

Council

You are hereby summoned to attend a Meeting of the **Council of the City and County of Swansea** to be held in the Council Chamber, Guildhall, Swansea on Thursday, 26 July 2018 at 5.00 pm.

The following business is proposed to be transacted:

1. **Apologies for Absence.**
2. **Disclosures of Personal and Prejudicial Interests.**
www.swansea.gov.uk/disclosuresofinterests
3. **Minutes.** 1 - 12
To approve & sign the Minutes of the previous meeting(s) as a correct record.
4. **Written Responses to Questions asked at the Last Ordinary Meeting of Council.** 13 - 14
5. **Announcements of the Presiding Member.**
6. **Announcements of the Leader of the Council.**
7. **Public Questions.**
Questions must relate to matters on the open part of the Agenda of the meeting and will be dealt with in a 10 minute period.
8. **Public Presentation - Young Carers in Swansea.**
9. **Review of the Policy on the Licensing of Sex Establishments.** 15 - 39
10. **Review of the Statement of Policy for Licensing.** 40 - 103
11. **Leisure Partnerships Annual Report.** 104 - 116
12. **Swansea Bay City Deal.** 117 - 196
13. **Local Democracy & Boundary Commission for Wales' Review of Electoral Arrangements for the City and County of Swansea.** 197 - 218
14. **Honorary Freedom of the City & County of Swansea to Sir Karl Jenkins CBE B.Mus FRAM LRAM.** 219 - 221

15. Amendments to the Council Constitution.

222 - 228

16. Councillors' Questions.

229 - 239



**Huw Evans
Head of Democratic Services
Guildhall,
Swansea.**

Tuesday, 17 July 2018

To: All Members of the Council

Agenda Item 3.



City and County of Swansea

Minutes of the Council

Council Chamber, Guildhall, Swansea

Thursday, 21 June 2018 at 5.00 pm

Present: Councillor D W W Thomas (Chair) Presided

| Councillor(s) | Councillor(s) | Councillor(s) |
|----------------------|----------------------|----------------------|
| C Anderson | P M Black | J E Burtonshaw |
| S E Crouch | J P Curtice | N J Davies |
| A M Day | P Downing | C R Doyle |
| M Durke | V M Evans | C R Evans |
| E W Fitzgerald | R Francis-Davies | S J Gallagher |
| L S Gibbard | F M Gordon | K M Griffiths |
| D W Helliwell | T J Hennegan | C A Holley |
| P R Hood-Williams | B Hopkins | D H Hopkins |
| O G James | L James | Y V Jardine |
| P K Jones | S M Jones | L R Jones |
| J W Jones | E J King | E T Kirchner |
| M A Langstone | M B Lewis | R D Lewis |
| W G Lewis | A S Lewis | C E Lloyd |
| P Lloyd | I E Mann | P N May |
| H M Morris | D Phillips | C L Philpott |
| S Pritchard | A Pugh | J A Raynor |
| C Richards | K M Roberts | B J Rowlands |
| M Sherwood | P B Smith | R V Smith |
| A H Stevens | R C Stewart | D G Sullivan |
| M Sykes | W G Thomas | M Thomas |
| L J Tyler-Lloyd | G D Walker | L V Walton |
| T M White | | |

Apologies for Absence

Councillor(s): M C Child, W Evans, J A Hale, M H Jones, P M Matthews, G J Tanner and L G Thomas

11. Disclosures of Personal and Prejudicial Interests.

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

The Head of Democratic Services reminded Councillors and Officers that the "Disclosures of Personal and Prejudicial Interests" sheet should only be completed if the Councillor / Officer actually had an interest to declare. Nil returns were not required. Councillors and Officers were also informed that any declarable interest must be made orally and in writing on the sheet.

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

Councillors

- 1) Councillors C Anderson, P M Black, J E Burtonshaw, S E Crouch, J P Curtice, N J Davies, A M Day, P Downing, C R Doyle, M Durke, C R Evans, V M Evans, E W Fitzgerald, R Francis-Davies, S J Gallagher, L S Gibbard, F M Gordon, K M Griffiths, D W Helliwell, T J Hennegan, C A Holley, P R Hood-Williams, B Hopkins, D H Hopkins, O G James, L James, Y V Jardine, J W Jones, L R Jones, P K Jones, S M Jones, E T King, E T Kirchner, M A Langstone, A S Lewis, M B Lewis, R D Lewis, W G Lewis, C E Lloyd, P Lloyd, I E Mann, P N May, H M Morris, D Phillips, C L Philpott, S Pritchard, A Pugh, J A Raynor, C Richards, K M Roberts, B J Rowlands, M Sherwood, P B Smith, R V Smith, A H Stevens, R C Stewart, D G Sullivan, M Sykes, D W W Thomas, M Thomas, W G Thomas, L J Tyler-Lloyd, G D Walker, L V Walton & T M White declared a Personal Interest in Minute 20 "Councillors & Co-Opted Members Allowances & Expenses 2017-2018".

Officers

- 1) T Meredith declared a Personal & Prejudicial Interest in Minute 22 "Senior Management Structure" and withdrew prior to its discussion.

12. Minutes.

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

- 1) Ceremonial Meeting of Council held on 18 May 2018;
- 2) Annual Meeting of Council held on 24 May 2018 subject to Councillor S M Jones being removed from the list of apologies and being marked as present.

13. Written Responses to Questions asked at the Last Ordinary Meeting of Council - None.

There were no written responses to questions asked at the last Ordinary Meeting of Council.

14. Announcements of the Presiding Member.

1) South & West Wales Occupational Safety Group (SWWOSG) Awards

The Presiding Member congratulated the Corporate Health, Safety, Emergency Management & Wellbeing Service as they had been awarded the "Wellbeing Shield" by the South & West Wales Safety Group for 2017, as a result of the innovative work of Stress Management & Counselling, the Helping Hands volunteers and the Occupational Health Unit in improving employee Wellbeing.

Corporate Health & Safety were also awarded for "Outstanding Safety Performance" in 2017 again.

Craig Gimblett, Andy Langford, Tracy Dicataldo, and Liz Thomas-Evans were present to receive the award.

Martin Rogers of Waste Management (also present) was also awarded runner up for employee of the year by the Group, for his ongoing dedication to improving health & safety standards at the Bailing Plant.

2) Morryston Primary School - Welsh Heritage Schools Initiative Competition 2018

The Presiding Member announced that Morryston Primary School celebrated its 150th anniversary on 15 June 2018. In addition to this achievement, the School has been acknowledged by the Welsh Heritage Schools Initiative with a prize for their efforts in bringing the event together, with many months spent trawling through the Swansea Archives to find the Head Teacher logs dating back to when the School first opened in 1868. He stated that apparently it wasn't easy as the Head Teachers' handwriting was extremely difficult to read in the early records.

3) Head Teacher of the Year in Wales - Professional Teaching Awards Cymru

The Presiding Member congratulated Janet Waldron (MBE), Headteacher at Pontarddulais Comprehensive School, for recently being named Headteacher of the Year in Wales at the Professional Teaching Awards Cymru ceremony.

4) Gower College Student Awards 2018

The Presiding Member congratulated the Authority for winning the 'Employer Partner' of the Year Award at the Gower College Student Awards 2018. Councillor Will Evans received the Glass Plaque and a cheque payable to the Lord Mayor's Fund on behalf of the Authority.

5) All Wales Continuous Improvement Community Annual Awards 2018

The Presiding Member congratulated Swansea's Team Around the Family (TAF) Service for winning its second award in 6 months. Recently the Team won an All Wales Continuous Improvement Council / Academi Wales 2018 Award for its TAF in Schools (TiS) model of delivery in the Public Value category.

The Team is an innovative and sustainable initiative developed to empower and up-skill Primary School-based staff to support children and their families to tackle early stage social challenges. TiS has upskilled workers in 73 out of the city's 79 Primary Schools by boosting their confidence and ability to support vulnerable families, ensuring their needs are met at the earliest possible opportunity by people they know and trust.

This has resulted in a reduction in demand for more intensive services, a more responsive Offer for families within their own communities and positive feedback from Schools in relation to being able to confidently and directly provide support for the well-being of children and their families.

As a result of winning the National Guardian Public Services Award there has been continued interest in the TiS model from Wales and further afield. In early June, Early Intervention Services hosted a visit of the Director of Education for the New Zealand Government who was interested in learning from the innovative practice and approaches that have been developed here in Swansea. Professor Karen Graham, Wales and the UK representative on the World Forum Foundation, will be presenting the works of TiS at the 2019 World Forum.

6) Wales - The World's First Fair Trade Nation

The Presiding Member stated that ten years ago on 6 June 2008, Wales became the World's First Fair Trade Nation. Supporting and promoting Fair Trade is still an important way for Councils to demonstrate their commitment to a Globally Responsible Wales, as required by the Well-Being of Future Generations Act.

Cabinet resolved in August 2004 to support Fair Trade, as part of Swansea's bid to become a Fair Trade City, helping Wales achieve Fair Trade Nation status. In the coming months, this Authority will be asked to renew that resolution which will be much more detailed than the original. Hopefully, Swansea can continue to lead the way in being globally responsible.

7) Queen's Birthday Honours 2017

The Presiding Member congratulated the Citizens of Swansea and / or People with Links to Swansea who received awards in the Queen's Birthday Honours.

a) Commander of the Order of the British Empire (CBE)

- i) Professor Jill Hunter. *Professor of Midwifery at Cardiff University. For services to Midwifery and Midwifery Education in the UK and Europe.* (Sketty, Swansea).

b) Member of the Order of the British Empire (MBE)

- i) Janet Waldron. Head Teacher at Pontarddulais Comprehensive School. For services to Education. (Neath Port Talbot).

c) British Empire Medal (BEM)

- i) Joan E Darbyshire. For Charitable services. (West Cross, Swansea);
- ii) Wendy A Pressdee. For services to Netball. (Pennard, Swansea);
- iii) Ruth Ridge. For services to the Gower Society and the Community of Gower. (West Cross, Swansea).

8) Happy 70th Birthday to Aneira Thomas of Loughor and to the National Health Service (NHS)

The Presiding Member extended the Council's best wishes to Aneira Thomas of Loughor on her 70th birthday. Aneira was born shortly after midnight on 5 July 1948 after the midwives encouraged her mother with the words "Hang on Edna...". Aneira was the first baby born under the National Health Service and now spends much of her time touring the country as a powerful supporter and advocate of our NHS.

He also extended the Council's best wishes which also was celebrating its 70th birthday.

9) Amendments / Corrections to the Council Summons

i) Agenda Item 10 "Safer Swansea Community Safety Strategy"

The pie charts shown on Pages 43-53 had not printed correctly. The amended pages were circulated.

ii) **Agenda Item 11 “Councillors and Co-opted Members Allowances & Expenses 2017-2018**

Paragraphs 2.4 and 2.9 of the report need to be amended so as to clarify the ICT Allowance and the Subsistence Allowance. The paragraphs should read as follows:

*“2.4 The **ICT Allowance** is set at a maximum of £1,808 over a period of 5 years (2017-2022). This is broken down as £1,008 in the year immediately following the election of the Councillor and £200 each year thereafter. The amounts do not need to be taken in the specific year but the amount of £1,808 cannot be exceeded.*

*2.9 **Subsistence Allowance** - These costs relate to any subsistence costs incurred including accommodation and conference / seminar costs.”*

iii) **Agenda Item 14 “Amendments to the Council Constitution”**

Paragraph 3.1 a) and b) should be amended to read:

- a) Part 3 - Terms of Reference - Constitution Working Group;
- b) Part 4 - Council Procedure Rules - Rules of Debate.

iv) **Agenda Item 17 “Notice of Motion”**

This Item has been withdrawn.

10) **Suspension of Council Procedure Rule 17.2 “Rules of Debate – Standing when Speaking”**

Council agreed to suspend Council Procedure Rule 17.2 in order to allow Councillors to remain seated whilst speaking. The purpose being to aid those with hearing difficulties.

15. **Announcements of the Leader of the Council.**

1) **The BBC’s Biggest Weekend, Swansea**

The Leader of the Council congratulated all involved with the BBC Biggest Weekend, Swansea which was held on 27 and 28 May 2018. The event was a sell out and was one of the most exciting live music event of the summer, as BBC Music and Radio 1 joined forces to bring two days of spectacular performances to Singleton Park.

2) Swansea Bay City Deal

The Leader of the Council stated that Cabinet earlier that day had approved the establishment of the Swansea Bay City Deal Joint Committee and associated funding streams. A report on the City Deal would be presented to Council on 26 July 2018.

3) Tidal Lagoon

The Leader of the Council stated that he would be meeting the Secretary of State for Wales on Monday, 25, June 2018, where he would continue to press for a positive response on the scheme.

4) Deb Yeates – Leaving the Authority

The Leader of the Council congratulated Deb Yeates on her forthcoming retirement and wished her the best for the future following her 37 years in Local Government. Deb started her career as a Social Services Personnel Officer in the former West Glamorgan County Council. She worked her way through the Authority and was for some time the Acting Head of HR.

One of Deb's remarkable achievements during that time was the fact that she never took a day's sickness.

5) Chris Sivers – Pastures New

The Leader of the Council congratulated Chris Sivers on her new role in Gloucestershire. He referred to her 5 years in Swansea and outlined her achievements in joint working between social care and education, focussing on prevention, early intervention and better commissioning.

16. Public Questions.

A number of questions were asked by members of the public. The relevant Cabinet Member responded. No questions required a written response.

17. Public Presentation - None.

No Public Presentations were received.

18. Amendments to the Private Sector Housing Renewal and Disabled Adaptations : Policy To Provide Assistance 2017-2022 : Houses Into Homes and National Home Improvement Loan Scheme.

The Homes & Energy Cabinet Member submitted a report, which outlined proposed amendments to the current Private Sector Housing Renewal and Disabled Adaptations: Policy to Provide Assistance 2017-2022, following changes to the Welsh Government Houses in Homes and National Home Improvement Loan Scheme, and to publish an addendum to the Policy.

Resolved that:

- 1) The revisions to the Welsh Government's Houses in Homes and National Home Improvement Loans Scheme as detailed in the report be approved and included as an addendum to the Private Sector Housing Renewal and Disabled Adaptations: Policy to Provide Assistance 2017-2022.

19. Safer Swansea Community Safety Strategy.

The Better Communities Cabinet Member submitted a report, which presented a strategic partnership response for delivering priorities as identified in the Safer Swansea Community Safety Strategy.

Resolved that:

- 1) The Safer Swansea Community Safety Strategy be approved.

20. Councillors & Co-Opted Members Allowances & Expenses 2017-2018.

The Head of Democratic Services submitted an information report, which presented the amount of allowances and expenses paid to each Councillor and Co-opted Member during 2017-2018 under the Councillors Allowances Scheme.

Following a request from the Head of Democratic Services, Council agreed that Paragraphs 2.4 and 2.9 of the report be amended so as to clarify the ICT Allowance and the Subsistence Allowance. The paragraphs were amended to read as follows:

*"2.4 The **ICT Allowance** is set at a maximum of £1,808 over a period of 5 years (2017-2022). This is broken down as £1,008 in the year immediately following the election of the Councillor and £200 each year thereafter. The amounts do not need to be taken in the specific year but the amount of £1,808 cannot be exceeded.*

*2.9 **Subsistence Allowance** - These costs relate to any subsistence costs incurred including accommodation and conference / seminar costs."*

21. Response to Welsh Government Consultation on the Green Paper regarding Local Government Reform: 'Strengthening Local Government – Delivering for People'.

The Economy & Strategy Cabinet Member submitted a report, which proposed a response to the consultation on the Welsh Government Green Paper regarding Local Government Reform: 'Strengthening Local Government – Delivering for People'.

Resolved that:

- 1) The response to the consultation on the Welsh Government Green Paper regarding Local Government Reform: 'Strengthening Local Government – Delivering for People' be noted and endorsed.

22. Senior Management Structure.

The Chief Executive submitted a report, which sought agreement for a new Senior Management Structure.

Resolved that:

- 1) The posts of Director of Resources, Director of People, Chief Social Services Officer, Chief Education Officer and Head of Financial Services & Service Centre be removed from the establishment;
- 2) The post of Deputy Chief Executive be established and advertised;
- 3) The post of Director of Social Services be established and advertised;
- 4) The post of Director of Education be established and advertised ;
- 5) The post of Head of Financial Services & Service Centre be replaced by the post of Chief Finance Officer and be advertised;
- 6) The spans of control for the Chief Operating Officer (currently vacant) be amended and appointed from existing Heads of Service;
- 7) The post of Head of Legal, Democratic Services and Business Intelligence be replaced by the post of Chief Legal Officer and the incumbent be slotted into that post;
- 8) The post of Deputy Chief Finance Officer be established and advertised;
- 9) The post of Deputy Chief Legal Officer be established and the incumbent be slotted into that post;
- 10) The Place Directorate be amended as outlined in Paragraph 6 of the report.

23. Amendments to the Council Constitution.

The Presiding Member, Monitoring Officer and Head of Democratic Services jointly submitted a report, which sought to make amendments in order to simplify, improve and / or add to the Council Constitution.

The proposed changes related to the following area of the Council Constitution:

- a) Part 3 - Terms of Reference - Constitution Working Group;
- b) Part 4 - Council Procedure Rules - Rules of Debate.

Resolved that:

- 1) The Terms of Reference of the Constitution Working Group be amended to include the following line:

“3. To consider all aspects of any Boundary Reviews and make recommendations to Council as appropriate”.

- 2) Council Procedure Rule 17 “Rules of Debate” be amended to read:

1 “Respect for Chair

When the Presiding Member stands during a debate all Councillors must immediately stop speaking and the Council must be silent.

2 Standing when Speaking

A Councillor, when speaking at Council, must address the Presiding Member; all others must remain silent, unless raising a point of order, a personal explanation or a point of information.

This Procedure Rule does not apply to other Council Body meetings such as Cabinet, Committees etc.

When a Councillor raises a “Point of Order”, a “Personal Explanation” or a “Point of Information”, Paragraph 17(12) “Personal Explanation, Points of Order and Points of Information” applies. If this occurs, the Councillor has the floor.

3 Order of Speaking

If two or more Councillors indicate their wish to speak, the Presiding Member will call on one and the other(s) must be silent. The Presiding Member may decide and announce that Councillors will be called in a given order at specified points during the debate. Alternatively, the Presiding Member may also decide to open a list of Councillors wishing to speak and to restrict the speakers to those that indicate an intention to speak prior to the closure of the list. The Presiding Member shall announce when this list is closed.”

Note: The remainder of Council Procedure Rule 17 “Rules of Debate” remains unchanged.

24. Membership of Committees.

The Business Transformation and Performance Cabinet Member submitted a report, which sought approval for nominations / amendments to the Council Bodies.

He stated that the Leader of the Council had also made the following changes to the Authority's Outside Bodies.

- 1) **Police and Crime Panel**
Remove Councillor K M Roberts.
Add Councillor E T Kirchner.

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

- 1) **Corporate Parenting Board**
Remove Councillor M C Child.
Add Councillor E J King.
- 2) **Audit Committee**
Remove Councillor B Hopkins.
Add Labour Vacancy.

25. Councillors' Questions.

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

Nine (9) Part A 'Supplementary Questions' were submitted. The relevant Cabinet Member(s) responded by way of written answers contained in the Council Summons.

The following supplementary question(s) required a written response.

Question 2

a) Councillor C A Holley asked:

- i) *"Can the Leader of the Council provide Councillors with the details of the new lease at the Liberty Stadium specifically changes to the repair / maintenance element of the lease?"*

The Leader of the Council stated that a written response would be provided.

2) **Part B 'Questions not requiring Supplementary Questions'**

Five (5) Part B 'Questions not requiring Supplementary Questions' were submitted.

26. Notice of Motion - Councillors P M Black, C A Holley, A M Day, L G Thomas, C L Philpott, J W Jones & M H Jones.

The Notice of Motion was withdrawn.

The meeting ended at 6.36 pm

Chair

Agenda Item 4.



Report of the Head of Legal, Democratic Services & Business Intelligence

Council – 26 July 2018

Written Responses to Questions Asked at the Last Ordinary Meeting of Council

The report provides an update on the responses to Questions asked during the Ordinary Meeting of Council on 21 June 2018.

For Information

1. Introduction

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

2. Responses

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

Background Papers: None

Appendices: Appendix A (Questions & Responses)

**Providing Council with Written Responses to Questions at Council
21 June 2018**

| | |
|----|---|
| 1. | <p>Councillor C A Holley In relation to Councillor Question 2</p> <p>Can the Leader of the Council provide Councillors with the details of the new lease at the Liberty Stadium specifically changes to the repair / maintenance element of the lease.</p> <p>Response of the Leader</p> <p>I can confirm that under the revised lease the Swans remain liable to put and keep in a state of good and substantial repair and to renew as necessary the Property and, as and when the Council so reasonably and properly requires. Furthermore they must strictly observe and comply with the obligations contained in the Life Cycle Maintenance Schedule and to undertake the planned maintenance in accordance with the schedule. Council officers continue to inspect and ensure compliance with the life cycle maintenance schedule.</p> |
| | |

Agenda Item 9.



Report of the Cabinet Member for Delivery

Council – 26 July 2018

Review of the Policy on the Licensing of Sex Establishments

| | |
|------------------------------------|--|
| Purpose: | To consider the outcome of the consultation on the review of the Sex Establishment Policy and to agree the amended Sex Establishment Policy for adoption and publication. |
| Policy Framework: | The Licensing of Sex Establishments Policy 2013 |
| Consultation: | Legal, Finance, Access to Services. |
| Recommendation(s): | It is recommended that: <ol style="list-style-type: none">1) the amended policy on the Licensing of Sex Establishments, attached at Appendix A is approved and adopted;2) 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; |
| Report Author: | Lynda Anthony |
| Finance Officer: | Aimee Dyer |
| Legal Officer: | Lyndsay Thomas |
| Access to Services Officer: | Rhian Millar |

1.0 Background

- 1.1 Sex Establishment Licences are issued under the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (the 1982 Act). There are three types of sex establishment in the 1982 Act, these are sexual entertainment venues (SEVs), sex cinemas and sex shops. (Relevant definitions associated with sex establishments can be found in the 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 30th 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 The Consultation

- 6.1 Extensive consultation has been undertaken involving existing licence holders likely to be affected by the changes, representatives of local businesses, statutory agencies, bodies representing interested parties, all Local Authority Members, Legal, Finance, Access to Services.
- 6.2 The consultation period ended on the 8th June 2018 and no responses were received therefore no further changes to the Policy are proposed.

