule for the premises.

8.6 The Licensing Authority recognises the importance of The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks in protecting children from harm.

8.7 In the case of premises giving film exhibitions the Licensing Authority will require licensees or clubs to include in their operating schedule arrangements for restricting children from viewing age-restricted films classified according to the British Board of Film Classification (BBFC).

8.8 In considering the limitations to be imposed for the protection of children from harm the Licensing Authority will be guided by information received from its Local Safeguarding Children Board and South Wales Police.

## 9. **INTEGRATING STRATEGIES**

9.1 The Council will ensure a comprehensive licensing policy is maintained having regard to other policies, strategies and initiatives operated by the Authority.

- 9.2 The Council when acting as the Licensing Authority will consult with all relevant parties to ensure full consultation on the continued development and review of the licensing policy to ensure that no conflict arises between such documents and to ensure a consistent approach.
- 9.3 The Licensing Authority will ensure, as far as possible that conditions attached to a premises licence or club premises certificate will reflect local crime prevention strategies.
- 9.4 The Licensing Authority will have regard to the need to encourage and promote live music, dancing and theatre for the benefit of communities generally.
- ~~9.5 The Licensing Authority will monitor the impact of licensing on regulated entertainment particularly live music and dancing and where it appears that such events are being deterred by licensing requirements the policy will be revisited. Only necessary, proportionate and reasonable conditions will be imposed on such events~~
- 9.5 The Council when acting as a Licensing Authority will liaise with the Police and Highway Authority to ensure as far as possible transport arrangements that promote the Council's licensing objectives.
- 9.6 The Council, when acting as a Licensing Authority will have regard to the needs of the local tourist economy and employment situation for the area as appropriate.
- 9.7 Where appropriate the Licensing Committee will provide regular reports to the Planning Committee and other relevant parties on the situation regarding licensed premises in the area **upon request**. ~~and the general impact of alcohol related crime and disorder.~~
- 9.8 The Council has adopted a policy on Sex Establishments. This policy includes a restriction on the number of Sexual Entertainment Venues (SEV's). An exemption under the Local Government (Miscellaneous Provisions) Act 1982 allows premises to provide sexual entertainment no more than eleven times per year and no more frequent than monthly.
- 9.9 Some premises licences under the Act may not allow adult entertainment. Others, where sexual entertainment is allowed to take place under the exemption, may become subject to a review if the licensing objectives are undermined.
10. **PROMOTION OF EQUALITY**
- 10.1 The Council has due regard for the need to eliminate unlawful discrimination and to promote equality of opportunity and foster good relations between persons with different protected characteristics.

- 10.2 The protected characteristics are age, disability, gender reassignment, **marriage and civil partnership**, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. **We also consider the Welsh Language to be a protected characteristic due to the requirements of the Welsh Language Wales Measure.** 10.3 The Licensing Authority in carrying out its duties, will uphold the Equality Duty of the Council as required under the Equality Act 2010.

## 11. DUPLICATION

- 11.1 The Licensing Authority will avoid as far as possible any duplication with other regulatory regimes.
- 11.2 Where legislation is already in force which relates to the four licensing objectives, further controls which duplicate these legal requirements will not be enforced through licence conditions, e.g. Fire Safety and Health & Safety at Work legislation.
- 11.3 In particular, Planning, ~~Building Control~~ and Licensing regimes will be properly separated to avoid duplication and inefficiency. Licensing applications will not be a re-run of a planning or ~~building control~~ application and the licensing decisions will not cut across decisions taken by a planning committee or permissions granted on appeal. There is no legal basis for the Licensing Authority to refuse an application because it does not have planning or ~~building control~~ permission. **The Licensing Authority will advise all new applicants to liaise with planning services to ensure they apply for any necessary permissions.**

## 12. CONDITIONS

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



- Be expressed in plain language capable of being understood by those expected to comply with them
- 12.2 The Licensing Authority will only consider imposing additional conditions on a licence where relevant representations are received from responsible authorities or interested parties **other persons** and such conditions are considered necessary **appropriate** for the promotion of the licensing objectives.
- 12.3 The Licensing Authority will attach conditions to licences or certificates that are tailored to the individual size, style, characteristics and activities taking place at the premises or event concerned.
- 12.4 Conditions will not prevent or provide reason for a licensee to prevent admission of any person, to a premises unless detailed in this policy.
- 12.5 The conditions will not replicate offences set out in the Act.
- 12.6 The Licensing Authority will attach the mandatory conditions defined in the Act, (as amended), to a premises licence or club premises certificate when required. The mandatory conditions relate to the supply of alcohol, **minimum drinks pricing**, exhibition of films, and door supervision, irresponsible drinks promotions, **no drinking games**, provision of free drinking **potable** water, **measures of alcoholic drink and age verification policy**.
- 12.7 The mandatory condition relating to the sale of alcohol, that requires the provision of a designated premises supervisor, may be disapplied following a successful application in respect of certain community premises.

### 13. **ENFORCEMENT**

- 13.1 The Licensing Authority will establish joint enforcement protocols with South Wales Police and Mid and West Wales Fire Authority and other responsible authorities where appropriate on joint enforcement issues.
- 13.2 The Licensing Authority will carry out audits of licensed premises conditions based on the established protocols and in accordance with an agreed risk assessment.
- 13.3 The Licensing Authority expects personal licence holders to authorise the sale of alcohol by identifying the person being authorised and specify the activities that are being authorised. It is also expected that authorisation will be in writing, provided to the individual being authorised and that arrangements are in place to monitor the activity.

### 14. **LIVE MUSIC, DANCING AND THEATRE**

~~14.1 The Council recognises as part of implementing local authority cultural strategies that proper account should be taken of the need to encourage and promote a range of entertainment, particularly live music, dancing and theatre, including the performance of a wide range of traditional and historic plays for the wider cultural benefit of communities.~~


~~14.2 The Council when acting in its capacity as a licensing authority will encourage applications for premises licences for local authority owned buildings and land within the community, to promote their increased use for community events which require formal licensing.~~

~~14.3 The Live Music Act 2012 removed the licensing requirements for –~~

- ~~• Amplified live music between 08.00 and 23.00 hours before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises~~
- ~~• Amplified live music between 08.00 and 23.00 hours before audiences of no more than 200 people in workplaces not otherwise licensed under the Licensing Act 2003, or licensed only for the provision of late night refreshment~~
- ~~• Unamplified music between 08.00 and 23.00 hours in all venues~~
- ~~• The provision of entertainment facilities see 3.2 Do we need this bit?~~

~~14.4 Where licensable activities continue to take place on premises, any licence conditions relating to live music will be suspended. However, it will be possible to impose new, or reinstate existing conditions should the premises licence or club premises certificate become subject to a review. 14.5 Organisers of events are encouraged to check with this Authority should they have any doubt whether a performance is considered to be exempt from licensing requirements.~~

## **14. OUTDOOR EVENTS AND CROWDED PLACES GUIDANCE**

**14.1 *If you intend holding an event involving large numbers you will need to contact the Safety Advisory Group (SAG) to ensure that the event can take place safely, with the knowledge of all the relevant agencies in the Authority area. For many types of events involving large numbers, there is a great deal of organising to do and the SAG asks for six months notice of events likely to attract more than 500 people. Three months notice is required for events with attendance of less than 500 people The following guide may help you when you are organising an event.  [Guide to safe and successful community events \(PDF, 101KB\)Opens new window](#)***

**14.2 *Some events will require you to attend one of the SAG meetings to discuss your proposals. This will enable all the relevant agencies to consider your***

**event and ensure they have sufficient resources available to deal with any incidents that arise.**

**14.3 Organisers of outdoor events are encouraged to refer to the ‘Purple guide’ <https://www.thepurpleguide.co.uk/index.php/the-purple-guide>**

**14.4 The Purple Guide to Health, Safety and Welfare at Music and Other Events (the Guide) has been drawn up by the Events Industry Forum in consultation with the UK events industry and representatives from regional and national Government. This publication is designed to replace the original "Purple Guide" (HSG195), originally published by the Health & Safety Executive (HSE).**

**14.5 The Guide aims to help those who organise music or similar events, so that events can run safely. As an employer, the event organiser, whether an individual, collective or local authority, has a general duty to ensure, so far as reasonably practicable, the health, safety and welfare of their employees. They also have a duty to ensure, so far as is reasonably practicable, that others, including volunteers and spectators, are not exposed to risks to their health and safety arising from the operation of the event.**

**14.6 All applicants and licensees are advised to refer to the Crowded Places Guidance on increasing the protection of crowded places from a terrorist attack. The UK faces a real threat from terrorism and crowded places remain an attractive target.**

**14.7 Crowded places include shopping centres, sports stadia, bars, pubs and clubs which are easily accessible to the public and attractive to terrorists.**

**14.8 This guidance has been written to help those charged with security at crowded places, mitigate the threat and help make the UK less vulnerable to an attack. <https://www.gov.uk/government/publications/crowded-places-guidance>**

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

**15.1 The Licensing Authority will consider each application received on its merits in the context of the four licensing objectives.**

**15.2 The Licensing Authority will make available up to date information packs for applicants, to provide guidance and to assist them in making their application. Applicants are encouraged to contact the **licensing authority and** responsible authorities to discuss the content of their proposed application, before submitting their application, in order to resolve any potential problems and avoid any unnecessary hearings and appeals.**

- 15.3 All applicants must ensure when making an application that it complies with the requirements of the Act, to prevent a delay in decision making. **Organisers of events are encouraged to check with this Authority if they have any doubt about whether an activity or performance is considered to be exempt from licensing requirements.**
- 15.4 The Licensing Authority also accepts that Other Persons or responsible authorities, as defined in the Act, have the right to make representations in respect of an application, or to seek a review of a licence or certificate within the provisions of the Act. Such representations will be considered on their merits and how they relate to the likely effect of the grant of the licence or certificate on the promotion of at least one or more of the licensing objectives. Also, how the representations are relevant to the promotion of one or more of the licensing objectives in the case of a review of a licence or certificate. When a petition is submitted as a representation it will only be considered if it relates to one or more of the four licensing objectives and it is demonstrated that the details of the representation have been made clear to each signatory i.e. that the heading is included on each page of the petition. A relevant representation may be positive or supportive in nature as opposed to being negative but it must still demonstrate that the licensing objectives are being promoted.
- 15.5 The Licensing Authority, through the scheme of delegation to Officers detailed in paragraph 17 of this Policy, will reject an application for a minor variation should a relevant representation be made by a Responsible Authority or Other Person. Similarly, it will reject any representation if it is shown to be irrelevant, vexatious, frivolous or repetitious.
- 15.6 Other Persons may request a representative to make representations on their behalf including a legal representative, friend, Member of Parliament, Member of the National Assembly for Wales, local Ward Councillor, Parish or Community Councillor. Detailed guidance for Other Persons making a representation or an application for a review of a licence or certificate can be obtained from the Home Office website [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)
- 15.7 The Act allows the authority to dispense with the need for a Statutory Licensing Sub Committee hearing, if all parties making representations agree that a hearing is unnecessary.**
- 15.8 Representations must be agreed by the applicant and the applicant must agree to amend the operating schedule to include any representations or amendments as conditions.**
- 15.9 If Members do not agree that the agreement reached between the parties promotes the licensing objectives a Statutory Licensing Sub Committee will take place to consider the application in full.**

15.10 Where the Licensing Authority makes a decision on an application following representations, it will provide comprehensive reasons, in writing, for the decision.

15.11 Where responsible authorities and Other Persons do not raise any relevant representations in respect of an application, the licence will be granted, subject only to conditions consistent with the operating schedule and relevant mandatory conditions.

15.12 Where it is proposed to carry out permitted temporary activities it is a statutory requirement to submit a Standard Temporary Event Notice (TEN) at least ten working days before the proposed event. A notice, in duplicate, is given to the Licensing Authority and copies provided to the Police and the Pollution Control Division on the same day. (See Contact Points for Licensing, paragraph 20) The ten working days excludes the day the notice is received by this Authority and the event day. It should be noted that this is a minimum time period and event organisers are encouraged to submit notices well in advance of the ten working days. Good practice is regarded as three months prior to the event.

15.13 A Late Temporary Event Notice can be submitted not earlier than nine working days and not later than five working days before the event. Again the working days exclude the day it is received by the Licensing Authority and the day of the event. ~~A premises may only have two late TEN's in a calendar year.~~ If there is an objection to a Late TEN by the Police or Pollution Control the event will not be **valid and the event will not go ahead.**

15.14 Further limits on TEN's are:

- The capacity must not exceed 499 persons which, includes the audience, performers and staff.
- A single event must not exceed 168 hours.
- A premises cannot have more than **152** events or more than 21 days in a calendar year, whichever occurs first.
- A period of 24 hours must separate each event.
- Personal licence holders are restricted to 50 **Standard TEN** submissions in a calendar year **this may include up to 10 Late TEN submissions**
- Non personal licence holders are restricted to 5 **Standard TEN** submissions in a calendar year **this may include up to 2 Late TEN submissions**
- ~~Conditions may be imposed where the premises holds a premises licence or club premises certificate~~

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

- ~~Good Friday~~

- ~~Easter Monday~~
- ~~Last Monday in May (Whitsun)~~
- ~~Last Monday in August (Summer Bank Holiday)~~
- ~~Christmas Day~~
- ~~Boxing Day~~
- ~~27<sup>th</sup> December when 25<sup>th</sup> or 26<sup>th</sup> December is a Sunday~~

- 15.16 The receipt of any correspondence, including applications, TENs and representations will be subject to the deadlines imposed by the Act, guidance and this policy document. Such correspondence will be accepted until midnight of the appropriate closing date. Where correspondence is delivered to the Civic Centre outside normal working hours, the date and time will be recorded by a member of the security staff.
- 15.17 In respect of the review process, responsible authorities will aim to give licence holders early warning of any concerns identified at a premises. However in cases where the **prevention of crime and disorder** prevention objective is being undermined it is expected that revocation of the licence, even in the first instance, will be seriously considered.

## 16. ADMINISTRATION

- 16.1 The Council has appointed a **Statutory** Licensing Committee in accordance with the Act. **Statutory Licensing** Sub-Committees consisting of 3 members will be drawn from the main **Statutory** Licensing Committee.
- 16.2 **Statutory Licensing** Sub Committees will have delegated authority to deal with the functions set out in paragraph 17 below.
- 16.3 Officers will have delegated authority to deal with applications as outlined in paragraph 17 below.
- 16.4 Information reports detailing delegated decisions will be provided to the ~~next~~ **Statutory** Licensing Committee for information as required by Members.
- 16.5 The Elected Members and Authorised Officers will at all times act with probity in accordance with the Codes of Conduct adopted by the Council.
- 16.6 Any Councillor who is a member of the **Statutory** Licensing Committee and who is making a representation on behalf of other persons, or in their own right in relation to an application, shall disqualify him or herself from any involvement in the decision making process regarding that application.
- 16.7 The table set out in paragraph 17 below details the agreed delegation of functions for the **Statutory** Licensing Committee, **Statutory** Sub Committees and Authorised Officers. ~~This form of delegation will not preclude an officer from~~

~~referring an application to a Sub-Committee or the Licensing Committee or a Sub-Committee from referring an application to the Licensing Committee for decision should it be considered necessary to do so.~~

16.8 The Act places a responsibility on premises licence holders and club premises to pay an annual fee. The Licensing Authority will send a reminder about this requirement approximately 4-6 weeks before the due date. This correspondence will also outline the action that will be taken should a dispute arise about that fee and the procedure on suspension of the licence or certificate if the fee is not paid.

## 17. DELEGATION OF FUNCTIONS

### 17.1

| Matter to be dealt with   | Full Committee | Sub Committee                     | Officers                           |
|---|----------------|-----------------------------------|------------------------------------|
| Application for personal licence                                  |                | If a police objection made        | If no objection made               |
| Application for personal licence with unspent convictions         |                | All cases                         |                                    |
| Application for premises licence/club premises certificate        |                | If a relevant representation made | If no relevant representation made |
| Application for provisional statement                             |                | If a relevant representation made | If no relevant representation made |
| Application to vary premises licence/club premises certificate    |                | If a relevant representation made | If no relevant representation made |
| Application to vary designated personal licence holder            |                | If a police objection made        | All other cases                    |
| Request to be removed as designated premises supervisor           |                |                                   | All cases                          |
| Application for transfer of premises licence                      |                | If a police objection made        | All other cases                    |
| Applications for Interim Authorities                              |                | If a police objection made        | All other cases                    |
| Application to review premises Licence /club premises certificate |                | All cases                         |                                    |
| Decision on whether a complaint is irrelevant frivolous           |                |                                   | All cases                          |

|   |  |                       |                 |
|---|--|-----------------------|-----------------|
| vexatious etc.  |  |                       |                 |
| Decision to object when local authority is a consultee and not the relevant authority considering the application                                       |  | All cases             |                 |
| Determination of an objection to a temporary event notice   |  | All cases             |                 |
| Determination of application to vary premises licence at community premises to include alternative licence condition.                                   |  | If a police objection | All other cases |
| Decision whether to consult other responsible authorities on minor variation application.   |  |                       | All cases       |
| Determination of minor variation application  |  |                       | All cases       |
| Power to suspend a premises licence and club premises certificate for non- payment of annual fee and power to specify date that suspension takes effect |  |                       | All cases       |
| Power to make a representation as a Responsible Authority to an application for a premises licence and club premises certificate.                       |  |                       | All cases       |
| Power to make an application for a review of a premises licence and club premises certificate as a Responsible Authority                                |  |                       | All cases       |

## 18. THE LICENSING OBJECTIVES

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

- *the prevention of crime and disorder;*
- *public safety;*
- *the prevention of public nuisance; and*



- *the protection of children from harm*

- 18.2 An applicant for a premises licence or club premises certificate or for a major variation of such a licence or certificate will be expected to conduct a thorough risk assessment with regard to the licensing objectives. The risk assessment will indicate the necessary steps to be set out in the operating schedule to promote the licensing objectives. The operating schedule will be translated into conditions and an applicant is encouraged to use the pool of conditions available in the guidance leaflet. The applicant is also expected to have regard to all existing legislation which impacts on the licensing objectives e.g. fire safety, health and safety, in order to avoid the possibility of duplication. (See paragraph 11).
- 18.3 Legislation preventing smoking indoors at public premises has resulted in many customers of licensed premises and clubs using external areas. Premises licence holders, clubs, designated premises supervisors and applicants must have regard to how this will have an impact on the four licensing objectives.
- 18.4 The Licensing Authority acknowledges that the steps an applicant may take to promote the licensing objectives will vary depending on the type of premises and the licensable activities taking place. Applicants are encouraged to consider the guidance notes referred to in paragraph 12.1 when completing their applications.

## 19. **GENERAL ISSUES**

- 19.1 The Council will work in conjunction with all licensees, prospective licensees and statutory agencies to promote the licensing objectives as required by the Act.
- 19.2 Where any uncertainty exists regarding aspects of responsibilities or requirements the Council will work with the applicants and statutory agencies to address the issue.

## 20. **CONTACT POINT FOR LICENSING**

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

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

Licensing Division  
 Directorate Of Place  
 Swansea Council  
 Civic Centre  
 Swansea  
 SA1 3SN

Tel: 01792 635600  
 Email: [evh.licensing@swansea.gov.uk](mailto:evh.licensing@swansea.gov.uk)  
 Website: [www.swansea.gov.uk](http://www.swansea.gov.uk)

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

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

Chief Officer of Police

South Wales Police

Western BCU

Swansea Central Police Station

Grove Place

Swansea

SA1 5EA

Tel: 01792 562707

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

B. **Fire Authority**

Licensing Officer

Swansea Command

Mid and West Wales Fire Authority

Sway Road

Morrison

Swansea

SA6 6JA

Tel: 0870 6060699

Email: [swansealicencing@mawwfire.gov.uk](mailto:swansealicencing@mawwfire.gov.uk)

C. **Health and Safety**

i. **For Local Authority controlled premises**

Food and Safety Division

Directorate Of Place

Swansea Council

The Guildhall

Swansea

SA1 4PE

Tel: 01792 635600

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

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

HSE

Government Building

Phase 1

Ty Glas  
Llanishan  
Cardiff  
CF14 5SH  
Tel: 0300 003 1747

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

**D. Planning**

Planning Policy and Appeals  
Planning Services  
Economic Regeneration and Planning Department  
Swansea Council  
Civic Centre  
Swansea  
SA1 3SN  
Tel: 01792 636000  
Email: [Enforcement.Development@swansea.gov.uk](mailto:Enforcement.Development@swansea.gov.uk)

**E. Trading Standards**

Trading Standards Division  
Directorate Of Place  
Swansea Council  
The Guildhall  
Swansea  
SA1 4PE  
Tel: 01792 635600  
Email: [tradingstandards@swansea.gov.uk](mailto:tradingstandards@swansea.gov.uk)

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

Pollution Control Division  
Department Of Place  
Swansea Council  
The Guildhall  
Swansea  
SA1 4PE  
Tel: 01792 635600  
Email: [pollution@swansea.gov.uk](mailto:pollution@swansea.gov.uk)

**G. Child Protection**

Swansea Safeguarding Children's Board  
(Damian Rees)

Rm 407  
The Guildhall  
Swansea  
SA1 4PE  
Tel: 01792 636000

H. **Local Health Board**

Abertawe Bro Morgannwg Health Board  
Locality Director Swansea  
Beacon Centre  
Langdon Rd  
Swansea  
SA1 8QY  
Tel: 01792 601800

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

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

Licensing Section  
Neath Port Talbot County Borough Council  
Civic Centre  
Port Talbot  
SA13 1PJ  
Tel: 01639 763050 or 01639 763059  
Email: [licensing@neath-porttalbot.gov.uk](mailto:licensing@neath-porttalbot.gov.uk)

ii. **Carmarthenshire County Council**

Licensing  
Public Protection  
Carmarthenshire County Council  
3 Spilman Street  
Carmarthen  
Carmarthenshire  
SA31 1LE  
Tel: 01267 234567  
Email: [schlicensing@carmarthenshire.gov.uk](mailto:schlicensing@carmarthenshire.gov.uk)  
[publicprotection@carmarthenshire.gov.uk](mailto:publicprotection@carmarthenshire.gov.uk)

J. **Vessels**

i. **Canal & River Trust**

Head Office

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

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

iii. **Secretary of State for the Home Department**  
Direct Communications Unit  
2 Marsham Street  
London  
SW1P 4DF  
Email: [public.enquiries@homeoffice.gsi.gov.uk](mailto:public.enquiries@homeoffice.gsi.gov.uk)  
Tel: 020 7035 4848



PC Jon Hancock  
Police Licensing Officer  
Swansea Central Police Station  
Grove Place  
Swansea  
SA1 5EA  
Jonathan.Hancock@south-wales.pnn.police.uk

Mrs Lynda Anthony  
The Divisional Licensing Officer,  
City and County of Swansea,  
Civic Centre,  
Swansea.

4<sup>th</sup> April 2018

### Police Observations to the Swansea Council Cumulative Impact Policy

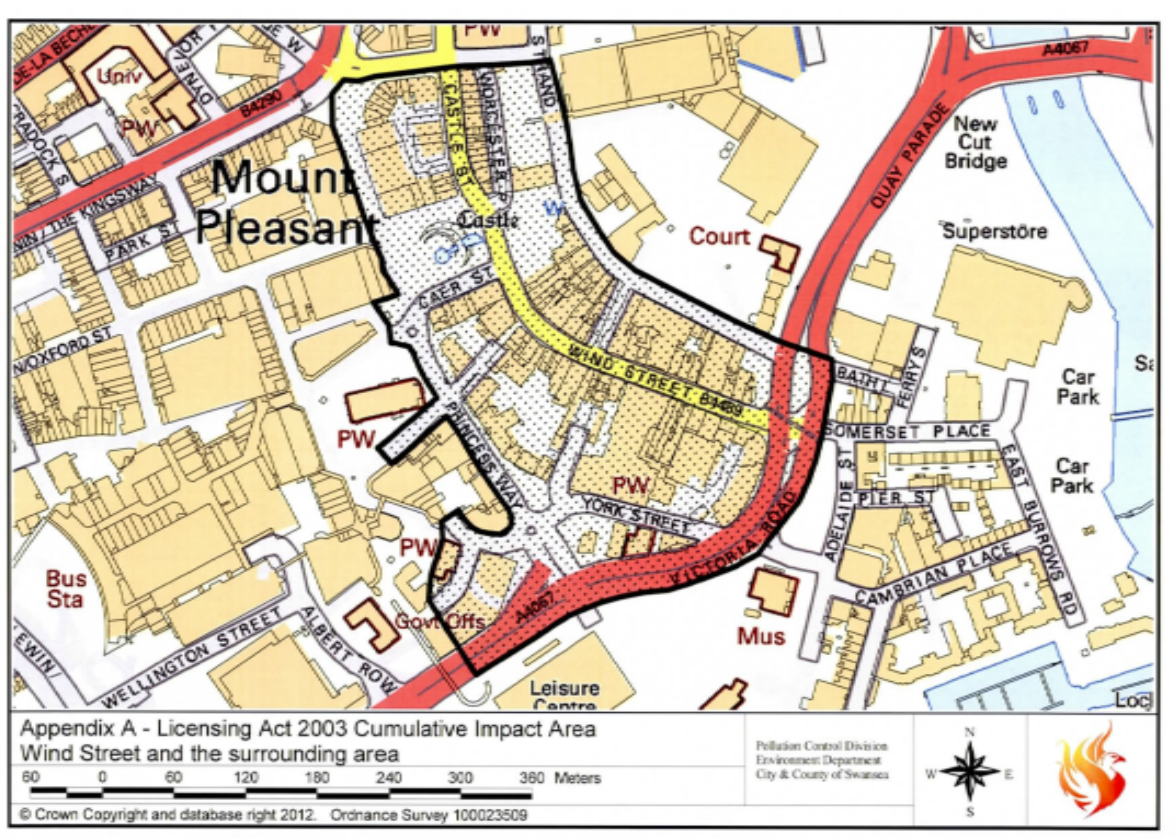
I have been requested to provide an overview of the Swansea Council Cumulative Impact Policy and how it is utilised operationally within the South Wales Police, Swansea Basic Command Unit. The overview will examine trends in all aspects of crime, along with violence offences, drunk and disorderly offences and anti-social behaviour. This overview will be based on police occurrence figures along with the professional observations of police licensing officers who have been responsible for interpreting and implementing the policy on an operational level.

The current Swansea City Council Statement of Policy came in to effect in July 2013 and was reviewed on the 26<sup>th</sup> January 2017. Paragraph 6.19 of the document refers to Cumulative Impact Special Saturation Policy for three specific areas

- Wind Street and the surrounding area
- The Kingsway and the surrounding area
- High Street and College Street

Since that time, South Wales Police has referred to this policy when considering a licence application from any licensed premises within these three zones, based on the four licensing objectives of Crime and Disorder, Public Safety, Prevention of Public Nuisance and Protection of Children from harm. Under the Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, paragraph 1.4 of the guidance stated that the promotion of the statutory objectives is a paramount consideration at all times.

### Wind Street and the surrounding area



Wind Street over the past 3 years has seen a significant amount of investment in to its licensed premises both from large organisations and small independent operators. These venues have improved the feel of the area, promoting a more sophisticated alcohol provision, focusing on cocktails, premium and craft beers. This is a welcome change from the traditional wet led, vertical drinking venues which focused on cheap drink promotions, resulting in a drunken party atmosphere that used to plague the area. The addition of diverse food operations within Princess Way, Castle Street, The Strand and York Street have promoted the daytime and evening economy and these licensed premises have worked within the cumulative impact policy and demonstrated their ability to comply with the policy exemptions.

However, there are still a number of significant challenges that Wind Street and surrounding area faces. Recent analysis has shown that between 2016 and 2017 there has been a significant increase in crime and disorder figures. Between 2016 and 2017, there has been a 78% increase in the amount of crime recorded within the area. This has resulted in an increase of 63% in violent crime which includes offences of violence with injury, violence without injury, robbery and public order. This is in contrast to a reduction of 15% in recorded crime between 2014 and 2016 and static levels of violent crime between 2014 and 2016.

The sudden increase in recorded crime and violent crime can be partly attributed to changes in criming procedures, where incidents are now crimed at first contact at the forces public service centre. It does raise the question whether the latest figures actually provide a more accurate reflection of true crime levels compared to previous years. It is also important to highlight that crimes form only a small part of the demand on police resources within the Wind Street area. Due to the large numbers of people within the night time economy, South Wales Police deal with numerous non crime related incidents, along with significant numbers of incidents relating to the vulnerability of people within the night time economy.

Wind Street, like many other areas of the country has experienced how pre loading, and the subsequent late walk up in to the Night Time Economy has affected businesses and the policing operation. It is now a regular occurrence to see the vast majority of people entering the night time economy from 2330hrs onwards. Many of these people will have consumed a significant amount of alcohol which provides significant challenges to licensed premises and the police. Licensed premises are having to strike a balance between welcoming these customers in to the venues from a business perspective, whilst ensuring that they are promoting the licensing objectives by promoting responsible drinking.

A direct consequence of the late walk up, is the endless desire for licensed premises within Wind Street and the surrounding areas to seek a competitive advantage on the numerous licensed premises around them by requesting later operating hours. These applications, which will increase the saturation levels, directly challenges the cumulative impact policy and has resulted in South Wales Police submitting representations to object to the application in its entirety or to its operating hours contained within it.

It is anticipated that this practice of requesting later hours will continue, with venues either unwilling or unable to adequately promote their early evening provision, therefore focusing on the later hours which causes significant issues for the policing operation of the City especially when there are significant resource and financial constraints placed on the force and partner agencies.

South Wales Police submit that to relax or amend the cumulative impact policy for Wind Street or the surrounding streets, will lead to a significant increase in the saturation levels of licensed premises and increase levels of crime and disorder. The following data will demonstrate the increases in crime and disorder and the subsequent concerns surrounding public safety.

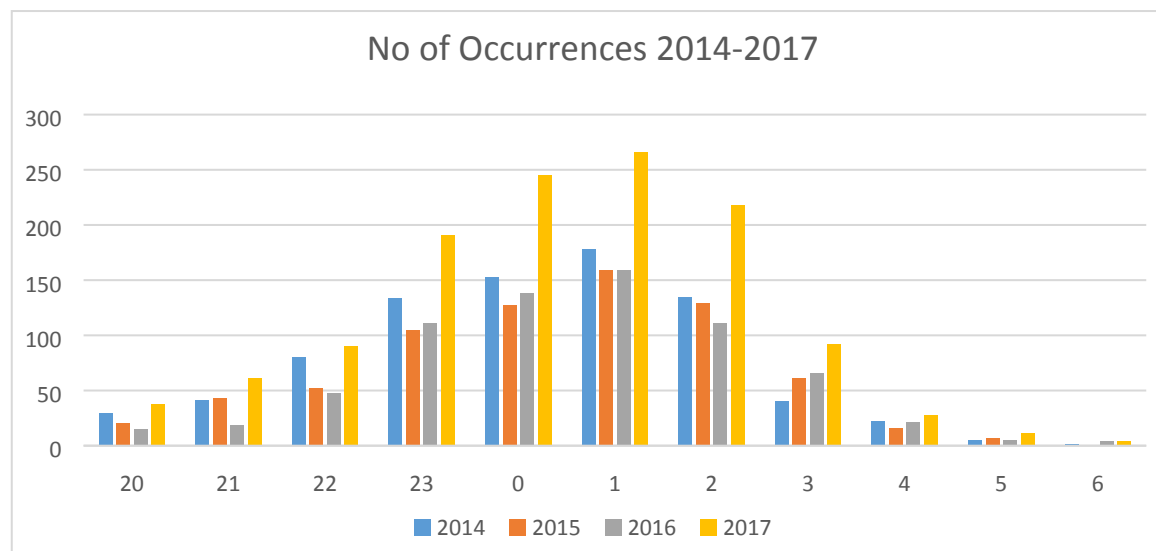


## Wind Street and Surrounding Areas – All Recorded Crime (2014-2017)

Hours of Day (8pm to 7am)

|            | 20   | 21   | 22  | 23  | 0   | 1   | 2   | 3   | 4   | 5    | 6 | Total |
|------------|------|------|-----|-----|-----|-----|-----|-----|-----|------|---|-------|
| 2014       | 29   | 41   | 80  | 134 | 153 | 178 | 135 | 40  | 22  | 5    | 1 | 818   |
| 2015       | 20   | 43   | 52  | 105 | 127 | 159 | 129 | 61  | 16  | 7    | 0 | 719   |
| 2016       | 15   | 19   | 48  | 111 | 138 | 159 | 111 | 66  | 21  | 5    | 4 | 697   |
| 2017       | 38   | 61   | 90  | 191 | 245 | 266 | 218 | 92  | 28  | 11   | 4 | 1244  |
| Total      | 102  | 164  | 270 | 541 | 663 | 762 | 593 | 259 | 87  | 28   | 9 | 3478  |
| 2016-2017% | 153% | 221% | 88% | 72% | 78% | 67% | 96% | 39% | 33% | 120% | 0 | 78%   |

The red blocks illustrate that the busiest period for all recorded crime is between 11pm and 3am. The highlighted red percentages show the increase in recorded crime between 8pm and 7am and shows that recorded crime has increased by a total of 78% between 2016 and 2017. This is contrast to the reduction of 15% between 2014 and 2016. It is also important to note, the year on year increase in recorded crime levels from 3am onwards, which illustrates the consequence of the late walk up in to the night time economy.



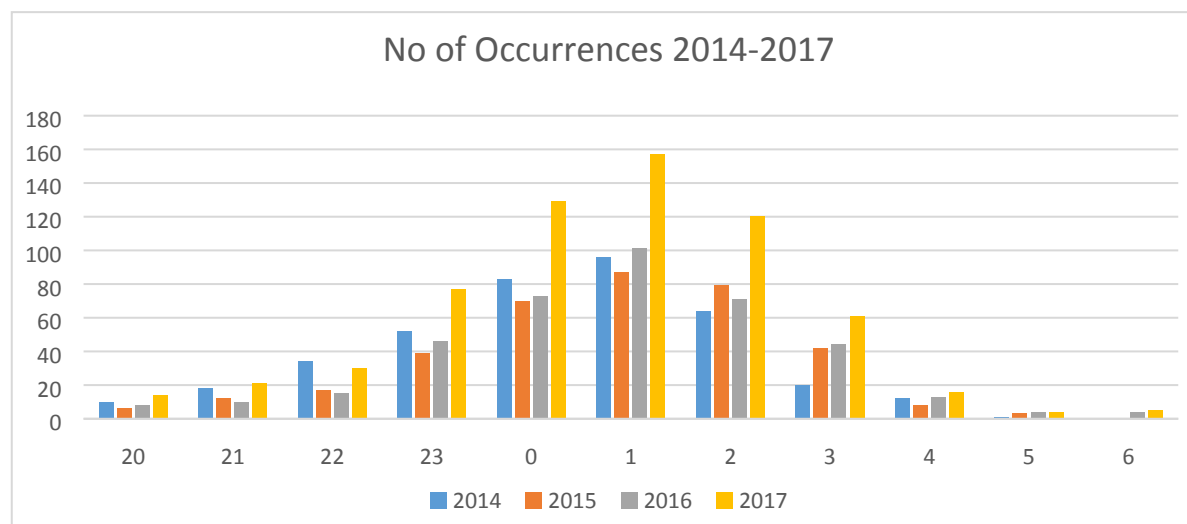
Wind Street and Surrounding Areas – Violent Crime (Violence with injury, violence without injury, robbery, public order - 2014-2017)

Hours of Day (8pm to 7am)

|            | 20  | 21   | 22   | 23  | 0   | 1   | 2   | 3   | 4   | 5  | 6   | Total |
|------------|-----|------|------|-----|-----|-----|-----|-----|-----|----|-----|-------|
| 2014       | 10  | 18   | 34   | 52  | 83  | 96  | 64  | 20  | 12  | 1  | 0   | 390   |
| 2015       | 6   | 12   | 17   | 39  | 70  | 87  | 79  | 42  | 8   | 3  | 0   | 363   |
| 2016       | 8   | 10   | 15   | 46  | 73  | 101 | 71  | 44  | 13  | 4  | 4   | 389   |
| 2017       | 14  | 21   | 30   | 77  | 129 | 157 | 120 | 61  | 16  | 4  | 5   | 634   |
| Total      | 38  | 61   | 96   | 214 | 355 | 441 | 334 | 167 | 49  | 12 | 9   | 1776  |
| 2016-2017% | 75% | 110% | 100% | 67% | 77% | 55% | 69% | 39% | 23% | 0  | 25% | 63%   |

The red blocks illustrate that the busiest period for all recorded crime is between 11pm and 3am. The highlighted red percentages show the increase in violent crime between 8pm and 7am and shows that violent crime has increased by a total of 63% between 2016 and 2017. This is in contrast to the static levels of violent crime between 2014 and 2016. It is also important to again note, the year on year increase in recorded crime levels from 3am onwards, which further illustrates the consequence of the late walk up in to the night time economy.

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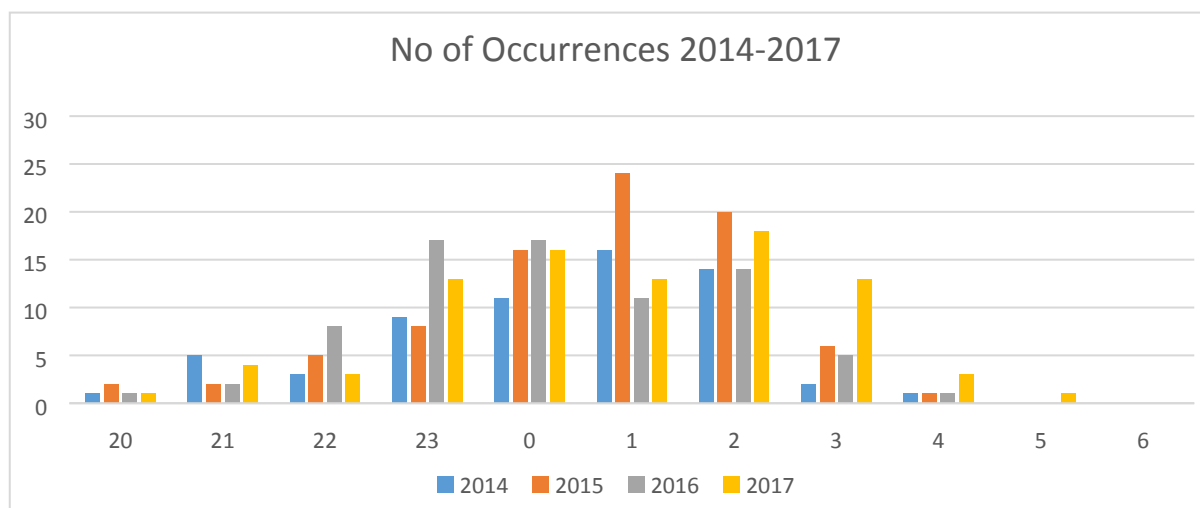


## Wind Street and Surrounding Areas – Drunk and Disorderly (2014-2017)

Hours of Day (8pm to 7am)

|       | 20 | 21 | 22 | 23 | 0  | 1  | 2  | 3  | 4 | 5 | 6 | Total |
|-------|----|----|----|----|----|----|----|----|---|---|---|-------|
| 2014  | 1  | 5  | 3  | 9  | 11 | 16 | 14 | 2  | 1 | 0 | 0 | 62    |
| 2015  | 2  | 2  | 5  | 8  | 16 | 24 | 20 | 6  | 1 | 0 | 0 | 84    |
| 2016  | 1  | 2  | 8  | 17 | 17 | 11 | 14 | 5  | 1 | 0 | 0 | 76    |
| 2017  | 1  | 4  | 3  | 13 | 16 | 13 | 18 | 13 | 3 | 1 | 0 | 85    |
| Total | 5  | 13 | 19 | 47 | 60 | 64 | 66 | 26 | 6 | 1 | 0 | 307   |

The red blocks illustrate that the busiest period for drunk and disorderly crimes is between 11pm and 3am. The figures show a total increase of 37% of drunk and disorderly crimes between 8pm and 7am between 2016 and 2017. Again, it is important to note, the year on year increase in drunk and disorderly crimes from 3am onwards, which further illustrates the consequence of the late walk up in to the night time economy.

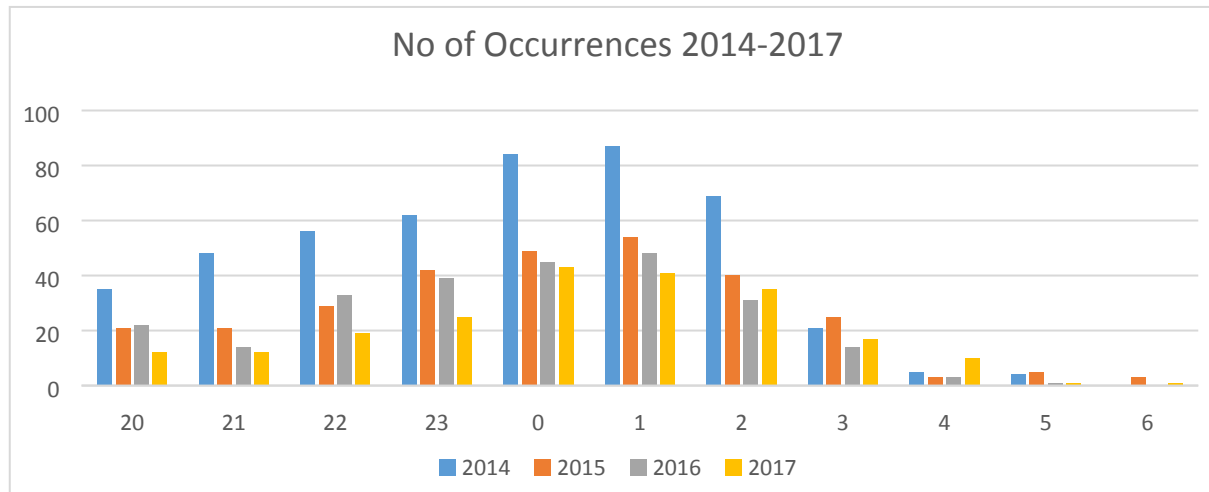


Wind Street and Surrounding Areas – Anti Social Behaviour (ASB) (2014-2017)

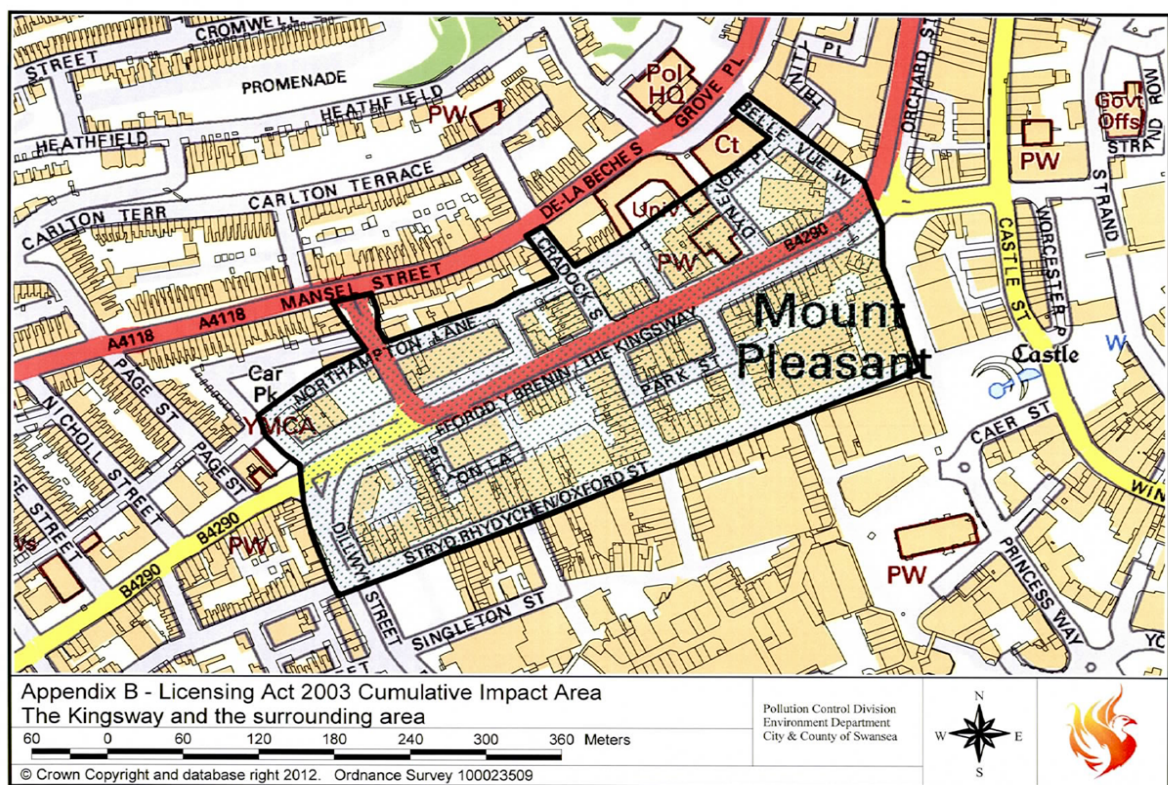
Hours of Day (8pm to 7am)

|       | 20 | 21 | 22  | 23  | 0   | 1   | 2   | 3   | 4  | 5  | 6 | Total |
|-------|----|----|-----|-----|-----|-----|-----|-----|----|----|---|-------|
| 2014  | 35 | 48 | 56  | 62  | 84  | 87  | 69  | 69  | 5  | 4  | 0 | 471   |
| 2015  | 21 | 21 | 29  | 42  | 49  | 54  | 40  | 40  | 3  | 5  | 3 | 292   |
| 2016  | 22 | 14 | 33  | 39  | 45  | 48  | 31  | 31  | 3  | 1  | 0 | 250   |
| 2017  | 12 | 12 | 19  | 25  | 43  | 41  | 35  | 35  | 10 | 1  | 1 | 216   |
| Total | 90 | 95 | 137 | 168 | 221 | 230 | 175 | 175 | 21 | 11 | 4 | 1229  |

In relation to anti-social behaviour, the red blocks again reaffirm that the busiest period for anti social behaviour is between 11pm and 3am. The figures show a total decrease of 14% for ASB between 8pm and 7am between 2016 and 2017.



## The Kingsway and the surrounding area



Over the past 10 years, the Kingsway has seen a gradual decline in its popularity for businesses, and this has included a significant reduction in the number of licensed premises. Large venues such as Oceana, Jumpin Jacks, and Escape have closed, and with some of these premises being completely demolished to make way for the regeneration which is take place under the council's development proposals. These closures have resulted in a 9% reduction in recorded crime level between April 2015 and March 2018. It has also shown a 23% reduction in anti-social behaviour but has shown a 6% increase in violent crime during the same period.

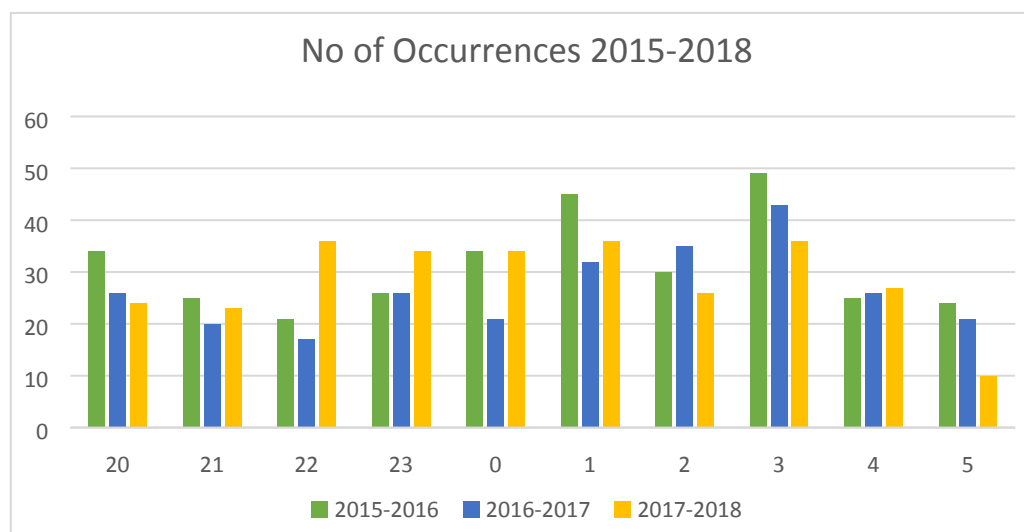
The Kingsway night time economy is dominated by two licensed premises on Northampton Lane. These venues which hold sale of alcohol hours until 4am and 5am respectively, help shift the peak period for crimes later in to the night. Recent multi agency visits have illustrated that this is still an area for cause for concern with a number of violent disturbances witnessed in the surrounding streets of the Kingsway from 2am onwards.

It is anticipated that during the redevelopment process there will be an increase in the number of licence applications received. Based on this expected increase, and on the evidence witnessed during the multi-agency visits, South Wales Police feel that the cumulative impact policy should remain in place for the Kingsway and surrounding area until all development has been completed where an overview of the whole area can be undertaken and reevaluate

The Kingsway and the surrounding area - All recorded crime (2015-2018)

| Hours of day 8pm -6am |    |    |    |    |    |     |    |     |    |    |       |
|-----------------------|----|----|----|----|----|-----|----|-----|----|----|-------|
|                       | 20 | 21 | 22 | 23 | 0  | 1   | 2  | 3   | 4  | 5  | Total |
| 2015-2016             | 34 | 25 | 21 | 26 | 34 | 45  | 30 | 49  | 25 | 24 | 313   |
| 2016-2017             | 26 | 20 | 17 | 26 | 21 | 32  | 35 | 43  | 26 | 21 | 267   |
| 2017-2018             | 24 | 23 | 36 | 34 | 34 | 36  | 26 | 36  | 27 | 10 | 286   |
| Total                 | 84 | 68 | 74 | 86 | 89 | 113 | 91 | 128 | 78 | 55 | 866   |

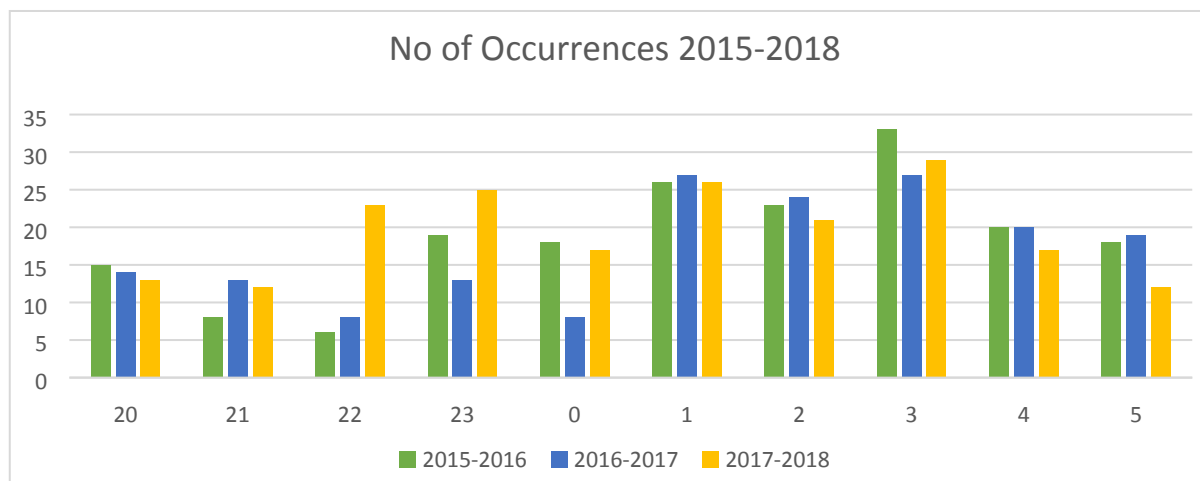
The red blocks illustrate that the busiest period for all recorded crime is between midnight and 4am. The figures show a 9% reduction in recorded crime between 8pm and 6am between 2015 and 2018.



The Kingsway and the surrounding area - All violent crime (violence with injury, violence without injury and public order 2015-2018)

| Hours of day 8pm -6am |    |    |    |    |    |    |    |    |    |    |       |
|-----------------------|----|----|----|----|----|----|----|----|----|----|-------|
|                       | 20 | 21 | 22 | 23 | 0  | 1  | 2  | 3  | 4  | 5  | Total |
| 2015-2016             | 12 | 7  | 3  | 14 | 13 | 18 | 18 | 28 | 17 | 13 | 143   |
| 2016-2017             | 8  | 10 | 4  | 11 | 6  | 20 | 16 | 20 | 16 | 15 | 126   |
| 2017-2018             | 9  | 11 | 18 | 18 | 12 | 19 | 16 | 23 | 16 | 10 | 152   |
| Total                 | 29 | 28 | 25 | 43 | 31 | 57 | 50 | 71 | 49 | 38 | 421   |

The red blocks illustrate that the busiest period for all violent crime is between 1am and 4am. The figures show a 6% increase in recorded crime between 8pm and 6am between 2015 and 2018.