7.0 Equality and Engagement Implications

- 7.1 An Equality Impact Assessment (EIA) screening form has been completed and the outcome indicates that a full report is not required.
- 7.2 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.

8.0 Financial Implications

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

9.0 Legal Implications

- 9.1 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.

- 9.2 The Council cannot take any moral stand in adopting the policy.
- 9.3 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.
- 9.4 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.
- 9.5 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

DRAFT
LICENSING OF SEX
ESTABLISHMENTS
POLICY 2018

LICENSING OF SEX ESTABLISHMENTS

C O N T E N T S

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1. INTRODUCTION

- 1.1 The former Swansea City Council resolved to adopt the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (***the 1982 Act***) on 24th November 1983 and the provisions came into force from 30th 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 29th November, 2001 ~~in respect of the Licensing of Sex Establishments.~~
- 1.4 ~~The City and County of Swansea on 3rd February 2011 adopted the~~ ***Amended provisions of the 1982 Act were adopted by Council on the 3rd February 2011. These amendments introduced the licensing of sexual entertainment venues. Amendments to the Policy were adopted by Council on the 29th September 2011 and the 30th 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 11th March 2011 and 20th May 2011 and was formally adopted by the Council on 29th 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.

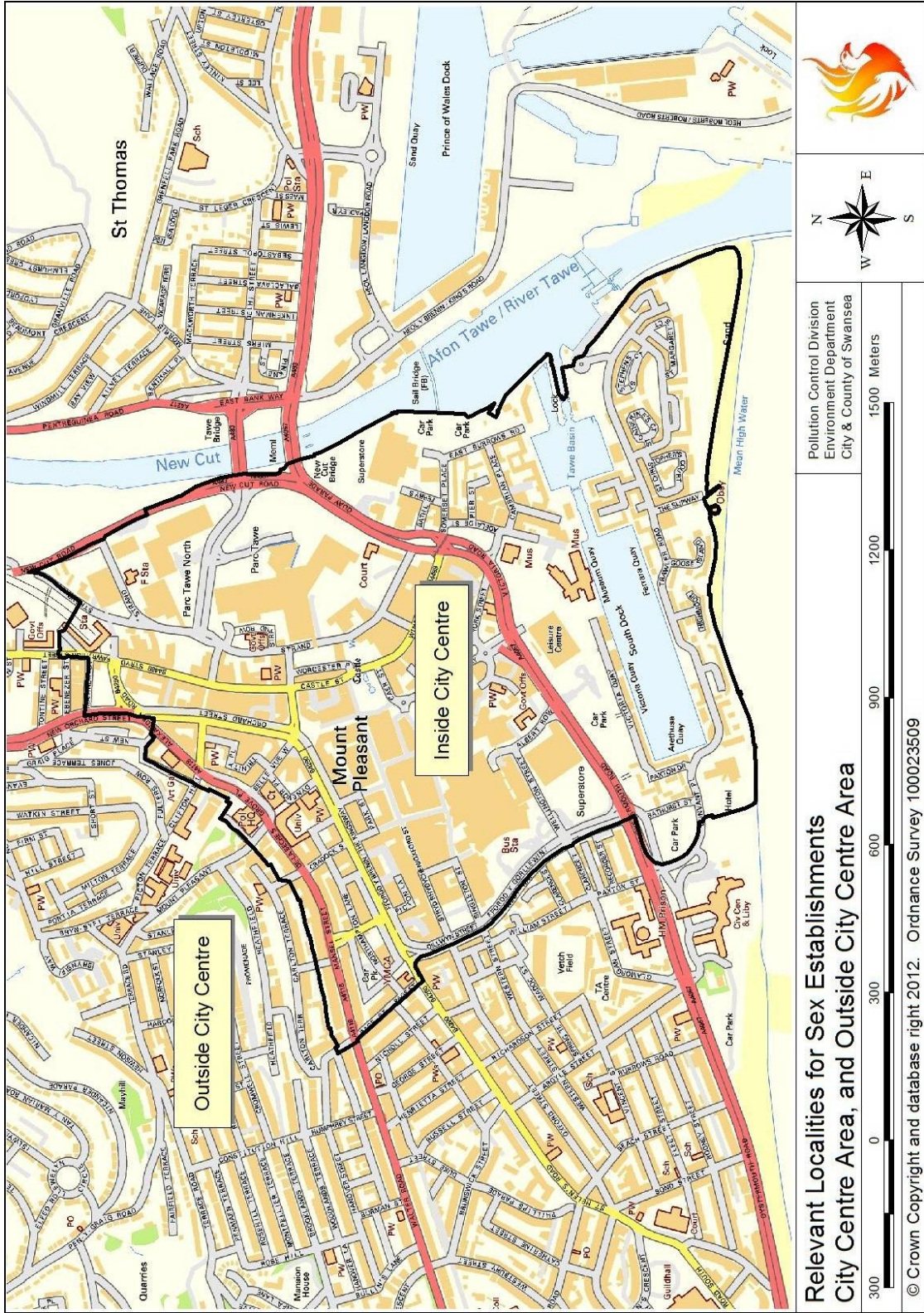
3.11 Each individual application for a licence for a sex establishment will be considered on its merits. Where an appropriate number has been set for a particular locality the Council will consider whether the facts of the case warrant an exemption to the policy.

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



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

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REGULATIONS PRESCRIBING STANDARD CONDITIONS

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

Definitions

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

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

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

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

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

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

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

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

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

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

General

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

Times of Operation

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

Conduct and Management of Sex Establishments

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

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

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

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

Use

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

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

Goods available in Sex Establishments

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

External Appearance

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

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

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

State, Condition and Layout of the Premises

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

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

Appendix B (cont'd)

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

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

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

11. Should a customer attempt to touch a dancer, the dancer must withdraw and report the matter to her/his manager/supervisor.
12. There shall be no physical contact between dancers whilst performing.
13. The topless dancers shall at all times wear a g-string or similar piece of clothing that covers the appropriate part of the body.
14. The Licensee will immediately deal with any report of contact, misconduct or provocation by a customer or dancer.
15. No telephone number, address or information leading to any further meeting may be passed from customer to dancer or vice versa.
16. No dancer may perform if they are intoxicated.
17. No member of the public shall be admitted or allowed to remain in the dance area if they appear to be intoxicated.
18. All members of the public shall remain seated in the dance area other than when they arrive, depart, visit the toilet or go to the bar.
19. Members of the public should not be permitted to congregate in the bar area.
20. Signs must be displayed at the entrance to the dance area stating:

"Any customer attempting to make physical contact with a dancer will be asked to leave."
21. No dancer shall perform any sexually explicit or lewd act.
22. Whilst dancing takes place not less than... (insertion of an agreed number)... of licensed door supervisors shall be employed in the part of the premises used for dancing unless alternative arrangements are approved by the Council.
23. a. CCTV shall be installed to cover all areas where dancing will take place. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 28 days with time and date stamping.

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

Agenda Item 10.



Report of the Cabinet Member for Delivery

Council – 26 July 2018

Review of the Statement of Policy for Licensing

| | |
|------------------------------------|---|
| Purpose: | To consider the response to the consultation on the review of the Council's Statement of Policy for Licensing. |
| Policy Framework: | Licensing Act 2003, Statement of Policy for Licensing 2013 |
| Consultation: | Legal, Finance, Access to Services |
| Recommendation(s): | It is recommended that: 1) that the response to the consultation on the proposed amendments to the Policy is considered and the proposed amendments are approved and the revised policy attached at Appendix A is adopted. |
| Report Author: | Lynda Anthony |
| Finance Officer: | Aimee Dyer |
| Legal Officer: | Lyndsay Thomas |
| Access to Services Officer: | 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 30th 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 2018. Where changes are proposed they are identified in bold italic type and where it is proposed to remove information, this is shown by striking through the text. A draft of the proposed changes to the Policy is attached at Appendix A. 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 and at a maximum period of three years 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 (updated wording).
- 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 The Consultation

- 4.1 Extensive consultation on the proposed amendments to the Policy was undertaken, involving existing licence holders, representatives of persons carrying on licensed businesses, statutory bodies, representatives of other persons and City and County of Swansea Members.
- 4.2 The consultation period ended on the 8th June 2018. One response was received, this was from Abertawe Bro Morgannwg Public Health Team and a copy of the response is attached at Appendix C to the report

5.0 The Response

- 5.1 The response provides comments on a number of the points in the policy and these, together with the officer observations in respect of the comments are provided below.
- 5.2 The first comments made relate to paragraph 5.4 of the draft policy and suggests that the wording of this paragraph is amended in line with Appendix 1 of their response, to provide a clearer narrative regarding the roles of the responsible authorities including the Health Board. It is proposed that the wording in paragraph 5.4 is amended in line with the comments provided. The proposed changes to paragraph 5.4 are included in bold italics in the draft policy attached at Appendix A.
- 5.3 The comments made in relation to paragraph 6.21 of the draft policy are in support of the proposal to retain the existing Cumulative Impact Policy areas. Data is also provided on alcohol consumption, harm to health and hospital admissions. No additional changes to the policy are proposed.
- 5.4 The comments made in relation to Section 7 state that there is limited reference in the policy to the role the licensing process plays in regulating access and availability through the number, location and hours of outlets selling alcohol which is considered to be a key element of prevention strategies, known to reduce alcohol consumption, harm and costs. They would welcome this being made more specific in the report. It is considered that this matter is already detailed in Section 6 of the policy which addresses the cumulative impact of licensed premises. Although currently there is a special policy in place for certain areas in the city centre, paragraph 6.11 makes it clear that 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. No additional changes to the policy are proposed.
- 5.5 The comments made in relation to Section 8 are supportive of the recognition of the need to consider limitations required to protect

children from harm but would welcome a strengthening of the rationale. It is proposed that paragraphs 8.1 and 8.8 of the draft policy are amended to address those points made which fall within the remit of the Act. The amendments are shown in bold italics in the draft policy attached at Appendix A.

- 5.6. The comments made in relation to paragraph 9.2 suggest that there should be recognition of the impact of alcohol use and misuse on the health and well-being of individuals and communities. Reference is made to the health impacts and social harms of alcohol and that recognition of these points within the policy would be welcomed. This comment has been addressed by the amendment to paragraph 5.4.
- 5.7 It is also suggested that reference is made within the policy to certain external policies that relate to alcohol use. Paragraph 9.1 has been amended to state that the Council will have regard to external policies and guidance where appropriate to ensure any relevant policy can be considered.
- 5.8 The comments relating to section 20 suggest that it should be noted that the Health Board is a responsible authority, that additional wording is provided to explain the nature of the role and that the contact details are updated. Section 20 already states that the bodies listed are responsible authorities and the amendments to paragraph 5.4 now explain the role of the Health Board. The contact details have been updated at paragraph 20.1, 2 H.

6.0 Equality and Engagement Implications

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

7.0 Legal Implications

- 7.1 The review of the policy is a statutory requirement.
- 7.2 Failure to undertake a review may result in decisions of the Council being challenged by Judicial Review and/or appeals to the Magistrates Court.
- 7.3 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.
- 7.4 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.

- 7.5 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.
- 7.6 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.
- 7.7 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.

8.0 Financial Implications

- 8.1 There are no financial implications.

Background Papers:

Licensing Act 2003, Statement of Policy for Licensing 2013

Appendices:

Appendix A – Draft Statement of Licensing Policy 2018;

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

Appendix C – Consultation response, Abertawe Bro Morgannwg Public Health Team.



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

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 2nd December 2004 **with subsequent revisions** which had its first revision on 17th January 2008, **7th January 2011, 30th July 2013** and a subsequent revision on **26th January 2017**. This policy takes effect from the **26th 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.~~

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

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

The UHB may wish to make representation in the following circumstances

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

6. CUMULATIVE IMPACT AND SPECIAL POLICY

- 6.1 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 and at a maximum period of 3 years** 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 30th 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 1st 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 26th 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. ***This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language, sexual language, physical assault and also protection from sexual exploitation.***
- 8.2 The Licensing Authority will consider the individual merits of each individual application.
- 8.3 In considering each application the following areas will give rise to particular concern in respect of children:
- Where entertainment or services of an adult or sexual nature are commonly provided;
 - Where there have been convictions of members of staff for serving alcohol to minors or the premises has a reputation for underage drinking;
 - There is a known association with drug taking or dealing;
 - There is a strong element of gambling
 - Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided.
- 8.4 Where it is considered necessary that access to children should be limited for the prevention of harm, the following may be adopted:
- Limitations on the hours children may be present;

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

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

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

9. INTEGRATING STRATEGIES

- 9.1 The Council will ensure a comprehensive licensing policy is maintained having regard to other policies, strategies and initiatives operated by the Authority. **The Council will also have regard to relevant external policies/guidance where appropriate.**
- 9.2 The Council when acting as the Licensing Authority will consult with all relevant parties to ensure full consultation on the continued development and review of the licensing policy to ensure that no conflict arises between such documents and to ensure a consistent approach.

- 9.3 The Licensing Authority will ensure, as far as possible that conditions attached to a premises licence or club premises certificate will reflect local crime prevention strategies.
- 9.4 The Licensing Authority will have regard to the need to encourage and promote live music, dancing and theatre for the benefit of communities generally.
- ~~9.5 The 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 of 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
- 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~~

15.15 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~~
- ~~27th December when 25th or 26th 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 vexatious etc. | | | All cases |
| Decision to object when local authority is a consultee and not the relevant authority considering the application | | All cases | |

| | | | |
|---|--|-----------------------|-----------------|
| Determination of an objection to a temporary event notice | | All cases | |
| Determination of application to vary premises licence at community premises to include alternative licence condition. | | If a police objection | All other cases |
| Decision whether to consult other responsible authorities on minor variation application. | | | All cases |
| Determination of minor variation application | | | All cases |
| 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
Website: www.swansea.gov.uk

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

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

Chief Officer of Police

South Wales Police

Western BCU

Swansea Central Police Station

Grove Place

Swansea

SA1 5EA

Tel: 01792 562707

Email GM-WesternCommunitySafety@south-wales.pnn.police.uk

B. **Fire Authority**

Licensing Officer

Swansea Command

Mid and West Wales Fire Authority

Sway Road

Morrison

Swansea

SA6 6JA

Tel: 0870 6060699

Email: swansealicensing@mawwfire.gov.uk

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

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

E. **Trading Standards**

Trading Standards Division
Directorate Of Place
Swansea Council
The Guildhall
Swansea
SA1 4PE

Tel: 01792 635600
Email: 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

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 **University** Health Board
~~Locality Director Swansea~~
Executive Director of Public Health
1 Talbot Gateway
Port Talbot
SA12 7BR
Tel: 01639 683386

~~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

ii. **Carmarthenshire County Council**

Licensing
Public Protection
Carmarthenshire County Council
3 Spilman Street
Carmarthen
Carmarthenshire
SA31 1LE
Tel: 01267 234567
Email: schlicensing@car-marthenshire.gov.uk
publicprotection@car-marthenshire.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

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

Direct Communications Unit
2 Marsham Street
London
SW1P 4DF
Email: 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.

4th April 2018

Police Observations to the Swansea Council Cumulative Impact Policy

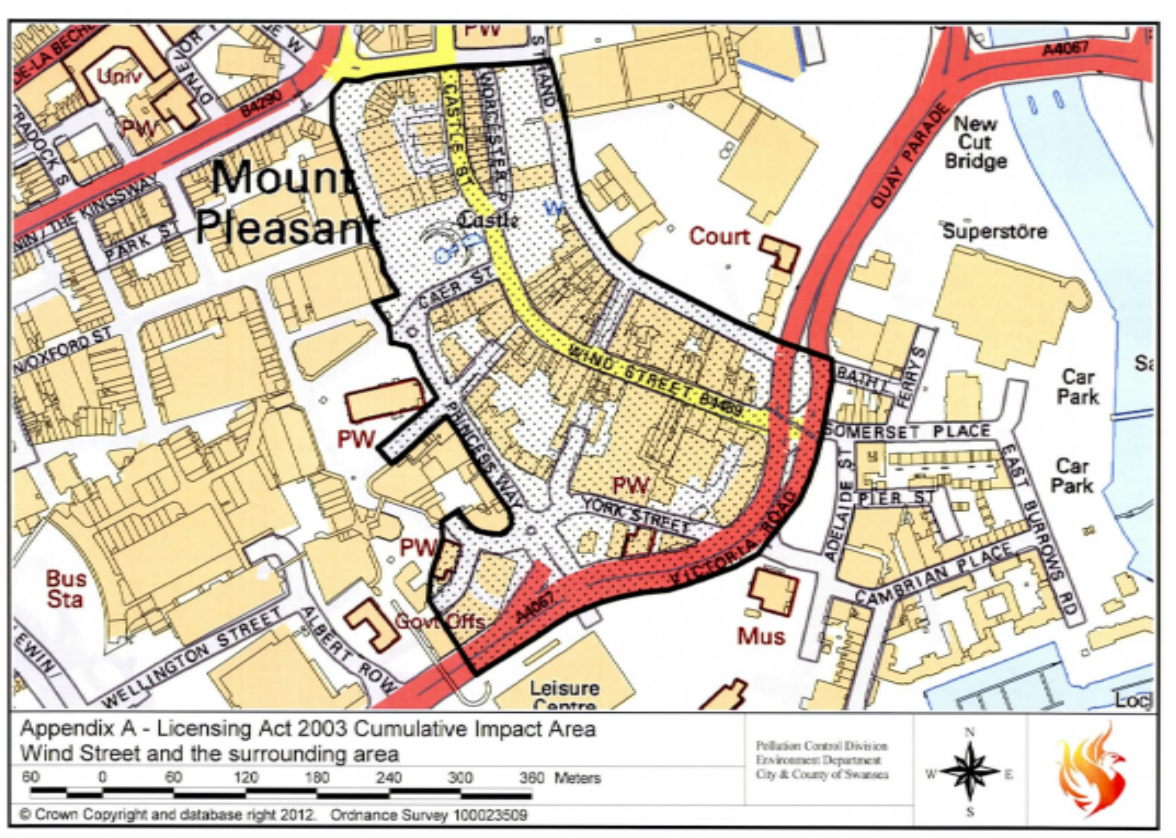
I have been requested to provide an overview of the Swansea Council Cumulative Impact Policy and how it is utilised operationally within the South Wales Police, Swansea Basic Command Unit. The overview will examine trends in all aspects of crime, along with violence offences, drunk and disorderly offences 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 26th 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.

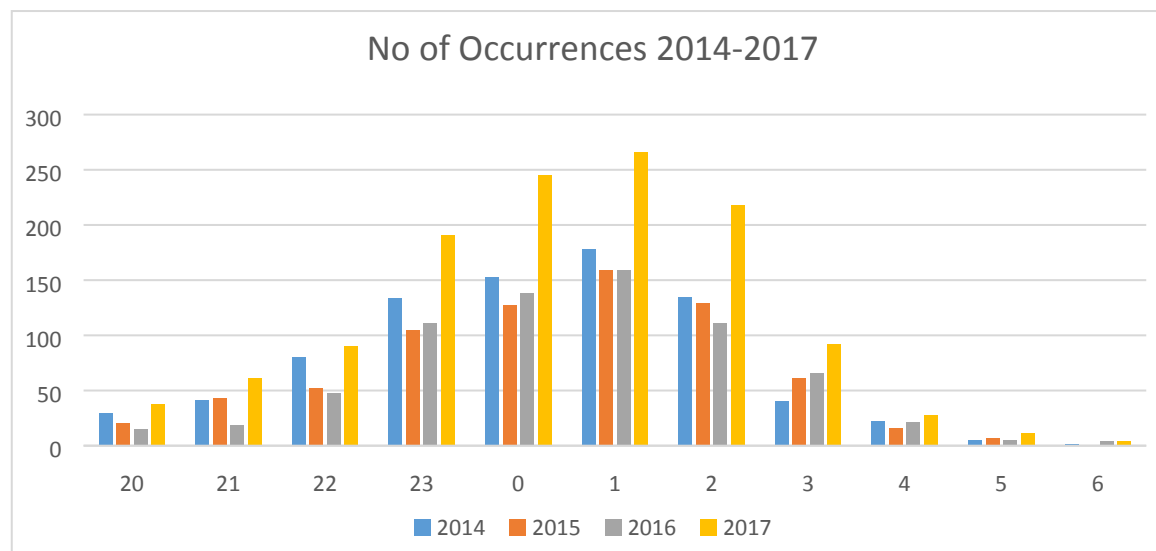
South Wales Police submit that to relax or amend the cumulative impact policy for Wind Street or the surrounding streets, will lead to a significant increase in the saturation levels of licensed premises and increase levels of crime and disorder. The following data will demonstrate the increases in crime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



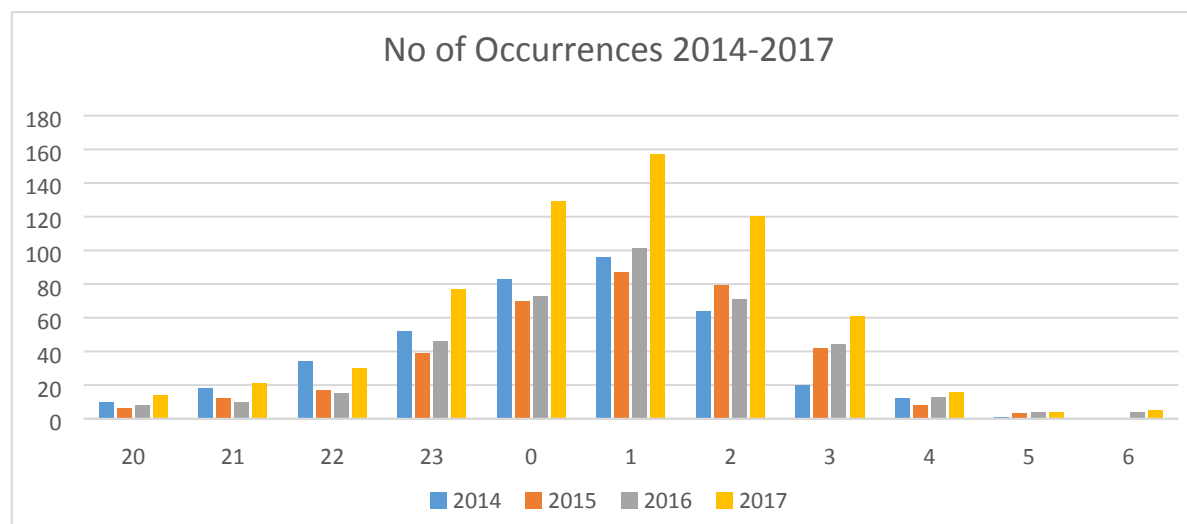
Wind Street and Surrounding Areas – Violent Crime (Violence with injury, violence without injury, robbery, public order - 2014-2017)

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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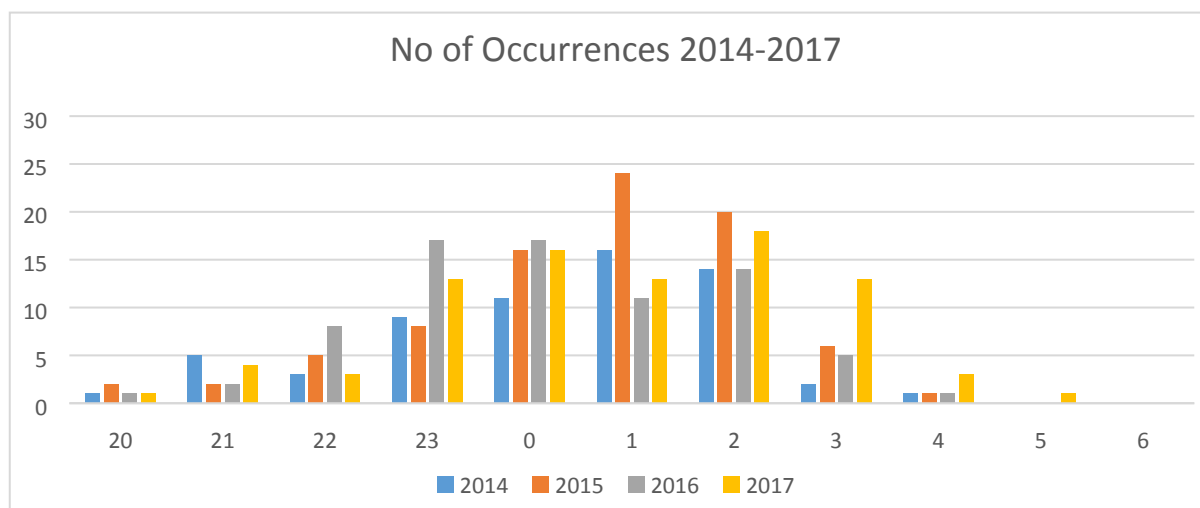


Wind Street and Surrounding Areas – Drunk and Disorderly (2014-2017)

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.