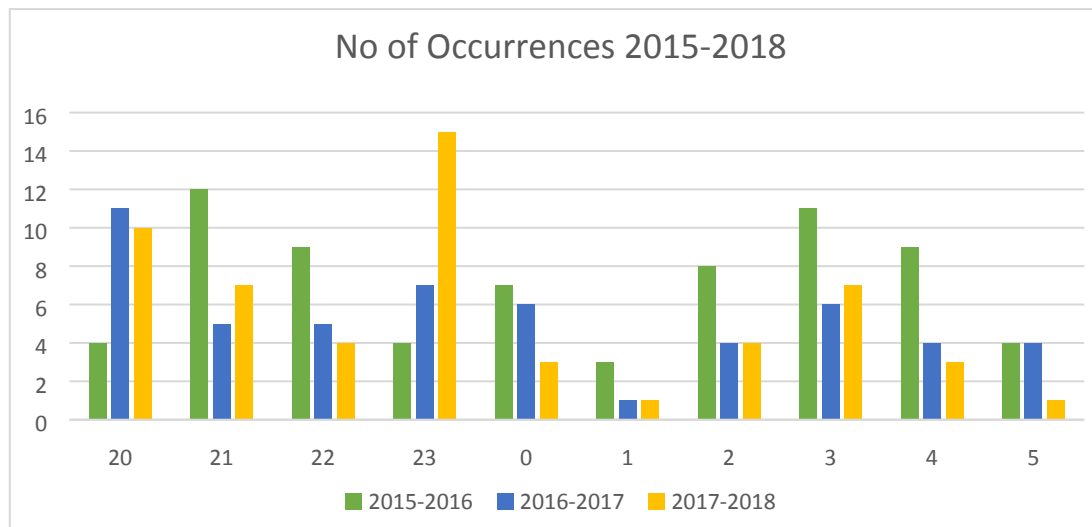
The Kingsway and the surrounding area – Anti Social Behaviour (ASB) (2015-2018)

Hours of day 8pm -6am

|           | 20 | 21 | 22 | 23 | 0  | 1 | 2  | 3  | 4  | 5 | Total |
|-----------|----|----|----|----|----|---|----|----|----|---|-------|
| 2015-2016 | 4  | 12 | 9  | 4  | 7  | 3 | 8  | 11 | 9  | 4 | 71    |
| 2016-2017 | 11 | 5  | 5  | 7  | 6  | 1 | 4  | 6  | 4  | 4 | 53    |
| 2017-2018 | 10 | 7  | 4  | 15 | 3  | 1 | 4  | 7  | 3  | 1 | 55    |
| Total     | 25 | 24 | 18 | 26 | 16 | 5 | 16 | 24 | 16 | 9 | 179   |

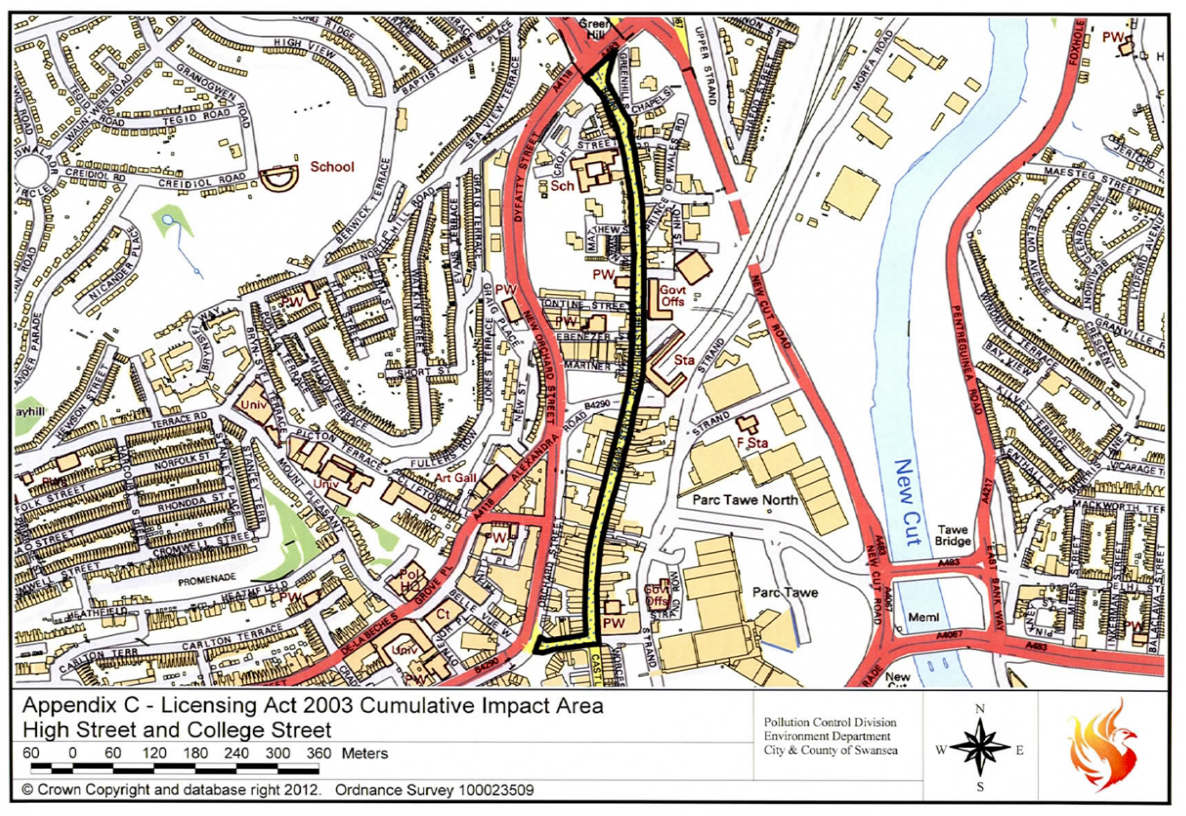
The red blocks illustrate that there are a number of peak times for ASB between 8pm and 5am. Evidence would suggest that this can be linked to the Kingsway being a walk through to the busier night time economy of Wind Street, but it also does show that between 2am and 5am incidents do peak during the later hours. The figures do show a 23% total reduction in ASB between 8pm and 6am between 2015 and 2018.

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## High Street and College Street



In the past 5 years, High Street and College Street has seen a dramatic change in the types of licensed premises contained within it. Coastal housing have invested heavily in the area, promoting a community feel to it's residential and commercial premises. Many of the traditional wet led, vertical drinking licensed premises (bars and nightclubs) have now been replaced by new buildings, promoting cultural and community projects and businesses. These new premises have demonstrated their ability to comply with the cumulative impact policy with regards to the exemptions and therefore they have been licensed in accordance within those guidelines.

The regeneration of the area has had a positive impact on the crime and disorder statistics for the area. The move away from the late night hours and vertical drinking has meant that there has been a 22% reduction in reported crime and a 31% reduction in violent crime between April 2015 and March 2018.

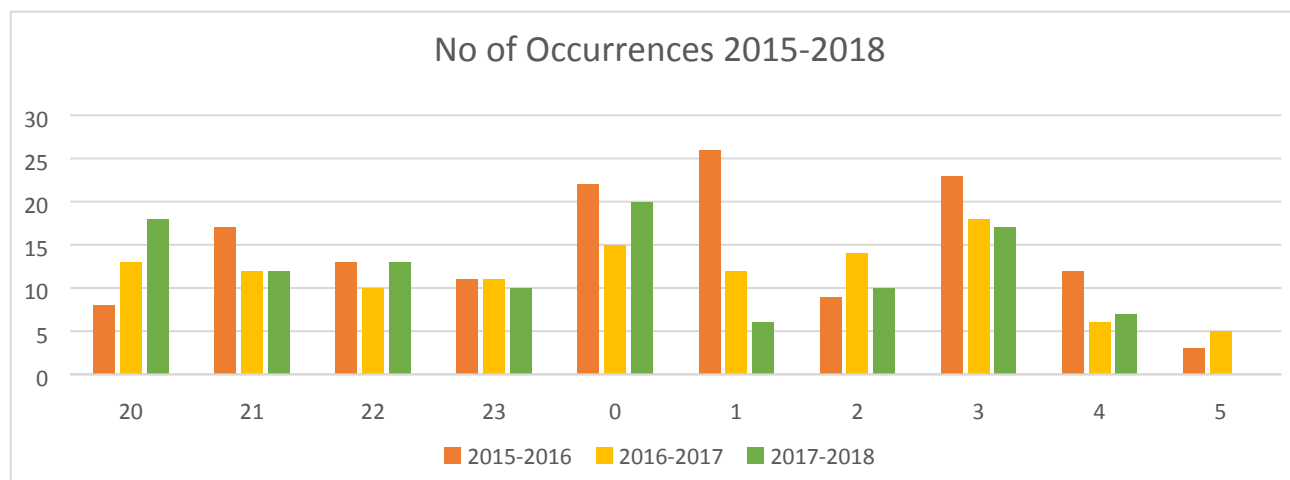
The regeneration of High Street and College Street is set to continue with two large student accommodation blocks under development. This will vastly increase the residential capacity of the area which will lead to an anticipated increase in the number of licensed premises applications received. The recent success of the cumulative impact policy in promoting and attracting new and diverse venues and projects, demonstrates how the policy should be reapplied to the area to continue to build on the community atmosphere that has been developed using the CIP framework and exemptions.

### High Street and College Street - All recorded crime (2015-2018)

Hours of day 8pm -6am

|           | 20 | 21 | 22 | 23 | 0  | 1  | 2  | 3  | 4  | 5 | Total |
|-----------|----|----|----|----|----|----|----|----|----|---|-------|
| 2015-2016 | 8  | 17 | 13 | 11 | 22 | 26 | 9  | 23 | 12 | 3 | 144   |
| 2016-2017 | 13 | 12 | 10 | 11 | 15 | 12 | 14 | 18 | 6  | 5 | 116   |
| 2017-2018 | 18 | 12 | 13 | 10 | 20 | 6  | 10 | 17 | 7  | 0 | 113   |
| Total     | 39 | 41 | 36 | 32 | 57 | 44 | 33 | 58 | 25 | 8 | 373   |

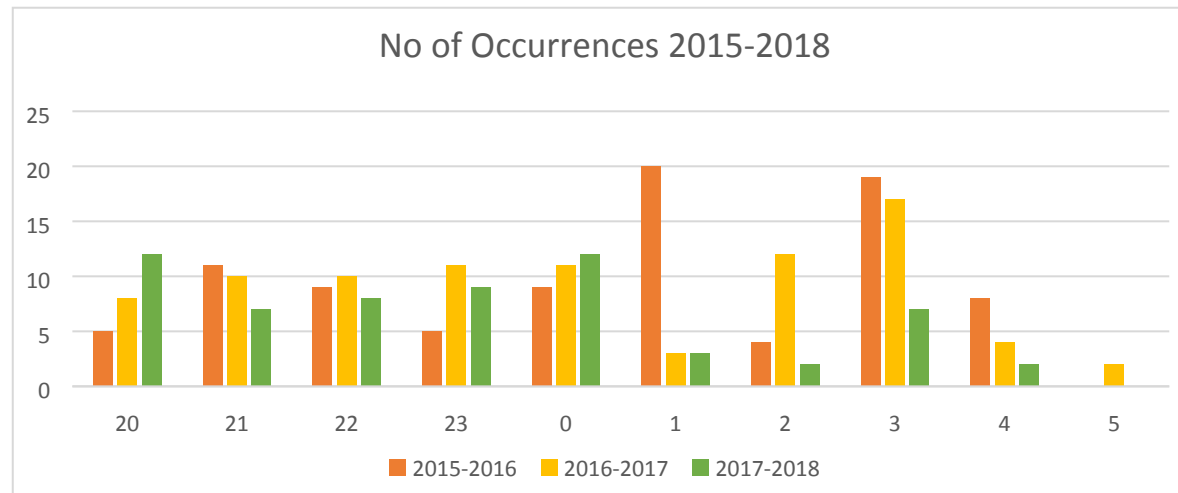
The red blocks illustrate that the busiest period for all recorded crime is between midnight and 4am. The figures show a 22% reduction in recorded crime between 8pm and 6am between 2015 and 2018.



High Street and College Street - All violent crime (violence with injury, violence without injury and public order 2015-2018)

|           | Hours of day 8pm -6am |    |    |    |    |    |    |    |    |   |       |
|-----------|-----------------------|----|----|----|----|----|----|----|----|---|-------|
|           | 20                    | 21 | 22 | 23 | 0  | 1  | 2  | 3  | 4  | 5 | Total |
| 2015-2016 | 5                     | 11 | 9  | 5  | 9  | 20 | 4  | 19 | 8  | 0 | 90    |
| 2016-2017 | 8                     | 10 | 10 | 11 | 11 | 3  | 12 | 17 | 4  | 2 | 88    |
| 2017-2018 | 12                    | 7  | 8  | 9  | 12 | 3  | 2  | 7  | 2  | 0 | 62    |
| Total     | 25                    | 28 | 27 | 25 | 32 | 26 | 18 | 43 | 14 | 2 | 240   |

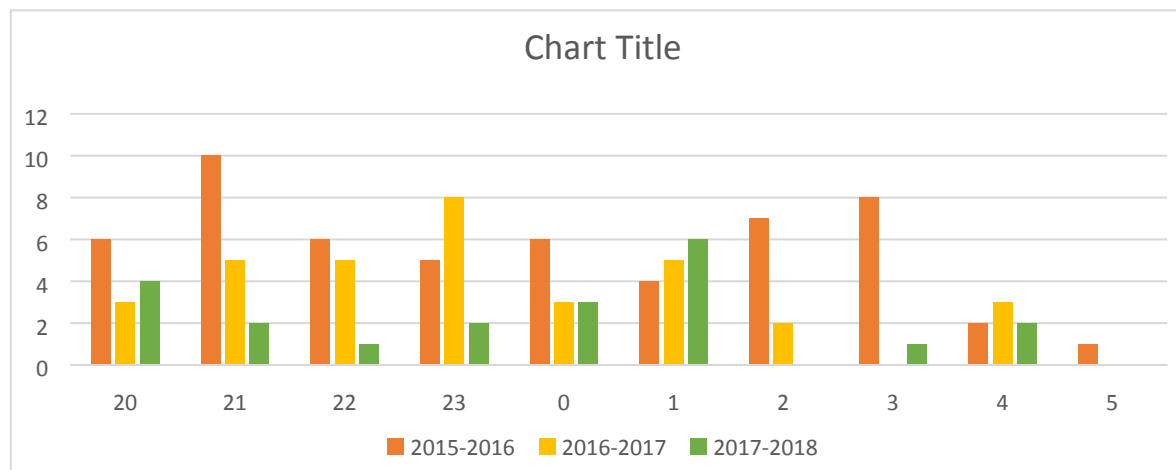
The red blocks illustrate that the busiest period for all violent crime is spread 9pm and 4am. The figures show a 31% reduction in recorded crime between 8pm and 6am between 2015 and 2018.



### High Street and College Street – Anti Social Behaviour (ASB) (2015-2018)

|           | Hours of day 8pm -6am |    |    |    |    |    |   |   |   |   |       |
|-----------|-----------------------|----|----|----|----|----|---|---|---|---|-------|
|           | 20                    | 21 | 22 | 23 | 0  | 1  | 2 | 3 | 4 | 5 | Total |
| 2015-2016 | 6                     | 10 | 6  | 5  | 6  | 4  | 7 | 8 | 2 | 1 | 55    |
| 2016-2017 | 3                     | 5  | 5  | 8  | 3  | 5  | 2 | 0 | 3 | 0 | 34    |
| 2017-2018 | 4                     | 2  | 1  | 2  | 3  | 6  | 0 | 1 | 2 | 0 | 21    |
| Total     | 13                    | 17 | 12 | 15 | 12 | 15 | 9 | 9 | 7 | 1 | 110   |

The red blocks illustrate that the busiest period for all ASB is spread between 8pm and 2am. The figures show a 62% reduction in ASB between 8pm and 6am between 2015 and 2018.



All of the police data shows that despite a substantial police commitment to the evening and night time economy, figures show that all levels of crime, including violent crime have increased significantly last year. Any relaxation of the cumulative impact policy in relation to late night venues will lead to an expected increase to the number of operating licensed premises and this will have the potential to increase these figures still further.

South Wales Police have identified that there are issues surrounding pre loading and a later walk up of persons in to the night time economy which is supported by the police figures showing a year on year increase after 3am in all crime and violent crime occurrences. To move away from the current cumulative impact policy will assist in reinforcing this later drinking culture. There is currently overwhelming capacity within the evening and night time economy to encourage a more family environment and encourage people to enjoy themselves earlier, and this has been reflected in South Wales Police approach in conjunction with partner agencies to encourage new and diverse premises focusing on family entertainment, cultural and community projects and food led operations.

The existence of the cumulative impact policy in its current form has assisted in the control of the number of licensed premises within the night time economy. In order to police the Evening and Night Time Economy, South Wales Police utilise a specific policing operation within the Cumulative Impact zones called 'Swansea After Dark' which is implemented every Wednesday, Friday, Saturday, and identified busy event days. The operation consists of officers who are abstracted from their primary roles from response and neighbourhood sectors across both Swansea and Neath Port Talbot, along with specialist officers who are abstracted from key criminal investigation and public protection roles. Due to the volume of licensed premises, there is a need to utilise a meet and greet approach, providing early intervention to identify crime and disorder, and vulnerability at an early stage. As a result, there is a requirement to extend the provision of officers within the Wind Street and surrounding area from 1800hrs. When this is combined with the requirement to provide officers during peak demand until 0600hrs, South Wales Police face significant resource issues to provide sufficient officers to work between those hours, whilst also ensuring sufficient numbers to ensure the safety of officers and members of the public to manage in excess of 20,000 people within the night time economy. This has a substantial impact on the policing of communities in Swansea and Neath/Port Talbot, and has a significant financial cost to the force to resource annually. Whilst there is a substantial emphasis placed on the night time economy within the cumulative impact zones, there is still the daily demand pressures of policing the City Centre whilst also providing presence and reassurance to other night time economy areas and communities, such as Uplands, the Marina, SA1 and Mumbles.

Should the cumulative impact policy be amended or relaxed, there will certainly be an expected increase in the number of late night drinking venues likely to enter the night time economy do the same. When considering any later operating hours, 7 days a week, then there will be an almost certain requirement to extend the after dark operation further in order to prevent crime and disorder and ASB, and to ensure public safety. This will have significant repercussions on resource and budget levels across the division, and is unsustainable in the current financial climate where tough operational policing decisions and cut backs are being undertaken.

Swansea has recently been successful in achieving a Purple Flag renewal which promotes a vibrant, diverse and safe evening and night time economy. This was achieved through excellent work with partner agencies in conjunction with licensed premises. The Swansea Help point was identified as a fundamental element of the ENTE and was created to help reduce night time economy admissions to local accident and emergency departments, target vulnerability and has treated over 3800 patients in just over 3 years of operating. The Help point is located within the Strand, and consists of a qualified nurse, paramedics, St John Ambulance volunteers, Street Pastors, South Wales Police officers and student volunteers. The Help Point which operates between 10pm and 5am is funded through the Police and Crime Commissioner, and the local Health board, and is in place to offer a safe and substantial medical facility to treat people visiting the ENTE. The Help point costs approximately £1000 a night to operate and opens on a Wednesday, Saturday and identified event days. It is expected that a further increase in people within the late night time economy, will lead to a requirement for the help point to open on additional night and for additional hours, thus having further cost and resource implications for all agencies concerned.

This report is respectfully submitted for your information and consideration,

Yours sincerely,



Police Licensing Officer  
(On behalf of the Chief Officer of Police)



## Report of the Cabinet Member for Commercial Opportunities & Innovation

Cabinet – 17 May 2018

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

|                                    |  |
|------------------------------------|--|
| <b>Purpose:</b>                    | To seek approval for the draft of the revised Policy on the Licensing of Sex Establishments , be issued for consultation   |
| <b>Policy Framework:</b>           | The Licensing of Sex Establishments Policy 2013  |
| <b>Consultation:</b>               | Legal, Finance, Access to Services   |
| <b>Recommendation(s):</b>          | It is recommended that Cabinet:<br><br>1) agree the proposed changes to the Council’s policy on the Licensing of Sex Establishments;<br><br>2) agree that the existing “relevant localities” for the purposes of determining applications for sex establishments and the “appropriate number” of sex establishments for each locality are retained;<br><br>3) agree that the revised policy is issued for consultation prior to reporting back to Council for adoption |
| <b>Report Author:</b>              | Lynda Anthony  |
| <b>Finance Officer:</b>            | Aimee Dyer   |
| <b>Legal Officer:</b>              | Lyndsay Thomas   |
| <b>Access to Services Officer:</b> | Ann Williams   |

#### 1.0 Background

- 1.1 Sex Establishment Licences are issued under the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (the 1982

Act). There are three types of sex establishment in the 1982 Act, these are sexual entertainment venues (SEVs), sex cinemas and sex shops. (Relevant definitions associated with sex establishments can be found in the draft policy attached at Appendix A).

- 1.2 The 1982 Act is adoptive and was adopted by Swansea Council in November 1983. Amended provisions of the 1982 Act were adopted in February 2011 and as a result, anyone wishing to operate a sex establishment in the Swansea Council area requires a licence.
- 1.3 Following adoption of the legislation Council also adopted a policy on the Licensing of Sex Establishments (the Policy). The most recent policy was adopted by Council on the 30<sup>th</sup> July 2013 and states that a review of the policy will be undertaken within a maximum period of 5 years.

## **2.0 Current Position**

- 2.1 There are currently two premises licensed as sex establishments in Swansea. These are long standing licences issued to premises trading as sex shops.

## **3.0 Current Policy**

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

## **4.0 Review of the Policy**

- 4.1 Officers have undertaken a review of the Policy and some minor changes are proposed. A draft of the proposed changes to the Policy is attached at Appendix A. The proposed changes are identified in bold italic type and where it is proposed to remove information, this is shown



by striking through the text. A summary of the changes is detailed below:

- Minor amendments have been made to the introduction to the policy at points 1.1, 1.2, 1.3, 1.4, 1.6 as follows:
  - (***the Act***) has been added after the name of the relevant act at paragraph 1.1;
  - “Therefore” has been deleted from the start at paragraph 1. 2;
  - the order of the wording in paragraph 1.3 has been changed;
  - the details of the adoption and subsequent changes to the policy has been summarised in paragraph 1.4. Reference to legislation has been removed;
  - paragraph 1.6 has been deleted and the relevant information added to paragraph 1.4;
  - reference to the 1982 Act has been added to paragraph 3.1

## **5.0 Matters for Consideration**

5.1 A local authority may refuse an application for the grant or renewal of a licence for a sex establishment on a number of mandatory and discretionary grounds specified in the 1982 Act. The discretionary grounds include:

- a) that the number of sex establishments, or sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for the locality;
- b) the grant would be inappropriate having regard to –
  - i) the character of the relevant locality;
  - ii) the use to which any premises in the vicinity are put;
  - iii) the layout, character or condition of the premises, vehicle, vessel or stall in respect of when the application is made.

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

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

- 5.4 The Council considered the character of its relevant localities and determined the following as appropriate numbers of sex establishments:
- i) The appropriate number of sex establishments outside the City Centre area will be nil unless varied by the Council.
  - ii) The appropriate number of sexual entertainment venues in the City Centre area will be nil unless varied by the Council.
- 5.5 The Council also agreed that “vicinity” will be determined in the circumstances of each case, having regard to the Policy.
- 5.6 It is considered that the existing “relevant localities” for the purposes of determining applications for sex establishments and the existing “appropriate number” of sex establishments for each locality are still relevant for considering applications and it is proposed that they are retained within the Policy.
- 5.7 It should be noted however that each case must be considered on its individual merits. It is not open to an authority to refuse to consider an application, even one which does not comply with its policy and consideration must be given to whether the particular facts of the case warrant an exception to the Policy.

## **6.0 Equality and Engagement Implications**

- 6.1 An Equality Impact Assessment (EIA) screening form has been completed and the outcome indicates that a full report is not required.
- 6.2 The review does not propose changes to the existing policy in respect of the presumption that an application for a Sex Establishment outside the city centre and an application for a SEV in the city centre will be refused. The list of premises near to which Sex Establishments would not be considered appropriate is extensive and therefore strengthens the policy.

## **7.0 Financial Implications**

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

## **8.0 Legal Implications**

- 8.1 A decision to retain nil as an appropriate number can be challenged by Judicial Review. The Council will need to show how the relevant locality, having regard to the character of the area, would be affected by a SEV.
- 8.2 The Council cannot take any moral stand in adopting the policy.

- 8.3 Retaining an appropriate number of nil will not prevent applications being made. The Council cannot refuse to accept any application because it has a nil policy.
- 8.4 Any application will need to be considered on its own merits and whether the particular facts of the case warrant an exception to the policy. Applications must be dealt with objectively and impartially and any refusal has to be non discriminatory, necessary and proportionate. Any refusal will need to be on one or more of the mandatory and / or discretionary grounds. Reasons must be given for any refusal. Even if there is no statutory right to appeal a refusal for a licence, the decision can be challenged by Judicial Review.
- 8.5 Any decision must not breach Convention rights under the Human Rights Act 1998.

**Background Papers:** Licensing of Sex Establishments Policy 2013

**Appendices:** Appendix A – Draft Licensing of Sex Establishments Policy 2018



CITY AND COUNTY OF SWANSEA  
DINAS A SIR ABERTAWE

Appendix A

**DRAFT**  
**LICENSING OF SEX**  
**ESTABLISHMENTS**  
**POLICY 2018**

# LICENSING OF SEX ESTABLISHMENTS

## C O N T E N T S

|                      | <u>Page No</u>             |
|----------------------|----------------------------|
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| 2. Definitions       | 2 - 3                      |
| 3. Policy Guidelines | 3 - 6                      |
| Appendix A           | Map of relevant localities |
| Appendix B           | Standard Conditions        |

## 1. INTRODUCTION

- 1.1 The former Swansea City Council resolved to adopt the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (***the 1982 Act***) on 24<sup>th</sup> November 1983 and the provisions came into force from 30<sup>th</sup> January 1984. (The Local Government Wales Act 1994 provided for the transfer of the provisions of this legislation to the City and County of Swansea following Local Government re-organisation in 1996).
- 1.2 ~~Therefore,~~ Anyone wishing to operate premises in the City and County of Swansea area as a sex establishment requires a licence under the 1982 Act.
- 1.3 A policy ***on the licensing of sex establishments (the Policy)*** was agreed by Council on the 29<sup>th</sup> November, 2001 ~~in respect of the Licensing of Sex Establishments.~~
- 1.4 ~~The City and County of Swansea on 3<sup>rd</sup> February 2011 adopted the ***Amended provisions of the 1982 Act were adopted by Council on the 3<sup>rd</sup> February 2011. These amendments introduced the licensing of sexual entertainment venues. Amendments to the Policy were adopted by Council on the 29<sup>th</sup> September 2011 and the 30<sup>th</sup> July 2013*** Schedule 3 to the Local Government (Miscellaneous Provisions Act 1982 (amended by section 27 of the Policing and Crime Act 2009) so that it can licence sex shops, sex cinemas and sexual entertainment venues. In this policy, these are referred to as 'sex establishments' unless specified otherwise.~~
- 1.5 The role of the Council in its position as Licensing Authority is to administer the licensing regime in accordance with the law and not in accordance with any moral standing. The Council recognises that Parliament has made it lawful to operate a sex establishment and such businesses are a legitimate part of the retail and leisure industries.
- 1.6 ~~A consultation on this policy was undertaken between 11<sup>th</sup> March 2011 and 20<sup>th</sup> May 2011 and was formally adopted by the Council on 29<sup>th</sup> September 2011.~~
- 1.6 The Council is mindful of the possible concerns of the local community and that there may be conflict between the wishes of an applicant in respect of a licence and those who object to such applications. The aim of this policy is to provide guidance for prospective applicants, existing licence holders, those who may wish to object to an application and Members of the Licensing Committee when making a determination on an application.
- 1.7 While each application will be dealt with on its own merits, this policy gives prospective applicants an early indication as to whether their application is likely to be granted or not and creates a presumption that

any application for a sex establishment outside of the city centre area and any application for a sex entertainment venue in the city centre area will normally be refused. It also provides prospective applicants with details of what is expected of them should an application be made.