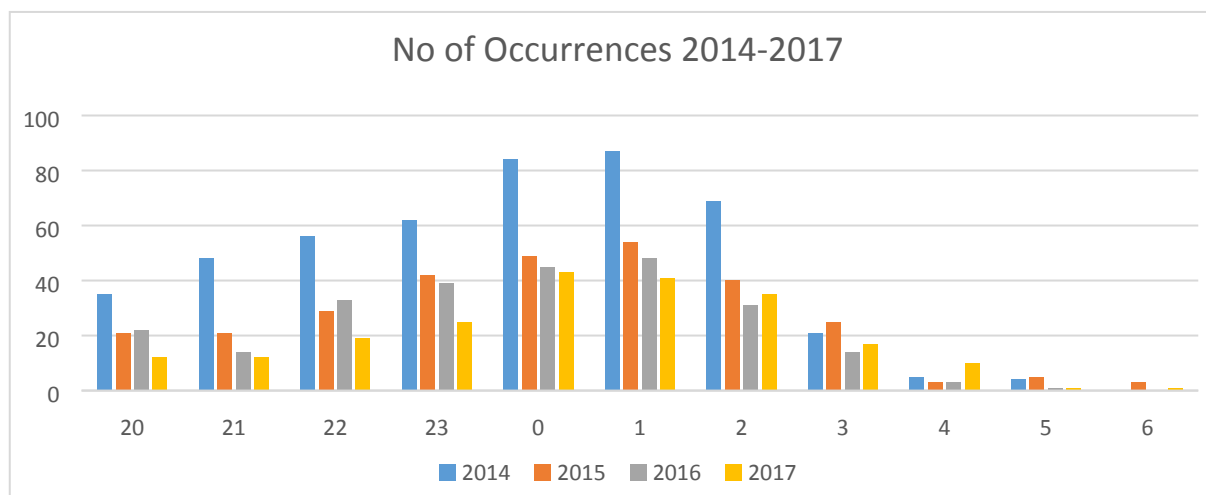


Wind Street and Surrounding Areas – Anti Social Behaviour (ASB) (2014-2017)

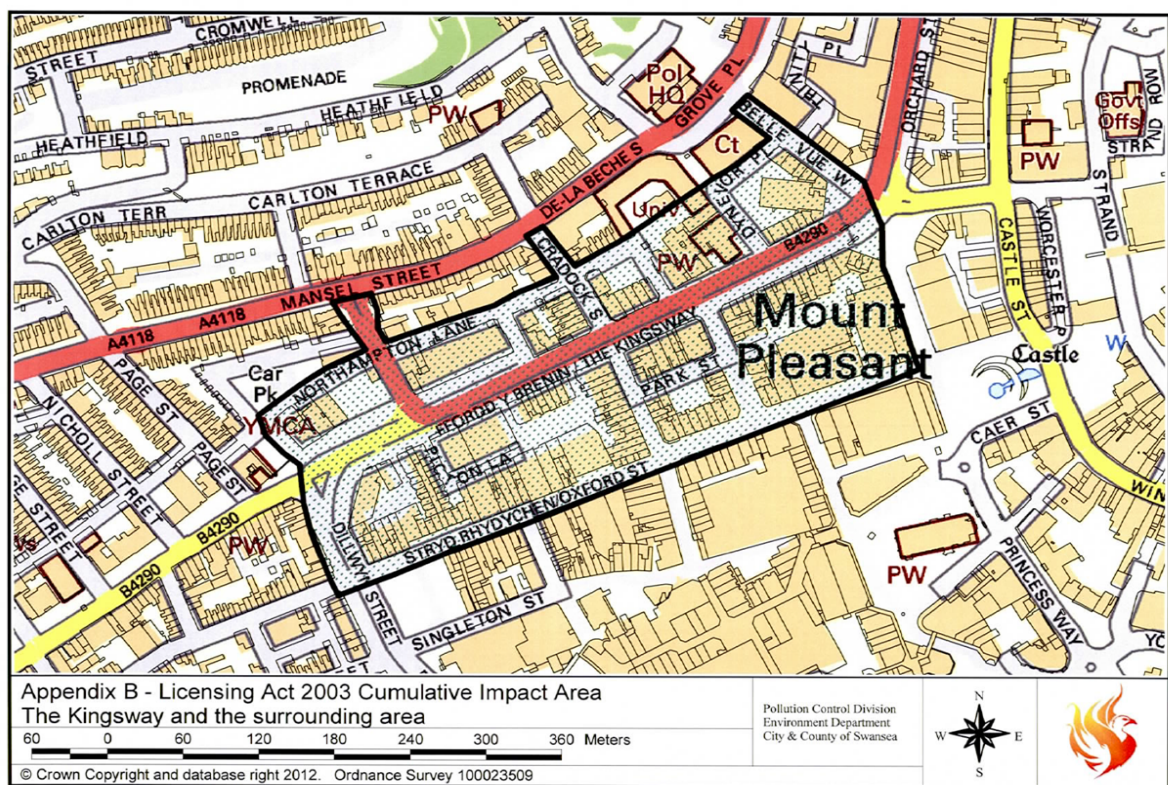
Hours of Day (8pm to 7am)

| | 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.

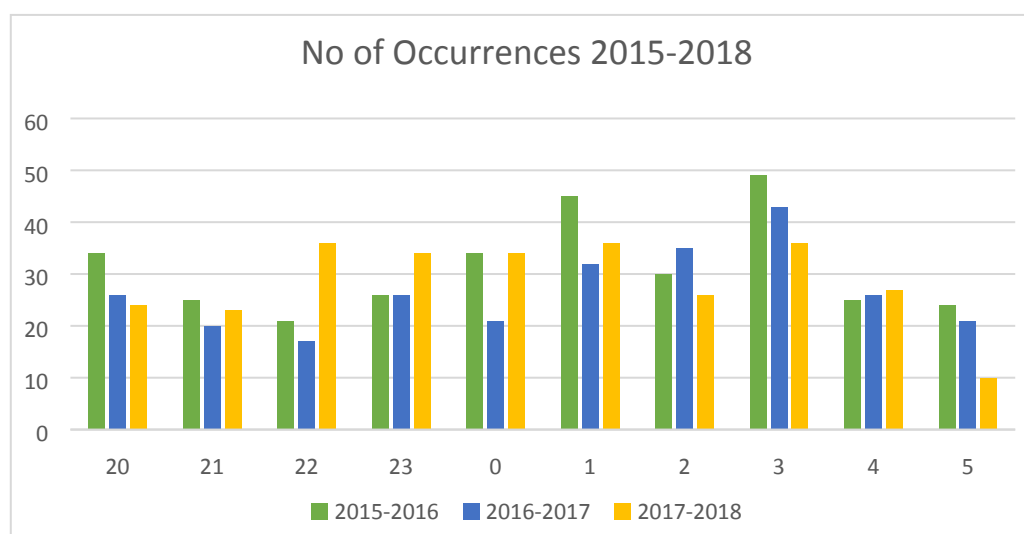
The Kingsway night time economy is dominated by two licensed premises on Northampton Lane. These venues which hold sale of alcohol hours until 4am and 5am respectively, help shift the peak period for crimes later in to the night. Recent multi agency visits have illustrated that this is still an area 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 |

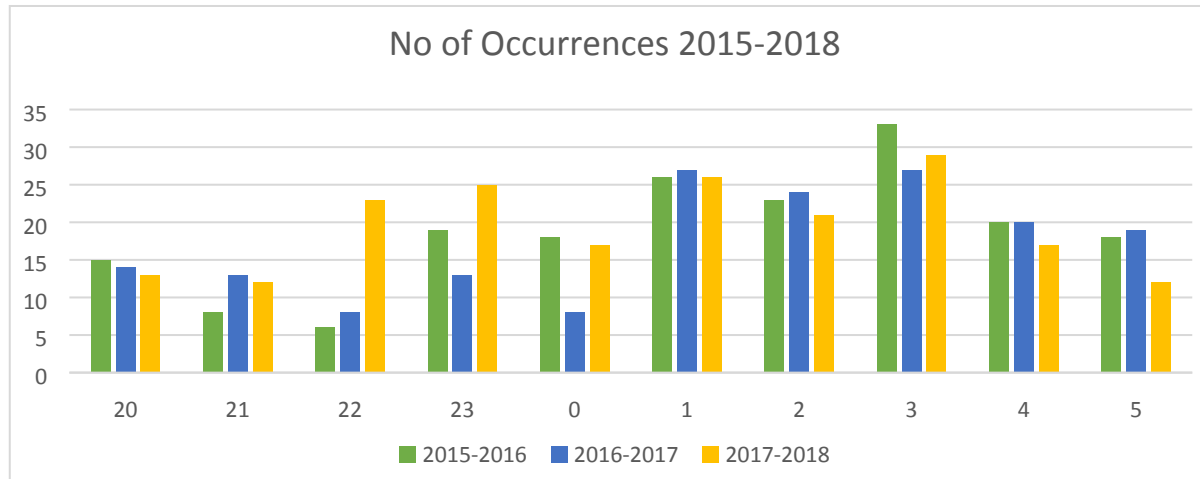
The red blocks illustrate that the busiest period for all recorded crime is between midnight and 4am. The figures show a 9% reduction in recorded crime between 8pm and 6am between 2015 and 2018.



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.



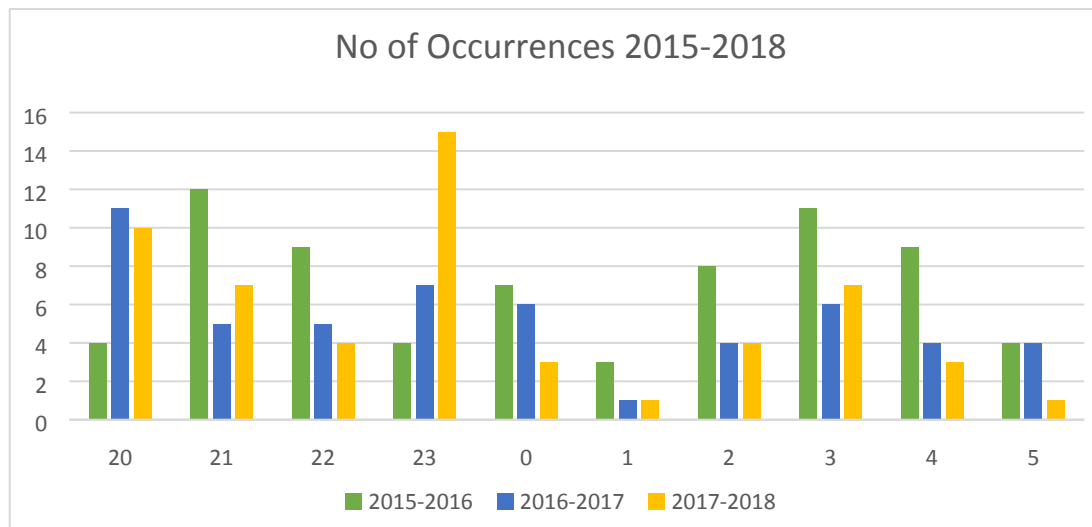
The Kingsway and the surrounding area – Anti Social Behaviour (ASB) (2015-2018)

Hours of day 8pm -6am

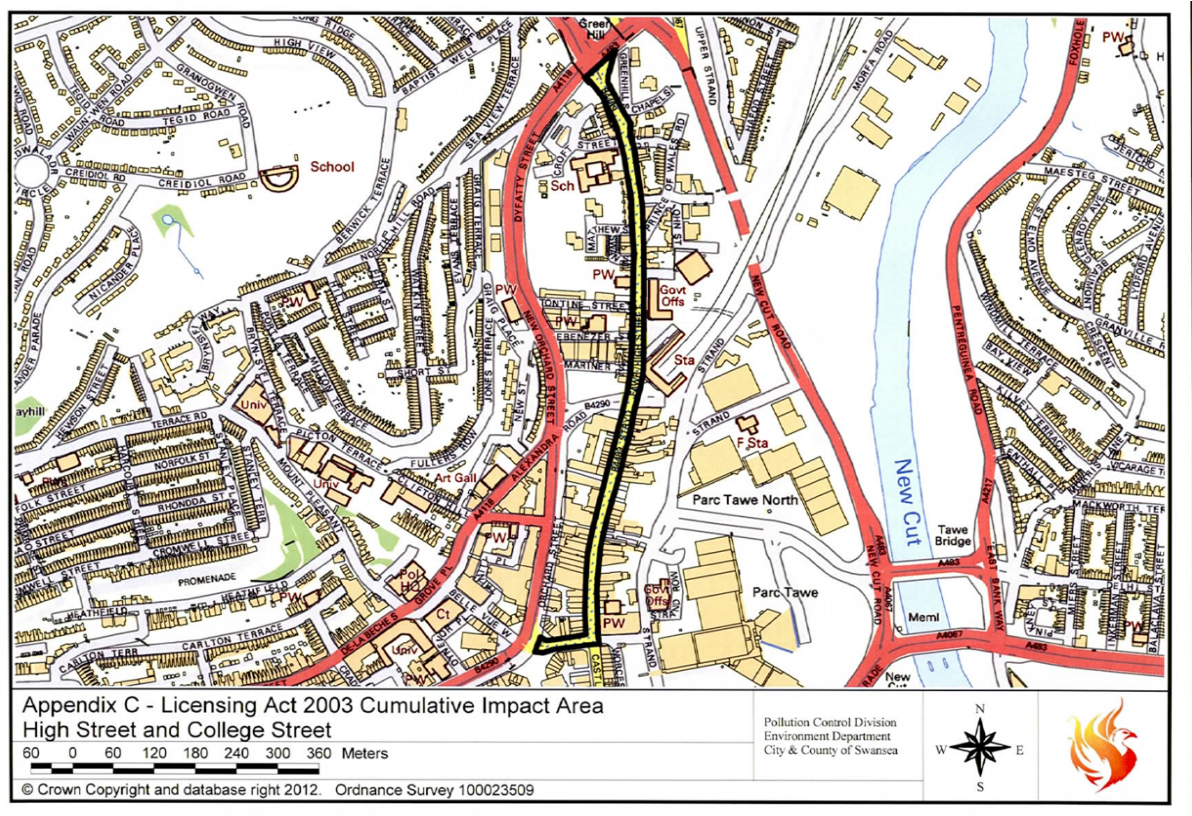
| | 20 | 21 | 22 | 23 | 0 | 1 | 2 | 3 | 4 | 5 | Total |
|-----------|----|----|----|----|----|---|----|----|----|---|-------|
| 2015-2016 | 4 | 12 | 9 | 4 | 7 | 3 | 8 | 11 | 9 | 4 | 71 |
| 2016-2017 | 11 | 5 | 5 | 7 | 6 | 1 | 4 | 6 | 4 | 4 | 53 |
| 2017-2018 | 10 | 7 | 4 | 15 | 3 | 1 | 4 | 7 | 3 | 1 | 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.

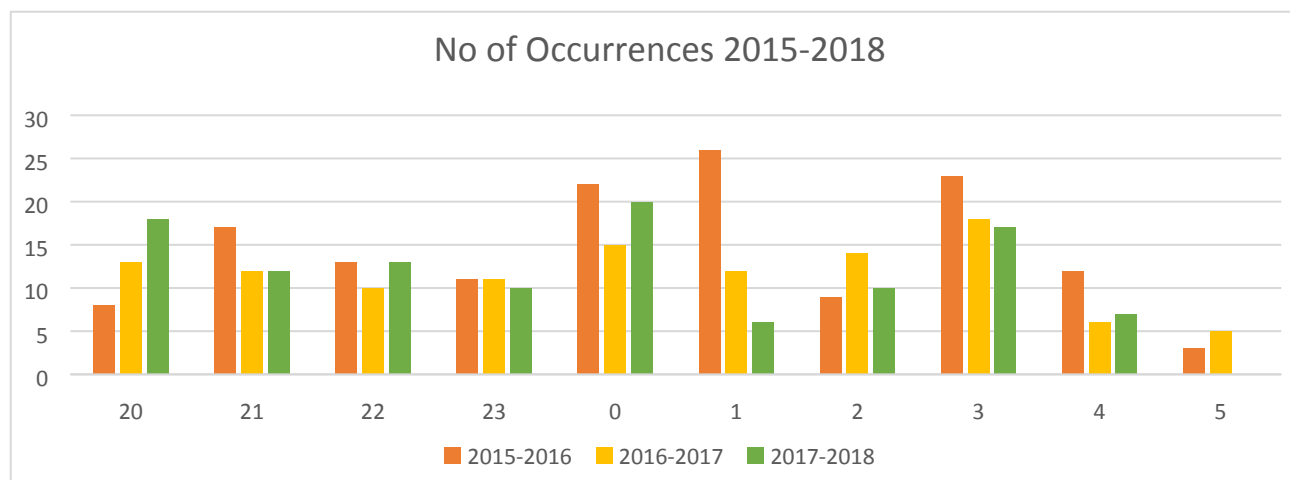
The regeneration of High Street and College Street is set to continue with two large student accommodation blocks under development. This will vastly increase the residential capacity of the area which will lead to an anticipated increase in the number of licensed premises applications received. The 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 |

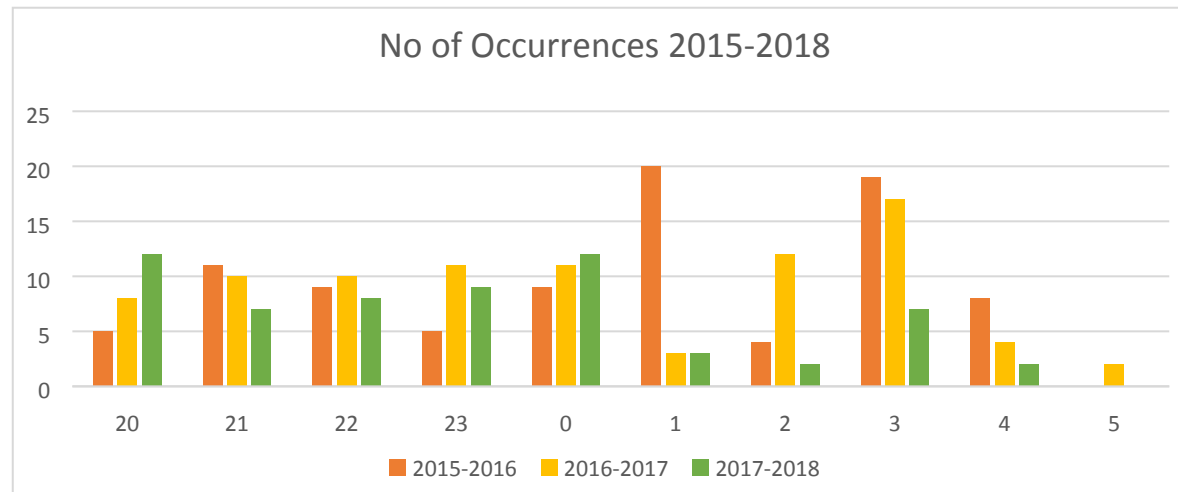
The red blocks illustrate that the busiest period for all recorded crime is between midnight and 4am. The figures show a 22% reduction in recorded crime between 8pm and 6am between 2015 and 2018.