## **2. DEFINITIONS**

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

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

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

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

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

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

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

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

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

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

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

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

- (a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage –
  - i) sexual activity; or
  - ii) acts of force or restraint which are associated with sexual activity; or
- (b) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions but does not include a dwelling-house to which the public is not admitted.

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

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

“Sex Article” means –

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

This sub-paragraph applies-

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



### 3. POLICY GUIDELINES

- 3.1 The legislation **1982 Act** enables local authorities to exercise control over sex establishments in various ways. There are five mandatory grounds and four discretionary grounds for refusal of a sex establishment licence.
- 3.2 The mandatory grounds for refusal of an application are that the applicant:
- a. is under 18 years of age.
  - b. is for the time being disqualified from holding a sex establishment licence;
  - c. is not a body corporate and is not resident or has not been resident in an EEA state for 6 months immediately preceding the date of the application;
  - d. is a body corporate which is not incorporated in an EEA state;
  - e. has in the period of 12 months preceding the date of the application been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.
- 3.3 The Discretionary Grounds for Refusal of an application are that:
- a) the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;
  - b) if the licence were to be granted, the business to which it relates would be managed by or carried on by or carried on for the benefit of a person, other than the applicant, who would be refused the grant of such a licence if he made the application himself;
  - c) the number of sex establishments, or sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for the locality;
  - d) the grant would be inappropriate having regard to –
    - i) the character of the relevant locality;
    - ii) the use to which any premises in the vicinity are put;
    - iii) the layout, character or condition of the premises, vehicle, vessel or stall in respect of when the application is made.

- 3.4 In respect of paragraph 3.3 c) above, the local authority may determine an “appropriate number” for the “relevant locality”. Nil may be an “appropriate number” where the character of the area is considered to be unsuitable for the siting of a sex establishment.
- 3.5 The Council has determined that the “relevant localities” for the purposes of determining applications are “the City Centre area” and “outside the City Centre”, as defined on the map in Appendix A. At the boundary of the city centre area, all premises that front onto the street at the boundary will be included in the “city centre area.”
- 3.6 The Council has considered the character of its relevant localities and has determined the following as appropriate numbers of sex establishments:
- i) The appropriate number of sex establishments outside the City Centre area will be nil unless varied by the Council.
  - ii) The appropriate number of sexual entertainment venues in the City Centre area will be nil unless varied by the Council
- 3.7 A local authority may refuse an application for the grant or renewal of a licence on the grounds that it is considered inappropriate, having regard to the character of the relevant locality and the use to which any premises in the vicinity are put. The Council has determined the relevant localities as defined in 3.5 above. Vicinity will be determined in the circumstances of each case
- 3.8 In exercising its discretion the Council will take into account the following and as a general rule there will be a presumption against the licensing of a sex establishment if it is near to:
- i) schools or other facilities frequented by children, such as play areas, nurseries, playgroups and children’s centres;
  - ii) cultural facilities such as museums, theatres and cinemas;
  - iii) historic buildings and tourist attractions;
  - iv) facilities frequented primarily by women such as well woman clinics, women’s refuges;
  - v) places of worship;
  - vi) public leisure facilities such as leisure centres, swimming pools, parks and open spaces;
  - vii) family shopping areas;

- viii) community buildings such as community centres, libraries and drop in centres;
- ix) places used by vulnerable persons such as hostels and other adult social care facilities;
- x) residential premises;
- xi) hospitals and other medical facilities
- xii) other sex establishments

3.9 In respect of the layout/character or condition of the premises for which the application is made considerations would include health and safety issues, provision of electrical certificates, fire safety matters, provision of sanitary accommodation, whether the premises can be effectively supervised, whether private booths are provided and how the premises is fitted out

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

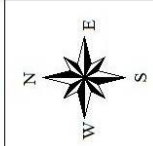
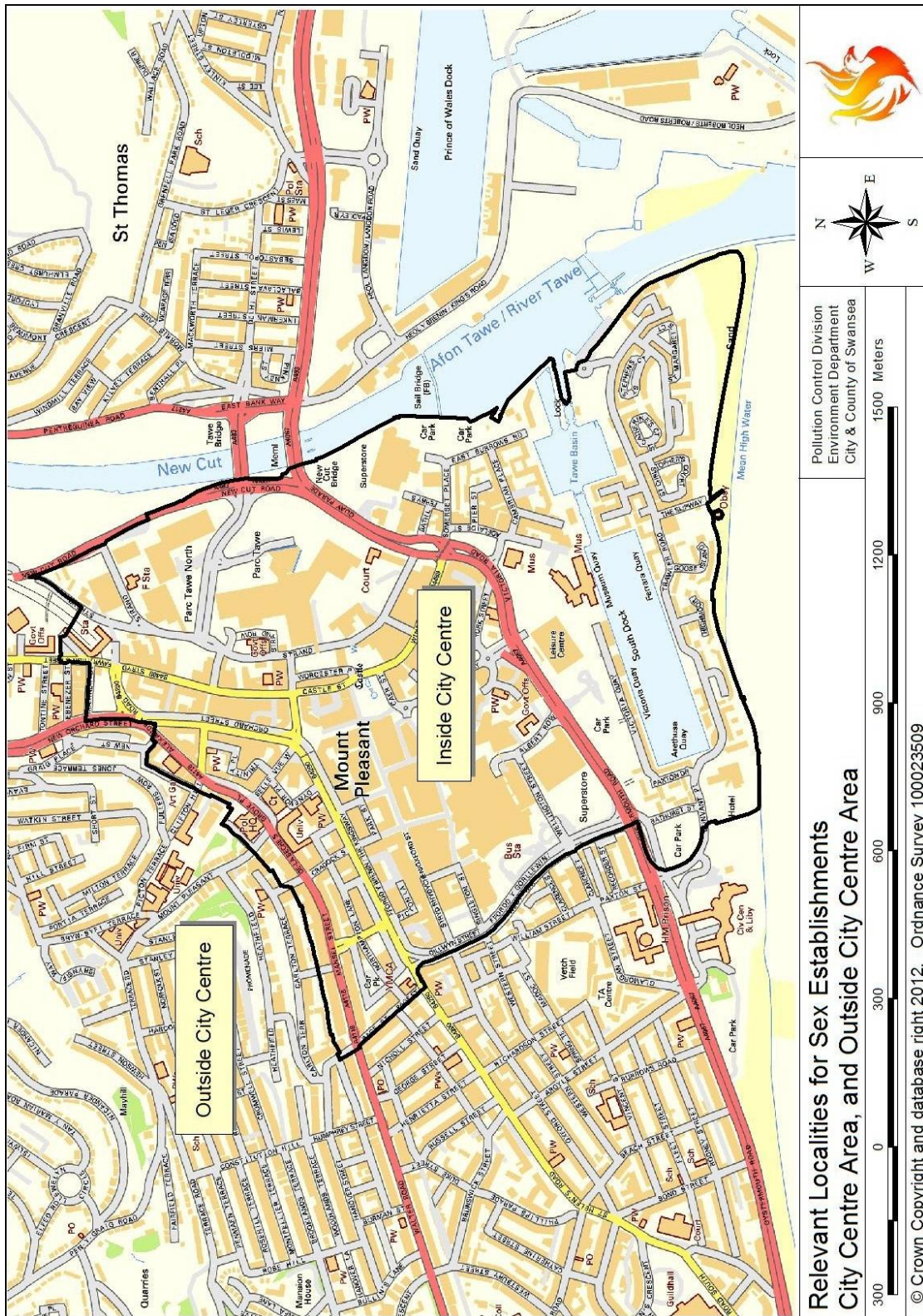
3.11 Each individual application for a licence for a sex establishment will be considered on its merits. Where an appropriate number has been set for a particular locality the Council will consider whether the facts of the case warrant an exemption to the policy.

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

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

- 3.13 When an application is made the licensing authority will undertake consultations with the following agencies/departments of the local authority:-
- a) Police;
  - b) Fire Authority;
  - c) Ward Members;
  - d) Planning Department;
  - e) Corporate Properties;
  - f) City Centre Manager (for City Centre Applications Only).
- 3.14 On receipt of representations and/or consultation responses, the application will be reported to the Licensing Committee for decision. Details of the representations and/or consultation responses will be provided to the applicant. The names and addresses of the objectors will be redacted unless the objectors give their consent for this information to be released.
- 3.15 The Committee will receive observations on the issues outlined in paragraphs 3.1. – 3.3 of this policy guideline.
- 3.16 The Committee and the applicants will be made aware of any objections received and the applicant will be given the opportunity to address the Committee. Any objectors will also be given the opportunity to address the Committee.
- 3.17 Following consideration of all the relevant factors, the Committee will then determine the application.
- 3.18 All new applications and any contested renewals, transfers or variations will be determined by the Licensing Committee.
- 3.19 The Council may, from time to time and at a maximum period of 5 yearly, review the contents of this Policy, the “relevant localities” for the purposes of determining applications for sex establishments and the “appropriate number” for each relevant locality.
- 3.20 The relevant fees must accompany any application submitted. Details of the fees will be provided to the applicant with the application form.

City Centre Area



Pollution Control Division  
Environment Department  
City & County of Swansea

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

0 300 600 900 1200 1500 Meters

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**REGULATIONS PRESCRIBING STANDARD CONDITIONS**

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

**Definitions**

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

“the Act” - means the Local Government (Miscellaneous Provisions) Act 1982.

“the Council” - means City and County of Swansea.

“the licensed premises” - means any premises, vehicle, vessel or stall licensed under the Act.

“Licence Holder” - means a person who is the holder of a sex establishment licence.

“Sex Establishment” means a sexual entertainment venue, sex cinema or sex shop.

“Sex Establishment Licence” means a licence granted pursuant to Schedule 3 of the Act.

“Display of nudity” means in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and in the case of a man, exposure of his pubic area, genitals or anus.

“Approval of the Council”,  
or  
“Consent of the Council” - means the approval or consent of the Licensing Authority.

“Approved” - means approved by the Licensing Authority in writing.

## General

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

## Times of Operation

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

## Conduct and Management of Sex Establishments

9. Where the Licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Licensing Authority within fourteen days of such change and such written details as the Licensing Authority may require in respect of any new director, secretary or manager are to be furnished within fourteen days of a request in writing from the Licensing Authority.

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



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

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

#### Use

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

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

#### Goods available in Sex Establishments

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

#### External Appearance

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

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

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

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

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

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

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

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

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

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

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



## Report of the Local Authority Governors Appointment Group

Cabinet – 17 May 2018

### Local Authority Governor Appointments

|                                    |   |
|------------------------------------|---|
| <b>Purpose:</b>                    | To approve the nominations submitted to fill Local Authority Governor vacancies in School Governing Bodies  |
| <b>Policy Framework:</b>           | Local Authority (LA) Governor Appointments Procedure (Adopted by Council on 26 October 2017)  |
| <b>Consultation:</b>               | Access to Services, Finance, Legal  |
| <b>Recommendation(s):</b>          | It is recommended that: <ol style="list-style-type: none"> <li>1) The nominations recommended by the Chief Education Officer in conjunction with the Cabinet Member for Children, Education and Lifelong Learning be approved.</li> </ol> |
| <b>Report Author:</b>              | Gemma Chapman   |
| <b>Finance Officer:</b>            | Chris Davies  |
| <b>Legal Officer:</b>              | Stephanie Williams  |
| <b>Access to Services Officer:</b> | Sherill Hopkins   |

#### 1.0 The nominations referred for approval

1.1 The nominations are recommended for approval as follows:

|                                 |                        |
|---------------------------------|------------------------|
| 1. Brynhyfryd Primary School    | Mrs Margaret Greenaway |
| 2. Crwys Primary School         | Mrs Donna Woods        |
| 3. Cwmrhydyceirw Primary School | Mrs Barbara Miller     |
| 4. Hendrefoilan Primary School  | Mrs Pamela Cole        |



|                                 |                   |
|---------------------------------|-------------------|
| 5. St David's RC Primary School | Mrs Laura Northey |
|---------------------------------|-------------------|

**2.0 Financial Implications**

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

**3.0 Legal Implications**

3.1 There are no legal implications associated with this report.

**4.0 Equality and Engagement implications**

4.1 There are no equality and engagement implications associated with this report.

**Background Papers:** None

**Appendices:** None



## Report of the Cabinet Member for Children, Education & Life Long Learning

Cabinet – 17 May 2018

### Increased Planned Places at Penybryn Special School

|                                    |   |
|------------------------------------|---|
| <b>Purpose:</b>                    | To seek approval to consult on a proposal to increase the planned places at Penybryn Special School from April 2019.  |
| <b>Policy Framework:</b>           | Corporate priorities: <ul style="list-style-type: none"><li>• Improving pupil attainment</li><li>• Safeguarding vulnerable people</li></ul>   |
| <b>Consultation:</b>               | Access to Services, Finance, Legal.   |
| <b>Recommendation(s):</b>          | It is recommended that: <ol style="list-style-type: none"><li>1) Approval is given to consult on increasing the planned places at Penybryn Special School from April 2019.</li><li>2) Agreement is given to seek additional corporate revenue funding to support the establishment of these increased planned places.</li><li>3) Cabinet considers responses following the consultation period.</li></ol> |
| <b>Report Author:</b>              | Kelly Small   |
| <b>Finance Officer:</b>            | Chris Davies  |
| <b>Legal Officer:</b>              | Stephanie Williams  |
| <b>Access to Services Officer:</b> | Sherill Hopkins   |

#### 1. Introduction

- 1.1 Penybryn Special School is currently full and is likely to be for the foreseeable future. There is significant demand for places which is leading the local authority to have no other option than to place pupils into independent and out of county schools. This is a national pressure in England and Wales where a shortage of special school places for pupils with additional learning needs has been reported in national newspapers and the BBC.
- 1.2 In mainstream schools, there are a number of specialist teaching facilities (STFs) which support pupils with moderate/severe learning difficulties (E band funding), and STFs to support pupils with moderate/severe autistic spectrum disorder (ASD) (F and G band funding). All of the ASD STFs are also full.

- 1.3 There is significant pressure for ASD specialist places, despite opening the three new STFs at Portmead and Duvant Primary Schools and Birchgrove Comprehensive School. The local authority placed the pupils with the most significant need into these STFs which has led to significant pressure on them resulting in additional funding being provided to increase staffing over the base level. An additional 65 hours of teaching assistance support has recently been provided to the two new ASD Primary STFs.

## **2. Increasing Planned Places**

- 2.1 Special schools are funded on planned places. Penybryn Special School is set up to cater for 130 pupils in total. There are 93 places (E band) for secondary aged pupils who have moderate to severe learning difficulties. The school also provides for pupils (both primary and secondary aged) with severe autism. There are 37 (G band) places for these pupils.
- 2.2 Penybryn have recently used their reserves to invest in a modular build at the school, providing extra classrooms and facilities for pupils. Consequently, no capital funding is required to realise an increase of up to an additional 20 pupils, the number of planned places that we would seek to increase at the school via a statutory proposal.
- 2.3 School organisation regulations require a statutory proposal to take place if a special school increases their planned places by more than 10% (or 20 places, whichever is the lesser) from a count date of 19 January 2013. Penybryn Special School had 118 planned places on the count date and therefore will require a statutory proposal to increase planned places over 130 (the current number of places).
- 2.4 Increasing planned places at Penybryn Special School would alleviate pressure on the moderate ASD STFs. The pupils with the more severe needs (i.e. high ASD symptomatology) would transfer to Penybryn Special School, allowing the authority to place pupils with moderate ASD into the appropriate STFs. It would also alleviate pressure on secondary mainstream schools and STFs who are struggling to cope with the demands of managing pupils with more severe learning difficulties.

## **3. Financial Implications**

### Capital

- 3.1 No capital funding is being sought as the school have used their own delegated funding to create additional classroom and ancillary spaces.

### Revenue

- 3.2 The annual revenue costs for 20 additional planned places at Penybryn Special School i.e. 12 Band G places plus 8 Band E places, is £343,630 per annum once fully established (based on FY2017-2018 planned place funding, additional pupil numbers and adopting the revenue costs for the increase in floor area). This should be considered in the context that a single pupil placed into

Ty Danycoed (independent sector), is costing the local authority in excess of £100,000 per annum.

- 3.3 The revenue funding would be delegated to Penybryn Special School each year. The school will then manage the staff and pupils accordingly.
- 3.4 There could be associated transport costs for the learners to attend the school, as per the Home to School Transport Policy; however it is anticipated that there will be reduced costs for out of county placements in other specialist provision, as well as potential for reduced associated Social Services costs.

#### 4. **Legal Implications**

- 4.1 The increasing of special school planned places above the current level at Penybryn Special School constitutes a Regulated Alteration which requires consultation and the publication of statutory notices in accordance with s44 and Schedule 2, Part 4, Paragraph 19 of the School Standards and Organisation (Wales) Act 2013 (“the Act”) and the Welsh Government’s School Organisation Code (Circular 006/2013) (the Code).
- 4.2 The Code provides statutory guidance a local authority must follow when seeking to making Regulated Alterations to education provision within a local authority area. The Code provides that:

Local authorities must ensure there are sufficient schools providing primary and secondary education for their area. Schools are regarded as sufficient if they are sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education. In order to fulfil these duties, local authorities must ensure that they plan thoroughly and engage fully with relevant partners, including the appropriate religious bodies for schools serving their area which have a designated religious character.’

- 4.3 Additional considerations are applicable when SEN provision is being considered:

##### Standards of provision

In addition to the usual considerations in relation to standards of provision, relevant bodies should consider:

- Whether proposals will improve standards of accommodation for pupils with SEN, including building accessibility;
- How proposals will address any health, safety and welfare issues;
- How proposals, where appropriate, will support increased inclusion; and
- The impact of proposals on other SEN provision within the immediate and wider local authority area including out of county where appropriate.
- Need for places and the impact on accessibility of schools
- 

In addition to the considerations listed in 1.4, relevant bodies should consider:

- Whether there is a need for a particular type of SEN provision within the area;
- Whether there is a surplus SEN provision within the area;

- Whether SEN provision would be more effective or efficient if regional provision were made; and
- The impact of proposals on the transportation of learners with SEN.

#### Other factors

Relevant bodies should consider:

- How changes to SEN provision in schools are likely to impact on all other services provided in an area for pupils with disabilities and/or SEN.

- 4.4 Before publishing any proposals the local authority (Proposer/s) is under a duty, by virtue of s48 of the Act, to consult on such proposals. The Code states that:
- At the start of the consultation period Proposers must provide the consultees listed in the Code with a detailed consultation document following the requirements listed in the Code, and give them at least 42 days in which to respond, with at least 20 of these being school days.
  - Where proposals involve specialist resource bases attached to mainstream schools the following information must be included in the consultation document:
    - the impact on SEN provision;
    - how proposals will contribute more generally to enhancing the quality of education and support for children with SEN.
  - Consultation comments must be collated and summarised by Proposers. This summary together with the responses to the comments must be published in a consultation report within three months of the end of the consultation period.
  - A decision must be made by Proposers whether to proceed with changes within 6 months of the end of the consultation period.
  - If a decision is made to proceed, a statutory notice is published providing a 28-day notice period for objections. The notice must be published on a school day and with 15 school days (not including the day of publication) in the notice period.
  - If objections are received, an objection report must be published providing a summary of the objections with responses to them before the end of 7 days beginning with the day of the Proposers determination of the proposals.
  - The proposer must determine under s53 whether the proposals are to be implemented. Proposals must receive final determination within 16 weeks of the end of the objection period. Local determination is a requirement of the School Organisation Code, and The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) (Amendment) Regulations 2013 allow for this local determination. The Welsh Ministers and Governing Bodies are to be notified of the decision within 7 days of the decision.
  - If the Proposer determines to implement proposals, they should be implemented in accordance with the date given in the statutory notice, or any subsequent modified date.
- 4.5 Failure to comply with the statutory consultation requirements in the Act and Code will leave the Authority open to Judicial Review and the decision could be quashed by the Courts.

Case law has established that the consultation process should:

- be undertaken when proposals are still at a formative stage;
- include sufficient reasons and information for particular proposals to enable intelligent consideration and response;
- provide adequate time for consideration and response; and
- ensure that the product of consultation is conscientiously taken into account when the ultimate decision is taken.

## **5. Equality and engagement implications**

- 5.1 An Equality Impact Assessment screening (Appendix A) has been drafted and, at this stage, a full Equality Impact Assessment report is not required. This will be reviewed following the conclusion of the consultation.
- 5.2 A Community Impact Assessment has been undertaken and will form part of the consultation papers.

### **Background Papers:**

Welsh Government School Organisation Code (Circular 006/2013)

### **Appendices:**

Appendix A Equality Impact Assessment Screening

**Please ensure that you refer to the Screening Form Guidance while completing this form. If you would like further guidance please contact your directorate support officer or the Access to Services team (see guidance for details).**

|  |
|--|
| <b>Section 1</b>                                 |
| Which service area and directorate are you from? |
| Service Area: Education                          |
| Directorate: People                              |

**Q1(a) WHAT ARE YOU SCREENING FOR RELEVANCE?**

|                          |                          |                          |                          |                          |                                     |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| Service/<br>Function     | Policy/<br>Procedure     | Project                  | Strategy                 | Plan                     | Proposal                            |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**(b) Please name and describe below**

**Increased Planned Places at Penybryn Special School**

Special schools are funded on planned places. Penybryn Special School is set up to cater for 130 pupils in total. There are 93 places (E band) for secondary aged pupils who have moderate to severe learning difficulties. The school also provides for pupils (both primary and secondary aged) with severe autism. There are 37 (G band) places for these pupils.

Penybryn have recently used their reserves to invest in a modular build at the school, providing extra classrooms and facilities for pupils. Consequently, no capital funding is required to realise an increase of up to an additional 20 pupils, the number of planned places that we would seek to increase at the school via a statutory proposal.

School organisation regulations require a statutory proposal to take place if a special school increases their planned places by more than 10% (or 20 places, whichever is the lesser) from a count date of 19 January 2013. Penybryn Special School had 118 planned places on the count date and therefore will require a statutory proposal to increase planned places over 130 (the current number of places).

Increasing planned places at Penybryn Special School would alleviate pressure on the moderate ASD STFs. The pupils with the more severe needs (i.e. high ASD symptomatology) would transfer to Penybryn Special School, allowing the authority to place pupils with moderate ASD into the appropriate STFs. It would also alleviate pressure on secondary mainstream schools and STFs who are struggling to cope with the demands of managing pupils with more severe learning difficulties.

**Q2(a) WHAT DOES Q1a RELATE TO?**

|   |   |  |
|---|---|--|
| Direct front line<br>service delivery   | Indirect front line<br>service delivery | Indirect back room<br>service delivery |
| <input checked="" type="checkbox"/> (H) | <input type="checkbox"/> (M)            | <input type="checkbox"/> (L)           |

**(b) DO YOUR CUSTOMERS/CLIENTS ACCESS THIS...?**

|   |                              |   |                                       |
|---|------------------------------|---|---------------------------------------|
| Because they<br>need to                 | Because they<br>want to      | Because it is<br>automatically provided to<br>everyone in Swansea | On an internal<br>basis<br>i.e. Staff |
| <input checked="" type="checkbox"/> (H) | <input type="checkbox"/> (M) | <input type="checkbox"/> (M)                                      | <input type="checkbox"/> (L)          |

**Q3 WHAT IS THE POTENTIAL IMPACT ON THE FOLLOWING...**

|                                | High Impact<br>(H)                  | Medium Impact<br>(M)                | Low Impact<br>(L)                   | Don't know<br>(H)        |
|--------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|
| Children/young people (0-18) → | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| Any other age group (18+) →    | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Disability →                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| Gender reassignment →          | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Marriage & civil partnership → | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Pregnancy and maternity →      | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Race →                         | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Religion or (non-)belief →     | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sex →                          | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sexual Orientation →           | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Welsh Language →               | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Poverty/social exclusion →     | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Carers (inc. young carers) →   | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Community cohesion →           | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Q4 HAVE YOU / WILL YOU UNDERTAKE ANY PUBLIC CONSULTATION AND ENGAGEMENT RELATING TO THE INITIATIVE?**

YES       NO (If NO, you need to consider whether you should be undertaking consultation and engagement – please see the guidance)

If yes, please provide details below

Due to the statutory nature of the proposal a full consultation will be required.

**Q5(a) HOW VISIBLE IS THIS INITIATIVE TO THE GENERAL PUBLIC?**

|   |  |  |
|---|--|--|
| High visibility<br><input type="checkbox"/> (H) | Medium visibility<br><input checked="" type="checkbox"/> (M) | Low visibility<br><input type="checkbox"/> (L) |
|---|--|--|

**(b) WHAT IS THE POTENTIAL RISK TO THE COUNCIL'S REPUTATION?  
(Consider the following impacts – legal, financial, political, media, public perception etc...)**

|   |   |   |
|---|---|---|
| High risk<br><input type="checkbox"/> (H) | Medium risk<br><input type="checkbox"/> (M) | Low risk<br><input checked="" type="checkbox"/> (L) |
|---|---|---|

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

Yes       No      If yes, please provide details below

**Q7 HOW DID YOU SCORE?  
Please tick the relevant box**

MOSTLY H and/or M → HIGH PRIORITY →  EIA to be completed  
Please go to Section 2

MOSTLY L → LOW PRIORITY / NOT RELEVANT →  Do not complete EIA  
Please go to Q8 followed by Section 2



**Q8** If you determine that this initiative is not relevant for a full EIA report, you must provide adequate explanation below. In relation to the Council’s commitment to the UNCRC, your explanation must demonstrate that the initiative is designed / planned in the best interests of children (0-18 years). For Welsh language, we must maximise positive and minimise adverse effects on the language and its use. Your explanation must also show this where appropriate.

As this proposal is looking to increase the number of places at Penybryn Special School it is clear that the initiative is planned in the best interests of children (0-18 years). It will allow the school to continue to provide an education to some of the most vulnerable learners in Swansea Council and will have no detrimental impact on any of the protected characteristics.

The proposal is proposed under the School Standards and Organisation Wales Act 2013. Section 44 relates to proposals to establish, alter or discontinue community special schools.

This screening will be reviewed after the consultation and further consideration given to whether an Equality Impact Assessment report is required.

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email – no electronic signatures or paper copies are needed.

|  |
|--|
| <b>Screening completed by:</b>                 |
| Name: Rhodri Jones                             |
| Job title: Head of Stakeholder Engagement Unit |
| Date: 12/04/2018                               |
| <b>Approval by Head of Service:</b>            |
| Name: Mark Sheridan                            |
| Position: Head of Vulnerable Learners          |
| Date:  |

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



## Report of the Cabinet Member for Economy & Strategy

Cabinet – 17 May 2018

### Welsh Government Targeted Regeneration Investment Programme 2018-21

|                                    |  |
|------------------------------------|--|
| <b>Purpose:</b>                    | To approve the South West Wales Regional Plan for Regeneration.  |
| <b>Policy Framework:</b>           | Swansea Bay City Region Economic Regeneration Strategy.  |
| <b>Consultation:</b>               | Access to Services, Finance, Legal.  |
| <b>Recommendation(s):</b>          | It is recommended that:<br><br>1) Cabinet approve the South West Wales Regional Plan for Regeneration, to deliver the Welsh Government's Targeted Regeneration Investment Programme 2018-21. |
| <b>Report Author:</b>              | Paul Relf  |
| <b>Finance Officer:</b>            | Ben Smith  |
| <b>Legal Officer:</b>              | Debbie Smith   |
| <b>Access to Services Officer:</b> | Catherine Window   |

#### 1. Introduction

- 1.1 This report provides an overview of the South West Wales Regional Plan for Regeneration. The Plan outlines the target areas, governance arrangements, thematic grant schemes and scope of activities possible under the Welsh Government's Targeted Regeneration Investment Programme, which commences in April 2018 for 3 years. The Welsh Government has allocated £27m of funding to South West Wales for 2018-2021, with a maximum grant intervention rate of 70%.

## **2. Background**

- 2.1 The Welsh Government's Targeted Regeneration Investment Programme (TRIP) will seek to support projects that promote economic regeneration – creating jobs, enhancing skills and employability and creating the right environment for businesses to grow and thrive – with a focus on individuals and areas most in need to ensure prosperity is spread to all parts of Wales.
- 2.2 Swansea Council has led on the coordination and development of the *Regional Plan for Regeneration* on behalf of Welsh Government and regional partners in the counties of Neath Port Talbot, Swansea, Carmarthenshire and Pembrokeshire. The Regeneration Plan, which is attached at Appendix A, sets the strategic context for the regional development and implementation of TRIP.
- 2.3 The Regional Plan for Regeneration is not starting from scratch; rather it builds on the substantial experience and regeneration activities delivered through the previous Welsh Government Vibrant & Viable Places funding programme 2014-17.

### **Target Areas**

- 2.4 To maximise the impact of Welsh Government TRIP funding, it will be targeted in key locations across the region that have all been chosen because of their socio-economic profile, the complex range of challenges they face and opportunity to reverse decline through a portfolio of interventions. In line with this, the Regeneration Plan identifies two target areas for TRIP investment in Swansea:

#### **1. Swansea City Centre & Tawe Riverside Corridor:**

TRIP investment is needed to complement the wider regeneration programme for Swansea City Centre and build on the successful Property Enhancement Development Grant and Homes Above Shops schemes delivered through the previous Vibrant & Viable Places programme, particularly in High Street and the Kingsway, to create much needed additional commercial floorspace and housing units in the City Centre.

The City Centre boundary for TRIP investment would be extended to include upper High Street (to take in the Palace Theatre and other derelict buildings) and the Tawe Riverside Corridor to the Hafod-Morfa Copperworks site, to support further regeneration of the Copperworks site.

#### **2. Morriston:**

Morriston has the second highest ward population in Swansea, with some parts in the 10% most deprived areas in Wales. In recent years, many properties along Woodfield Street have become vacant and the area suffers from a lack of a distinct identity. Consultation with local traders has confirmed the need for targeted investment to improve the local environment including repurposing of vacant units and public

realm enhancements to increase footfall and improve economic and social sustainability.

There is considerable enthusiasm amongst local traders for using the heritage features of the town as a draw to improve footfall, capitalising on the influx of visitors to the redeveloped Hafod Morfa Copperworks site.

TRIP investment would form part of a wider programme to regenerate Morriston, along with a potential Townscape Heritage Initiative. There is interest from local partners to become involved in regeneration projects in Morriston. To complement property enhancement activities, Business Wales has agreed to provide business support to existing traders and new businesses wishing to set up in the area, to provide a holistic package of support to the local business community.

### **Thematic Activities**

- 1.1 To address the key issues identified in the target areas, and deliver the aims and objectives of the Regional Plan for Regeneration, the following thematic areas for investment have been identified:
- Property Enhancement Development Grant (PEDG) - to enhance building frontages and bring vacant commercial floorspace back into beneficial use.
  - Sustainable Living Grant (SLG) – to support the conversion of vacant commercial floorspace into homes
  - Strategic projects - which could include investment in Swansea Market and enabling infrastructure at Hafod Morfa Copperworks.

### **Governance**

- 1.2 Local project boards (comprising of public, private and voluntary sector partners) will be responsible for local partner engagement, project development, project assessment and local financial & output monitoring. The relaunched Swansea Economic Regeneration Partnership will act as the Local Project Board in Swansea. The local project boards will report to a regional project board (the Regional Regeneration Directors Group) which will have responsibility for project prioritisation, management of regional financial allocation and outcome monitoring. The Regional Project Board will provide regular updates to the City Region Joint Committee on project prioritisation, spend and delivery.
- 1.3 The Welsh Government is seeking a more regionalised approach to the administration of TRIP thematic projects so Swansea Council will manage the administration of the PEDG and SLG on behalf of the region. A management fee will be incorporated into the PEDG and SLG budgets, to facilitate management, administration and the regional secretariat function by the Economic Development & External Funding Team in Swansea Council. Swansea Council will submit thematic applications to Welsh Government for the PEDG and SLG on behalf of the region. Strategic project applications will be submitted directly to the Welsh Government by each local authority.

### **Next Steps**

- 1.4 Once the Regional Plan for Regeneration has been approved by all four local authorities in South West Wales, it will be formally considered by Welsh Government, endorsed by the Welsh Government's Regeneration Capital Investment Panel and submitted to Welsh Ministers for approval.

### **3. Financial Implications**

- 3.1 Any match funding required to deliver the PEDG and SLG capital schemes will be met by external private sector investment and there is no requirement for the authority to make capital match contributions to these schemes.
- 3.2 The Council will need to identify the necessary capital match funding for any strategic projects it wishes to progress. Financial implications of any individual project applications will be subject to clearance by the External Funding Panel.

### **4. Legal Implications**

- 4.1 Any projects or grant proposals developed and subsequently delivered or administered in partnership with internal or external organisations will be managed in-line with Service Level Agreements, adhering to the terms and conditions set-out in Grant Offer Letters and following City and County of Swansea policies.
- 4.2 The Council will need to comply with the terms and conditions attached to the Targeted Regeneration Investment Programme grant funding.
- 4.3 All contracts for works, goods and services necessary to deliver the projects must be procured in accordance with the Council's Contract Procedure Rules and the relevant EU Regulations as appropriate. The contractual liabilities/obligations of the Council and any appointed contractors will be covered by the individual contracts entered into.
- 4.4 All statutory consents required in proposals to utilise the regeneration match funding budget will be the responsibility of the Planning and City Regeneration Division.

### **5. Equality and Engagement Implications**

- 5.1 An Equalities Impact Assessment Screening has been undertaken, with the outcome that a full Equalities Impact Assessment (EIA) is not needed.
- 5.2 The Regional Plan for Regeneration has low impact on the public in general and on equality groups in particular. Grant schemes and strategic projects funded through TRIP will be subject to individual Equalities Impact Assessment screening.

**Background Papers:**

None

**Appendices:**

Appendix A South West Wales Regional Plan for Regeneration



# South West Wales Regional Plan for Regeneration



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## Appendix 1 – Target Regeneration Area Maps:

- Port Talbot
- Neath
- Neath Port Talbot Valleys
- Swansea City Centre & Tawe Riverside Corridor
- Morriston
- Ammanford
- Llanelli
- Haverfordwest
- Pembroke

## Appendix 2 - Swansea Bay City Region Economic Regeneration Strategy Strategic Framework

## Appendix 3 – South Wales Regional TRI Governance Terms of Reference and Duties

## Appendix 4 – Overview of Grant Application Process



# 1. INTRODUCTION

1.1 This is the *Regional Plan for Regeneration* for South West Wales, which encompasses the counties of Neath Port Talbot, Swansea, Carmarthenshire and Pembrokeshire.

1.2 The content of the Plan outlines the target areas and scope of activities possible under the Welsh Government's Targeted Regeneration Investment Programme (TRIP) commencing April 2018 for 3 years. This programme is looking to support projects that promote economic regeneration – creating jobs, enhancing skills and employability and creating the right environment for businesses to grow and thrive – with a focus on individuals and areas most in need to ensure prosperity is spread to all parts of Wales.

1.3 The Regional Plan for Regeneration is not starting from scratch; rather it builds on the substantial experience and regeneration activities delivered through the previous Welsh Government Vibrant & Viable Places funding programme 2014-17.

1.4 Co-operation with local and regional partners will form an essential part of delivering the objectives of the Regional Plan for Regeneration, working together on themes of work that are consistent across the region, and tie in with the wider economic regeneration ambitions of the Swansea Bay City Region.

## 2. REGIONAL ECONOMIC CONTEXT

2.1 South West Wales is a large and diverse region containing both urban and rural places with distinctive, though inter-connected, economies and communities. The region has a resident population of 695,700 supporting 267,000 jobs, and contains over 27,000 businesses, making it a major driver of the Welsh Economy.

2.2 The region has an abundance of natural and cultural heritage. It boasts the only coastal National Park in the UK, in Pembrokeshire, Gower Area of Outstanding Natural Beauty and a wealth of attractions of historical and cultural significance. The region's unique environment and quality of life is a key asset, not only in terms of tourism, but more generally in its attractiveness as a place to live and work.

2.3 However, as outlined in the Swansea Bay Regional Economic Regeneration Strategy, the region is underperforming economically, and failing to reach its full potential. Key economic challenges that need to be addressed are:

- **Closing the productivity gap between the region and the UK.** Gross Value Added (GVA) per head was just 67.1% of the UK average (£17,000) in 2015. The underperformance is driven by two key factors – the sectoral mix of the economy is geared to lower value sectors, and, generally, the occupations on offer within these sectors are of a lower value than elsewhere in the UK.
- **There are too few businesses and the business base is not growing quickly enough.** South West Wales had 480 VAT/PAYE registered businesses per 10,000 resident population in 2015, lower than both the Welsh (495) and UK (648) levels. A large proportion of these are micro businesses with 0-9 employees. The rate at which new businesses are created is much lower than both Wales and the UK.
- **Wage levels and household incomes are too low.** Average gross weekly full time earnings stood at £471.1 in 2016, 87.5% of the UK average. Similarly, Gross disposable household income per head, at £14,583 in 2015, was only 84% of the UK average.
- **There are insufficient people with higher level qualifications and too many people with no qualifications at all.** 11.3% of working age people in the region have no qualifications, compared with 9.6% across Wales. In addition, only 33.4 % are qualified to NVQ4+ which is well below Wales level of 35.1%.
- **Unemployment and economic inactivity rates remain too high.** 20.8% of the regional working age population (excluding students) were economically inactivity in June 2017, higher than both Wales (20.4%) and UK (18.4%). 5.1% of the working age population were unemployed in June 2017 compared with 4.7% across Wales, and 4.6% in the UK.
- **Too many of our communities continue to suffer from high levels of multiple deprivation and poverty,** with pockets of deprivation in all four local authorities, and across both urban and rural areas.

2.4 In addition, although significant investment has gone into the physical fabric of the region over the past decade, major challenges remain and the regional infrastructure does not currently meet the needs of modern businesses and communities. Much of the

commercial and retail offer is of a low quality and there is limited speculative commercial development activity underway. Low rental values are considered by the private sector to be insufficient to achieve acceptable returns on investment, meaning that public sector gap funding is needed to bring new schemes forward. Furthermore, the connecting infrastructure requires investment, particularly public transport links in the more rural parts of the region.

2.5 The move away from the high street to internet and out-of-town shopping, coupled with a lack of fit for purpose commercial and retail premises, means that there are struggling commercial areas all across the region, with growing levels of vacant premises and declining footfall. This is affecting the vibrancy of these communities, the viability of local businesses and the availability of sustainable employment opportunities.

2.6 Despite the challenges, there are also major opportunities on which to build:

- The Swansea Bay City Deal is harnessing the potential of digital technologies to transform the regional economy and grow higher value added activities. £1.3bn of city deal investment is focused on 11 projects covering four key themes of Economic Acceleration, Life Science and Well-being, Energy, and Smart Manufacturing. The creation of enhanced digital infrastructure and next generation wireless networks will improve connectivity and provide opportunities for new economic activity in communities across the region. The City Deal investment is forecast to create almost 10,000 jobs and a permanent uplift in GVA of £1.8billion.
- The region has two designated Enterprise Zones, in Port Talbot and the Haven Waterway, that provide a focus for new employment creation.

2.7 Table 1 presents a SWOT analysis for the region, which presents a concise assessment of the current situation in South West Wales, identifying the main opportunities and problems.

**Table 1: Regional SWOT Analysis**

| Strengths  | Opportunities  |
|--|--|
| <ul style="list-style-type: none"> <li>• Sectoral strengths in Energy, tourism, advanced manufacturing &amp; digital</li> <li>• Outstanding natural environment and quality of life</li> <li>• Attractive tourism offer</li> <li>• Strong partnership working</li> <li>• Swansea University &amp; University of Wales Trinity Saint David</li> <li>• Strong portfolio of FE colleges, with role to play in providing ‘technician level’ labour stream</li> <li>• Businesses benefit from a committed labour force</li> <li>• Some major global firms, such as Tata</li> <li>• Large number of indigenous micro-enterprises in tourism, agricultural and crafts sectors</li> <li>• High number of UWTSD graduate start-ups</li> <li>• A number of key strategic employment sites &amp; modern innovation centres</li> </ul>   | <ul style="list-style-type: none"> <li>• Swansea Bay City Deal</li> <li>• Commercialisation of HE research</li> <li>• Exploit sectoral opportunities in Creative &amp; digital media, energy &amp; manufacturing</li> <li>• Potential to become an “exciting hub of excellence” in STEM skills</li> <li>• Resolving congestion on the M4 around Newport, would improve connectivity to SWW</li> <li>• Leverage additional business benefits from expansion at Cardiff airport</li> <li>• Fully develop the Haven Waterway EZ, benefiting from its deep water port facilities &amp; wave/tidal opportunities</li> <li>• Port Talbot Enterprise Zone</li> <li>• Renewed focus on our town centres to improve the quality of the offer for business users, residents &amp; leisure visitors</li> <li>• Ensure that major physical developments in SWW generate opportunities for local people</li> <li>• Support workers to engage with &amp; re-skill for different sectors of the economy</li> <li>• Capitalise on the region’s heritage offer</li> </ul> |
| Weaknesses   | Threats  |
| <ul style="list-style-type: none"> <li>• No multi-national HQs</li> <li>• Swansea City Centre offer</li> <li>• Over-reliance on public sector employment</li> <li>• Poor broadband infrastructure in parts of the region</li> <li>• Low business density and relatively low value businesses</li> <li>• Lack of higher level employment opportunities</li> <li>• Access to markets problematic (physical location &amp; poor connectivity)</li> <li>• Ageing workforce, especially within some engineering sectors</li> <li>• Challenges in attracting skilled/young people to the area</li> <li>• Poor transport links in parts of the region</li> <li>• Main urban centres have declined, in part due to out of town developments &amp; reduced spending power</li> <li>• Outdated commercial premises</li> <li>• Very little speculative commercial development activity</li> <li>• Concentrations of long-term deprived communities</li> <li>• Lack of affordable homes in some areas</li> <li>• Inter-generational worklessness remains a stubborn issue</li> <li>• Accessibility to learning and employment</li> </ul> | <ul style="list-style-type: none"> <li>• Impact of Brexit</li> <li>• Decline of rural services</li> <li>• Longer term sustainability of services and facilities</li> <li>• Impact of welfare reform agenda on deprived communities</li> <li>• Access to finance becoming major barrier to business growth &amp; development</li> <li>• Inward investment offer needs to be clearer &amp; more coherent</li> <li>• Synergies between strategic employment sites not maximised</li> <li>• Town centres lose further ground to competitor out of town locations</li> <li>• SWW competitiveness declines due to gaps in the offer</li> </ul>   |

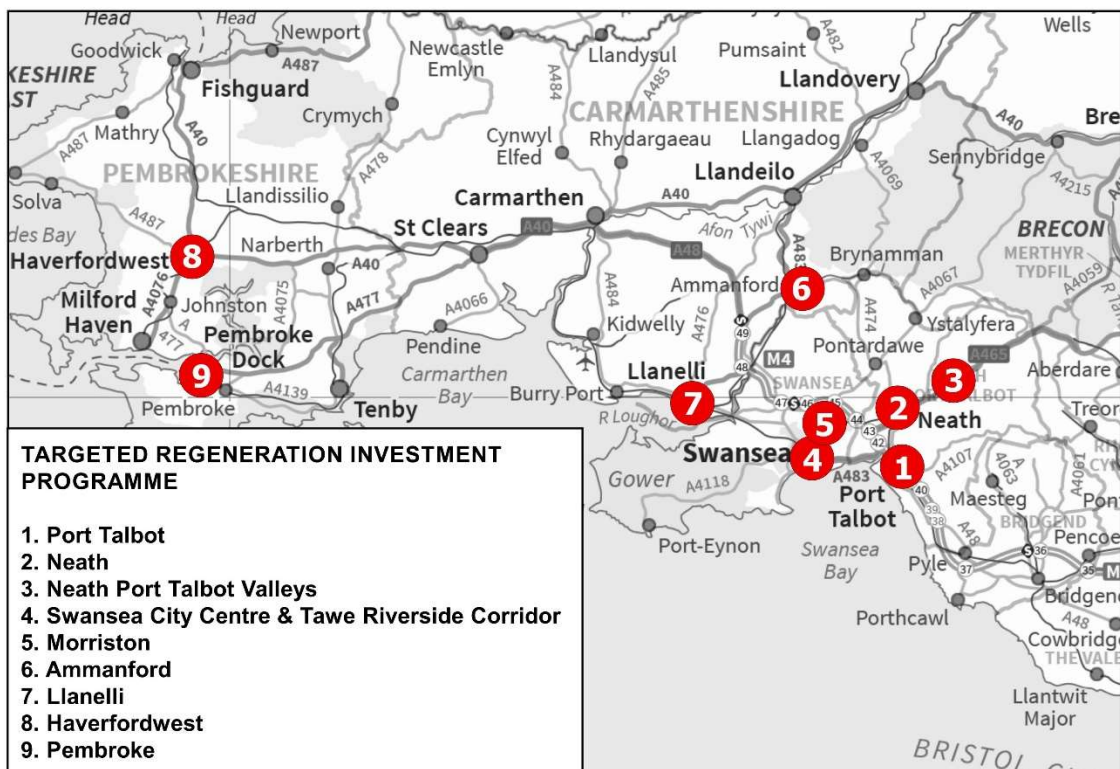
### 3. TARGET AREAS

3.1 The success of the region as a whole depends on all areas functioning effectively and competitively to address the economic challenges faced. To maximise the impact of Welsh Government Regeneration funding, it will be targeted in key locations across the region that have all been chosen because of their socio-economic profile, the complex range of challenges they face and opportunity to reverse decline through a portfolio of interventions. Figure 1 highlights the chosen targeted regeneration areas. Appendix 1 includes maps for each target area.

3.2 Swansea is the regional capital and the main driver for economic growth in the region, providing 40% of regional Gross Value Added (GVA). Within Swansea, the city centre is a key focus for economic activity, but centres such as Morriston also have an important role to play. The city is complemented by a network of distinctive urban and rural centres that provide important local service and employment functions. Neath, Port Talbot and Llanelli are particularly important in this respect – with the Valleys Taskforce identifying Neath as a strategic hub in recognition of the role it can play in creating economic opportunities for the Western Valleys’ communities (which include the Neath Port Talbot Valleys). In addition, Ammanford/ Cross Hands is currently being considered as a Valleys Taskforce strategic hub by Welsh Government, in recognition of its role in the Western Valleys.

3.3 In the West, because of their rurality and peripherality, towns such as Pembroke and Haverfordwest need to fulfil functions that would normally be associated with much larger towns. The key challenge therefore is to ensure that these towns have the scale and catchment areas to sustain the level and quality of retail, leisure and services that will provide residents and visitors with the quality of life they expect.

Figure 1: South West Wales Target Regeneration Areas



## Port Talbot

3.4 Port Talbot is a Tier 2 settlement with a number of strategic regeneration opportunities in and around the town centre. The successful delivery of the Vibrant & Viable Places programme and the projects being developed for the Buildings for the Future programme are already transforming the function and appearance of the town. Housing, commercial, transportation and environmental projects have had a significant impact in the centre of the town and the public realm has recently been improved through the EU Convergence programme. This momentum now needs to be taken forward with further targeted regeneration activity for new business, property, residential and wellbeing developments in the town centre together with employment related initiatives to promote investment and job creation in the Harbourside area and the wider Port Talbot Enterprise Zone and City Deal initiatives. As such, potential projects include property enhancements (through PEDG) and acquisitions and schemes promoting sustainable urban living.



*Station Road, Port Talbot*

3.5 The town contains a number of LSOAs which are amongst the 10% most deprived in Wales including parts of the Aberavon and Sandfields wards (WIMD 2014). A census 2011 profile of the target area identifies significantly lower than county and Wales averages for economic activity, and people with any qualifications. The area has higher percentages of 10-14 and 20-24 year old population groups and has a higher rate of people reporting they are in very bad health. The latest census information (2011) shows that there was 4.7% unemployment in the Port Talbot community area and of those aged 16 and over, 32% have no qualifications, which is higher than the all Wales figure of 25.9%.

3.6 Of the 19,894 homes in the area, 13,379 (67.3%) were identified as being deprived using one or more of the following 4 dimensions of deprivation; employment, education, health/disability and household overcrowding (Census 2011).

3.7 The Local Housing Market Assessment forecasts a need for 2,200 new homes within the sub area up to 2026 with an emphasis on the need to provide social housing / affordable housing delivery wherever possible.

3.8 The proposed regeneration activity will deliver, complement and support projects being developed under a number of wider regeneration programmes including:

- City Deal Swansea Bay Technology Centre, which is to be delivered on the Baglan Energy Park site;
- Harbourside Strategic Site employment, residential and leisure opportunities and the wider Port Talbot Enterprise Zone;
- Buildings for the Future, with the Plaza and Magistrates Court identified as regional priority projects;
- Port Talbot Integrated Territorial Strategy, an integrated strategy for the regeneration of the town, bringing together all the proposed actions planned by the public, private and third sectors.



*Harbourside, Port Talbot*

## Neath

3.9 Neath is a Tier 2 settlement and has been identified as a Strategic Hub in the Valleys Task Force Delivery Plan, providing new opportunities for employment, business, transport, housing and energy investments in the town. The proposed regeneration activity for the town is focussed on the town centre with the next phase of the retail redevelopment scheme due to commence shortly.

3.10 The Strategic Hub programme for the town identifies a number of significant regeneration opportunities including commercial, residential (including Homes as Power Stations), business, wellbeing and transportation projects together with the development of a strategic employment site. The public realm of the town has been improved through a series of grant funded programmes although investment in commercial properties would enhance the appearance and support the retail / business core. Public transport infrastructure improvements would help the town fulfil its hub role together with the provision of new employment opportunities and quality, affordable homes.

3.11 In line with the Strategic Hub Programme, potential TRI projects would include property enhancements (through a PEDG scheme) and acquisitions, Homes as Power Stations, investments in the planned transport hub and Crown strategic employment site.



*Crown Strategic Employment Site*

3.12 The town contains a number of LSOAs which are among the 10% most deprived in Wales including parts of the Neath North, Neath East and Briton Ferry Wards (WIMD 2014). The area also exhibits high levels of deprivation for the income, employment, health and environment domains. Of the 22,518 homes in the area, 14,488 (64.3%) were identified as being deprived using one or more of the following 4 dimensions of deprivation; employment, education, health/disability and household overcrowding (Census 2011).

3.13 The Local Housing Market Assessment forecasts a need for 4,100 new homes within the sub area up to 2026 with an emphasis on the need to provide social housing / affordable housing delivery wherever possible. The town contains communities experiencing significant deprivation and housing quality needs. The Wellbeing Assessment for Neath identified the importance of having a job in contributing to the wellbeing of a large proportion of the survey respondents.



*Neath Transport Hub*

3.14 The proposed regeneration activity will deliver, complement and support projects being developed under a number of wider regeneration programmes including:

- City Deal Homes as Power Stations projects, which are identified at a number of sites within Neath town centre;
- Valleys Taskforce, with Neath identified as a strategic hub for the Valleys;

- Buildings for the Future, which has included 8 Wind Street on the regional list for development as an enterprise hub;
- WG Town Centre Loan Fund, which is being used to acquire a key strategic employment site
- Neath Integrated Territorial Strategy, an integrated strategy for the regeneration of the town, bringing together all the proposed actions planned by the public, private and third sectors to improve Neath as a place to do business, live, work and enjoy life
- Neath Inspired BID, which is currently being delivered through the town centre businesses.

## Neath Port Talbot Valleys

3.15 This area covers the Neath, Afan, Dulais, upper Swansea and upper Amman Valleys. There has been a lack of coordinated regeneration activity in the area since the Welsh Government funding Western Valley Strategic Regeneration Area initiative which ended in 2014.

3.16 The Valleys Task Force Delivery Plan identifies a number of regeneration actions for the Valleys Areas of South Wales. A Valleys programme is being developed for the NPT Valley areas which includes employment, residential, town centre, environmental, transportation and wellbeing projects. These projects will link closely with the regeneration proposals for the main urban areas of Port Talbot and Neath. TRIP funding would support property enhancements (through PEDG), Homes as Power Stations and the strategic projects identified for the Valleys including the Dulais Valley Energy Cluster, tourism developments, community hubs and priority development sites at the identified growth settlements of Glynneath and Pontardawe.



*Glynneath Training Centre*

3.17 There has been a widespread lack of new residential development in the valleys areas which has contributed to population loss and undermined the sustainability of community services and facilities.



*DOVE Workshop, Dulais Valley*

3.18 The NPT Valleys contain a number of LSOAs which are amongst the 10% most deprived in Wales with a particular concentration in the wards of the Afan Valley (WIMD 2014). High deprivation indicators for income, employment, health and education are also evident. Issues with access to services are evident across all the valley areas. The latest census information (2011) shows that unemployment ranged from 3.8% to 5.8%. There was a lack of formal qualifications for those aged 16 and over and also high economic inactivity rates across the valley areas in comparison to the Welsh average.



3.19 Of the 17,981 homes in the area, 12,215 (68%) were identified as being deprived using one or more of the following 4 dimensions of deprivation; employment, education, health/disability and household overcrowding (Census 2011).

3.20 The proposed regeneration activity will deliver, complement and support projects being developed under a number of wider regeneration programmes including:

- Valleys Task Force;
- the aims, objectives and themes of the Regenerate NPT Rural Development Strategy 2014-20;
- the priorities identified in the NPT Destination Management Plan
- Local Area Strategies for the valley communities eg: the Glynneath Regeneration Strategy, Pontardawe Town Strategy.