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 |

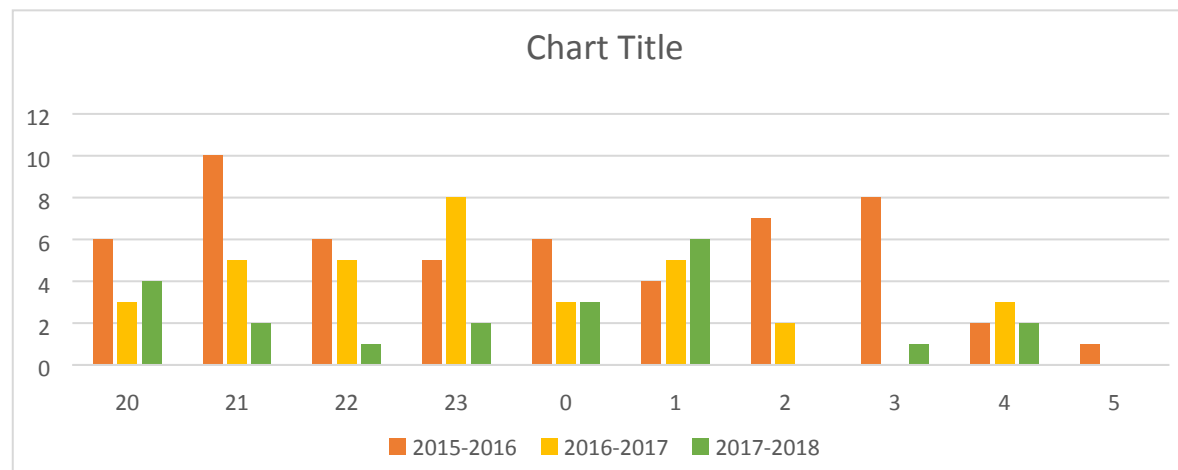
The red blocks illustrate that the busiest period for all violent crime is spread 9pm and 4am. The figures show a 31% reduction in recorded crime between 8pm and 6am between 2015 and 2018.



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,

Jon Hancock

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



GIG
CYMRU
NHS
WALES

Iechyd Cyhoeddus
Cymru
Public Health
Wales

Tîm Iechyd Cyhoeddus Abertawe Bro Morgannwg

Iechyd Cyhoeddus Cymru, Block A,
Ysbyty Castell Nedd Port Talbot, Ffordd Baglan,
Port Talbot SA12 7BX

Abertawe Bro Morgannwg Public Health Team

Public Health Wales, Block A, Neath Port Talbot Hospital,
Baglan Way, Port Talbot SA12 7BX

Ffôn/Tel: 01639 684516 · Ffacs/Fax: 01639 684501

Gwefan/Web: www.iechydcyhoedduscymru.org
www.publichealthwales.org

Rachel Loosemore
Licensing Officer
City and County of Swansea
Civic Centre
Swansea
SA1 3SN

Direct Line: 01792 940910

8 June 2018

Dear Ms Loosemore

Re: Consultation on Draft Policy Review Licensing Act 2003

Thank you for the opportunity to contribute to the consultation process for the review of the Licensing Policy for Swansea dated 18 May 2018.

This document outlines a number of comments for your consideration and where appropriate inclusion within the revised Policy for the City & County of Swansea.

Section 5 - Consultation

Since April 2012, the Police Reform and Social Responsibility Act 2011 amended the Licensing Act 2003 so that Local Health Boards (Wales) became a responsible authority. Hence we are pleased to see reference to the fact that evidence from Abertawe Bro Morgannwg University Health Board (ABM UHB) will be considered in relation to alcohol related harm as part of the development of the policy and determination of applications under the Act.

However, we would suggest that there could be a clearer narrative within the Policy regarding the roles of any responsible authority, including the Health Board, which would provide context and necessary background for the lay reader. If acceptable we would suggest wording along the lines of that provided in Appendix 1.

Section 6 – Cumulative Impact and Special Policy

We are particularly pleased to see support within the Policy for retention of the existing Cumulative Impact Special Saturation Policy for the following areas:

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

In addition to the data provided from South Wales Police contained within the document, we support this based on the recognition by the World Health Organisation that reducing the availability of alcohol (outlet density, hours and days of sale) is one of the 'best buys' for preventing alcohol related harm. There is compelling evidence to suggest that it is an effective and cost effective approach to reducing alcohol consumption, harm and cost. The use of the licensing process to regulate the number, location and hours of outlets selling alcohol is, therefore, a key element of prevention strategies.

Current estimates are that 19% of adults in Swansea report weekly alcohol consumption above the 14 unit guidelines¹. This is likely to be an underestimate given that it is a self-reported measure. Restricting availability and access are effective ways to preventing alcohol related problems related to excessive drinking for individuals and the community².

Harm to health, mortality and hospital admissions

Alcohol use is in the top ten risk factors in Wales for years of healthy life lost to illness, disability or early death and years of life lived with a disability³. Every week in Wales there are 29 deaths; around 1 in 20 of all deaths, as a result of alcohol⁴.

In Swansea, there were 55 deaths per year for each 100,000 of the population attributable to alcohol in 2014-2016⁵. This is higher than the Welsh average and the 5th highest local authority in Wales. There is great variation by gender as there were 32 deaths per year for each 100,000 population for females and 82 deaths per year for each 100,000 population for males. A study in 2010 estimated health service costs of alcohol related chronic disease and acute incidents are between £70 - £85 million each year⁶.

Locally, hospital admission data shows that there were 1,739 admission episodes per 100,000 population per year⁷ for alcohol-attributable conditions, either as the primary diagnosis (main reason) or an external cause (e.g. injuries) as a secondary diagnosis. The percentage of adults drinking above guidelines is consistently higher in less deprived areas however alcohol mortality rates are higher in the most deprived areas⁸. The number of alcohol outlets is strongly related to alcohol related hospital admissions⁹.

Section 7 – Licensing Hours

There is currently limited reference in the Policy to the role the licensing process plays in regulating access and availability through the number, location and hours of outlets selling alcohol which is a key element of prevention strategies, known to reduce alcohol consumption, harm and costs. We would welcome this being made more explicit in the Policy.

Section 8 – Children

We are pleased to see the explicit recognition of the need to consider limitations required under the Licensing Policy to protect children from harm to children. We would welcome a strengthening of the rationale for this given that a Welsh survey found that over half (59.7% of adults aged 18 and older) had experienced at least one harm from someone

¹ National Survey for Wales 2016/2017

² Public Health Wales (2017) A guide to Public Health and Alcohol Licensing in Wales.

³ Alcohol use contributed to 44,097 Disability-Adjusted Life Years (DALYs), all persons, all ages, Wales 2016. From Public Health Wales (2018) Health and its Determinants in Wales Informing Strategic Planning Report.

⁴ Public Health Wales (2014) Alcohol and Health in Wales 2014.

⁵ Number of deaths and European age-standardised mortality rates per 100,000 population based on date of registration 3 year average, available from available from Health Maps Wales

<https://www.healthmapswales.wales.nhs.uk/IAS/dataviews/view?viewId=147>

⁶ Public Health Wales (2014) Alcohol and Health in Wales 2014.

⁷ Alcohol-Attributable Broad Measure for Hospital Admissions (European Age-Standardised Rate), Persons All Ages - 3yr rolling average | Local Authority | FY 14/15 - 16/17, available from Health Maps Wales

<https://www.healthmapswales.wales.nhs.uk/IAS/dataviews/view?viewId=147>

⁸ From Public Health Wales (2018) Health and its Determinants in Wales Informing Strategic Planning Report.

⁹ Tatlow et al, cited in Public Health Wales (2017) A guide to Public Health and Alcohol Licensing in Wales.

else's drinking in the last 12 months¹⁰. This included for example anxiety, sleep disruption, physical assault, concern about harm to a child, neglect.

Individuals in younger age groups were more likely to report experiencing harms from other people's drinking. A recently published study has found that children living with an adult who had an alcohol-related hospital admission had a 13% increased risk of emergency admissions for injuries and a 14% increased risk of emergency admissions for victimisations¹¹

Section 9 – Integrating Strategies

To ensure a consistent approach we suggest that there should be recognition of the impact of alcohol use and misuse on the health and well being of individuals and communities in Swansea and this extends to its role as a factor within a safe and regulated Night Time Economy.

Alcohol is a major preventable cause of death and illness and is associated with chronic disease, mental health conditions, accidents and injuries. The impact of alcohol on our health creates enormous pressures on our health systems.

In addition to the health impact, the social harms of alcohol use are numerous including crime, violence, and anti-social behaviour, injury, domestic violence and family breakdown, work and financial problems, and widening inequalities in our population; these often lead to further health harms and costs to Health Board and society. These clearly relate to the four licensing objectives. Therefore recognition of these points within the Policy would be welcomed. We feel that in this context reference could also be made to the policy landscape in Wales such as *Working Together to Reduce Harm - the Substance Misuse Strategy for Wales 2008-2018*¹².

In particular we would welcome reference to the NICE Guidance (2010) *Alcohol use disorders – preventing the development of hazardous and harmful drinking*¹³ which provides a number of recommendations and suggests that licensing departments need to take into account the links between the availability of alcohol and also alcohol related harm. The recommendations detailed are based on stringent evaluation of current evidence and cost effectiveness as well as consultation with a wide range of experts and stakeholders. We note that most of the recommendations are present in the draft statement of policy and we suggest that in the final version of the document, this NICE guidance is referred to and the various measures that the guidance recommends are strongly supported.

We believe this, along with some of the data and evidence outlined above, should therefore be included in the revised Policy document which would further strengthen the document from its current iteration.

Section 20 – Contact Point for Licensing

We note the inclusion of ABM UHB within this section. However, we would suggest that it should also be noted that the Health Board is a Responsible Authority and that some

¹⁰ Quigg et al (2016). Alcohol's Harm to Others: the harms from other people's alcohol consumption in Wales.

¹¹ Paranjothy et al (2018) Risk of emergency hospital admissions in children associated with mental disorders and alcohol misuse in the household: an electronic birth cohort study. The Lancet Public Health Open Access.

¹² Welsh Government, 2008

¹³ Available at <http://guidance.nice.org.uk/PH24>

additional wording is provided to help explain to lay readers the nature of this role. We also note that the current contact details are incorrect and suggest that the following are used instead:

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

Final remarks

Whilst we recognise that public health is not a separate licensing objective any local licensing policy provides the opportunity to support a population based approach to reducing alcohol related harm through supporting the four licensing objectives. In particular, a robust policy is not only able to protect people who may be at risk of drinking at damaging levels, harming others as a result of their drinking (particularly the vulnerable including children) but it may also be instrumental in creating an environment that supports lower risk drinking.

Yours sincerely

Jennifer Davies
Consultant in Public Health

Appendix 1

Local Health Board Role

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

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

The UHB may wish to make representation in the following circumstances

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

Agenda Item 11.



Report of the Cabinet Member for Investment, Regeneration & Tourism

Council – 26 July 2018

Leisure Partnerships Annual Report

| | |
|------------------------------------|--|
| Purpose: | To advise Council of the partnership operations of key facilities within the Cultural Services portfolio |
| Policy Framework: | Creating an Active and Healthy Swansea; City of Sport; Medium Term Financial Plan |
| Consultation: | Legal, Finance, Corporate Property, Access to Services. |
| Recommendations : | It is recommended that: 1) Council notes the report. |
| Report Author: | David Jones |
| Finance Officer: | Adele Harris |
| Legal Officer: | Tracey Meredith |
| Access to Services Officer: | Rhian Millar |

1. Introduction

- 1.1 A report on the performance of partner operators of key Council facilities within the Culture, Tourism, Sport & Leisure portfolio is reported annually.
- 1.2 This report details some of the key partnership arrangements in providing leisure and cultural services for the benefit of the residents and visitors to Swansea during 2015/16 and 2016/17 and identifies some significant achievements during the year along with some issues and challenges. Reporting for 14/15 has been retained in the report for comparative purposes

- 1.3 The key arrangements outlined within this report include::
- 1.3.1 Wales National Pool Swansea (WNPS).
 - 1.3.2 National Waterfront Museum Swansea (NWMS)
 - 1.3.3 Liberty Stadium
 - 1.3.4 The LC
 - 1.3.5 Other partnership sites for information
- 1.4 Each partnership has differing arrangements regarding reporting, monitoring and data collation. This report includes performance information for each partner and is an attempt to bring together the key financial and usage information to demonstrate the overall performance of each operation.
- 1.5 The data includes information on key income drivers, overall expenditure including staffing costs and repairs, net cost / profit and costs to the Council.
- 1.6 Overall usage of the facilities is shown with key areas of specific use where appropriate:

2. Wales National Pool Swansea

- 2.1 The partnership arrangement at WNPS is based on a tripartite agreement between the Council, Swansea University and Wales National Pool Swansea Limited, underpinned by lease and management agreements.
- 2.2 WNPS is a not for profit organisation and is managed by a board of directors including three Council members and three University representatives, chaired by Anne Ellis MBE, with advice given by the Head of Cultural Services, and the University Finance officer. The current Council representatives are Councillors Mark Child, Robert Francis-Davies and Robert Smith.
- 2.3 Day to day management is through the General Manager who reports to the Board. The General Manager is supported by a Management Group with representation by CCS and Swansea University Officers.
- 2.4 The funding of WNPS is on a 50% share of net cost after income received, by both CCS and SU. As part of the agreement, CCS also covers the costs for free use by schools and, during the period of this report, a contribution towards Swim Swansea as part of a long standing arrangement.
- 2.5 A portion of the Welsh Government's Free Swim Initiative (FSI) funding, distributed by Sport Wales is allocated to WNPS under the Local Authority Partnership agreement between CCS and Sport Wales. There is a sinking fund of £60k per annum towards future major repairs.
- 2.6 Since the opening of the pool, Swim Wales, the National Governing Body for swimming in Wales have been based at the venue and pay a

for lane use for performance squads. The same arrangement has been in place throughout operation of the pool. This comes to an end in 2018 and is being renegotiated for the forthcoming financial year 2018/19, but was in place during the period of this report.

- 2.7 The terms of funding, also included the requirement for a hierarchy of bookings policy where elite sport gained precedence. The policy allows for public swimming, club swimming, schools swimming, university use, galas and events and organised sessions. The pool also follows CCS pricing policy including Standard price, Concession price and Passport to Leisure. WNPS purchase Service Level Agreements from both the University and the Council for many support services. Through the SLA arrangements, the Council provides support for delivering HR, Payroll, Media and Water Safety.
- 2.8 Swim Wales will ensure Welsh Squad training continues at Swansea, WNPS and has reviewed its whole programme to maximise opportunities from the National Squads through to local clubs, learn to swim and public swimming. The facility contributed significantly to the Welsh swimming squad success in the Commonwealth Games with the majority of Welsh medallists being based, or partially based at WNPS.
- 2.9 The period of this report saw WNPS increase overall income once again. Recreational income also recovered during this period to show an overall increase during the 2 year period. The aqua school peaked during 2015/16 followed by a reduction in 2016/17 although the levels still show a general increase from the previous report
- 2.10 **Wales National Pool Swansea Performance (Headline Indicators)**

| WNPS | 2014/15 | 2015/16 | 2016/17 |
|--------------------------|-------------------|-------------------|-------------------|
| Recreational Swim | £355,403 | £337,266 | £360,105 |
| Aqua School | £279,358 | £297,158 | £282,226 |
| Other Income | £525,719 | £548,663 | £541,567 |
| Total Income | £1,160,480 | £1,183,087 | £1,183,897 |
| | | | |

| | | | |
|----------------------------------|-------------------|-------------------|-------------------|
| Staff Costs | £783,176 | £856,295 | £848,478 |
| Repairs & Maintenance | £250,682 | £245,816 | £232,108 |
| Other Expenditure | £709,555 | £692,822 | £617,065 |
| Sinking Fund | £66,950 | £32,000 | £77,250 |
| Total Expenditure | £1,810,363 | £1,826,933 | £1,774,901 |
| Net Cost / (Surplus) | £649,883 | £643,846 | £591,004 |
| CCS Contribution | £324,941 | £321,923 | £295,502 |
| | | | |
| Total Use | 213,147 | 225,400 | 217,048 |

3. National Waterfront Museum Swansea

- 3.1 The National Waterfront Museum, Swansea (NWMS), operated by Amgueddfa Cymru-National Museum Wales, is now in its thirteenth year of operation.
- 3.2 The high level of visitor support has remained constant since opening with an average of over 258,000 per year since 2006 (around 22% higher than was predicted in the original business plan). This good performance is thanks largely to the museum's extensive programme of events and temporary exhibitions. Another factor in this success is that the museum continues to expand its links and informal partnerships with organisations, educational institutions and communities throughout the Swansea Bay region and beyond, resulting in a range of joint events that help showcase the area's vibrant cultural and intellectual life as well as its industrial heritage.
- 3.3 The Museum continues to be funded through an innovative public-sector partnership between Amgueddfa Cymru and the City and County of Swansea (CCS), set up in 1999 to develop the museum and is fully defined in the Operational Agreement signed by both parties on the 6th October 2005 prior to the opening of the Museum.

- 3.4 Under the terms of this partnership agreement CCS contributes a proportion of the museum's annual revenue costs. The partnership is overseen at a strategic level by a not-for-profit company, NWMS Ltd, the Board of which is made up of three elected members of CCS (currently Cllrs Robert Francis-Davies, Joe Hale and Erika Kirschner) and three trustees of Amgueddfa Cymru, together with an independent chair (currently Mr Roy Phelps). Operational issues are monitored by a group of officers from both CCS and Amgueddfa Cymru (the Operational Review Team). Currently both the Board and Operational Review Team meet twice a year.
- 3.5 Major repairs, renewals and maintenance are the responsibility of Amgueddfa Cymru/National Museum Wales, funded from the Museum's core budget and its ring-fenced Renewals & Refurbishment Fund, as required.
- 3.6 During 2015/16, the doors to the museum's exhibition hall were enlarged to allow for substantial artefacts to be displayed in the space.
- 3.7 In April and May 2016 industrial action throughout Amgueddfa Cymru resulted in a 17% decline in visits to NWMS.

3.8 National Waterfront Museum Swansea Performance

| NWMS | 2014/15 Actual | 2015/16 Actual | 2016/17 Actual |
|--|---------------------------|---------------------------|---------------------------|
| National Museum Wales grant | £730,385 | £740,040 | £783,573 |
| Welsh Government grant | £567,585 | £574,060 | £484,000 |
| CCS contribution | £557,824 | £557,824 | £557,824 |
| Earned income | £192,293 | £179,546 | £149,070 |
| Total income | £2,048,087 | £2,051,470 | £1,974,467 |
| Staff costs | £1,297,920 | £1,231,396 | £1,165,673 |

| | | | |
|--|------------------------------|-------------------------------|---|
| Repairs & maintenance | £301,803 | £359,618 | £242,689 |
| Other expenditure | £510,114 | £323,876 | £424,262 |
| Total expenditure | £2,109,837 | £1,914,890 | £1,832,624 |
| Carry forward (to)/from Renewals & Refurbishment Fund | £61,750 | (£136,580) | (£141,843) |
| | | | |
| Total visits | 266,710 (1 Easter) | 261,801 (2 Easters) | 258,429 (No Easter) 258429 |

258429

4. Liberty Stadium

- 4.1 The partnership arrangement for the operation of the Liberty Stadium has changed due to the agreement made between CCS and Swansea City FC over the lease of the facility
- 4.2 The management body, Swansea Stadium Management Company (SSMC) has been dissolved so future reporting will not be carried out through this mechanism and will not be included in future reports.

4.3 Swansea Stadium Management Company Performance

| SSMC | 2014/15 Actual | 2015/16 Actual | 2016/17 Actual |
|----------------------------|-----------------------|-----------------------|-----------------------|
| Income from Swans | £1,164,660 | £1,133,581 | £1,119,966 |
| Income from Ospreys | £181,494 | £164,367 | £167,786 |
| Premier Club Income | £339,914 | £341,592 | £345,505 |

| | | | |
|---|------------|------------|------------|
| Other Turnover | £1,435,574 | £1,642,634 | £1,583,032 |
| Total Income | £3,121,642 | £3,282,174 | £3,216,289 |
| Total Expenditure | £3,067,270 | £3,267,981 | £3,409,963 |
| Profit / (Loss) for year | £54,372 | £14,193 | (£193,674) |
| Stadium Visits (Sporting & Concerts) | 517,257 | 510,667 | 573,607 |
| Stadium Visits (Non-sports) | 47,372 | 44,091 | 44,686 |

5. The LC

- 5.1 Bay Leisure Limited (BLL) has performed above target in all key performance areas during the last two financial years. BLL was subject to a further reduction in management fee from CCS which was absorbed effectively. The overall usage and income of the venue has increase consistently for the eighth consecutive year. Notably, the “Peak” health and fitness suite has seen an increase despite considerably more competition within the area.
- 5.2 The Board is made up of local citizens with the essential skills to bring a new commercial edge to the organisation and as a not for profit company, it benefits from financial advantages not available to the Council. There are 11 Directors, 2 of which are Council members. The current Council Board members are Cllr Mandy Evans and Cllr Louise Gibbard.
- 5.3 The Council’s Corporate Building & Property Service conduct an annual review of the maintenance at the LC and the BLL maintenance team again proved that they have delivered a high quality maintenance regime.
- 5.4 The Culture, Tourism, Sport & Leisure Business & Partnership Unit (BPU) conducted two monitoring reports during the period 2015-2017. A key area reviewed was pricing - The LC consulted CCS with the

implementation of proposed price increases in time for summer 2016. The proposed price structure retained the discounted fees for Swansea resident card holders. The LC detailed that the increase is to ensure the business remains sustainable whilst achieving reductions in management fee and managing increased costs such as staffing due to the increase in the minimum wage. It was reported that the changes did not result in any significant impact in terms of usage or customer feedback. Similarly, changes to the car park deposit return system was implemented by CCS for the beginning of financial year 2017 with no significant impact.

5.5 BLL have continued operating to a Service Level Agreement with Cultural Services Water Safety Team to train and monitor lifeguard operation to ensure the high quality of water safety training across the Swansea facilities, and have now trained up some of their own staff as Trainer Assessors to assist the Water Safety programme.