### Swansea City Centre & Tawe Riverside Corridor

3.21 Swansea is a key engine of growth for South West Wales, however the city centre is currently underperforming. It is perceived as tired, dated and in decline with an average retail and leisure offer. It suffers from a lack of housing, which has resulted in low levels of city living, that impacts on the viability of city centre businesses. Many commercial and retail premises are old and in need of updating to meet the needs of modern day occupiers, and there are a growing number of empty buildings, particularly on High Street and Kingsway - the vacancy rate currently stands at 14.4%.



*Nelson Street, City Centre*

3.22 In addition to this, the City Centre sits within the former Communities First South Cluster in recognition of the high levels of deprivation in parts of the city centre. Castle 2 is the 27<sup>th</sup> most deprived LSOA in Wales (of 1909 LSOAs in Wales) and Castle 1 is the 33<sup>rd</sup>. They have the lowest level of incomes in the whole of Swansea (50% below the median), and higher than average levels of unemployment and inactivity. These problems are equally as applicable to some of the communities surrounding the city centre, including Townhill and Penderry which both suffer from some of the highest levels of deprivation in Wales.

3.23 The Swansea Central Area Regeneration Framework (SCARF) has a vision to create a mixed-use location with a strong retail, commercial and leisure heart supported by a vibrant resident population. To achieve this vision, and address the deficiencies in the city centre, the Council is delivering a major regeneration programme that will transform the city centre. City Deal investment will create a new Digital Village on Kingsway to house growing technology businesses, along with a new Digital Square & 3,500 capacity Digital Arena. This will be complemented by the St David's retail and leisure development and redevelopment of the civic centre site into a world class waterfront destination.

3.24 Targeted Regeneration Investment funding is needed to complement this wider regeneration programme for Swansea City Centre and build on the successful Property Enhancement Development Grant and Homes Above Shops schemes delivered through the previous Vibrant & Viable Places programme, particularly in High Street and the Kingsway, to create much needed additional commercial floorspace and housing units in the City Centre.

3.25 The City Centre boundary for TRIP investment would be extended to include upper High Street (to take in additional derelict buildings) and the Tawe Riverside Corridor to the Hafod-Morfa Copperworks site.

3.26 The Heritage Lottery Funded Hafod-Morfa Copperworks Powerhouse project is the first stage in bringing former industrial buildings back into commercial use, and will result Penderyn Whisky locating a visitor centre and whisky distillery on the site, which has the potential to attract 50,000 visitors per annum. In addition to this, Skyline Enterprises have started detailed design and legal discussions with the Council on a proposed cable car and toboggan attraction on Kilvey Hill, adjacent to the Hafod-Morfa Copperworks site. These developments will create demand for additional leisure and hospitality uses on the site, and provide the catalyst for regenerating the remaining industrial buildings. However, the current state of the buildings means they are likely to require public sector investment, through a property enhancement development scheme, to make any project viable. Infrastructure investment is needed at the Hafod Copperworks site, to unlock the development opportunities on the site, along with investment to improve the linkages along the River Tawe between the city centre and the Copperworks site.



*Hafod Morfa Copperworks*

## **Morrison**

3.27 Morrison suffers from many of the same issues as the city centre, and the other target regeneration areas across the region. It has the second highest ward population in Swansea, and some parts (Morrison 9, Morrison 5, Morrison 7) are in the 10% most deprived areas in Wales. As a result, part of the ward falls within the former Communities First North East Cluster. The area suffers from low average weekly household incomes (£518 per week which is 13% below the Swansea median), and unemployment is above the Swansea average.

3.28 The town centre is concentrated around Woodfield Street, which, in common with parts of Swansea City Centre, is a focus for deprivation. This creates a challenge in providing a welcoming trading environment. In recent years, many properties along Woodfield Street have become vacant and the area suffers from a lack of a distinct identity. Consultation with local traders has confirmed the need for targeted investment to improve the local environment including repurposing of vacant units and public realm enhancements to increase footfall and improve economic and social sustainability.



*The Crown Inn Morrison, now vacant*

3.29 Through the community consultation process for the Morrison Conservation Area review, numerous respondents expressed concern at the general condition of Woodfield Street, in terms of poorly maintained/unsympathetic shopfronts, high vacancy levels, lack of maintenance, unsightly commercial wheelie bins, a lack of shop variety and appearance of

the public realm. Consultation with local schools has highlighted issues such as recycling bins, car parking, variety of shops, pavements and community centre/ museum.

3.30 Morryston originally functioned as a dormitory for the metal works that lined the Tawe Valley through the peak and aftermath of the Industrial Revolution and, as such, the town is inextricably linked to the story of the Hafod-Morfa Copperworks. There is considerable enthusiasm amongst local traders for using the heritage features of the town as a draw to improve footfall, capitalising on the influx of visitors to the redeveloped Hafod Morfa Copperworks site.

3.31 TRIP investment would form part of a wider programme to regenerate Morryston, along with a proposed Townscape Heritage Initiative bid. There is interest from local partners to become involved in regeneration projects in Morryston. To complement property enhancement activities, Business Wales has agreed to provide business support to enable a holistic package of support to be offered to the local business community.



*Woodfield Street*

3.32 Through the proposed Townscape Heritage Initiative, heritage interpretation and skills development could be introduced that would improve the profile and understanding of heritage features in the town, and act as a catalyst to improve footfall. Targeted capital investment through the TRI Programme to address selected vacant premises along Woodfield Street with targeted infrastructure enhancements would improve the attractiveness of the town, enabling it to attract tourists and capitalise on the opportunities from neighbouring regeneration schemes such as Hafod Copperworks site. Bringing vacant buildings back into sustainable use would also create new homes and jobs in an area suffering high levels of poverty and deprivation.

## **Ammanford**

3.33 Ammanford is an important local settlement in South West Wales and fulfils a central role in providing services and facilities to its surrounding communities. The former mining town is the third largest settlement in Carmarthenshire and offers a friendly visitor and shopping experience and has seen significant investment in its public realm and streetscapes.

3.34 Ammanford has been identified as one of the six key transformational projects within the Transformations – A Strategic Regeneration Plan for Carmarthenshire 2015-30 (<http://www.carmarthenshire.gov.wales/home/business.aspx>) with action plans highlighted within the Regeneration & Policy Divisional Business Plan. Masterplans and Delivery Action plans have been developed focussed on co-ordinating stakeholder intervention to maximise the impact. Ammanford/ Cross Hands is currently being considered as a Valleys Taskforce strategic hub by Welsh Government. The Council will be working with the Welsh Government to bring forward aspirations for the area.



Ammanford

3.35 Ammanford is facing significant challenges to enhance its town centre offer, reduce the number of vacant properties, increase vibrancy and ensure its sustainability. The median income for Ammanford is £18,826, 26.5% below the Carmarthenshire median of £23,825 and 32.5% below the Welsh median income of £24,944. 31.9% of adults have no qualifications. 2.1% have never worked or are long term unemployed.

3.36 Despite investment the footfall within the town centre has declined on average by 12% between 2016 and 2017 this has been the result of an increase in the number of vacant properties, lack of employment opportunities and low income levels.

3.37 Ammanford's target area will focus on the town centre, while looking to ensure a coordinated approach drawing on the continued efforts of the Ammanford town centre Task Force which is looking to reduce the number of vacant properties, increase employment opportunities and increase footfall within the town centre. To increase footfall within the Town Centre a Community Hub facility is proposed for Quay Street. Potential TRI projects would include property enhancements (through PEDG schemes), creation of homes above commercial premises and community hub facilities.



Ammanford

## Llanelli

3.38 Llanelli is the largest town in Carmarthenshire and is ranked the 5<sup>th</sup> largest urban area in Wales. It is identified as a secondary settlement and is seen as a strategically important settlement within South West Wales.

3.39 Llanelli has been identified as one of the six key transformational projects within the Transformations – A Strategic Regeneration Plan for Carmarthenshire 2015-30 (<http://www.carmarthenshire.gov.wales/home/business.aspx>) with action plans highlighted within the Regeneration & Policy Divisional Business Plan. A Regeneration Delivery Plan has been developed focussed on co-ordinating stakeholder intervention to maximise the impact.

3.40 The TRI target area for Llanelli will prioritise the Town Centre and the Station Road area. The focus is upon linking the Town Centre, which has recently received funding through Vibrant and Viable Places Tackling Poverty - Opportunity Street 2014-2017, to the Wellness



Llanelli Town Centre

Village on the Coast of Llanelli, a project supported by the Swansea Bay City Deal. The linkage between the two focusing on Station Road and the challenges that it faces.

3.41 Wards within the target area are identified as having high levels of deprivation. For example, the Tyisha ward is a Flying Start and Communities First area and has two of the three LSOAs within the top 10% of the most deprived in Wales. The median income for Tyisha is £16,489, 31% below the Carmarthenshire median of £23,825 and 34% below the Welsh median income of £24,944. 34.1% of adults have no qualifications. 9.8% have never worked or are long term unemployed.

3.42 Llanelli is facing significant challenges to improve its vibrancy. Reducing the number of vacant properties and ensuring its sustainable future is of significant importance. Property Enhancement Development grants focusing on key priority mixed use sites within the target area will encourage investment, reduce the number of vacant and underutilised properties, provide an enhanced commercial offer and subsequently increase the level of footfall. The residential offer within the target area will be supported utilising the Sustainable Living Grant with the aim of addressing the key issues as identified above and inspiring a change of perception within Llanelli.



*Stepney Street, Llanelli*

## **Haverfordwest**

3.43 The initial focus of TRI Programme investment in Pembrokeshire will be Haverfordwest. Haverfordwest is a medieval town and its narrow streets, river and hill constrain regeneration on modern lines, but provide opportunities to exploit its character. It is important that these opportunities are taken. Haverfordwest provides a well-placed local hub from which public transport services radiate. It acts as a centre for the local area providing both employment and services, and although this does not extend to an important regional role its viability is vitally important for the Pembrokeshire economy as a whole.

3.44 Unfortunately however, Haverfordwest is far from being a vibrant town. The town centre is in a state of decline with many premises that are vacant, used for meanwhile uses or by charities. This is due to national trends towards internet shopping and the centralisation of retail in out-of-town and regional centres that have affected many market towns, but in Haverfordwest's case unrealistic rent expectations on the part of landlords is also an important factor. Outside the centre of the town, Haverfordwest Garth 2 is the 104<sup>th</sup> (out of 1,909) most deprived LSOA in Wales overall, but the 51<sup>st</sup> most deprived in terms of income. Gross annual pay in Pembrokeshire (£24,180) is significantly below the Welsh average (£26,327) and this is even more marked for women.

3.45 Haverfordwest is a town of under-exploited assets and this provides large scope for TRI investment to strengthen the capability of the town to support employment both in the day but also in an enhanced night-time economy. Potential investments include the proposed Haverfordwest Riverside Cinema and homes over shops schemes to improve returns on town centre buildings as well as provide needed accommodation. This is one of a number of

planned investments along the Haverfordwest riverside, which are designed to achieve the objectives of the Haverfordwest Masterplan. Others are the new Riverside Gallery and County Library, renovation of the former Ocky White department store, modernisation of the multi-storey car park, the former Post Office's refurbishment and reuse as a community hub, and the renovation of a large riverside warehouse to bring it back into productive use.

3.46 Such investments would provide greater opportunity for employment and help boost the turnover of existing businesses. This may be expected to translate into increased household incomes, a reduction in poverty and (provided landlords do not increase their rent demands) make town centre commercial properties more affordable.

3.47 Funded projects will help achieve objectives of the Haverfordwest masterplan, as well as complement other funding sources. For example, Haverfordwest town centre is currently benefiting from the Townscape Heritage Initiative, funded by the Heritage Lottery Fund, Cadw and the County Council.

## **Pembroke**

3.48 Pembroke will become a priority for TRI investment only in the medium term. Its main street is largely retail at its western end, nearest the castle, but property use tends towards residential and tourist accommodation further east. This area has suffered decline over the years, due to the same national trends described above. Also like Haverfordwest, it has buildings with heritage value but which are ill-maintained, and ageing. In Haverfordwest's case, the Townscape Heritage Programme has been able to propose a solution for such properties but this is not the case in Pembroke, since the same funding is not available.

3.49 It is frequently the case that the economic case for repair of property is defeated by the low property values, thus requiring public sector support which has not always been available. Compounding this has been a historical difficulty in attracting developers.

3.50 Beyond the medieval town lie two housing estates, Golden Hill to the north and Monkton to the west. Both comprise social housing. Monkton is the 80<sup>th</sup> most deprived ward in Wales according to the WIMD, and the most deprived area in Pembrokeshire. However, like all Pembrokeshire's most deprived areas, they fare worse in the WIMD Income domain than they do in the overall ratings. In Monkton's case, the LSOA is the 62<sup>nd</sup> most deprived in Wales in terms of income (out of 1,909). Pembroke Monkton is also ranked poorly in terms of housing in the WIMD 2014 (160<sup>th</sup> most deprived in Wales)

3.51 Pembroke has reasonable transport links to Haverfordwest, Tenby and Milford Haven. It has a train station linking the town to Tenby, Carmarthen, Swansea and mainline services. An infrequent bus service runs via Pembroke to the rural Angle peninsula, for which Pembroke acts as a hub, hosting services such as a veterinary surgery. The town also acts as a draw to tourists due to the presence of the castle, the birthplace of Henry Tudor.

3.52 The key project here for TRI is the redevelopment of Council-owned property at Castle Terrace to address an area of severe degradation in very close proximity to the iconic visitor attraction at Pembroke Castle and therefore one that impacts upon the town's vital visitor economy. This particular site poses a very significant regeneration challenge as it is almost

inaccessible, the buildings on it are Listed yet in a parlous, even dangerous, state and there is a large development gap that must be bridged. On the other hand, doing nothing is not a viable option, given the risk to a heritage building as well as the potential threat to the highway and public safety. It is proposed that the development, once completed, will offer both residential and commercial accommodation. This will assist the vibrancy of the town centre through increasing the number of people living there, as well as by offering employment opportunities.



*Castle Terrace, Pembroke*

3.53 Other investment opportunities are the former Co-op store, which occupies a prominent position in the Main Street, the rundown Eastgate School and the potential for a Henry VII Visitor Centre in the town, the feasibility of which is presently being assessed.

## 4. POLICY CONTEXT

4.1 The Strategy sits within a wider policy and strategy framework at local, regional and national levels. The most relevant national, regional and local strategies are referenced below, with a brief summary of the scope of each strategic document and the potential links to the Regional Plan for Regeneration

### WG Prosperity for All: The National Strategy

4.2 The Strategy is designed to drive integration and collaboration across the Welsh public sector and put people at the heart of improved service delivery. The strategy sets out a vision and actions covering each of the key themes in the Programme for Government – Prosperous & Secure; Healthy & Active; Ambitious & Learning; and United & Connected. It also identifies five priority areas – early years; housing; social care; mental health; and skills, which have the potential to make the greatest contribution to long-term prosperity and well-being. These are areas where it has been shown that earlier intervention and more seamless services can make a real difference to people's lives.

4.3 These national objectives and priority areas provide a sound backdrop for the themes and objectives in this Regional Plan for Regeneration, which will enable tailored local solutions to fill gaps around national and regional interventions as appropriate.

### Swansea Bay City Region Economic Regeneration Strategy

4.4 At regional level, the Swansea Bay City Region is underpinned by the Regional Economic Regeneration Strategy (RERS) which sets out a Vision for the region that:

*By 2030, South West Wales will be a confident, ambitious and connected city region, recognised internationally for its emerging knowledge and innovation economy.*

4.5 The RERS encompasses five strategic aims overlaid by the imperative to close the productivity gap with the rest of Wales and the UK. The five strategic aims are:

- Business Growth, Retention and specialisation
- Skilled and ambitious for long term success
- Maximising job creation for all
- Knowledge economy and innovation
- Distinctive places and competitive infrastructures.

4.6 A partnership approach is being taken to the implementation of the Strategy across the region, with a focus on a selection of major transformational projects to achieve a step change in the performance of the regional economy funded through the Swansea Bay City Deal. Targeted regeneration activity across the region would complement the focus on growing higher added value activities through the City Deal, and would help to deliver against the strategic aims (SA) as follows:

*SA1: Business Growth, Retention & Specialisation* – enable the retention and growth of businesses in the region and facilitate new business creation through the provision of new commercial floorspace. Regeneration activity would also enhance the attractiveness of the target areas as locations for businesses to locate and grow, which complements the City Deal aspiration to attract new higher value businesses to the region.



*SA2: Skilled & Ambitious for Long Term Success* – creation of new skills development and employment opportunities through TRIP funded activities.

*SA3: Maximising Job Creation for All* – utilising social benefit clauses in contracts to create new employment and training opportunities for the economically inactive or unemployed.

*SA4: Knowledge Economy & Innovation* – providing new commercial floorspace that would be available for innovative, knowledge based businesses. Help create the wider environment in the target areas that technology businesses need to thrive.

*SA5: Distinctive Places and Competitive Infrastructure* – Regeneration activities would enhance the distinctiveness and attractiveness of the target areas, and invest in infrastructure that meets the needs of businesses and communities.

The RERS Strategic Framework is set out in Appendix 2.

### Valley's Taskforce

4.7 The Ministerial Taskforce for the South Wales Valleys published a high-level plan in July 2017 “*Our Valleys, Our Future*”, which outlines its priorities for the future.

The key priorities in the Plan are:

- good quality jobs and the skills to do them
- better public services
- my local community.

Neath has been identified as a strategic hub by the Valleys Taskforce. The focus of each hub will reflect the opportunities and demand in a particular area and their aspirations for the future. Neath will focus on industrial, residential, digital and energy development. Ammanford/ Cross Hands is currently being considered as a Valleys Taskforce strategic hub by Welsh Government.

### Local Wellbeing Plans

4.8 Every local council area in Wales is legally required to have a Public Services Board (PSB) whose purpose is to work collectively to improve local social, economic, environmental and cultural well-being. Each PSB is required to carry out an Assessment of Well-being to understand current levels of well-being and what matters most to local communities and to produce a Local Well-being Plan in order to improve well-being.

4.9 The four Public Service Boards in South West Wales are currently consulting on their draft Wellbeing Plans, which must address the seven goals and five ways of working set out in the Wellbeing of Future Generations Act (Wales). All four draft Local Wellbeing Plans have a focus on strengthening communities. The Regional Plan for Regeneration will help to deliver against the local wellbeing objectives in each target area.

4.10 Links to other Programmes:

European Regional Development Fund: A range of investments are planned or underway in the target areas including Harbourside Transport Hub and Swansea Kingsway Infrastructure.  
Building for the Future: The region has prioritised a list of building projects for this Welsh Government led programme that complements the TRI programme.

Town Centre Loan Fund: Local authorities in the region are operating schemes under the Welsh Government TCLF initiative. The Loan Fund provides additional resources to plug gaps in funding packages on a repayable loan basis.

## 5. AIMS AND OBJECTIVES

5.1 As outlined in the Regional Context, the region suffers from issues of low productivity and business growth, worklessness, deprivation, low skill levels, low incomes and struggling commercial areas, with vacant premises and declining footfall.

5.2 To address the region's economic underperformance, the City Deal investment is focusing on digital infrastructure, health and wellbeing, energy and smart manufacturing. The City Deal will create wealth and new employment opportunities in the region, particularly in higher added value areas, to help close the productivity gap with the UK. To complement this, and help tackle the deprivation across the region, there is a need for targeted regeneration investment in key locations to create the right infrastructure and environment to support business growth and job creation.

5.3 The overview of each target area in Section 3.0, highlights the key issues that need to be addressed in each area. The following issues recur as important factors that need to be addressed across the region:

- Dealing with vacant premises, for example in High Street, Swansea, Llanelli town centre and Pembroke.
- The need to increase footfall in flagging commercial districts, for example in Ammanford and Morriston.
- Creating flexible, modern, affordable, floorspace for business growth, for example in Neath, Swansea City Centre and Haverfordwest.
- Increasing housing and urban living opportunities, for example in Port Talbot, Neath, Swansea City Centre and Llanelli.
- Community facilities for co-location of key services, for example in the Neath Port Talbot Valleys, Ammanford and Llanelli
- Public realm and essential enabling infrastructure requirements for key sites, such as Crown strategic employment site, Neath and Hafod Morfa Copperworks.

5.4 As a result of our work under the Vibrant and Viable Places programme 2012 – 2017, and three generations of EU funding programmes, a range of interventions have made significant inroads into the transformation of key urban centres and districts. Investments planned in the context of this new Regeneration Plan build carefully on these previous investments, and support the small to medium scale schemes that underpin and provide the glue between the major infrastructure and buildings schemes, either in place or planned, through new City Deal investment. Examples of previous work that will influence the new work programme include:

- Implementation of mixed-use developments attracting modern, flexible business uses
- Urban living schemes transforming redundant commercial space into new uses, adding vibrancy to previously derelict and run down spaces.
- Property enhancement schemes that have transformed dilapidated buildings in poor condition to bring space back into new commercial use.
- Investments in essential infrastructure to provide connectivity for all modes of transport from walking through to improved bus access to key employment zones.
- Demolition, site preparation and essential infrastructure to enable new development
- Improving the energy efficiency of older housing stock

5.5 The opportunity to formulate a Regional Plan for Regeneration for deployment of Welsh Government Regeneration funding enables partners to bring focus to developments in target

areas across South West Wales for the short, medium and long term, providing a strand of project development and implementation that dovetails effectively with larger scale investment through the Swansea Bay City Deal. The programme will also complement a wide range of European Structural and Investment Fund activity across all component funds including regional development, people development, rural development and coastal and fisheries development.

5.6 In light of the regional context, key issues and SWOT analysis, and based on needs coming through our existing networks in each target area and implementation of recent regeneration initiatives, the Regional Plan for Regeneration would seek to align local need with the above strategic drivers as follows:

| REGENERATION STRATEGIC AIMS AND OBJECTIVES  | PROSPERITY FOR ALL                    | SBCR ERS  |
|---|---------------------------------------|---|
| <b>Strategic Aim 1: Support the growth of local businesses</b><br>The region suffers from a small business base, there are too few businesses and those we have are not growing quickly enough. It is important that our start-up and growing businesses are able to find suitable accommodation that fully meets their requirements.   |                                       |   |
| <b>Objective 1:</b> Ensure supply of suitable business premises   | Prosperous & Secure                   | Distinctive Places and Competitive Infrastructure |
| <b>Objective 2:</b> Repurposing or replacement of outdated commercial buildings   | Prosperous & Secure                   | Distinctive Places and Competitive Infrastructure |
| <b>Objective 3:</b> Improving the quality of commercial and retail floorspace   | Prosperous & Secure                   | Distinctive Places and Competitive Infrastructure |
| <b>Strategic Aim 2: Increasing Sustainable Living</b><br>There is a need to increase the number, and quality, of homes in target areas. This will meet the demand for additional housing, and improve vibrancy of these communities, increasing footfall and expenditure in the local economy, which will help to sustain local businesses.   |                                       |   |
| <b>Objective 4:</b> Increasing the number of people living within our target areas  | United & Connected / Housing priority | Distinctive Places and Competitive Infrastructure |
| <b>Objective 5:</b> Repurpose vacant buildings into housing units to increase the number of homes in these areas  | United & Connected / Housing priority | Distinctive Places and Competitive Infrastructure |
| <b>Objective 6:</b> Enhancing the quality of housing stock, in particular the energy performance of homes   | Healthy & Active/ Housing priority    | Distinctive Places and Competitive Infrastructure |
| <b>Strategic Aim 3: Building vibrant communities</b><br>The target areas provide important local service functions with access to employment, leisure, community and cultural facilities at their core. This mix of activities brings vibrancy to these communities and enhances their viability by helping to differentiate the offer from competing centres (including out of town developments). |                                       |   |
| <b>Objective 7:</b> Create environments where community links are broadened and deepened, and where there is continued access to local facilities that bring people together.   | United & Connected                    | Distinctive Places and Competitive Infrastructure |

|  |  |   |
|--|--|---|
| <b>Objective 8:</b> Encourage mixed use development to improve viability of target areas   | United & Connected                     | Distinctive Places and Competitive Infrastructure |
| <b>Objective 9:</b> Enhance leisure, community and heritage & cultural facilities.   | United & Connected                     | Distinctive Places and Competitive Infrastructure |
| <b>Objective 10:</b> Enabling infrastructure to enable site development and preparation, and to enhance the physical and natural environment within the target areas and / or improve access to, and within, them. | United & Connected<br>Healthy & Active | Distinctive Places and Competitive Infrastructure |

|   |  |  |
|---|--|--|
| <p><b>Strategic Aim 4: Maximising the Impact of regeneration investment</b></p> <p>The region suffers with issues of worklessness, low skill levels and business growth. Generating social benefits through Targeted Regeneration Investment Programme funded activities would help create employment and training opportunities for workless individuals, and support local businesses by encouraging local sourcing.</p>  |  |  |
| <p><b>Objective 11:</b> Utilise social benefit clauses in TRIP funded activities, as appropriate for the level of investment, to generate the following:</p> <ul style="list-style-type: none"> <li>• Targeted recruitment and training – to create work experience, training and employment opportunities for the long term unemployed and inactive in our communities, linking with local employability provision such as Workways+ and Communities for Work;</li> <li>• Supply Chain initiatives – enabling local service suppliers and small &amp; medium enterprises to bid for sub-contract and service supply opportunities;</li> <li>• Contributions to Education – working with schools and colleges, providing short term work experience, mentoring, career talks etc.;</li> <li>• Community Initiatives – contributing to community facilities, events, engagement, volunteering, or other services to support community groups.</li> </ul> | <p>Prosperous &amp; Secure</p> <p>Ambitious &amp; Learning</p> <p>United &amp; Connected</p> | <p>Business Growth, Retention &amp; Specialisation</p> <p>Skilled &amp; Ambitious</p> <p>Maximising Job Creation for All</p> |

## 6. OVERVIEW OF KEY PROJECTS

6.1 To address the key issues identified in the target areas, and deliver the aims and objectives of the Regional Plan for Regeneration, the following thematic areas for investment have been identified:

### **Property Enhancement Development Grant (PEDG)**

6.2 As outlined in the Regional Economic Context, much of the commercial and retail floorspace across the region is low quality and does not meet the needs of businesses. In addition, a significant amount of floor space in the target areas is vacant or derelict and does not contribute to the vitality of the local areas. The primary purpose of this grant is to enhance building frontages and bring vacant commercial floorspace back into beneficial business use. To supplement this, grant funding could also be provided for development projects that would create new commercial floorspace in target areas, where a need for this has been identified. The PEDG will support start-ups and growing businesses in the target areas, and directly meet Strategic Aim 1, Objectives 1 – 3.

6.3 This grant fund replicates the successful Property Enhancement Development Grant Schemes run under the previous Vibrant & Viable Places programme, and will adopt the same guidelines and procedures.

**Target Areas for Intervention:** All target areas

#### **KPIs attached to the grant:**

Number of jobs accommodated

Investment induced

Enterprises accommodated

Non-residential premises created or refurbished (number and sq.m.)

Number of non-residential units brought back into use

### **Sustainable Living Grant**

6.4 As outlined above, and previously in the Regeneration Plan, a significant amount of floor space in the target areas is vacant or derelict and does not contribute to the vitality of the local areas. The Sustainable Living Grant will support the conversion of vacant commercial floor space into new homes, and can be used alongside PEDG and other initiatives to ensure comprehensive mixed-use regeneration of properties. This will bring new tenants into the target areas, including young professionals, which will support the local economy and create a safer, more sustainable environment. This directly addresses Strategic Aim 2 to increase the number and quality of homes in target areas.

6.5 The grant scheme will build on the successful Homes Above Shops Schemes run under the previous Vibrant & Viable Places programme.

**Target Areas for Intervention:** All target areas

#### **KPIs attached to the grant:**

Number of additional housing market units

Number of additional social housing units delivered

Number of additional intermediate housing units delivered

Investment induced

### **Strategic Projects**

6.6 In addition to the PEDG and Sustainable Living Grant funds, TRIP funding will support a portfolio of strategic projects that meet the Strategic Aims and Objectives of the Regeneration Plan and will contribute to the economic regeneration of the target areas. To a degree, this portfolio of projects will need to be fluid to capitalise on future regeneration opportunities that may arise in the target areas. As an example, strategic projects are likely to include:

- Development of Community hubs – there is the potential for community hub developments in Ammanford, Llanelli and the NPT Valleys for example. These would address objectives 7 & 9 of the Regeneration Plan, to provide access to local services and improve community facilities.
- Development of Transport hubs and improved connectivity – transport hubs have been identified as potential projects in Neath and Llanelli, for example, which would align with objective 10 of the Regeneration Plan to improve access to, and within, target areas.
- Retail & Leisure – potential projects include Haverfordwest Riverside Redevelopment and Swansea Market, for example, which would contribute to Strategic Aim 1 to support the growth of local businesses, and Objective 9 to enhance leisure facilities in target areas.
- Hafod Morfa Copperworks – Project Development Funding would be needed to undertake detailed design of the required site infrastructure, followed by capital funding for the infrastructure works. This aligns with Objective 9, to improve heritage & cultural facilities, and objective 10 to provide site infrastructure.
- Enabling infrastructure – footpaths/ walking & cycling routes, greenspace, public realm, site infrastructure, which directly addresses Objective 10.
- Homes As Power Stations – which will contribute to sustainability and energy efficiency of homes, and support objective 6 to enhance the quality of housing and the energy performance of homes.
- Property acquisitions, preparation, redevelopment and / or demolition – potential projects have been identified in Neath, Port Talbot, Llanelli, Haverfordwest and Pembroke that would support Strategic Aim 1 to grow local businesses.

#### **KPIs that could be attached to a strategic projects:**

Non-residential premises created or refurbished (sq.m. or number)

Number of non-residential units brought back into use

Investment induced

Number of jobs accommodated

Enterprises accommodated

Hectares of land developed

Number of households helped towards securing improvements in the energy performance of their homes

6.7 All potential TRIP strategic projects would be subject to project assessment, prioritisation and approval through the local and regional governance arrangements, as set out in Section 7.

## Projects Delivery Plan

6.8 An indicative allocation of funding across the three thematic areas for investment, and by financial year, is set out in Table 2 below. This is based on the regional project proposals table as it stands on April 25th 2018.

**Table 2: Indicative Project Delivery Plan**

|  | <b>2018/19</b>   | <b>2019/20</b>    | <b>2020/21</b>    | <b>Totals</b>     |
|--|------------------|-------------------|-------------------|-------------------|
| Property Enhancement Development Grant | 650,000          | 1,400,000         | 2,250,000         | 4,300,000         |
| Sustainable Living Grant               | 350,000          | 1,225,000         | 1,800,000         | 3,375,000         |
| Strategic Projects                     | 1,900,000        | 8,500,000         | 8,825,000         | 19,225,000        |
| Project Development Funding            | 100,000          | -                 | -                 | 100,000           |
| <b>Totals</b>                          | <b>3,000,000</b> | <b>11,125,000</b> | <b>12,875,000</b> | <b>27,000,000</b> |

## 7. PARTNERSHIP & GOVERNANCE ARRANGEMENTS

7.1 The South West Wales region has worked closely across a broad partnership led by local government Regeneration Directors and supporting officers over the past decade to deliver and collaborate on a range of regeneration initiatives, and to ensure that resources coming into the region have the greatest strategic impact. The initial focus was the EU Convergence programmes 2007-2013, which saw effective prioritisation, creation, implementation, and detailed monitoring of a suite of regionally-administered schemes in line with the themes of the EU programmes. This included development of the *Regional Learning Partnership for South West Wales*, which paved the way for the other skills and learning partnerships. In preparation for the 2014-2020 phase of EU funding, the region came together to produce the *South West Wales Economic Regeneration Strategy to 2030*. Development of the strategy was an intensive piece of work with cross-sector consultation.

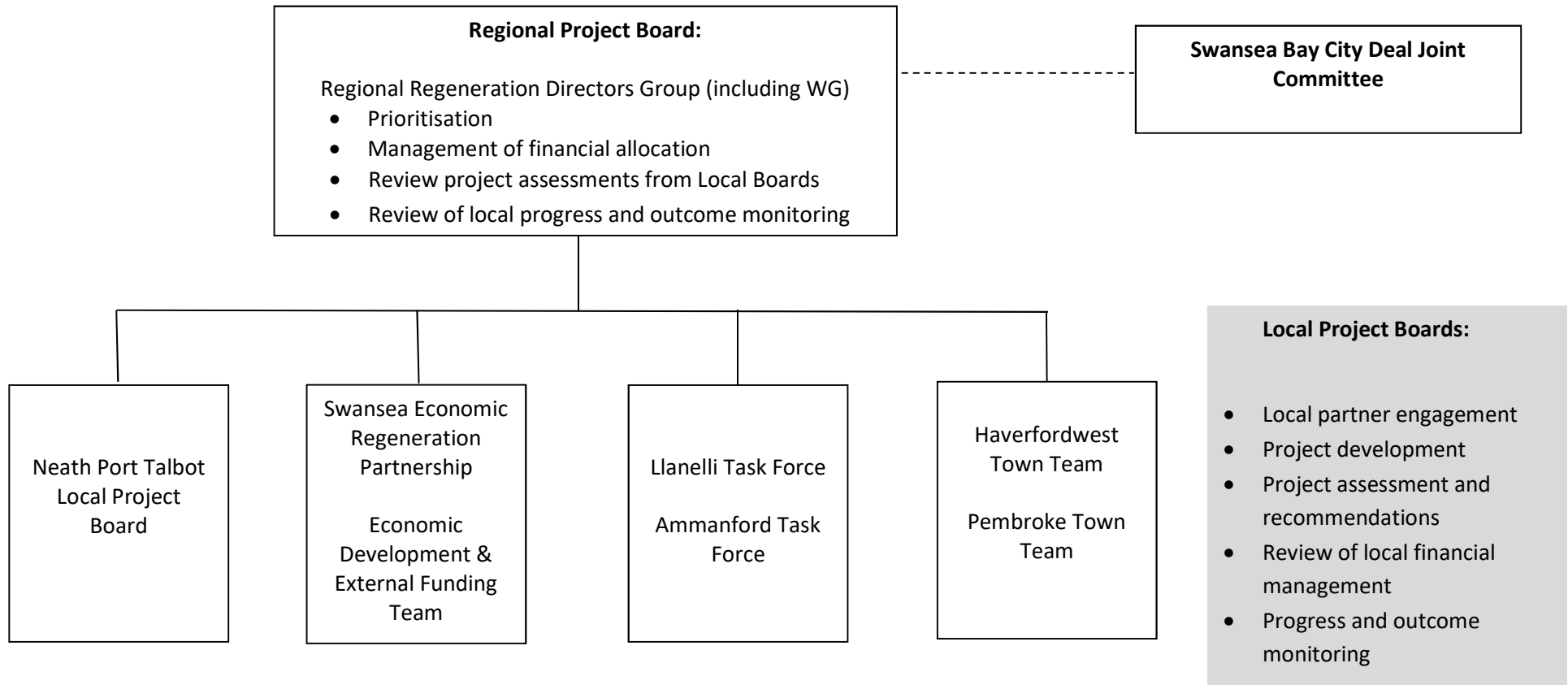
7.2 Formal governance structures were created initially around the WLGA regional boards, drawing in key partners for specific pieces of work. This structure continues to underpin regional governance. Subsequent structures have been implemented such as the *Swansea Bay City Region Board*, and more recently the shadow governance arrangements for the Swansea Bay City Deal. All of this work has maintained the longer term regionally focussed model of economic development in mind. The City Deal structures have a higher level focus on major strategic projects, and due to the weight of the funding risk, tends more to the partners shouldering the investment burden. The TRI programme is aimed at a tier of investment that supports a layer of enabling work through strategic projects of a smaller scale, but requiring a more substantial input from a wider partnership. This strategy will go with the grain of existing local cross-sector regeneration partnership arrangements linking to a lighter touch regional programme board using the tried and test regional local government-led regeneration structures ensure strong cross-sector partnership development of projects and thorough prioritisation, with clear decision making.

7.3 To enable best use of existing partnership engagement structures, the Regional Project Board comprising Regeneration Directors and supporting officers will take inputs from existing local boards in each local authority area that comprise the necessary partnership make-up for the programme (public, private, third sector inc. RSLs). See Figure 1 below. This structure will maximise partnership engagement without creating further unnecessary levels of bureaucracy at regional level, whilst still allowing an effective regional overview.

7.4 Local project boards in each local authority area, comprise a wider partnership representation from the public, private and voluntary sectors. These partnerships will provide a focal point for bringing together the results of effective engagement with stakeholders within local communities to help identify priorities and support the development and delivery of projects and programmes. This granular level of engagement is necessary to ensure the best projects are selected to enable realisation of the carefully selected aims and objectives set out in Section 5. Each local authority has an existing partnership that can perform the local project board function, as outlined in Figure 2. The local boards will be responsible for developing projects, based on local on the ground input, before submitting final proposals to the regional board for review and approval.



**Figure 2: Governance Structure**



7.5 To enable realisation of the programme and avoid excessive and unaffordable bureaucracy, the regional project board will review projects and provide final approval for project or programme proposals received from each local board, to ensure fit with the strategy, its objectives and outcomes. The existing Regional Regeneration Directors Group, which includes representation from the Welsh Government, will act as the regional board for the TRI Programme, and manage the expenditure profile for the region and monitor outputs. Experience from the Convergence programmes in particular demonstrates the capacity in the region to undertake this role. The Regional Regeneration Directors Group will provide regular updates to the City Region Joint Committee on project prioritisation, spend and delivery.

7.6 To ensure that projects are not developed in isolation, as part of the development and appraisal process at both local and regional boards, all proposals would need to demonstrate how targeted investments will add value to, and complement other existing and proposed investments and explore regional partnership arrangements where appropriate.

7.7 Draft governance terms of reference and duties are outlined in Appendix 3.

## **Project delivery model**

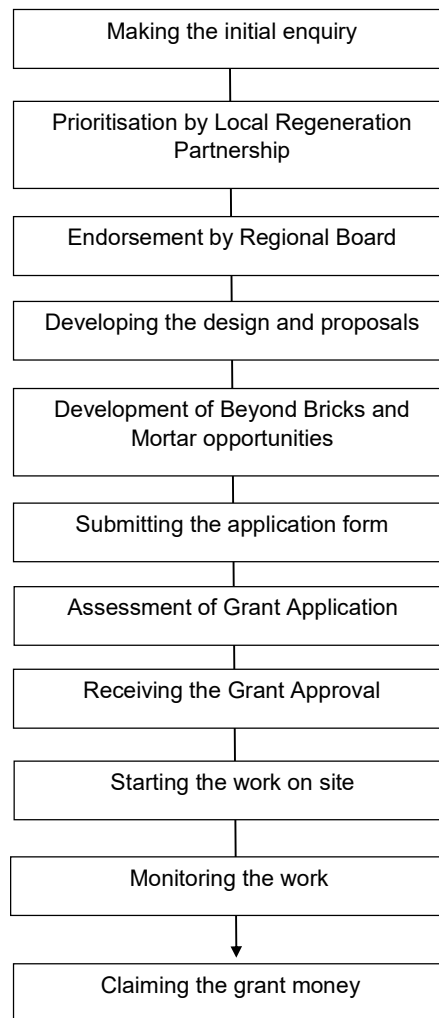
### **Strategic Projects**

7.8 Strategic projects are projects of scale that are likely to have a transformational impact on the wider region. These projects will be prioritised by the Regional Board, and submitted direct to Welsh Government by the relevant local authority. A project application will be submitted to Welsh Government, appraised, and if approved an award letter issued to the local authority. Progress will be reported to the regional board. Project management costs of up to 5% will be included within the project as management 'fees'.

### **Property Enhancement Development Grant (PEDG) and Sustainable Living Grant (SLG): Thematic Grant Schemes**

7.9 Under the previous VVP programme, PEDG and SLG-type grants were sometimes delivered in tandem, and tended to be local schemes. Although modest in scale, the impact of these projects on the vibrancy of otherwise run down under-utilised areas in city and town centres has been dramatic, and succeeded in stimulating private sector investment in buildings, but also more importantly, the businesses occupying those buildings. Grant rates will need to fall within appropriate state aid limits and invoke the relevant exemptions or de minimis cover. Grant interventions would average £50 –£500k against a maximum total project cost of £1m. Housing-related interventions must comply with the complex rules relating to housing revenue support schemes, considered on a case-by-case basis. The process for administering PEDG and Sustainable Living Grants is set out in Figure 3. The full grant application process is outlined in Appendix 4.

**Figure 3: Process for PEDG and Sustainable Living Grants**



7.10 Welsh Government is seeking a more regionalised approach to the administration of TRIP ‘thematic’ projects, so it has been agreed regionally that Swansea Council will manage the administration of the PEDG and SLG. Collaboration agreements will be established with all South West Wales local authorities to enable local administration of indicative allocations and grant award under each project for their local settlements. Scheme parameters will be agreed at regional level, but this will include the scope to vary grant intervention rates according to local need, and adapting the focus of the grants to the identified strategic needs of the settlements in each area, reflecting the content of the agreed regional Regeneration Plan. All projects will be prioritised and approved by local boards (regeneration partnerships or equivalent), and signed off by the Regional Board with visibility of the programme at the Swansea Bay Joint Committee.

7.11 Regional and local European Structural and Investment programmes generally operate a project management fee of up to 10%. This ensures schemes are administered to a high quality and are fully able to service end beneficiaries and WEFO systems. To ensure scheme quality, this is generally utilised to the maximum. In the past, large projects have attempted to operate at a lower percentage, but generally struggled with resources resulting in a poor quality project lacking the skillsets needed to ensure smooth and timely

programme management. Administration of a regional programme does require additional resources at regional and local level if it is to be done effectively. An 8% fee is proposed for the regional and local management of the thematic grant schemes under TRI, which is considerably less than the 10% allowance under ESI Programmes. Whilst some EU requirements justify a higher rate of 10%, many of the TRI requirements are based on Structural Funds procedures and will require substantial work to service them. In the past this resource was absorbed at local level to some extent, but diverted staff considerably from their day jobs – and local authorities no longer have the spare capacity needed to service these requirements effectively from within core resource.

7.12 It is proposed that the regional lead LA will use 3% of the budget for thematic grants (PEDG and SLG) to facilitate management, administration and the secretariat function at a regional level. Tasks will include collating claims data from the 4 LAs, financial and output monitoring, preparation of monitoring reports for Regional Board and submission of timely quarterly claims to WG. In terms of core regional support from Swansea, the programme will follow the external funding model whereby rather than fund standalone officers, time for different functions and expertise is ‘purchased’, e.g. financial support, monitoring. This results in a leaner more sustainable approach for programme support, and ensures continuity during leave or extended absences

7.13 Each LA will be allocated a share of 5% of the thematic grants (i.e. not 5% each) for scheme development and implementation at the local level. Regional colleagues have agreed this is a fair distribution. The 5% is split four ways to ensure parity of staffing support across the region. On the basis that the grants are often combined in a single building and very much awarded on local context and impact, the local management fee will ensure that individual South West local authorities retain the ability to oversee local arrangements. Local tasks would include supporting scheme development, site visits and ongoing contact with developers, financial due diligence checks, monitoring and supervision of procurement to ensure compliance, liaison with LA legal, planning and finance teams.

### **Project Assessment Criteria for Strategic Projects**

7.14 The project assessment and approval process for strategic projects will operate as a rolling programme based on needs identified by local regeneration teams on an ongoing basis. The Regional Project Board will take decisions on balancing demand with the needs outlined in this Strategy, and the relative importance of the strategic objectives of the Strategy, based on inputs from the Local Project Boards. The proposed project assessment criteria are set out below:

| <b>PROJECT ASSESSMENT CRITERIA – STRATEGIC PROJECTS</b>  |
|--|
| 1. Is the application fully completed?   |
| 2. Will the project deliver to the targeted settlements?   |
| 3. Does the organisation applying for TRI support have the ability/capacity to deliver e.g. Staffing, administration systems, funding etc.?                |
| 4. Is the organisation in a position to provide the required match funding towards funding their project?  |
| 6. Does the proposed project clearly contribute to meeting the strategic objectives contained within the approved Regional TRI Strategy?<br>In particular: |

|  |
|--|
| a) to what extent does the project contribute to the achievement of the TRI Strategy?  |
| b) how does the project complement other activities covered by other relevant initiatives?   |
| c) how does the project respond to and is consistent with identified need?   |
| d) how far is the project support by evidence of actual or prospective demand (including assessment of potential displacement of existing activities)      |
| e) how far is the intervention and delivery method appropriate?  |
| f) does the proposal have realistic and measurable milestones with performance indicators, including cross-cutting themes indicators developed within them |
| g) how dependent is the activity on TRI support to achieve its outcomes?   |
| h) is the proposal value for money in terms of costs vs outcomes   |
| i) is there a clear exit strategy?   |
| 7. Is the proposed activity and expenditure eligible under TRI rules?  |
| 7. Does the idea have clearly defined goals and SMART objectives?  |
| 8. Is the project realistic and to an appropriate scale?   |
| 9. Is there a clear explanation of the proposed expenditure?   |
| 10. Does the project complement other activities proposed against the TRI Strategy and other relevant strategies as detailed in the TRI Strategy?          |
| 11. Is there firm evidence of need for the proposal?   |
| 12. Is the proposal appropriate for the local area and consistent with the needs set out in the TRI Strategy?  |

7.15 Local regeneration teams are already working closely with a range of partners to achieve appropriate regeneration investment in the identified settlements. The success of the previous VVP investments in the region was as a result of the work of experienced facilitators able to work on the ground within communities with micro-enterprises, community groups and the wide range of other local stakeholders to broker discussions on difficult buildings or sites to stimulate their regeneration potential. The TRI programme provides an opportunity to bring forward a range of schemes that would not otherwise be possible. Therefore the intention is to align processes to ensure the administrative burden of the programme is kept as light as possible to ensure it adds value to existing regeneration activity.

7.16 Swansea Council will act as the TRI support for the Regional Project Board, to collate recommendations and data from local project boards, and prepare light touch progress review and monitoring documentation. As far as possible this process will 'go with the grain' of existing procedures to ensure the focus remains on delivering regeneration rather than servicing bureaucratic structures, and advising on balancing of financial allocations across the financial years of the programme.

7.17 It is important that a monitoring and evaluation model is put in place for the TRI Programme by the Welsh Government, to set the baseline and help determine what success will look like.

## **Project monitoring**

7.18 All project activity underpinning the TRI Strategy will be monitored formally by the Regional Board at regular intervals. The main tool for enabling effective monitoring will be the distribution of Quarterly Monitoring Reports covering all expenditure and achievement against outputs. Reports will include:

- A brief report on progress for the preceding quarter
- Expenditure to date
- Progress against outcomes
- Forward look role
- Any other relevant information

7.19 Where projects are not achieving performance to profile, the Regional Board will take appropriate action to resolve the situation.

7.20 The Regional Project Board (shadow) has already discussed the implications of the limited resources available, and has agreed that prioritisation of resources will be essential to gain maximum impact. As such, this means a more focussed approach to project development working through existing partnership arrangements via local regeneration teams. This will include early quick wins building on previous VVP activity.

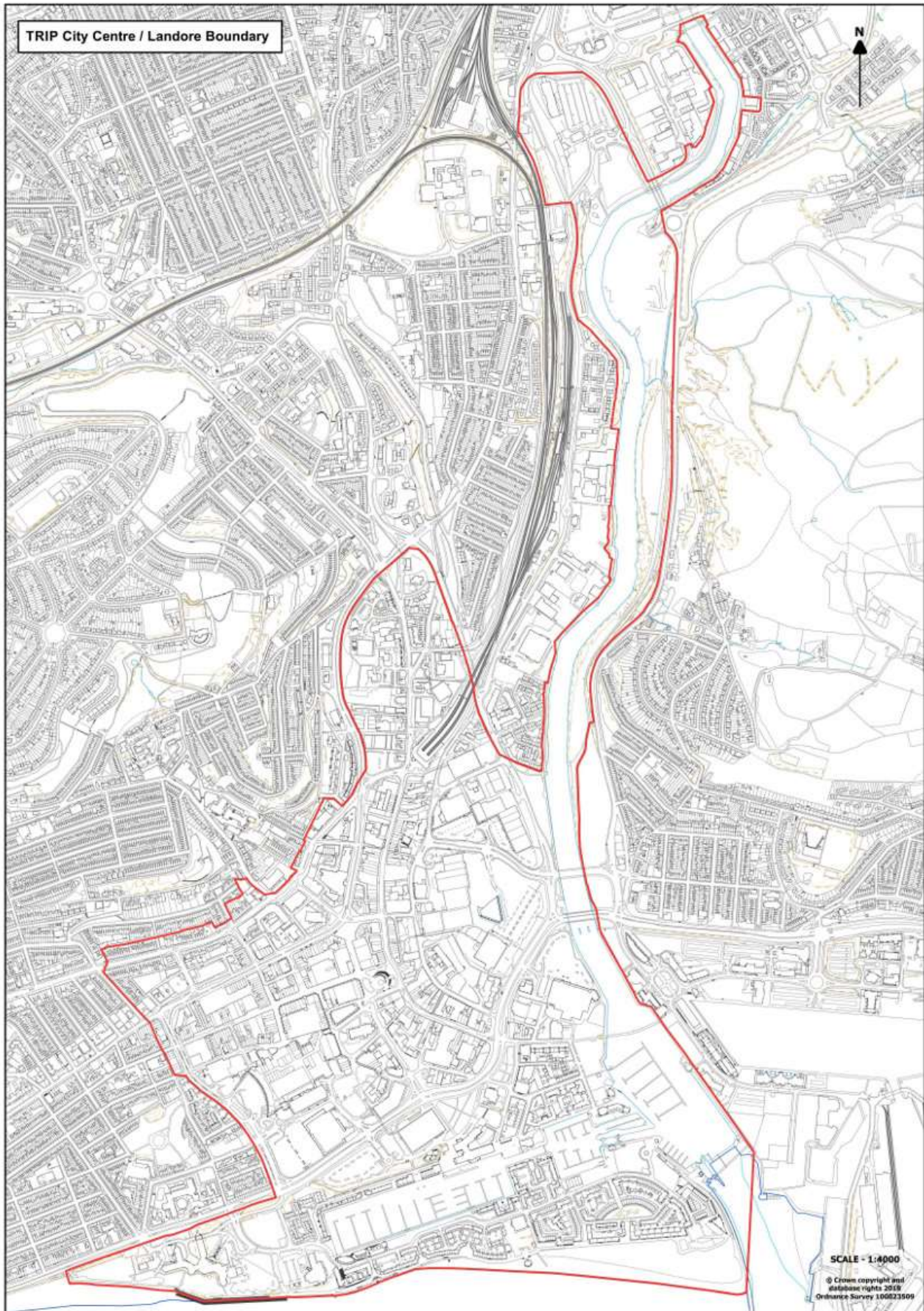
## **Budget allocation**

7.21 Each authority has provided a proposed list of schemes that fall under the three categories of project outlined above, that add up to the total proposed budget of £27m for South West Wales. The thematic grant budgets are a single 'pot' for each scheme, with indicative allocations for each authority. Any variances in use of budget will be formally signed off by the Regional Project Board, on the basis of honest and frank assessments of the status of projects, and acute awareness of the financial year constraints the programme has to operate under, and the reality of projects being able to deliver and complete in the necessary timescales. A prioritised pipeline of reserve schemes will be maintained for all three categories of project, to be reviewed and updated quarterly, as it is recognised that circumstances for individual schemes can change rapidly.