5.6 LC Performance

| LC | 2014/15 | 2015/16 | 2016/17 |
|--|-------------------|-------------------|-------------------|
| Edge (Water park) | £1,054,323 | £1,191,939 | £1,187,591 |
| Peak (Fitness Suite) | £1,133,906 | £1,128,630 | £1,158,478 |
| Core (Dry Sports) | £257,797 | £256,072 | £279,489 |
| Other Income | £672,360 | £676,562 | £678,685 |
| Total Income (Excl Mgt Fee) | £3,118,386 | £3,253,204 | £3,304,244 |
| Management Fee | £563,580 | £578,802 | £562,337 |
| | | | |
| Total Expenditure | £3,669,018 | £3,641,130 | £3,724,977 |
| Surplus / re- investment | £12,947 | £190,876 | £141,604 |

| | | | |
|-------------------------------|-----------------|-----------------|-----------------|
| Sinking Fund (CCS) | £150,000 | £153,000 | £153,000 |
| Other CCS Contribution | £137,449 | £145,581 | £141,401 |
| Total Use | 772,476 | 803,498 | 780,097 |
| Gym Membership | 3,149 | 3189 | 3195 |

*Other CCS contributions include £45k Buildings Insurance

6.0 Other Partnership Facilities

6.1 The Local Authority has a number of other successful partnership arrangements with Leisure and Recreational sites. The most significant of these are the 360 Watersports Centre, The Swansea Indoor Bowls Centre and Swansea Tennis 365. The key income and usage indicators for each site is listed below

6.2 These additional sites have been highlighted due to the on-going commissioning programme for other Cultural services facilities which have not previously been subject to partnership management arrangements. During the period, a full lease agreement has been introduced at the Bowls centre.

6.3 The success and year on year growth of each of these sites individually indicates a productive partnership with benefits to both City & County of Swansea, management partners Swansea Residents and visitors.

6.4 As with the previously mentioned partnership sites, each agreement is operated in differing ways in terms of monitoring, data collection and facility operation. The flexible approach allows the partnership to operate in the most appropriate way, given the resources of partners, scale of operation and needs of the customers.

6.5 Experience and good practice learned from the variety of partnership arrangements in operation will significantly benefit the Authority in the near future with the devolvement of other partnership arrangements following the commissioning process.

6.6 During the period, a full lease agreement has been introduced to the Bowls centre, the facility is now entirely under the management of Swansea Indoor Bowls Ltd. Whilst The Council provides zero subsidy towards the operation of this facility it will continue to monitor and support Swansea Indoor Bowls Ltd.

| 360 Beach and Water Sports | 2014/15 | 2015/16 | 2016/17 |
|--|-----------------|-----------------|-----------------|
| Food and Beverage Income | £383,192 | £383,745 | £396,251 |
| Beach and Watersports Income (net of instructor cost) | £14,146 | £14,610 | £22,185 |
| Other Income | £52,263 | £22,070 | £20,491 |
| Grant Income | £79,165 | £25,000 | £25,000 |
| Toilet Management Fee Income | £9,996 | £8,300 | £8,300 |
| Total Income (Excl Toilet Mgt Fee) | £529,066 | £453,725 | £472,227 |
| | | | |
| Staff Costs | £192,399 | £189,653 | £206,621 |
| Repairs, Maintenance & service contracts | £6,219 | £7,957 | £10,072 |
| Other Expenditure | £251,776 | £241,608 | £236,286 |
| Total Expenditure | £450,394 | £439,218 | £452,979 |
| | | | |
| Total Use | 206,599 | 212,194 | 221,965 |

| Swansea Bowls Stadium | 2014/15 | 2015/16 | 2016/17 |
|------------------------------|----------------|-----------------|-----------------|
| Bowls Income | £71,891 | £100,997 | £100,848 |

| | | | |
|----------------------------------|----------------------------------|----------------------------------|-----------------|
| Bar & Catering Income | £26,465 | £21,698 | £24,518 |
| Other Income | £63,119 | £14,549 | £14,639 |
| Total Income | £161,475 | £137,244 | £140,005 |
| | | | |
| Staff Costs | £38,999 | £42,916 | £42,031 |
| Other Expenditure | £51,612 (inc maintenance) | £47,370 (inc maintenance) | £131,301 |
| Total Expenditure | £90,611 | £90,286 | £173,332 |
| | | | |
| Total Use | 69,095 | 65,669 | 66,671 |

| Swansea Tennis Centre | 2014/15 | 2015/16 | 2016/17 |
|------------------------------|--------------------|-----------------|-----------------|
| Junior Course Income | £150,663.20 | £122,996 | £112,221 |
| Adult Course Income | £15,115.30 | £23,472 | £13,646 |
| Ace Fitness Income | £21,475.63 | £5,297 | £33,125 |
| Other Income | £223,280.43 | £78,368 | £74,423 |
| Total Income | £410,534.56 | £230,133 | £233,415 |
| | | | |
| Staff Costs | £136,802.65 | £121,725 | £109,635 |

| | | | |
|----------------------------------|--------------------|-----------------|-----------------|
| Repairs and Maintenance | £5,526.59 | £4,699 | £12,101 |
| Other Expenditure | £273,806.53 | £209,546 | £213,267 |
| Total Expenditure | £416,135.77 | £335,970 | £335,003 |
| | | | |
| Total Ace Fitness Members | 817 | 1398 | 1423 |
| Total Usage | 59,637 | 42,365 | 45635 |

7 Monitoring Arrangements

7.1 Officers will continue to monitor these facilities (excluding the Liberty Stadium) to ensure that they are complying with the terms of the various agreements and leases that are in place, as well as to ensure that they are contributing towards the achievement of the Council's ambitions as identified in the agreed Policy Commitments. Of particular interest are the contributions made to:-

- The City of Sport and Culture
- Well-being of Future Generations
- The Healthy City
- Area of inequality
- The support of the tourism economy.
- Creating and Active and Healthy Swansea

8. Summary

8.1 This report identifies the varying agreements that are in place with each of the key partners operating Leisure and Cultural Services. The report also highlights the rationale for the variations due to the differing circumstances and requirements of other bodies involved in each partnership.

8.2 With the differing models it is also clear that standardising monitoring and reporting is not straight forward, but measures are taking place to use the accepted good practice of Compliance and Performance.

8.3 This report is also a mechanism of identifying the successes and challenges and a transparent approach to displaying the delivery of services by the various partnerships, the outcomes and the cost of supplying those services.

8.4 It also demonstrates that the Council is challenging the partners to maintain quality and improved services to which all partners reported are achieving those improvements.

9 Equality and Engagement Implications

9.1 There are no specific Equality or Engagement implications associated with this report.

10. Legal Implications

10.1 There are no specific legal implications at this stage

11. Financial implications

11.1 There are no specific financial implications

Background Papers: None.

Appendices: None

Agenda Item 12.



Report of the Leader of the Council & Chief Executive

Council – 26 July 2018

Swansea Bay City Deal

| | |
|---------------------------|---|
| Purpose: | To approve the establishment of the Swansea Bay City Deal Joint Committee and the associated governance arrangements. |
| Policy Framework: | None |
| Consultation: | Access to Services, Finance, Legal. |
| Recommendation(s): | <p>It is recommended that Council:</p> <ol style="list-style-type: none">1. Endorse the establishment of the Swansea Bay City Deal (SBCD) Joint Committee and associated governance structure as outlined in this report.2. Endorse the draft Joint Committee Agreement and grant delegated authority to the Chief Executive, in consultation with the Leader, to make such minor amendments to the Agreement as are required and agreed between the partner Authorities and the UK and Welsh Governments to finalise the agreement.3. Endorse the establishment of a Swansea Bay City Deal Joint Scrutiny Committee.4. Endorse the proposal that the Council contributes £50k per annum over 5 years to jointly cover operating costs for the Joint Committee, Economic Strategy Board, Programme Board, Joint Scrutiny Committee, Accountable Body and Regional Office functions and approves the principle that further funding is provided equivalent to the 1.5% top slice of the City Deal funding allocation. The agreement of the basis of the provision of this funding to be delegated to the Head of Financial Services and Service Centre (Section 151 officer) in consultation with the Leader of the Council.5. Authorises the Head of Financial Services and Service Centre (Section 151 officer) to explore and implement the most appropriate proportionate borrowing to fund Regional projects delivered in Council respective areas.6. Authorises the Head of Financial Services and Service Centre (Section 151 officer) to negotiate with colleague Directors the most appropriate allocation basis for the regional non-domestic rate retention in respect of the 11 projects. |

| | |
|------------------------------------|--------------------------------|
| Report Authors: | Tracey Meredith / Phil Roberts |
| Finance Officer: | Ben Smith |
| Legal Officer: | Debbie Smith |
| Access to Services Officer: | Rhian Millar |

1. Introduction / Background

- 1.1 Council approval was received from each of the four local authorities of Swansea, Neath Port Talbot, Carmarthenshire and Pembrokeshire to sign a City Deal agreement (Heads of Terms), worth a total value of £1.3bn.
- 1.2 This was subsequently signed with UK and Welsh Governments on the 20th March 2017. The signing of the document confirmed joint commitment by all four local authorities to implement the Swansea Bay City Deal proposals along with other specific areas namely wider economic development matters including planning and transport.
- 1.3 Since the signing, the Swansea Bay City Deal has been operating in Shadow form in order to maintain momentum and develop the necessary governance arrangements that will enable the region to deliver the Swansea Bay City Deal programme. This has involved the development of the Joint Committee Agreement which provides the legal framework within which the Swansea Bay City Deal will operate.
- 1.4 Detailed discussions with the Welsh Government have also taken place and it has been agreed that:
 - SBCD Local Authorities are able to retain 50% of the additional net yield in the non- domestic rates generated by the 11 projects which are to be delivered by the Deal
 - That the SBCD Local Authorities are able to utilise funding flexibilities in respect of the revenue based project expenditure, details of which are now included within the Joint Committee Agreement at Schedule 11 “Welsh Government Guidance on Flexible Use of Capital Receipts.”
- 1.5 The attached draft Joint Committee Agreement at Appendix A sets out the governance proposals and related financial requirements as well as key functions that need to be formally established. The £1.3 billion City Deal investment programme provides a once in a generation opportunity to increase prosperity and opportunity in the urban and rural areas across Swansea, Neath Port Talbot, Pembrokeshire and Carmarthen.
- 1.6 Through an innovative private and public partnership, the Swansea Bay City Deal will considerably boost growth in sectors including digital enterprise, life science and well-being, smart manufacturing and sustainable energy production. The Deal will also work to ensure that our current and future workforces are equipped with the skills, knowledge and experience to take advantage of opportunities created through the City

Deal. This will help build the region for local people and local businesses as the major projects unfold. With the Swansea Bay City Deal Heads of Terms firmly signed, there is a need to set in place robust governance arrangements and to continue the momentum and excellent progress already made to ensure that the Region is in a position to begin delivering against its ambitious and extremely exciting transformational plans.

- 1.7 The Swansea Bay City Deal is an excellent example of working in partnership with other councils, universities and education providers, health boards, UK and Welsh Governments, and the business community. It demonstrates what collaboration and joined-up thinking can achieve for our citizens.
- 1.8 The City Deal is a good example of the 5 ways of working promoted by The Well-being of Future Generations (Wales) Act 2015 and will make a significant contribution to the 7 well-being goals.
- 1.9 The City Deal is a 15 year programme which provides an opportunity to address climate change, poverty, inequality, jobs and skills in a transformational and preventative way.
- 1.10 It also demonstrates how the four authorities are using the 5 ways of working to maximize their contribution to the well-being goals required under the Act, through a major public and private investment programme.

2. Proposed Governance Arrangements

2.1 Joint Committee

- 2.1.1 Schedule 1 of the Joint Committee Agreement sets out the Terms of Reference of the Joint Committee.
- 2.1.2 Membership will comprise the four local authority Leaders. The Joint Committee will be chaired by a local authority Leader and will be governed by the provisions of the Joint Committee Agreement. Deputies may be appointed as substitutes.
- 2.1.3 Monitoring Officer and Section 151 Officer support will be provided to the Joint Committee by Carmarthenshire County Council.
- 2.1.4 Non-voting Co-opted members include Swansea University, University of Wales Trinity St David, Hywel Dda University Health Board and Abertawe Bro Morgannwg Health Board.
- 2.1.5 The Chair of the Joint Committee is elected for a two year term and the three remaining Leaders are Deputy Chairs.
- 2.1.6 The Joint Committee's functions are set out at paragraph 2.2 of Schedule 1 and include agreeing and planning the overall strategy for and delivery of the Swansea Bay City Deal, performance management, agreeing the

terms and conditions of Government funding and making investment decisions based on recommendations received from the Economic Strategy Board and Programme Board.

2.2 Programme Board

2.2.1 Schedule 2 sets out the arrangements for the Programme Board.

2.2.2 The Programme Board will comprise the Chief Executive of each of the Councils (or other nominated officer) and is able to co-opt additional representatives from Swansea University, University of Wales Trinity St David, Hywel Dda University Health Board and Abertawe Bro Morgannwg Health Board.

2.2.3 The Chair is appointed by the Joint Committee and the Board has no decision making powers.

2.2.4 The Programme Board shall have the following distinct roles:

- (a) Preparing recommendations on the Swansea Bay City Deal programme:
 - (i) Ensuring that all schemes are developed in accordance with the agreed package;
 - (ii) Overseeing production of business cases;
 - (iii) Preparing recommendations to the Joint Committee and Economic Strategy Board on all schemes whilst ensuring that due regard is given to all advisory/consultation bodies;
- (b) Providing advice to the Economic Strategy Board as appropriate.
- (c) Overseeing performance and delivery of the delivery of projects.
- (d) Overseeing the funding arrangements of the projects.
- (e) Working on a regional basis to improve public services especially in the areas of economic development, transport, planning and strategic land use, housing and regeneration.

2.3 Economic Strategy Board

2.3.1 Schedule 6 sets out the arrangements for the Economic Strategy Board.

2.3.2 Reporting to the Joint Committee the Economic Strategy Board represents the wider community and shall include private sector, education, life science or well-being representatives together with leaders of the Councils.

2.3.3 The role of the Economic Strategy Board shall be to:

- (a) Submit strategic objectives for the Swansea Bay City Region;
- (b) Monitor progress with regard to the delivery of the Swansea Bay City Deal 8.
- (c) Oversee the production of business cases and put forward recommendations to the Joint Committee for approval.
- (d) Make recommendations to the Joint Committee.

2.3.4 The Economic Strategy Board will not have any formal decision making powers and a preferred candidate to become chair of the Economic Strategy Board has been selected and the appointment will be confirmed at the first meeting of the Joint Committee.

2.4 Accountable Body

2.4.1 Carmarthenshire County Council is the Accountable Body responsible for discharging the Councils' Obligations in relation to the Swansea Bay City Deal in accordance with the Joint Committee Agreement.

2.4.2 The role of the Accountable body is to:

- Comply with the funding conditions
- Discharge its Monitoring Officer and s 151 responsibilities
- Act as the primary interface with Welsh Government, UK Government, and any other funding bodies
- Hold and release any government funding and to use and release such funds in accordance with the terms of such funding and the Joint Committee Agreement.

2.4.3 The Joint Committee will designate the Chief Executive of the Accountable Body as Lead Chief Executive to act as its principal adviser and as Accountable Officer.

2.5 Regional Office

2.5.1 Reporting directly to the Accountable Officer and the Joint Committee, the Regional Office will play a pivotal co-ordinating and supporting role and is responsible for the day to day management of matters relating to Joint Committee and the Swansea Bay City Deal.

2.5.2 The Regional Office responsibilities will include:

- Strategic liaison with UK and Welsh Governments and policy advisors.
- Governance support for all governance structure.
- Liaison and engagement with government funding bodies and programmes and with the universities and health boards.

3. Joint Committee Agreement

- 3.1 Carmarthenshire County Council, on behalf of all four authorities, commissioned Geldards Solicitors to draft a Joint Committee Agreement between the four authorities (Appendix A).
- 3.2 The terms of the draft Joint Committee Agreement commits this local authority to discharge its responsibilities to meet the requirements of the Heads of Terms document signed on 20 March 2017.
- 3.3 Schedule 5 of the Joint Committee Agreement sets out those matters/decisions which have been identified as needing the approval of the Constituent Authorities rather than the Joint Committee. Any decisions on those matters will come back to full Council as and when they arise.

4. Joint Scrutiny Committee

- 4.1 The statutory power to establish a Joint Scrutiny Committee is set out in Section 58 Local Government (Wales) Measure 2011. The City and County of Swansea Constitution also allows for establishment of a Joint Scrutiny Committee.
- 4.2 The Joint Committee Agreement states in clause 20.1 “the Councils hereby create a Joint Scrutiny Committee with effect from the Commencement Date. The Joint Scrutiny Committee shall provide a scrutiny function to ensure greater public accountability over decisions made by the Joint Committee and any of its sub-committees and related entities.”
- 4.3 The purpose of the Joint Scrutiny Committee is to provide a scrutiny function to ensure greater public accountability over decisions made by the Joint Committee and any of its sub-committees.
- 4.4 The terms of reference of the Joint Scrutiny Committee are attached at Schedule 12 of Appendix 1.
- 4.5 The membership of the Joint Scrutiny Committee shall be 12 non-executive members with each Council nominating three members. Welsh Governance Guidance on Joint Scrutiny is that Councils should ensure that member representation on Joint Scrutiny Committees reflects the political balance represented in the relevant scrutiny committee as far as practicable. The Chair shall not be a member of the Council which is providing the Chair of the Joint Committee.
- 4.6 Neath Port Talbot County Borough Council will be the host authority for the Joint Scrutiny arrangements.

- 4.7 The role of the Joint Scrutiny Committee is to provide advice, challenge and support to the Joint Committee and will be required to:
- a) Review and scrutinise the Joint Committee's financial affairs;
 - b) Review and assess the Joint Committee's risk management, internal control and corporate governance arrangements;
 - c) Review and assess the economy, efficiency and effectiveness with which resources have been used;
 - d) Make reports and recommendations to the Joint Committee in respect of points (a) to (c).
- 4.8 The terms of reference of the Joint Scrutiny Committee will need to be considered and further elaborated on by the Committee itself to ensure that scrutiny arrangements are fully robust to review the Swansea Bay City Deal and Joint Committee.
- 4.9 Officers will liaise with colleagues in the other authorities to supplement the terms of reference and to prepare a forward work programme for ultimate endorsement by members of the Joint Scrutiny Committee.

5. Financial Implications

- 5.1 The structure of the deal in terms of financing will be based on a 15 year programme. The four local authorities will be asked to borrow the required sum (each Local Authority will fund its relevant projects) and the funding will be drawn down as projects develop over a period of 5 years.
- 5.2 The capital borrowing (in respect of the Government funded element) for the SBCD projects will be re-paid by Government funds (UK & Welsh government) over the 15 year period. The exact level of borrowing and the structure and terms of the borrowing is yet to be confirmed, however it will be calculated based on the amount required per relevant local authority and will be agreed based on the principles of the Prudential Code and the Treasury Management Strategy and Policy for each Authority. When further details of the investments required for each project are known, a full business case appraisal for each individual project will be completed and submitted to the relevant local authority for approval before submission to the Joint Committee. These full business cases will include the detailed funding proposals and requirements of the local authority.
- 5.3 To support the interest costs for each Authority, Welsh Government have agreed that SBCD Local Authorities are able to retain 50% of the additional net yield in the non-domestic rates generated by the 11 projects. The basis of the allocation of the rates generated within the SBCD is yet to be agreed.

- 5.4 The Accountable Body (Carmarthenshire County Council) has set-up a Swansea Bay City Deal Financial & Legal Group which comprises representatives from each of the four local authorities. The group is tasked at looking at the accounting and reporting implications that will arise from the implementation of the City Deal Programme as well as the borrowing requirements of the City Deal proposal.
- 5.5 There will be a requirement for each Local Authority to contribute £50k per annum over 5 years plus equivalent to 1.5% top slice of the City Deal allocation (Government funding) to cover the operating costs of the Joint Committee, Economic Strategy Board, Programme Board, Joint Scrutiny Committee, Accountable Body and Regional Office functions.
- 5.6 The Council's own capital contributions to the City Deal projects will be via a range of funding options including potential future capital receipts and future income generating assets, but will predominantly be required to be, especially in the early years, in the form of additional unsupported borrowing. Furthermore to deliver to the pace and scale envisaged, over an accelerated shorter time frame, this will add significantly to capital financing costs in the revenue budget and require significant offsetting revenue savings in service revenue budgets, as set out in the 2018-19 budget and medium term financial plan reports to Council in March, to ensure affordability.

6. Equality and Engagement Implications

- 6.1 The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
 - Advance equality of opportunity between people who share a protected characteristic and those who do not
 - Foster good relations between people who share a protected characteristic and those who do not
- 6.2 The Equality Impact Assessment process ensures that we have paid due regard to the above. Equality Impact Assessments will be undertaken for individual projects in line with the Council's legislative duties.

7. Legal / Procurement Implications

- 7.1 The Swansea Bay City Deal Joint Committee shall be governed by the provisions of the Joint Committee Agreement. The terms of the Joint Committee Agreement commits the Council to discharge its responsibilities to meet the requirements of the Heads of Terms document signed on 20th March 2017.

Background Papers: None

Appendices: Appendix A - Draft Joint Committee Agreement

DATED

2018

- (1) CARMARTHENSHIRE COUNTY COUNCIL**
and
(2) NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
(3) PEMBROKESHIRE COUNTY COUNCIL
(4) THE COUNCIL OF THE CITY AND COUNTY OF SWANSEA

**AGREEMENT FOR THE ESTABLISHMENT OF A JOINT COMMITTEE FOR THE
SWANSEA BAY CITY REGION**

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THIS AGREEMENT IS MADE ON 2018

BETWEEN:

- (1) **Carmarthenshire County Council of County Hall**, Carmarthen, Carmarthenshire SA31 1JP (“Carmarthenshire”); and
- (2) **Neath Port Talbot County Borough Council** of Port Talbot Civic Centre, Port Talbot SA13 1PJ (“Neath”); and
- (3) **Pembrokeshire County Council** of County Hall, Haverfordwest, Pembrokeshire SA61 1TP
- (4) **The Council of the City and County of Swansea** of Civic Centre, Oystermouth Road, Swansea SA1 3SN

(together referred to as “the Councils”)

WHEREAS:

- (A) The Councils have agreed to work together in order to discharge their obligations to one another, the Welsh Government and the United Kingdom Government (“UK Government”) to promote and facilitate projects funded under the Swansea Bay City Deal in order to further the growth of the Swansea Bay City Region which comprises the areas of the Councils.
- (B) The Councils have accordingly agreed to enter into this Agreement to document and regulate their respective rights and obligations to each other and to enable the Councils to work together to establish and to participate in a joint committee.
- (C) The Councils have agreed heads of terms with the UK Government and the Welsh Government which set out the key elements of the Swansea Bay City Deal the investment themes and the governance arrangements which the UK Government and the Welsh Government expect the Councils to apply to the Swansea Bay City Deal.
- (D) The Councils acknowledge that the Government Funding of £241 million shall be provided to the projects in the Swansea Bay City Deal for a 15 year period from the Commencement Date and shall be paid by the Welsh Government to the Accountable Body.
- (E) The Welsh Government has agreed to allow the Swansea Bay City Region to retain 50% of the additional yield in non-domestic rates generated by the projects in the Swansea Bay City Region and has agreed to support the Councils in enabling them to fund revenue costs of the Swansea Bay City Deal projects. This support will be provided by allowing Councils to utilise the flexibility in the funding methods provided by the Guidance on the Flexible Use of Capital Receipts and reserves (documents appended at Schedule 11)

- (F) The Councils acknowledge that the Accountable Body may pay the Government Funding to the Delivery Lead for the relevant project in the Swansea Bay City Deal.
- (G) The Councils acknowledge that the Government Funding is subject to the following conditions: entry into this Agreement by the Councils; satisfying the Government Reviews; further Funding Conditions approved by the Councils; and approval of the Implementation Plan.
- (H) The Councils acknowledge that the Regional Learning and Skills Partnership for South West and Mid Wales shall have a central role to play in leading on the strategic approach to the delivery of employment and skills in the region.

IT IS AGREED AS FOLLOWS:

1. Interpretation

1.1 The following definitions and rules of interpretation apply in this Agreement:

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| “Accountable Body” | the Council appointed under clause 6.1 of this Agreement who shall be responsible for receiving and distributing funds for and on behalf of the Councils in relation to the Swansea Bay City Deal and whose duties are set out in clause 7; |
| “Accountable Body Costs” | the operational and management costs incurred by the Accountable Body in carrying out its role of Accountable Body; |
| “Accountable Officer” | the officer designated by the Joint Committee in accordance with clause 9 to manage and oversee the work of the Regional Office staff; |
| “Accounting Period” | those periods set out in 0 as may be amended from time to time in accordance with the terms of this Agreement; |
| “this Agreement” | this agreement entered into by Carmarthenshire County Council, Neath Port Talbot County Borough Council, Pembrokeshire County Council and the Council of the City and County of Swansea ; |
| “Allocated Sum” | the funding allocated to a project in the Swansea Bay City Deal as recorded in its Project Business Case and in Schedule 7 to this Agreement subject to approval of the Project Business Case |
| “Annual Costs Budget” | the approved annual costs budget held by the Regional Office for and on behalf of the Councils in relation to the payment of any Accountable Body Costs, Economic Strategy Board Costs, Joint Committee Costs (including |

Joint Scrutiny Committee Costs, Programme Board Costs and Regional Office Costs) in accordance with this Agreement;

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| “Applicable Law” | means all applicable laws, statutes, regulations, regulatory requirements, guidance and codes of practice in any relevant jurisdiction as amended, updated or replaced from time to time, including the Data Protection Laws; |
| “Business Day” | any day other than a Saturday or Sunday or a public or bank holiday in Wales; |
| “Commencement Date” | the date of this Agreement; |
| “Conditions Longstop Date” | the date agreed by the Joint Committee by when the Funding Conditions must be agreed by the Councils; |
| “Confidential Information” | all know-how and other information relating to the business, affairs or methods of all or any Council and any other participant in the Swansea Bay City Deal and any applicant for funding from the Swansea Bay City Deal, which is contained in or discernible in any form whatsoever (including without limitation software, data, drawings, films, documents and computer-readable media) whether or not marked or designated as confidential or proprietary or which is disclosed orally or by demonstration and which is described at the time of disclosure as confidential or is clearly so from its content or the context of disclosure; |
| “Co-opted Body” | a body from which a representative is co-opted as a non-voting member of the Joint Committee in accordance with Schedule 1; |
| “Co-opted Member Protocol” | the protocol agreed by the Councils specifying the standard of conduct required of co-opted members of the Joint Committee; |
| “Council Contribution” | the funding provided by each Council to the Annual Budget Costs as set out in clause 19; |
| “Councils” | Carmarthenshire County Council, Neath Port Talbot County Borough Council, Pembrokeshire County Council and the Council of the City and County of Swansea and “Council” shall be construed accordingly; |
| “Councils’ Obligations” | the obligations set out in clause 3; |
| “DPA” | the Data Protection Act 1998; |
| “DP Regulator” | any governmental or regulatory body or authority with responsibility for monitoring or enforcing compliance with the Data Protection Laws; |

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| “Data” | any data, document, code, information, Personal Data in connection with this Agreement; |
| “Data Incident” | the reasonable suspicion of, discovery by, or notice to a party that (a) Data has been or is likely to be accessed or obtained by an unauthorised person; or (b) a party’s systems have been or are likely to be compromised or vulnerable; or a person has threatened the unauthorised access to or obtaining of any Data; |
| “Data Protection Laws” | any applicable laws and regulations in any relevant jurisdiction relating to privacy or the use or processing of Personal Data relating to natural persons, including: (a) EU Directives 95/46/EC and 2002/58/EC (as amended by 2009/139/EC) and any legislation implementing or made pursuant to such directives, including the Data Protection Act 1998 (the “DPA”) and the Privacy and Electronic Communications (EC Directive) Regulations 2003; and (b) from 25 May 2018 EU Regulation 2016/679 (“GDPR”); (c) any laws or regulations ratifying, implementing, adopting, supplementing or replacing GDPR; in each case, to the extent in force, and as such are updated, amended or replaced from time to time; and (d) the Regulation of Investigatory Powers Act 2000 and the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000; |
| “Data Subject” | shall have the meanings set out in the DPA until 25 May 2018 and thereafter the meaning set out in the GDPR; |
| “Delivery Lead” | the organisation responsible for the preparation and submission of the Project Business Case for and delivery of each project as set out in the Implementation Plan; |
| “Economic Strategy Board” | the board established in accordance with clause 17 and Schedule 6; |
| “Economic Strategy Board Costs” | the operational and management costs of the Economic Strategy Board; |
| “FOI Legislation” | the Freedom of Information Act 2000 and subordinate legislation made under this and the Environmental Information Regulations 2004 |
| “Funding Conditions” | any conditions imposed by the UK Government or the Welsh Government for the release of the Government Funding to be signed by the Accountable Body; |
| “Government Funding” | funding of £241 million to be made available to the Swansea Bay City Deal from the UK Government and the Welsh Government consisting of £115.6 million from the UK Government and £125.4 million from the Welsh Government; |

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| “Government Review” | an examination carried out by the UK Government and Welsh Government jointly once a year of projects in the Swansea Bay City Deal in order to assess the progress and likelihood of the Councils’ successful delivery of the Swansea Bay City Deal such reviews to take place no more than once in each calendar year during the currency of this Agreement; |
| “IP Material” | the Intellectual Property in the Material; |
| “Implementation Plan” | the implementation plan agreed by the Joint Committee setting out the activities that shall support the delivery of the Swansea Bay City Deal; |
| “Intellectual Property” | patents, rights to inventions, copyright and related rights, trade-marks, trade names and domain names, rights in get-up, rights in goodwill or to sue for passing off, rights in designs, rights in computer software, database rights, rights in confidential information (including know-how and trade secrets), and any other intellectual property rights, in each case whether registered or unregistered and including all applications (or rights to apply) for, and renewals or extensions of, such rights and all similar or equivalent rights or forms of protection which may now or in the future subsist in any part of the world; |
| “Internal Costs” | the costs associated with each Council providing internal Council resources in relation to the Swansea Bay City Deal which includes but is not limited to: staffing costs and associated overheads; project management; technical and administrative support; communications; costs incurred in respect of managing Requests for Information; |
| “Joint Committee” | a committee of elected members from the Councils which shall be responsible for ensuring and overseeing the delivery of the functions set out in Schedule 1 (Terms of Reference of the Joint Committee) with a view to securing their more efficient, economical and effective discharge; |
| “Joint Committee Costs” | the operational and management costs of the Joint Committee; |
| “Joint Committee Meeting” | a meeting of the Joint Committee; |
| “Joint Committee Withdrawal Notice” | a notice issued by one of the Councils in accordance with clause 22 to give notice of its withdrawal from the Swansea Bay City Deal and this Agreement; |
| “Joint Scrutiny Committee Costs” | the operational and management costs of the Joint Scrutiny Committee |

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| “Lead Chief Executive” | the local authority officer designated by the Joint Committee in accordance with clause 9 to act as principal adviser to the Joint Committee and to manage and oversee the work of the Regional Office staff; |
| “Local Authority” | a principal council as defined in section 270 of the Local Government Act 1972 or any body established as a successor of a principal council; |
| “Material” | all data, text, graphics, images and other materials or documents created, used or supplied by a Council in connection with this Agreement unless before the first use or supply the Council notifies the other Councils that the data, text supplied is not to be covered by this definition; |
| “Personal Data” | shall have the meanings set out in the DPA until 25 May 2018 and thereafter the meaning set out in GDPR for personal data governed by such laws and shall also include “Personal Information” classified as “personal information” or “personally identifiable information” or similar term under the Applicable Law governing a person’s processing of personal information about an individual; |
| “Powers” | <p>the powers of Welsh local authorities under:</p> <p>(i) 101, 102, 111, 112 and 113 of the Local Government Act 1972 and sections 19 and 20 of the Local Government Act 2000 and the regulations made under these Acts to make arrangements to discharge functions jointly and to employ staff and place them at the disposal of other local authorities;</p> <p>(ii) the powers in section 9 of the Local Government (Wales) Measure 2009 to collaborate;</p> <p>(iii) the well-being power in section 2 of the Local Government Act 2000;</p> <p>(iv) the incidental powers in section 111 of the Local Government Act 1972;</p> <p>(v) the powers in section 1 of the Local Authorities (Goods and Services) Act 1970 and section 25 of the Local Government (Wales) Act 1994 to provide services;</p> <p>(vi) all other powers them so enabling;</p> |
| “PR Protocol” | a protocol agreed by the Councils for the release of public statements and press releases relating to the Swansea Bay City Region |
| “Programme Board” | the board established in accordance with clause 16 and Schedule 2 for the purpose of implementing the |

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| | Swansea Bay City Deal and the Councils' obligations in relation to the Swansea Bay City Deal; |
| “Programme Board Costs” | the operational and management costs of the Programme Board; |
| “Project Authority Lead” | the Council responsible for the Government Funding element of funding for each project as set out in clause 12 and the Implementation Plan |
| “Project Business Case” | a document setting out details of a project proposed for inclusion in the Swansea Bay City Deal and explaining why it should be included in the Swansea Bay City Deal; |
| “Project Conditions” | the project funding conditions proposed by the Welsh Government or the UK Government for each project as referred to in clause 12; |
| “Regional Office” | the office established by the Councils to manage the Swansea Bay City Deal; |
| “Regional Office Costs” | the operational and management costs of the Regional Office; |
| “Regional Office Costs Budget” | the budget for the Regional Office Costs; |
| “Regional Project” | a project located in the area of more than one of the Councils; |
| “Regional Project Delivery Lead” | the organisation responsible for preparation and submission of the Project Business Case for and delivery of a Regional Project; |
| “Resolution” | a decision taken by or on behalf of one of the Councils in compliance with that Council's constitution and scheme of delegation; |
| “Shadow Board” | a board of representatives of the Councils who took provisional decisions on matters relevant to the Swansea Bay City Deal before the establishment of the Joint Committee; |
| “Swansea Bay City Deal” | a programme supported by the UK Government and the Welsh Government and administered through the joint committee established in accordance with clause 4 of this Agreement to provide the Swansea Bay City Region and its partners with new ways of working and resources to unlock significant economic growth across the Swansea Bay City Region and with an opportunity to continue tackling the area's barriers to economic growth through developing higher value sectors and higher value employment opportunities to match, increasing the number of businesses within these sectors to widen the economic base, and improving the region's GVA level against the UK average; |

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| “Swansea Bay City Region” | the administrative area covered by Carmarthenshire County Council, Neath Port Talbot County Borough Council, Pembrokeshire County Council and City and County of Swansea Council for Local Authority services; |
| “Withdrawing Council” | a Council that has given notice of its intention to withdraw from the Swansea Bay City Deal and this agreement in accordance with clause 22 |

- 1.2 The headings are inserted for convenience only and shall not affect the construction of this Agreement.
- 1.3 Words importing one gender include all other genders and words importing the singular include the plural and vice versa.
- 1.4 A reference in this Agreement to any clause, paragraph or schedule is, except where it is expressly stated to the contrary, a reference to a clause or paragraph of or schedule to this Agreement.
- 1.5 Any reference to this Agreement or to any other document unless otherwise specified shall include any variation, amendment or supplements to such document expressly permitted by this Agreement or otherwise agreed in writing between the relevant parties.
- 1.6 Words preceding “include”, “includes”, “including” and “included” shall be construed without limitation by the words which follow those words unless inconsistent with the context, and the rule of interpretation known as “*eiusdem generis*” shall not apply.
- 1.7 Any reference to the title of an officer of any of the Councils shall include any person holding such office from time to time by the same or any title substituted thereafter or such other officer of the relevant Council as that Council may from time to time appoint to carry out the duties of the officer referred to.
- 1.8 The Schedules form part of this Agreement and shall have the same force and effect as if expressly set out in the body of this Agreement and references to this Agreement includes the Schedules.
- 1.9 References to “the parties” shall be to the parties to this Agreement.

2. Commencement and Duration

- 2.1 This Agreement shall commence on the Commencement Date and shall continue in force for fifteen years from the Commencement Date or until the earlier of the following dates:
- (a) The condition subsequent set out in clause 2.2 (Condition Subsequent) is not satisfied or otherwise waived in writing by the Councils prior to the Conditions Longstop Date;
 - (b) All the Councils agree in writing to its termination; or

- (c) There is only one remaining Council which has not withdrawn from this Agreement in accordance with clause 22 (Withdrawal from this Agreement).
- 2.2 The Condition Subsequent is that the Councils shall have approved the Funding Conditions before the Conditions Longstop Date.

3. The Councils' Obligations

- 3.1 The Councils agree to work together to carry into effect the Swansea Bay City Deal pursuant to and in accordance with this Agreement.
- 3.2 To that end the Councils shall develop, agree and promote the Swansea Bay City Deal and (without prejudice to the generality of that obligation) shall comply with their duties as set out at clauses 7 (Duties of the Accountable Body) and 8 (Duties of the other Councils). This is subject to the fiduciary financial and legal duties of each Council.
- 3.3 Without prejudice to the specific terms of this Agreement, the Councils further agree that they shall conduct their relationship:
- (a) In accordance with the strategic aims of the Swansea Bay City Deal as follows:
 - (i) The Internet of Economic Acceleration.
 - (ii) The Internet of Life Science & Well-Being.
 - (iii) The Internet of Energy.
 - (iv) Smart Manufacturing.and
 - (b) In accordance with the following principles:
 - (i) Openness and trust: The Councils shall be open and trusting in their dealings with each other, make information and analysis available to each other, discuss and develop ideas openly and contribute fully to all aspects of making the joint working successful. The Councils shall embrace a commitment to transparency in their dealings and shall recognise the need to comply with statutory access to information requirements including FOI Legislation and supporting codes of practice.
 - (ii) Commitment and drive: The Councils shall be fully committed to working jointly, shall seek to fully motivate employees and shall address the challenges of delivering the Swansea Bay City Deal with enthusiasm and a determination to succeed.
 - (iii) Skills and creativity: The Councils recognise that each brings complementary skills and knowledge which they shall apply creatively to achieving the Councils' objectives, continuity, resolution of difficulties and the development of the joint working relationship and the personnel working within it. It is recognised that this shall involve the appreciation and adoption of common values.

- (iv) Effective relationships: The roles and responsibilities of each Council shall be clear with relationships developed at the appropriate levels within each organisation with direct and easy access to each other's representatives.
- (v) Developing and adaptive: The Councils recognise that they are engaged in a potentially long term business relationship which needs to develop and adapt and shall use reasonable endeavours to develop and maintain an effective joint process to ensure that the relationship develops appropriately and in line with these principles and objectives.
- (vi) Reputation and Standing: The Councils shall pay the utmost regard to the standing and reputation of one another, and act with regard to each Council's own employer and member codes of conduct and shall not do or fail to do anything which may bring the standing or reputation of any other Council into disrepute or attract adverse publicity to any other Council.
- (vii) Reasonableness of decision making: The Councils agree that all decisions made in relation to this Agreement and the Swansea Bay City Deal shall be made by them acting reasonably and in good faith.
- (viii) Members and Officers' Commitments: Each Council shall use its reasonable endeavours to procure that their respective members and officers who are involved in the Swansea Bay City Deal shall at all times act in the best interests of the Swansea Bay City Deal, and act compatibly with regard to each Council's own employer and member codes of conduct, devote sufficient resources to deliver the Swansea Bay City Deal and respond in a timely manner to all relevant requests from the other Councils.

4. Establishment of a Joint Committee

- 4.1 In exercise of their Powers under sections 101(5) and 102 of the Local Government Act 1972, sections 19 and 20 of the Local Government Act 2000 and all other enabling powers the Councils hereby create a joint committee to be known as the Swansea Bay City Region Joint Committee with effect from the Commencement Date.
- 4.2 The Councils shall use their Powers in sections 101, 102, 111, 112 and 113 of the Local Government Act 1972, sections 2, 19 and 20 of the Local Government Act 2000, section 1 of the Local Authorities (Goods and Services) Act 1970, section 25 of the Local Government (Wales) Act 1994, section 9 of the Local Government (Wales) Measure 2009 and all other enabling powers available from time to time to facilitate their effective participation in the Joint Committee and the effective delivery of the Swansea Bay City Deal.
- 4.3 The terms of reference of the Joint Committee as at the date of signature of this Agreement are set out at Schedule 1 to this Agreement.
- 4.4 The Councils may from time to time vary the terms of reference of the Joint Committee and this shall be a matter reserved to the Councils. In the event that the Councils agree to vary the terms of reference of the Joint Committee they shall notify the Regional Office and the Regional Office shall arrange

for Schedule 1 to this Agreement to be amended. The reservation to the Councils does not preclude the Joint Committee from making recommendations to vary the terms of the reference where it considers they shall promote the Council's Obligations.

- 4.5 The Joint Committee shall operate and conduct its business in accordance with the terms of this Agreement including the Terms of Reference of the Joint Committee as set out at Schedule 1 to this Agreement.
- 4.6 The Joint Committee shall not have power to approve any matter which has been reserved to the Councils as set out in 0 to this Agreement.
- 4.7 The Joint Committee may delegate functions to sub-committees and officers.
- 4.8 This Agreement is without prejudice to each Council's other powers and responsibilities for its area.

5. Arrangements for the discharge of functions

- 5.1 The Councils agree to use their powers under section 101(1) of the Local Government Act 1972, sections 19 and 20 of the Local Government Act 2000 and all other enabling powers to enter into arrangements under which the Joint Committee shall discharge on their behalf the functions set out in the terms of reference of the Joint Committee in Schedule 1 to this Agreement.
- 5.2 Each Council hereby represents and confirms to the other Councils that it has obtained all necessary consents sufficient to ensure the delegation of functions and responsibilities provided for by this Agreement.
- 5.3 Each Council warrants that entering into this Agreement and its participation in the Joint Committee is consistent with its own constitution.

6. Appointment of the Accountable Body

- 6.1 The Councils have agreed that with effect from the Commencement Date Carmarthenshire County Council shall act as the Accountable Body responsible for discharging the Councils' Obligations in relation to the Swansea Bay City Deal pursuant to and in accordance with this Agreement.
- 6.2 If the Accountable Body defaults on any of the provisions of this Agreement and the Joint Committee decides that a replacement Accountable Body should be appointed or the Accountable Body withdraws pursuant to clause 22, then the Joint Committee shall appoint another Council as the Accountable Body with the consent of that Council such appointment to take effect when the withdrawal or termination takes effect or as soon as possible after that occurs.
- 6.3 If a replacement Accountable Body is appointed pursuant to clause 6.2 any reference to Carmarthenshire County Council in its capacity as the initial Accountable Body shall be read with reference to the replacement Accountable Body.
- 6.4 The Accountable Body shall act as the Accountable Body as set out in this Agreement and shall receive the Government Funding for and on behalf of the Councils and shall hold and manage such Government Funding in

accordance with the terms of this Agreement. The Accountable Body shall receive the Councils' Contributions and shall hold and manage the Councils' Contributions in accordance with the terms of this Agreement.

- 6.5 If the Accountable Body is replaced as Accountable Body in accordance with clause 6.2 the Accountable Body shall comply with its duties in clause 7.2.