## **Appendix 1 – Target Areas Maps:**

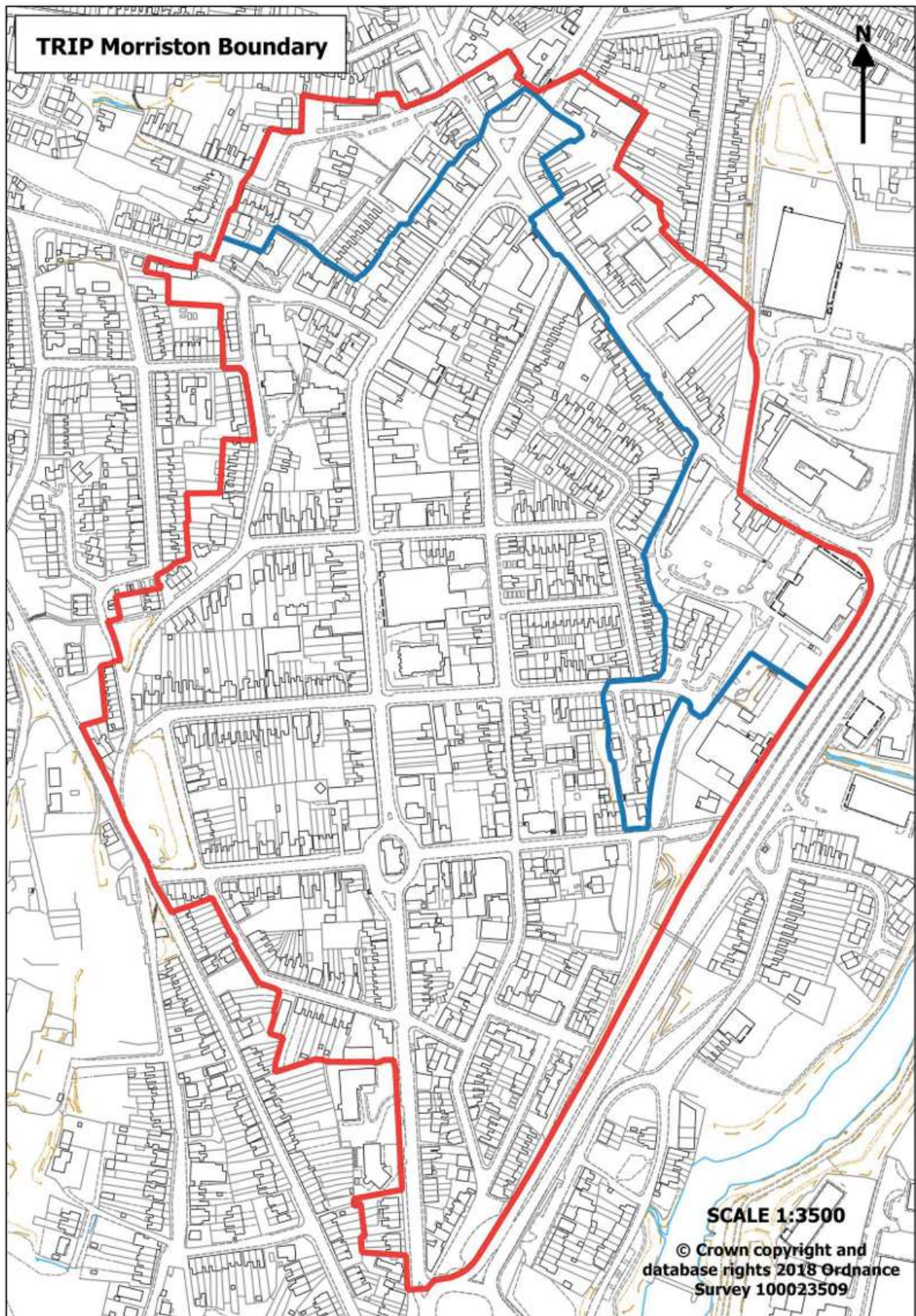
- *Port Talbot – to be added*
- *Neath – to be added*
- *Neath Port Talbot Valleys – to be added*
- Swansea City Centre & Tawe Riverside Corridor
- Morriston
- Ammanford
- Llanelli
- Haverfordwest
- Pembroke

# Swansea City Centre & Tawe Riverside Corridor Boundary

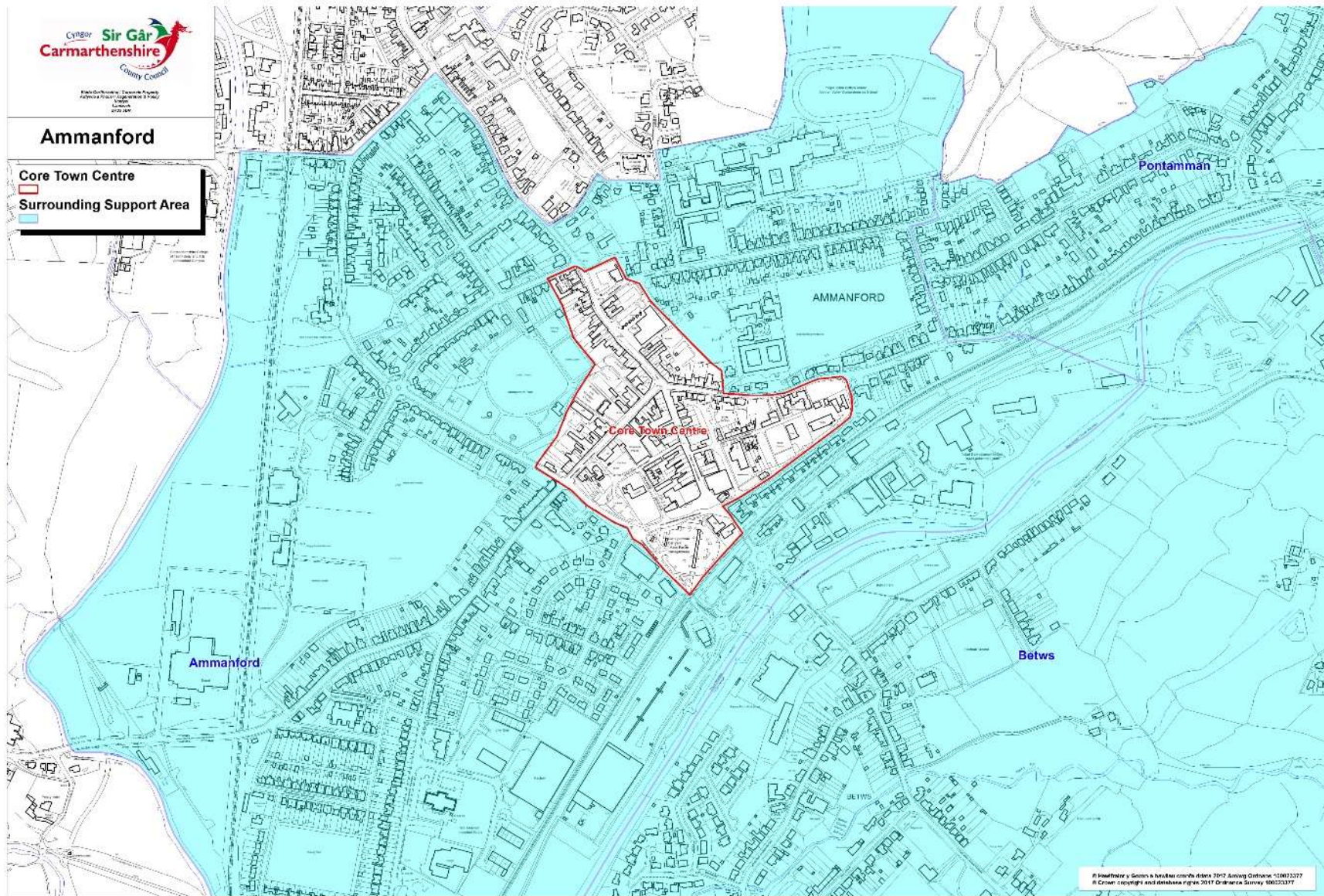




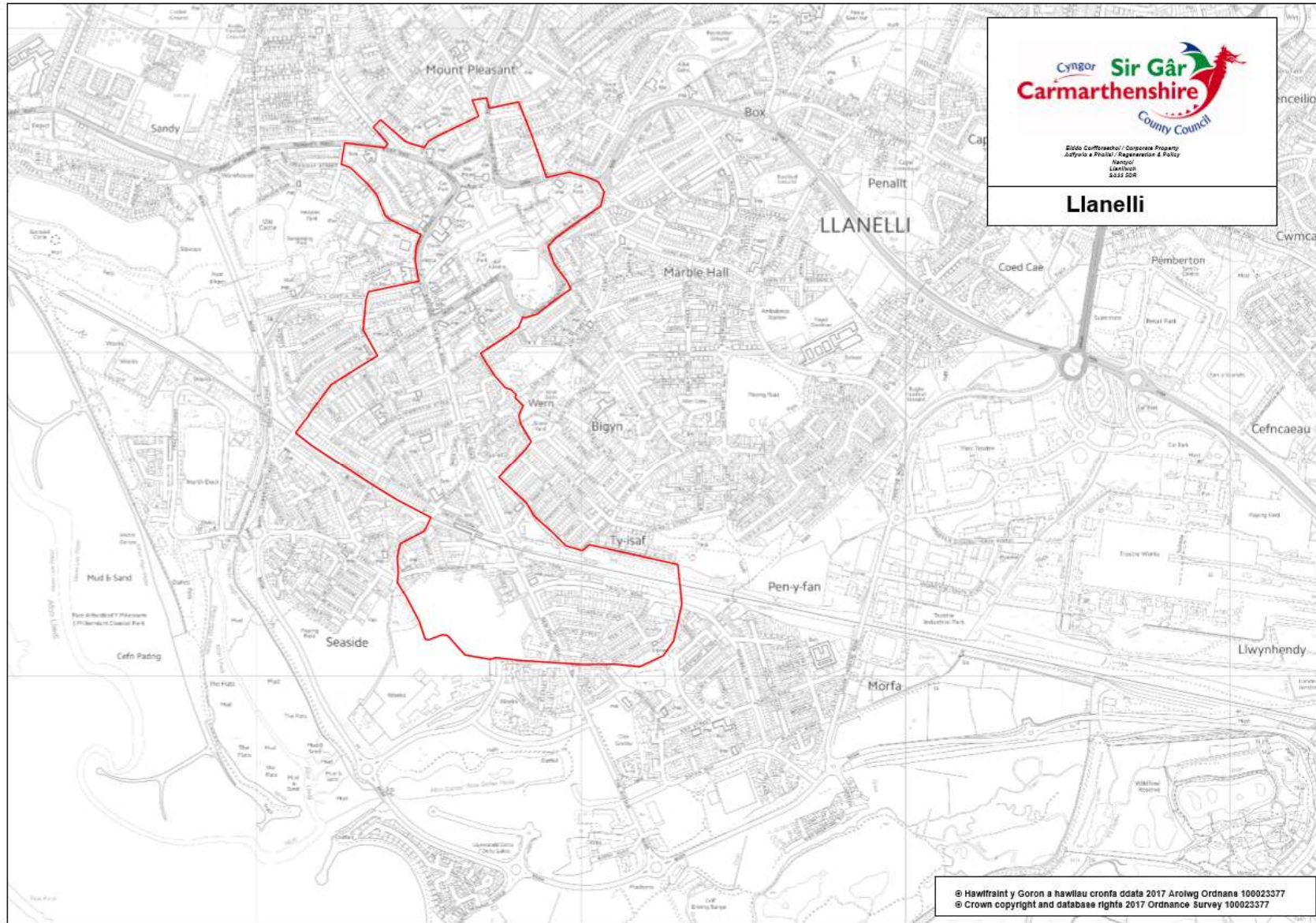
# Morriston Boundary



# Ammanford Boundary

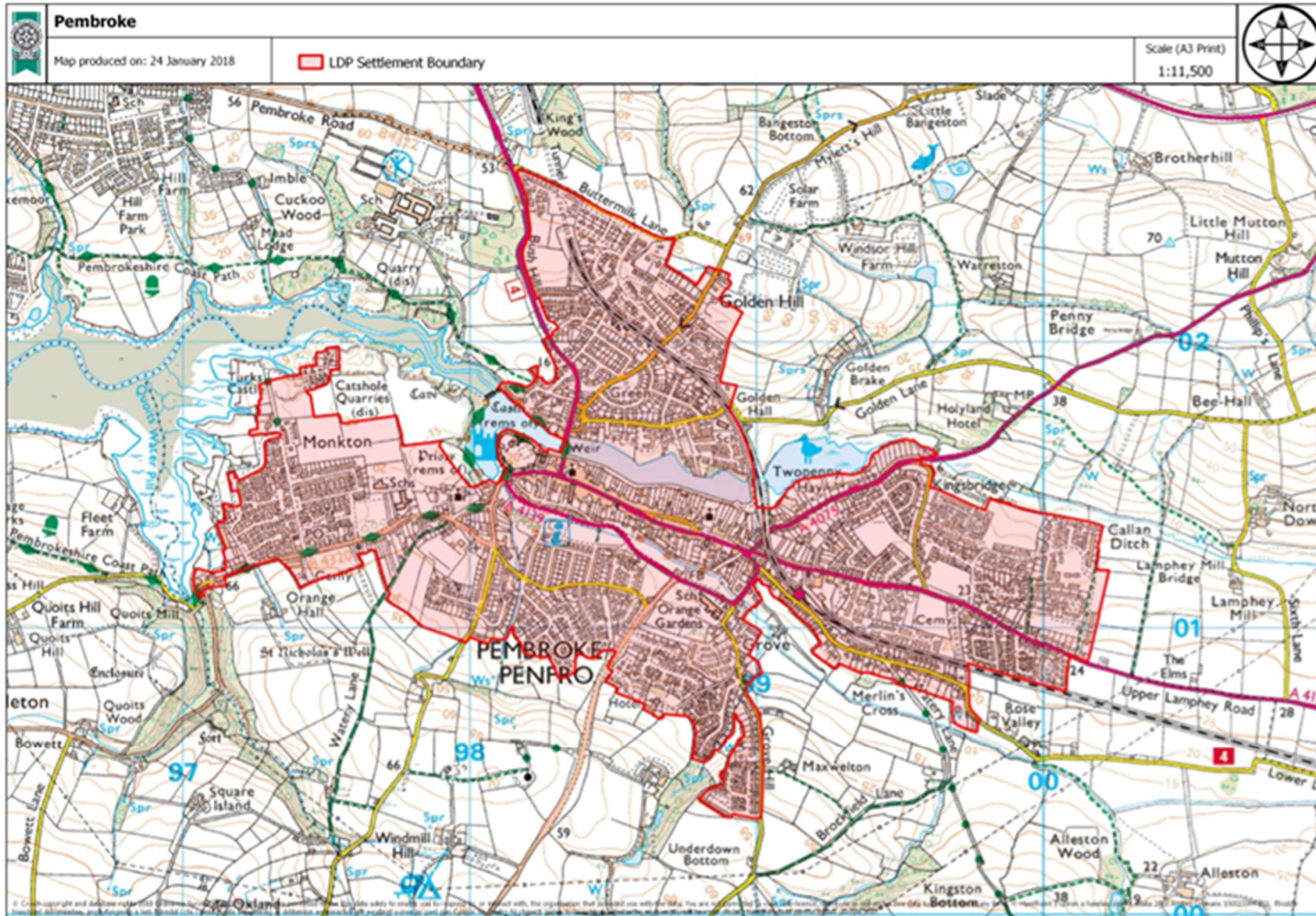


# Llanelli Boundary



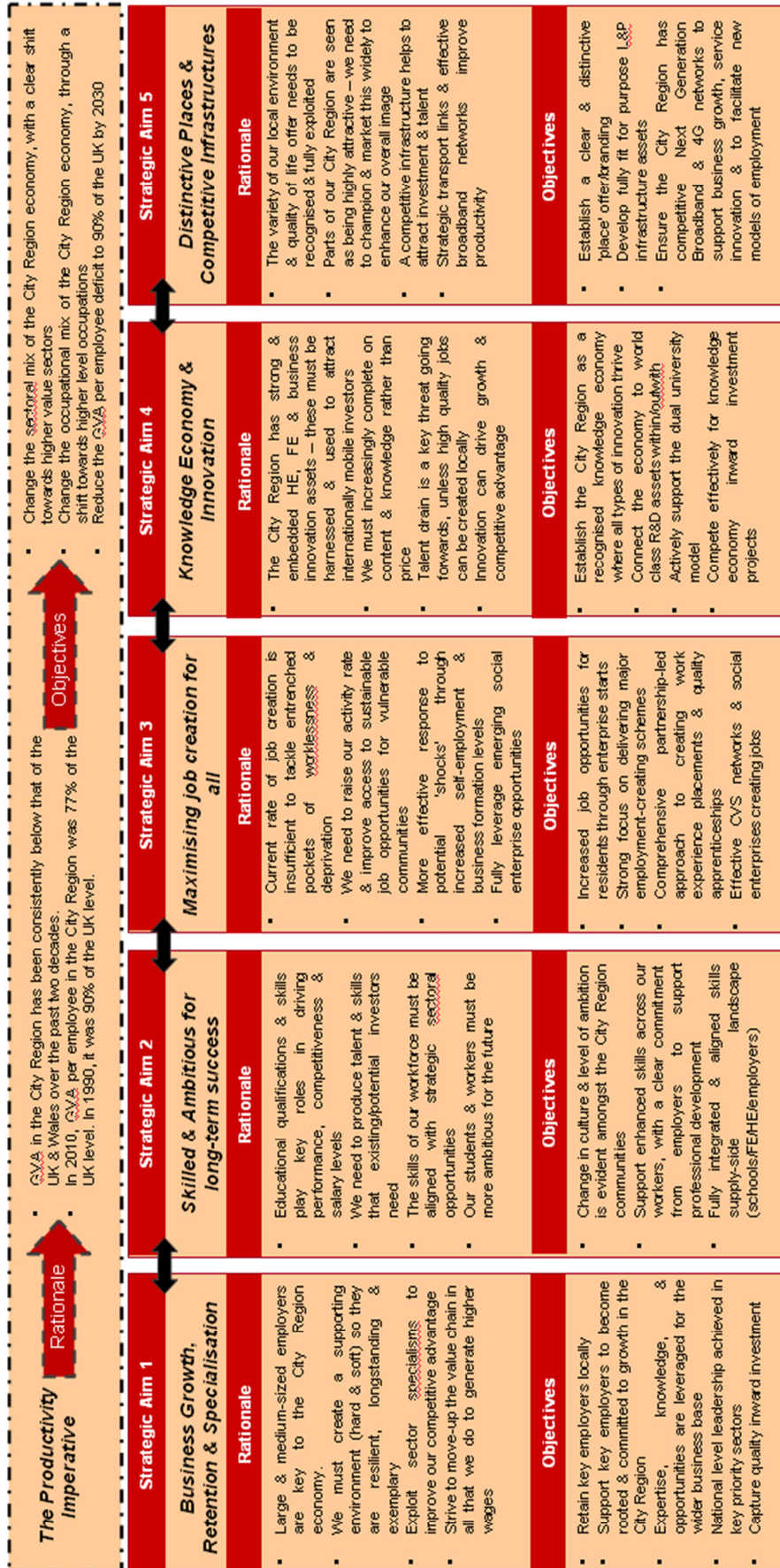


# Pembroke Boundary



# Appendix 2 – Swansea Bay City Region ERS Framework

**By 2030, South West Wales will be a confident, ambitious & connected City Region, recognised internationally for its emerging Knowledge and Innovation economy**



Cross-Cutting Theme 1: Thinking & Delivering Together for Regional Success

Cross-Cutting Theme 2: Quality & Intelligence-driven Leadership & Action

Cross-Cutting Theme 3: Being, & Acting, Connected

Cross-Cutting Theme 4: Understanding Sustainable Growth

## **Appendix 3 – Draft South West Regional TRI Governance terms of reference and duties**

1.1 The TRI guidance requires a partnership approach to programme implementation. The arrangements set out above will achieve a transparent application process to be steered by the South West Regeneration Directors Group.

### Objectives

1.2 Objectives are:

- a) To agree and implement a non-discriminatory and transparent selection procedure and objective criteria for the selection of projects, avoiding conflicts of interest. Selection by written procedure will be possible.
- b) To continually develop and review the TRI Strategy and to target available TRI resources to local areas of need and opportunity by prioritising projects according to their ability to meet the objectives and targets of the TRI Strategy.
- c) To prepare an ongoing project submission procedure
- d) To receive and assess applications for support in line with the agreed Strategy objectives
- e) To select projects, fixing the amount of support to be awarded, and where relevant presenting the proposals to the body responsible for final verification of eligibility before approval
- f) To undertake detailed monitoring of implementation of the TRI Strategy which will include the following actions:
  - Monitor and approve reports on progress in implementing the Strategy and identify gaps in provision;
  - Monitor the activities taking place as part of the Strategy;
  - Ensure that robust, good value for money and well developed projects are put forward and selected for appraisal and funded;
  - Promote the programme as appropriate.

### General

1.3 The Regional Board will:

- Appoint a Chair and Administrative Body
- Establish effective systems for assessing projects and secure the Welsh Government endorsement of them.
- Assess projects submitted and ensure those selected fulfil the aims and objectives of the Strategy.

1.4 The Local Boards will:

- Follow existing arrangements and operating procedures.

- Establish effective systems for assessing projects and secure the Regional Project Board endorsement of them.
- Assess projects submitted and ensure those selected fulfil the aims and objectives of the TRI Strategy.

### Membership

1.5 The membership of the Regional Board will be the South West Regeneration Directors, Welsh Government and supporting officers. The Local Project Boards will follow locally-agreed arrangements.

### Declarations of interest

1.6 Declarations of interest are handled as follows:

- A declaration of interest form will be circulated at every meeting and used to inform the composition of meetings for discussions of particular issues or operations.
- In cases of a specific declaration of interest relating to discussion of an item on the agenda or specific operation, a member with a financial interest will be required to leave the room for that agenda item.
- Conflicts of interest will be addressed by a vote following discussion with the Chair having the casting vote.

### Overall delivery and management

1.7 The Local Boards will:

- Be clearly representative of the main partners having an interest in the TRI Strategy.
- Take overall responsibility for the robustness of the project appraisal, selection and monitoring process.
- Receive detailed quarterly local reports on progress against the aims and objectives of the TRI Strategy.
- Take overall responsibility for the delivery and management of the programme locally.
- Oversee the delivery of projects
- Report to the Regional Board.

1.8 Local regeneration team contact lists will be used as one of the means to ensure the wider group of stakeholders and interested parties are kept regularly informed of development.

### Regularity and Propriety

1.9 The Regional Board will:

- Draw up and follow rules on regularity and propriety, including rules for avoiding conflicts of interest in relation to the selection of projects for financial assistance and all other Partnership activities.
- Ensure its general policies reflect these rules and basic principles of propriety.



- Receive an annual report on the application of the rules and good practice relating to the public procurement of works, goods and services.

## **Meetings**

### Frequency of meetings:

1.10 The Regional Project Board will meet on at least a quarterly basis. Further meetings to be arranged at the request of the Board should extraordinary items need to be considered. Meeting times and venues will be notified to Board members by the Administrative Body.

### Recording of meetings:

1.11 The minutes of the meetings shall be circulated between Local and Regional Boards and copied to the Welsh Government Regeneration Team.

1.12 The order of business at each meeting shall be to:

- Receive any apologies for absence.
- Receive disclosures of interest.
- Confirm and sign the Minutes of the last Meeting.
- Dispose of business (if any) remaining from the previous meeting.
- Report on progress on agreed projects.
- Discuss/ agree future priorities and projects.

1.13 If members of the Regional or Local Boards have any direct and significant involvement with a proposed project being considered, then they should declare this at the appropriate point on the agenda, and revoke their voting rights for any vote on that project.

## **Appendix 4 – Overview of the Grant Application Process**

These pages summarise the grant application process from enquiry through to completion of works.

### **Step 1: Making the Initial Enquiry**

The prospective grant applicant is asked to contact the local grant officer to arrange an initial meeting. This will discuss what work is eligible for grant and to review the grant application process. Following this, outline designs should be provided to the grant officer for consultation with planning officers. A simple one page form will be completed to provide the basic details to enable scheme prioritisation.

### **Step 2: Prioritisation by Local Regeneration Partnership or equivalent**

Schemes collated by local programme officers will be summarised and presented to local regeneration partnerships for support and prioritisation. This will include a pipeline reserve list of schemes.

### **Step 3: Endorsement by Regional Partnership Board**

Local prioritised lists will be presented to the Regional Partnership Board for endorsement.

### **Step 4: Developing the Design and Proposals**

Applicants are advised to employ a professional architect or similar agent to assist in the design and project management of the project. He/she will assist in producing quality designs and liaise with the Planning and Building Control sections to achieve the necessary statutory consents, if these are needed. These are vital to a successful project and only when planning approval is gained will a grant be approved. Grant support may be available towards the cost of professional fees associated with the architect/design team.

### **Step 5: Submitting a Grant Application**

A grant application should not be submitted until it has been agreed with the local grant officer. The application form must be accompanied by each of the following:

1. Recent photographs of the property;
2. Notification of Planning approval and approved plans/drawings;
3. Drawings and schedules of internal and external work;
4. Relevant statutory consents such as Building Control;
5. Landlord's and mortgagee's consent if applicable;
6. 4 estimates or quotations (5 for projects over £75,000) based on approved drawings and a works schedule. This needs to clearly identify individual work items, rates and final cost, with and without VAT. Where items are included within the estimates or quotations which will not attract grant, these should be highlighted. This information is required to enable a comparison of prices;
7. A statement showing the professional fees or other fees which are to be incurred and for which a grant contribution is sought;

8. Confirmation that the full cost of the works can be paid prior to submitting the grant claim. This might be in the form of a letter from the bank;
9. Financial information is required so that there is confidence that public money is being invested properly in private sector concerns. The following is required for the appropriate type of applicant (information will be treated in strict confidence)
  - Limited company - 3 years audited accounts;
  - Sole trader/partnership - a copy of the last 3 years self-assessment tax returns; and
  - New Business – evidence of sufficient fund for the total project cost e.g. bank statement/letter from bank.

Commitment to generating social benefits, initially by meeting officers in the local authority responsible for the scheme (e.g. in Swansea, the Beyond Bricks and Mortar Team).

### **Step 6: Assessment of Grant Applications**

Each grant application is assessed on the basis of its positive benefit to the local area including its environment, but the level of grant (subject to state aid rules) may be limited by the size and nature of the project or the company and/or its turnover.

Under European Legislation, there are specific grant limits that apply to larger applicants and where appropriate this will be discussed with individual applicants.

### **Step 7: Grant Offer and Acceptance**

When a grant is approved, an offer letter will be sent to the applicant, in duplicate. If a grant is offered it must be formally accepted, in writing, by the applicant countersigning the grant offer letter and returning one copy of it to the grant officer. This must occur within 14 days of the date of the grant offer letter and before any work commences. If this condition is not met it may be deemed that the applicant has refused the offer of grant. The grant acceptance letter must be signed by the applicant and not by any appointed agent acting on the applicant's behalf.

Offer letters always have Terms and Conditions attached to them and should be read fully by the applicant. They are important because the Council is responsible for public money and is required to maintain safeguards accordingly.

The Council may agree to pay the grant by instalments during the course of the works - this should normally be agreed at the outset and can be incorporated in the grant offer letter.

### **Step 8: Starting Work on Site**

As part of the terms and conditions of the grant, two key dates will be given – one by which time the grant recipient must start work on site, and one by which time work must be completed on site. The grant officer will work with the grant recipient to make sure adequate time is given for completion and that the programme is realistic.

There will be a pre-start meeting with the grant officer to ensure that the grant recipient is happy with all the terms and conditions and to discuss any further issues with the project. A

Planning officer or other relevant officer may also attend this meeting if any planning matters need to be clarified.

The grant officer will ask the grant recipient or the contractor to erect a grant sign in a prominent location. This advertises the availability of grant and promotes the funding bodies.

All work must be undertaken in line with Statutory Obligations such as Planning, Building Control and the requirements of The Health and Safety Executive. The officer is not responsible for these obligations, but a grant offer may be revoked if the work does not comply with the statutory legislation.

### **Step 9: Monitoring Work**

It is the applicant's responsibility to monitor work. However, the grant officer will also attend site meetings and should be advised of any deviation from the agreed plan. If advice is not sought an approved grant may not be paid in respect of these items. Any changes to specifications of materials, building details or designs should be reported to the grant officer and where relevant the planning officer to ensure that changes are in line with planning requirements. Any changes to the cost or timescale of the project should also be reported to the grant officer as soon as they are realised.

### **Step 10: Claiming Grant Money**

Once the project is complete a site visit will be held to inspect the work.

A final account, detailing all the work undertaken should be produced. This will be done by the contractor, agent or architect. All invoices from the contractor and the professional fees must be presented to the grant officer. These should be accompanied with bank statements showing the payment of the invoices.

The independent quantity surveyor will assess the final account, invoices and bank statements. A report will then be written and approved by relevant officers. Once approved, payment will be made to the applicants account via a BACS transfer. Please note that all invoices must be paid from the named bank account of the applicant.