7. Duties of the Accountable Body

7.1 The Accountable Body shall:

- (a) Act diligently and in good faith in all its dealings with the other Councils.
- (b) Act with reasonable skill and care and in accordance with best practice.
- (c) Act in accordance with the principles and strategic aims of this Agreement and any applicable policies agreed by the Joint Committee.
- (d) Comply with any investigation by any statutory ombudsman or tribunal relating to the Swansea Bay City Deal.
- (e) Act as the primary interface with Welsh Government, UK Government and any other funding bodies necessary to discharge the Councils' Obligations.
- (f) Hold and release any Government Funding in relation to the Swansea Bay City Deal and only to use and release such funds as agreed in accordance with the terms of such funding and this Agreement.
- (g) Comply with the Funding Conditions.
- (h) Undertake the accounting and auditing responsibilities set out in this Agreement.
- (i) Employ the Regional Office staff

7.2 If the Accountable Body is replaced as Accountable Body in accordance with clause 6.2 the Accountable Body shall take any action required by any or all of the other Councils to allow another of the Councils to take on the role of Accountable Body and to allow the other Councils to continue with this Agreement and the Swansea Bay City Deal. Without prejudice to the generality of the foregoing the Accountable Body shall promptly:

- (a) Transfer any information which it holds in its role as Accountable Body to any person or body to whom the Chair of the Joint Committee instructs it to transfer;
- (b) Co-operate with the other Councils to identify whether the Regional Office staff shall transfer to the replacement Accountable Body and shall promptly facilitate any such transfer unless otherwise agreed by the Councils;
- (c) Transfer any other assets which it holds in its role as Accountable Body to any person or body to whom the Chair of the Joint Committee instructs it to transfer;

8. Duties of the Other Councils

- 8.1 The Councils other than the Accountable Body shall act diligently and in good faith in all their dealings with the Accountable Body and shall assist the Accountable Body to discharge the Councils' obligations in relation to the Swansea Bay City Deal pursuant to and in accordance with this Agreement and all applicable legislation.

9. Regional Office

- 9.1 The Accountable Body shall establish a Regional Office to be responsible for the day to day management of matters relating to the Joint Committee and the Swansea Bay City Deal. The Regional Office shall have day to day responsibility for managing the identification assessment approval monitoring and evaluation processes for interventions and projects. The Regional Office shall deliver all administrative functions necessary to the implementation of the Swansea Bay City Deal. The Regional Office shall maintain a register of interests of co-opted members of the Joint Committee and the Economic Strategy Board. The Regional Office shall provide monitoring reports to the Joint Committee and to the Economic Strategy Board. Persons employed to work in the Regional Office shall be employed by the Accountable Body.
- 9.2 The Joint Committee shall designate the Head of Paid Service of the Accountable Body as Lead Chief Executive to act as its principal adviser and as Accountable Officer to manage and oversee the work of the Regional Office staff.
- 9.3 The Accountable Body shall be responsible for accommodating the Regional Office in accordance with arrangements approved by the Joint Committee.

10. Implementation Plan

- 10.1 The Joint Committee shall approve the Implementation Plan at its first meeting which complies with the provisions of clause 10.2 below. The Implementation Plan in order to be adopted must also be approved by the Welsh Government and the UK Government which may be given either before or after it is considered for adoption by the Joint Committee.
- 10.2 The Implementation Plan shall set out the high level activities that shall support the delivery of the Swansea Bay City Deal and shall include details of the nature of each of the projects, their outcomes and benefits, key tasks and the indicative timeline and interdependencies between the projects.
- 10.3 The Joint Committee shall review the Implementation Plan annually. The first review shall take place no later than one year after the approval of the Implementation Plan. Reviews in later years shall take place no later than one year after the previous review.

11. Projects Funded by The Swansea Bay City Deal

- 11.1 The Swansea Bay City Deal shall fund local and regional projects in the following themes:
- (a) Internet of Economic Acceleration.

- (b) Internet of Life Science and Wellbeing.
 - (c) Internet of Energy.
 - (d) Smart Manufacturing.
- 11.2 Details of the allocation of Government Funding, private and public funding and local government contributions for each project are set out at 0.
- 11.3 The proportion of the Government Funding shall be in accordance with the details set out at 0 unless the Councils agree to vary this.

12. Processes for Funding Projects

- 12.1 The Delivery Lead for projects in the Swansea Bay City Deal shall be as set out in the Implementation Plan.
- 12.2 The Project Authority Lead for projects in the Swansea Bay City Deal shall be as set out in the Implementation Plan.
- 12.3 In order to receive funding from the Swansea Bay City Deal every project must observe the following procedure:
- (a) The Delivery Lead must submit a Project Business case to the Regional Office in accordance with the Implementation Plan. The Project Business case shall include a Resolution of the Project Authority Lead and all Councils in whose area the project shall take place that they approve the submission of the Project Business case.
 - (b) If one or more of the Councils does not approve the Project Business Case for a Regional Project for submission to the UK Government and the Welsh Government the Regional Project shall be referred directly to the Joint Committee for the Joint Committee to decide whether:
 - (i) Additional time is to be allowed to address concerns of the particular Council; or
 - (ii) A revised Project Business Case is to be prepared omitting the Council which does not approve in which case a revised Project Business Case shall be resubmitted and approved in accordance with this clause 12; or
 - (iii) Whether a project is no longer viable and should no longer be progressed in which case clause 12.6 shall be followed.
 - (c) All Project Business Cases for projects to be considered for funding from the Swansea Bay City Deal must meet the requirements of extant guidance from the UK and Welsh Governments which at the Commencement Date of this Agreement is guidance on the preparation of “five case business models” and accordingly every Project Business Case must include full details of:
 - (i) The strategic case (strategic fit and clear investment objectives)
 - (ii) The economic case (optimising value for money)

- (iii) The commercial case (attractiveness to the market and procurement arrangements)
 - (iv) The financial case (affordability – including the contributions to be made by other public and private sector partners and the basis for them); and
 - (v) The management case (deliverability – including confirmation of decisions made and required by the governance arrangements of third party funders of a project - and plans for delivery)
- (d) Upon receipt of a Project Business case the Regional Office shall assess the quality and financial profile of the Project Business Case and shall pass a copy of the Project Business Case to the UK Government and the Welsh Government to carry out their own assessments of the Project Business Case.
 - (e) If the Regional Office is not satisfied with the quality of the Project Business Case it shall return the Project Business Case to the Delivery Lead and notify the Project Authority Lead. The Project Authority Lead shall request all Councils involved in the project to pass any resolutions necessary to agree to amendments of the Project Business Case. The Project Business Case shall be amended as necessary and resubmitted.
 - (f) When the Regional Office is satisfied with the Project Business Case it shall send the Project Business Case to: the Programme Board with a request for the Programme Board to analyse the financial viability, deliverability and risk of the proposal and make a recommendation on whether or not the business case should proceed.
 - (g) When the Regional Office has received a recommendation from the Programme Board it shall send the Project Business Case to the Economic Strategy Board with a request for the Economic Strategy Board to assess the Project Business Case against the strategic aims and objectives of the Swansea Bay City Deal and make a recommendation on whether or not the Project Business Case should proceed. The Economic Strategy Board shall make its recommendation to the Regional Office within one month of receiving the Project Business case. In the absence of any recommendation within such timescale the Regional Office shall be permitted to submit the recommendation for the Programme Board to the Joint Committee for consideration.
 - (h) The Regional Office shall submit the recommendations from the Programme Board and the Economic Strategy Board to the Joint Committee.
 - (i) The Joint Committee shall consider the Project Business Case and the recommendations of the Programme Board and the Economic Strategy Board and decide whether or not to approve the project for submission to the UK Government and the Welsh Government for approval by the UK Government and the Welsh Government for the release of Government Funding for the project
 - (j) If the Joint Committee approves a project for submission to the UK Government and the Welsh Government it shall request the Project Authority Lead and all Councils in whose areas the project shall take place consider and approve the Project Conditions proposed by the Welsh

Government for the project. Upon approval of the Project Conditions the Joint Committee shall direct the Accountable Body to release the Government Funding for that element of the project.

- (k) If the Joint Committee does not approve a project for submission to the UK Government and the Welsh Government or the Council or Councils in whose area the project shall take place does not approve the submission the Joint Committee shall inform the Regional Office and the Regional Office shall inform the Economic Strategy Board, the Programme Board, the Delivery Lead and the Project Authority Lead. The Joint Committee shall decide whether a revised Project Business Case shall be prepared or whether the project should no longer be progressed in which case the process in clause 12.6 shall be followed.
- 12.4 The Project Authority Lead shall be responsible for ensuring compliance with the Project Conditions imposed by the Welsh Government. Government Funding paid to any project must not exceed the amount allocated to the project in accordance with the Implementation Plan or as otherwise agreed by the Joint Committee.
- 12.5 If a Council wishes to withdraw from a project in the Swansea Bay City Deal, it shall do so in accordance with any funding agreement into which it has entered for the project and shall notify the Regional Office.
- 12.6 The Councils may agree to withdraw a project identified in the Implementation Plan and to replace it with another project or to change the Project Authority Lead for a project in the Implementation Plan in accordance with the following process as set out in Schedule 10 to this Agreement:
- (a) The Project Authority Lead responsible for the project which is to be withdrawn or given a change of Project Authority Lead must inform the Regional Office of the need for the project to be withdrawn or given a change of Project Authority Lead. If the Project Authority Lead informs the Regional Office of the need for a project to be withdrawn the Project Authority Lead may propose a new project to take the place of the project to be withdrawn.
 - (b) The Regional Office shall inform the Programme Board of the need for the project to be withdrawn or given a change of Project Authority Lead. The Regional Office shall also provide the Programme Board with details of any proposal for a new project from the Project Authority Lead which has informed the Regional Office of the need to withdraw a project in accordance with clause 12.6(a).
 - (c) The Programme Board shall review the financial implications of the proposed withdrawal of a project or change of Project Authority Lead including consideration of abortive costs and any proposal for a new project in accordance with clause 12.6(a) and submit a report to the Economic Strategy Board.
 - (d) The Economic Strategy Board shall consider the implications of the proposed withdrawal of a project or change of Project Authority Lead and any proposal for a new project in accordance with clause 12.6(a). The Economic Strategy Board shall provide recommendations to the Joint Committee on whether the new project proposed in accordance with

clause 12.6(a) should replace the project to be withdrawn and if not the process for selecting new projects or reallocation of funding.

- (e) The Joint Committee shall consider the recommendations of the Economic Strategy Board and decide whether the new project proposed in accordance with clause 12.6(a) should replace the project to be withdrawn or whether there should be a bidding process for a new project for the Swansea Bay City Deal or reallocation of funding to another project in the Swansea Bay City Deal.
- (f) The Regional Office shall notify the Welsh Government and the UK Government of the decision of the Joint Committee and seek their approval for the release of Government Funding for the new project.
- (g) On receipt of the Welsh Government and UK Government approval the Regional Office shall, depending on the decision of the Joint Committee:
 - (i) Direct the Accountable Body to reallocate any funds in accordance with the Joint Committee decision to replace the project or reallocate and notify the relevant Project Authority Lead(s) and Delivery Lead(s); and/or
 - (ii) Commence a bidding process by inviting the Councils to submit strategic outline cases for Government Funding for replacement projects.
- (h) The Programme Board and the Economic Strategy Board shall assess the strategic outline cases and make recommendations to the Joint Committee as to which Councils should be invited to submit outline business cases in respect of which projects.
- (i) The Joint Committee shall consider the recommendations of the Programme Board and the Economic Strategy Board and may invite one or more of the Councils to submit outline business cases for replacement projects in the Swansea Bay City Deal.
- (j) The Joint Committee shall consider the outline business cases and may invite one or more of the Councils to submit full business cases for replacement projects in the Swansea Bay City Deal.
- (k) If a Council submits a full business case for a replacement project in the Swansea Bay City Deal this shall be considered for funding from the Swansea Bay City Deal in accordance with the process set out in clauses 12.3(a) to 12.3(k).

12.7 A diagram representing the process for approving business cases is set out at 0.

12.8 Diagrams representing the process for the flow of finances to local projects and Regional Projects in the Swansea Bay City Deal are set out at 0. Funding shall be released from the Accountable Body on a project by project basis. Allocation shall be based on 1/15 of the Allocated Sum per project. No funding shall be released from the Accountable Body until the Project Business Case is approved. If project approval is delayed and funding not released in 2018/19 the release in future years shall be greater than the 1/15 allocated subject to the equivalent level of expenditure being incurred until funding is back in line with the 1/15 allocation. This profile

shall be agreed with the Accountable Body when the Project Business Case is agreed with the Welsh Government.

13. Borrowing

- 13.1 Each Council shall be responsible for borrowing to provide funding or otherwise securing funding for projects located in its own area.
- 13.2 The Councils may agree that borrowing for a Regional Project should be made by all the Councils equally or in proportions agreed by the Councils or that borrowing should be carried out by one Council on behalf of the other Councils if they so agree. The decisions as to whether borrowing for any project shall be carried out by one Council on behalf of the other Councils and the proportions shall be determined by the Councils as a matter reserved to the Councils.

14. Funding from other bodies

- 14.1 If any body other than the Councils, the UK Government or the Welsh Government provides funding for a project funded by the Swansea Bay City Deal the Project Authority Lead may decide to enter into a funding agreement with the body providing funding or with the Delivery Lead.
- 14.2 If a project is located in the areas of more than one Council that project shall be regarded as a Regional Project. The Councils shall agree which Council may enter into a funding agreement with the body providing funding for a Regional Project or with the Regional Project Delivery Lead. This decision shall be a matter reserved to the Councils.
- 14.3 The retention of 50% of the additional net yield of non-domestic rates from projects in the Swansea Bay City Deal shall be applied across the Swansea Bay City Region proportionate to the Swansea Bay City Deal projects subject to the method of ascertaining the proportions to be determined by the Joint Committee at the relevant time.

15. Sub-committees

- 15.1 The Joint Committee shall establish the membership and terms of reference for any sub-committees or sub-groups which it establishes and may dissolve such sub-committees or sub-groups. Sub-committees to which the Joint Committee delegates functions are bound by the provisions of this Agreement regulating the taking of decisions by the Joint Committee. The Joint Committee may create additional sub-committees from time to time as it sees fit.

16. Programme Board

- 16.1 The Joint Committee shall establish a Programme Board ("PB") which shall report to the Joint Committee. The Programme Board shall have the terms of reference set out at Schedule 2.

17. Economic Strategy Board

- 17.1 The Joint Committee shall facilitate the establishment of an Economic Strategy Board ("ESB"). The Economic Strategy Board shall have the terms of reference set out at 0. The process for recruitment of the Economic

Strategy Board's membership shall be approved by the UK and Welsh Governments.

18. Commitment of the Councils

18.1 Subject to clause 22 the Councils agree and undertake to commit to the Swansea Bay City Deal in accordance with the terms of this Agreement.

19. Costs

19.1 Three Year and Annual Budget

(a) The Joint Committee shall agree a budget for the Accountable Body costs, ESB costs, Joint Committee costs, Joint Scrutiny Committee costs, Programme Board costs and Regional Office costs on a rolling 3 year basis. The Joint Committee shall review this budget annually and shall agree the Annual Costs Budget each year with the year 1 being confirmed and years 2 and 3 being indicative.

19.2 Internal Costs

- (a) The Internal Costs incurred by each Council for a project in its own area shall be borne in the first instance by the Council providing that internal resource but may subsequently be included as costs within a Project Business Case.
- (b) If the Regional Office undertakes work to assist the development of an individual project the costs incurred may be included in the Project Business Case.
- (c) All Internal Costs for a Regional Project shall be agreed by the Regional Lead Body.

The Internal Costs incurred for a Regional Project shall be paid by the Project Authority Lead for the project. The Project Authority Lead for each project shall make provision for reimbursement of its Internal Costs in the business case it submits to the Regional Office for the project

19.3 Accounts

(a) The Accountable Body shall prepare accounts for any Accountable Body, Joint Committee, Economic Strategy Board, Programme Board, Joint Scrutiny Committee and Regional Office costs incurred for the relevant accounting periods.

19.4 Annual Costs Budget

(a) The Annual Costs Budget for Years 1-5 shall be funded from the £50,000 paid by each Council each year. The funding of the Annual Costs Budget for future years shall be a matter for the Constituent Authorities to agree.

(b) Costs in the Annual Costs Budget not funded from Council Contributions shall be recovered as project costs.

(c) The Joint Committee shall if necessary consider and recommend to the Councils alternative funding options for the Annual Costs Budget. The Councils shall decide whether or not to agree to alternative funding options proposed by the Joint Committee.

20. Audit and Scrutiny

20.1 In exercise of their powers under sections 101 and 102 of the Local Government Act 1972, sections 19 and 20 of the Local Government Act 2000 and all other enabling powers the Councils hereby create a Joint Scrutiny Committee with effect from the Commencement Date. The Joint Scrutiny Committee shall provide a scrutiny function to ensure greater public accountability over decisions made by the Joint Committee and any of its sub-committees and related entities.

20.2 The terms of reference of the Joint Scrutiny Committee are set out at Schedule 12 to this Agreement.

20.3 The membership of the Joint Scrutiny Committee shall consist of 12 members. Each of the Councils shall nominate three members for appointment to the Joint Scrutiny Committee. The member nominated by each Council shall be an elected member of that Council but shall not be a member of that Council's executive and shall not be a member of the Joint Committee.

20.4 The Chair of the Joint Scrutiny Committee shall not be a member of the Council which is providing the Chair of the Joint Committee.

20.5 The role of the Joint Scrutiny Committee is to provide advice, challenge and support to the Joint Committee. The Joint Scrutiny Committee shall be required to:

- (a) Review and scrutinise the Joint Committee's financial affairs.
- (b) Review and assess the Joint Committee's risk management, internal control and corporate governance arrangements.
- (c) Review and assess the economy, efficiency and effectiveness with which resources have been used.

- (d) Make reports and recommendations to the Joint Committee in relation to the points in (a) to (c).
- 20.6 The Accountable Body shall audit the finances and the discharge of functions relating to the Swansea Bay City Deal.
- 20.7 If any Council is provided with funding from the Government Funding to implement a project in the Swansea Bay City Deal it shall audit the finances and the discharge of functions relating to that project.
- 20.8 Any Council which is provided with funding from the Government Funding to implement a project in the Swansea Bay City Deal shall keep records of time worked by any person working on the project and any other cost relating to the project. Any Council which holds such records shall permit the Accountable Body, the Joint Committee and the other Councils and any of their representatives to examine and copy those records in order to undertake any audit pursuant to this Agreement.
- 20.9 The Accountable Body shall keep records of time worked by any person working for the Accountable Body on any matter relating to the Joint Committee or the Swansea Bay City Deal.
- 20.10 Each Council shall permit all records referred to in this Agreement to be examined and copied from time to time by the Accountable Body or any representatives of the Accountable Body or any other representatives who reasonably require access to the same in order to undertake any audit of the funds received and spent pursuant to this Agreement. The Accountable Body shall permit all records held by it which are referred to in this Agreement or relate to this Agreement to be examined and copied from time to time by any representatives of any of the Councils. If a representative of any of the Councils requests from the Accountable Body a copy in electronic form of any record held by the Accountable Body which is referred to in this Agreement or relates to this Agreement the Accountable Body shall provide a copy of the requested record in electronic form if the record exists in electronic form when the Accountable Body receives the request.
- 20.11 The Auditor General for Wales shall have access to any document relating to the Joint Committee for the purpose of the Auditor General's examination of any auditable accounts, for the purpose of undertaking studies under section 145A of the Government of Wales Act 1998 or for the purpose of carrying out in accordance with any enactment other examinations or studies into the economy, efficiency and effectiveness with which a person has used resources in discharging the person's functions and any officer of the Wales Audit Office, the Welsh Government and the European Commission shall have access to any document relating to the Joint Committee and shall be permitted at reasonable notice to visit the premises of the Accountable Body and the other Councils and to inspect activities funded by the Government Funding and to examine and take copies of books of account and other documents and records relating to activities funded by the Government Funding.

21. Mitigation

- 21.1 Each Council shall at all times take all reasonable steps to minimise and mitigate any loss for which the relevant Council is entitled to bring a claim against any other Council pursuant to this Agreement.

22. Withdrawal from this Agreement

- 22.1 If a Council wishes to withdraw from the Swansea Bay City Deal and this Agreement, it shall provide not less than twelve months' written notice terminating at the end of a financial year of its intention to withdraw to the Regional Office ("Joint Committee Withdrawal Notice"). The Councils may require any Council which seeks to withdraw from the Swansea Bay City Deal and this Agreement to meet specified conditions before the Councils agree to accept the Joint Committee Withdrawal Notice. The specified conditions may include but shall not be limited to payment of any amounts due to be paid in accordance with this Agreement by the Council which seeks to withdraw and payment by that Council of any costs which the other Councils identify that they shall incur as a result of the withdrawal of that Council. The Regional Office shall notify the Accountable Body no later than ten Business Days after it receives a Joint Committee Withdrawal Notice and the Accountable Body shall notify the Welsh Government and the UK Government no later than 10 Business Days after it receives notification from the Regional Office.
- 22.2 In the event that a Joint Committee Withdrawal Notice is issued by the Accountable Body the Accountable Body shall during the period of notice comply with its obligations under clause 7.2.

23. Termination of This Agreement

- 23.1 The Councils agree that this Agreement may be determined upon terms agreed by all the Councils.

24. Liabilities of the Councils

- 24.1 The Accountable Body shall indemnify and keep indemnified each of the other Councils against any losses, claims, expenses, actions, demands, costs and liability suffered by that Council to the extent arising from any wilful default or breach by the Accountable Body of its obligations under this Agreement or negligent act or omission in relation to such obligations (and "wilful" in this context shall, for the avoidance of doubt, not include matters which are outside the reasonable control of the Accountable Body).
- 24.2 No claim shall be made against the Accountable Body to recover any loss or damage which may be incurred by reason of or arising out of the carrying out by the Accountable Body of its obligations under this Agreement unless and to the extent such loss or damage arises from a wilful default or breach or negligent act or omission by the Accountable Body under clause 24.1.
- 24.3 Each of the other Councils (acting severally) shall indemnify and keep indemnified the Accountable Body and the other Councils against all losses, claims, expenses, actions, demands, costs and liabilities which the Accountable Body or the other Councils may incur by reason of or arising out of any wilful default or breach by a Council of its obligations under this Agreement (and "wilful" in this context shall, for the avoidance of doubt, not include matters which are outside the reasonable control of that Council or matters arising from any negligent act or omission in relation to such obligations) unless and to the extent that the same result from any breach by the Accountable Body of any such obligations.
- 24.4 The amount to be paid to the Accountable Body by any of the other Councils under Clause 24.3 shall be borne by each of the Councils to the extent of

its responsibility, however in the event that the responsibility is a shared one between the Councils (so that it is not reasonably practicable to ascertain the exact responsibility between the Councils) then the amount to be paid shall be divided between the Councils equally unless the Councils agree otherwise.

- 24.5 A Council which receives a claim for losses, expenses, actions, demands, costs and liabilities which relates to this Agreement shall notify and provide details of such claim as soon as is reasonably practicable to the other Councils.
- 24.6 No Council shall be indemnified in accordance with this clause 24 unless it has given notice in accordance with clause 24.5 to the other Council against whom it shall be enforcing its right to an indemnity under this Agreement.
- 24.7 Each Council shall not be obliged to indemnify the other Councils to the extent that the insurances maintained by the other Councils at the relevant time provide an indemnity against the loss giving rise to a claim and to the extent that another Council recovers under a policy of insurance save that the Council responsible for liabilities suffered by another Council shall be responsible for the deductible under any such policy of insurance and any amount over the maximum amount insured under such policy of insurance.

25. Dispute Resolution

- 25.1 The Councils undertake and agree to pursue a positive approach towards dispute resolution which seeks in the context of this joint working arrangement to identify a solution at the lowest operational level that is appropriate to the subject of the dispute and which avoids legal proceedings and maintains a strong working relationship between the parties.
- 25.2 Any dispute arising in relation to any aspect of this Agreement shall be resolved in accordance with this clause 25. This is without prejudice to the right of any Council under section 103 of the Local Government Act 1972 to refer a dispute about the expenses of a joint committee to be determined by a single arbitrator agreed by the appointing authorities or, in the absence of agreement to be determined by the Welsh Ministers.
- 25.3 All disputes, claims or differences between the Councils arising out of or in connection with this Agreement or its subject matter or formation, including any question regarding its existence, validity or termination, (a "Dispute") shall, at the written request of any Council, be referred by each Council to its head of paid service.
- 25.4 If the Councils' heads of paid service do not agree a resolution of the Dispute within twenty Business Days of the date of service of any such request, either party may require the other party by notice in writing to attempt to settle the Dispute by mediation in accordance with the Centre for Dispute Resolution (CEDR) Model Mediation Procedure. Within five Business Days of the date of service of such notice the parties shall each propose a mediator and shall seek to agree as to the selection of a mediator.
- 25.5 If the Councils are unable to agree on a mediator within ten Business Days of date of service of the notice referred to in clause 25.4 or the mediator agreed upon is unable or unwilling to act and the Councils cannot agree

upon a substitute, any of the Councils may apply to CEDR to appoint a mediator as soon as practicable.

- 25.6 The Councils shall within five Business Days of the appointment of the mediator (the “Mediator”) meet with him in order to agree a programme for the exchange of any relevant information and the structure to be adopted for the negotiations. If considered appropriate, the Councils may at any stage seek assistance from CEDR to provide guidance on a suitable procedure.
- 25.7 All negotiations connected with the Dispute shall be conducted in strict confidence and without prejudice to the rights of the Councils in any future proceedings.
- 25.8 If the Councils reach agreement on the resolution of the Dispute, such agreement shall be reduced to writing and, once it is signed by the Councils or their duly authorised representatives, shall be and remain binding upon the parties.
- 25.9 The costs and expenses of the mediation shall be borne equally by the Councils. Each Council shall bear its own costs and expenses of its participation in the mediation.
- 25.10 If mediation fails to secure a resolution within ten Business Days of the Mediator being appointed, the Councils shall attempt to settle the Dispute by arbitration under the Rules of the London Court of International Arbitration (which Rules are deemed to be incorporated by reference into this clause) and otherwise in accordance with clause 25.11.
- 25.11 In the event that an arbitration is commenced pursuant to clause 25.10, the parties agree that:
- (a) the tribunal shall consist of one arbitrator who is to be a chartered accountant who is a full member of one of the CCAB bodies if the dispute relates to a financial matter or a solicitor of at least ten years standing as a qualified solicitor if the dispute relates to any other matter;
 - (b) the place of the arbitration shall be Swansea;
 - (c) the decision of the arbitrator shall be final and binding on the parties (save in the case of manifest error).
- 25.12 In the event that an arbitration is commenced pursuant to clause 25.10 the Regional Office shall notify the Welsh Government and the UK Government.

OR (reference of dispute to independent expert)

- 25.13 All disputes, claims or differences between the Councils arising out of or in connection with this Agreement or its subject matter or formation, including any question regarding its existence, validity or termination shall, at the written request of any Council be referred to:
- (a) such chartered accountant who is a full member of one of the CCAB bodies if the dispute relates to a financial matter or a solicitor of at least ten years standing as a qualified solicitor if the dispute relates to any other matter as the Councils may agree in writing; or

- (b) failing agreement on the identity of the chartered accountant for a dispute relating to a financial matter or the solicitor for a dispute relating to any other matter within seven days of the date of service of the request, such chartered accountant as may be appointed for this purpose on the application of any Council by the President for the time being of one of the CCAB bodies if the dispute relates to a financial matter or such solicitor as may be appointed by the President for the time being of the Law Society of England and Wales if the dispute relates to any other matter.

25.14 The chartered accountant or solicitor appointed under clause 25 (the "Expert") shall act on the following basis:

- (a) he shall act as expert and not as arbitrator;
- (b) his terms of reference shall be to determine the matter in dispute, as notified to him in writing by either party within thirty days of his appointment;
- (c) the Councils shall each provide the Expert with all information which he reasonably requires and the Expert shall be entitled (to the extent he considers it appropriate) to base his opinion on such information;
- (d) the Expert's determination shall (in the absence of manifest error) be conclusive; and
- (e) the Experts' costs shall be borne in such proportions as the Expert may direct or, failing any such direction, shall be borne equally between the Councils unless agreed otherwise by the Councils.

26. Notices

26.1 Form of Notice

Any demand, notice or other communication given in connection with or required by this Agreement shall be made in writing and shall be delivered to or sent by pre-paid first class post or special delivery post to the recipient at the address stated in 0 (or such other address as may be notified in writing from time to time to all of the other Councils) or sent by facsimile to the number stated at 0 (or such other number as may be notified in writing from time to time to all of the other Councils).

26.2 Service

Any such demand, notice or communication shall be deemed to have been duly served:

- (a) If delivered by hand, when left at the proper address for service;
- (b) If given or made by pre-paid first class or special delivery post two Business Days after being posted; or
- (c) If sent by facsimile at the time of transmission provided that a confirmatory copy is on the same day that the facsimile is transmitted sent by pre-paid first class post in the manner provided for in clause 26.1 (Form of Notice)

Provided in each case that if the time of such deemed service is either after 4.00pm on a Business Day or on a day other than a Business Day

service shall be deemed to occur at 9.00am on the next following Business Day.

27. Information and Confidentiality

- 27.1 Each Council shall keep confidential the Confidential Information and Intellectual Property Rights of any of the Councils and shall use all reasonable endeavours to prevent their employees and agents from making any disclosure to any person of the Confidential Information and Intellectual Property Rights of the Councils other than as permitted under the provisions of this Agreement. Each Council shall not use or disclose other than as permitted under the provisions of this Agreement any Confidential Information about the business of or belonging to any other Council or third party which has come to its attention as a result of or in connection with this Agreement.
- 27.2 The obligation in clause 27.1 shall not apply to:
- (a) Any disclosure of information that is reasonably required by persons engaged in the performance of their obligations under this Agreement.
 - (b) Any matter which a party can demonstrate is already generally available and in the public domain otherwise than as a result of a breach of this clause.
 - (c) Any disclosure which is required by any law (including any order or a court of competent jurisdiction) any statutory obligation or the rules of any stock exchange or governmental or regulatory authority having the force of law.
 - (d) Any disclosure of information which is already lawfully in the possession of the disclosing Council without restrictions as to its use prior to its disclosure by the disclosing Council.
 - (e) Any disclosure which is required or recommended by the rules of any governmental or regulatory authority including any guidance from time to time as to openness and disclosure of information by public bodies.
 - (f) Any disclosure which is necessary to be disclosed to provide relevant information to any insurance broker in connection with obtaining any insurance required by this Agreement.
 - (g) Any disclosure by a party to a department, office or agency of the Government.
 - (h) Any disclosure for the purpose of the examination and certification of a party's accounts.
- 27.3 Where disclosure is permitted under clauses 27.2(a), 27.2(f), 27.2(g) or 27.2(h) the recipient of the information shall be placed under the same obligation of confidentiality as that contained in this Agreement by the disclosing Council.
- 27.4 No Council shall make any public statement or issue any press release or publish any other public document relating to, connected with or arising out of this Agreement or any other agreement relating to the Swansea Bay City Deal other than in accordance with any PR Protocol agreed by the Councils.

28. Data Protection

- 28.1 The Councils shall comply with the provisions and obligations imposed on them by the Data Protection Laws at all times when processing Personal Data in connection with this Agreement, which processing shall be in respect of the types of Personal Data, categories of Data Subjects, nature and purposes, and duration, set out in a document to be agreed by the Councils.
- 28.2 Each Council shall maintain records of all processing operations under its responsibility that contain at least the minimum information required by the Data Protection Laws, and shall make such information available to any DP Regulator on request.
- 28.3 To the extent any Council processes any Personal Data on behalf of another Council the processing Council shall:
- (a) Process such Personal Data only in accordance with the other Council's written instructions from time to time and only for the duration of this Agreement.
 - (b) Not process such Personal Data for any purpose other than those set out in this Agreement or otherwise expressly authorised by the other Council.
 - (c) Take reasonable steps to ensure the reliability of all its personnel who have access to such Personal Data, limit such access to its personnel who require access, and remove, when no longer required, such access to the Personal Data, and ensure that any such personnel are committed to binding obligations of confidentiality when processing such Personal Data.
 - (d) Implement and maintain technical and organisational measures and procedures to ensure an appropriate level of security for such Personal Data, including protecting such Personal Data against the risks of accidental, unlawful or unauthorised destruction, loss, alteration, disclosure, dissemination or access.
 - (e) Not transfer such Personal Data outside the European Economic Area without the prior written consent of the other party.
 - (f) Inform the other Council within twenty four (24) hours if any such Personal Data is (while within the processing Council's possession or control) subject to a personal data breach (as defined in Article 4 of GDPR) or within such other time period as required under other Data Protection Laws, or is lost or destroyed or becomes damaged, corrupted or unusable.
 - (g) Only appoint a third party to process such Personal Data with the prior written consent of the other Council.
 - (h) Not use or disclose any Personal Data to any Data Subject or to a third party other than at the written request of the other Council or as expressly provided for in this Agreement.
 - (i) Return or irretrievably delete all Personal Data on termination or expiry of this Agreement and not make any further use of such Personal Data.

- (j) Provide to the other Council and any DP Regulator all information and assistance necessary or desirable to demonstrate or ensure compliance with the obligations in this clause and the Data Protection Laws.
 - (k) Permit the other Council or its representatives to access any relevant premises, personnel or records of the processing Council on reasonable notice to audit and otherwise verify compliance with this clause.
 - (l) Take such steps as are reasonably required to assist the other Council in ensuring compliance with its obligations under Articles 30 to 36 (inclusive) of GDPR and other applicable Data Protection Laws.
 - (m) Notify the other Council within two (2) Business Days if it receives a request from a Data Subject to exercise its rights under the Data Protection Laws in relation to that person's Personal Data; and
 - (n) Provide the other Council with its full co-operation and assistance in relation to any request made by a Data Subject to exercise its rights under the Data Protection Laws in relation to that person's Personal Data.
- 28.4 If any Council receives any complaint, notice or communication which relates directly or indirectly to the processing of Personal Data by another Council or to another Council's compliance with the Data Protection Laws, it shall as soon as reasonably practicable notify the other Council and it shall provide the other Council with reasonable co-operation and assistance in relation to any such complaint, notice or communication.
- 28.5 If a Council requires another Council to make any disclosures or provide any information in respect of this Agreement in order to enable that party to meet its obligations under the Data Protection Laws the other Council shall do so.
- 28.6 The provisions of this clause shall apply during the continuance of this Agreement and indefinitely after its expiry or termination.

29. Intellectual Property

- 29.1 Each Council shall retain all Intellectual Property in its Material.
- 29.2 Each Council shall grant all of the other Councils and any other person specified by the Joint Committee a non-exclusive, perpetual, non-transferable and royalty free licence to use, modify, amend and develop its IP Material for the discharge of the Councils' obligations in relation to the Swansea Bay City Deal and any other purpose resulting from the Swansea Bay City Deal whether or not the Council party granting the licence remains a party to this Agreement.
- 29.3 Any Intellectual Property in Material which is produced by the Joint Committee or the Regional Office shall be held by the Accountable Body on behalf of the Councils jointly.
- 29.4 Without prejudice to clause 29.1, if more than one Council owns or has a legal or beneficial right or interest in any aspect of the IP Material for any reason (including without limitation that no one Council can demonstrate that it independently supplied or created the relevant IP Material without the help of one or more of the other Councils), each of the Councils who contributed to the relevant IP Material shall grant to all other Councils to this

Agreement a non-exclusive, perpetual, non-transferable and royalty free licence to use and exploit such IP Material as if all the other Councils were the sole owner under the Copyright Design and Patents Act 1988 or any other relevant statute or rule of law.

- 29.5 Any entity or person who is at the date of this Agreement a party to this Agreement and who has licensed any Intellectual Property under this Agreement shall have a non-exclusive, perpetual right to continue to use the licensed Intellectual Property.
- 29.6 Each Council warrants that it has or shall have the necessary rights to grant the licences set out in clause 29.2 and 29.4 in respect of the IP Material to be licensed.
- 29.7 Each Council agrees to execute such further documents and take such actions or do such things as may be reasonably requested by any other Councils (and at the expense of the Council or Councils making the request) to give full effect to the terms of this Agreement.

30. Freedom of Information

- 30.1 Each Council acknowledges that it and the other Councils are subject to the requirements of FOI Legislation and therefore recognise that information relating to this Agreement may be the subject of an Information Request. The Councils shall comply with the Accountable Body's policy on FOI Legislation in respect of information disclosure obligations to the extent that they relate to the Swansea Bay City Deal.
- 30.2 Where a Council receives a request for information under either the FOI Legislation in relation to information which it is holding on behalf of any of the other Councils in relation to the Swansea Bay City Deal, it shall inform the Accountable Body and the other Councils of the request and its response.
- 30.3 The Accountable Body shall be required to assist any of the Councils in responding to a request for information to the extent that it relates to the Swansea Bay City Deal. This shall include co-ordinating the response when requested to do so by any of the Councils. All costs incurred by the Accountable Body in assisting a Council with a response to a request for information relating to the Swansea Bay City Deal shall be accounted for as Joint Committee Costs. Any Council which requests the Accountable Body to assist with or co-ordinate a response to a request for information relating to the Swansea Bay City Deal shall:
- (a) Provide the Accountable Body with a copy of the request for information as soon as practicable after receipt and in any event within two Business Days of receiving an Information Request.
 - (b) Provide the Accountable Body with a copy of all information in its possession or power in the form the Accountable Body reasonably requires within ten Business Days (or such longer period as the Accountable Body may specify) of the Accountable Body requesting that information.
 - (c) Provide all necessary assistance as reasonably requested by the Accountable Body to enable the Accountable Body to provide any required

assistance or co-ordination of a response to a request for information within the time for compliance set out in FOI Legislation.

30.4 Any Council which receives a request for information under FOI Legislation shall be responsible for determining in their absolute discretion whether any information requested under FOI Legislation:

- (a) Is exempt from disclosure under FOI Legislation.
- (b) Is to be disclosed in response to an Information Request.

30.5 Each Council acknowledges that the Accountable Body and any of the Councils may be obliged under FOI Legislation to disclose information:

- (a) Without consulting the other Councils where it has not been practicable to achieve such consultation; or
- (b) Following consultation with the other Councils and having taken their views into account.

31. Language

31.1 The Joint Committee and Joint Scrutiny Committee shall undertake their functions in such a way as to comply with each of the Councils compliance notices issued under the Welsh Language Standards (No 1) Regulations 2015.

32. Severability

32.1 If at any time any clause or part of a clause or schedule or appendix or part of a schedule or appendix to this Agreement is found by any court, tribunal or administrative body of competent jurisdiction to be wholly or partly illegal, invalid or unenforceable in any respect:

- (a) That shall not affect or impair the legality, validity or enforceability of any other provision of this Agreement.
- (b) The parties shall in good faith amend this Agreement to reflect as nearly as possible the spirit and intention behind that illegal, invalid or unenforceable provision to the extent that such spirit and intention is consistent with the laws of that jurisdiction and so that the amended Agreement complies with the laws of that jurisdiction.

33. Relationship of Councils

33.1 Each of the Councils is an independent Local Authority and nothing contained in this Agreement shall be construed to imply that there is any relationship between the parties of partnership or principal/agent or of employer/employee. No party shall have any right or authority to act on behalf of another party nor to bind another party by contract or otherwise except to the extent expressly permitted by the terms of this Agreement.

34. Third Party Rights

34.1 The Councils as parties to this Agreement do not intend that any of its terms shall be enforceable by virtue of the Contracts (Rights of Third Parties) Act 1999 by any person not a party to it.

35. Entire Agreement

35.1 This Agreement and all documents referred to in this Agreement set forth the entire agreement between the parties with respect to the subject matter covered by them and supersede and replace all prior communications, representations (other than fraudulent representations), warranties, stipulations, undertakings and agreements whether oral or written between the parties. Each party acknowledges that it does not enter into this Agreement in reliance on any warranty, representation or undertaking other than those contained in this Agreement and that its only remedies are for breach of this Agreement, provided that this shall not exclude any liability which either party would otherwise have to the other in respect of any statements made fraudulently by or on behalf of it prior to the date of this Agreement.

36. Law of Agreement or Jurisdiction

36.1 This Agreement shall be governed by the laws of England and Wales as they apply in Wales and the parties submit to the exclusive jurisdiction of the courts of England and Wales.

37. Assignment

37.1 The rights and obligations of the Councils under this Agreement shall not be assigned, novated or otherwise transferred to any person other than to any public body acquiring the whole of the Agreement and having the legal capacity, power and authority to become a party to and to perform the obligations of the relevant Council under this Agreement being:

- (a) The Welsh Ministers,
- (b) A devolved Welsh authority as defined in the Wales Act 2017.
- (c) A Minister of the Crown pursuant to an Order under the Ministers of the Crown Act 1975,
- (d) A UK public body exercising functions in Wales or in England and Wales.

38. Waiver

38.1 No failure or delay by any Council to exercise any right, power or remedy shall operate as a waiver of it nor shall any partial exercise preclude any further exercise of the same or some other right, power or remedy unless a waiver is given in writing by that Council.

38.2 Each Council shall pay its own costs incurred in connection with the preparation, execution, completion and implementation of this Agreement.

39. Counterparts

39.1 This Agreement may be executed in any number of counterparts each of which so executed shall be an original but together shall constitute one and the same instrument.

40. Discretion of the Councils

40.1 The discretion of any Council shall not be fettered or otherwise affected by the terms of this Agreement.

41. Withdrawal of the United Kingdom from the European Union

41.1 The parties shall keep this Agreement under review in the context of the withdrawal of the United Kingdom from the European Union and any changes in any law which applies to the parties.

41.2 Any adjustments which are required to this Agreement as a result of a change in any law resulting from the withdrawal of the United Kingdom from the European Union shall be referred to the Joint Committee to implement under the Joint Committee's terms of reference.

THE COMMON SEAL OF
the Carmarthenshire County Council
was hereunto affixed in the presence of

THE COMMON SEAL OF
The Neath Port Talbot County Borough Council
was hereunto affixed in the presence of

THE COMMON SEAL OF
the Pembrokeshire County Council
was hereunto affixed in the presence of

THE COMMON SEAL OF
the Council of the City and County of Swansea
was hereunto affixed in the presence of

Schedule 1 Terms of Reference of the Joint Committee

1 Governance

- 1.1 Leaders of the four local authorities

2 Purpose

- 2.1 The Joint Committee has ultimate responsibility and accountability for decisions taken in relation to the Swansea Bay City Deal, in line with the visions and interests of all participating parties and the Swansea Bay City Deal document signed on 20 March 2017.

- 2.2 The Joint Committee's functions shall include:

- (a) Identifying and implementing appropriate governance structures for the implementation of any projects within the Swansea Bay City Deal programme. This shall include the formation of bodies corporate and any other structures which the Councils can lawfully establish or participate in.
- (b) Agreeing and planning the overall strategy for and delivery of the programme for the Swansea Bay City Deal.
- (c) Performance management of the Swansea Bay City Deal programme.
- (d) Strategic communications.
- (e) Monitoring of the impact of the Swansea Bay City Deal programme and reporting on this to the Councils.
- (f) Authorising the Accountable Body to:
 - (i) Commission external support and
 - (ii) Oversee the delivery and management of project expenditure.
- (g) Progressing a regional approach for the Swansea Bay City Region for the discharge of strategic functions. These functions may include land use planning, transport planning and economic development.
- (h) Approval and adoption of the Implementation Plan.
- (i) Approval of any extension agreed by the Councils to the deadline for approval of the Implementation Plan.
- (j) Agreeing the terms and conditions of Government Funding.
- (k) Overseeing the proportion of each Council's responsibility for borrowing to provide funding for regional projects.
- (l) Reviewing performance of the Chair of the Economic Strategy Board on an annual basis.
- (m) Agreeing the Annual Costs Budget.

3 Membership

- 3.1 Each of the Councils shall appoint its leader or equivalent as its representative as a member of the Joint Committee and all such members shall have full voting rights.
- 3.2 Each Council may appoint a deputy for its member on the Joint Committee who may attend meetings of the Joint Committee as a substitute for the Council's appointed member on the Joint Committee but such deputy shall only be entitled to attend meetings of the Joint Committee in the absence of the Council's appointed member.
- 3.3 The Joint Committee shall be entitled to co-opt on terms acceptable to the Joint Committee one representative of each of the following organisations to the Joint Committee as non-voting members of the Joint Committee for a period of five years from the Commencement Date.
- (a) Swansea University.
 - (b) University of Wales Trinity St David.
 - (c) Hywel Dda University Health Board.
 - (d) Abertawe Bro Morgannwg Health Board.
- 3.4 The Joint Committee may co-opt one representative of Milford Haven Port Authority to the Joint Committee as a non-voting member of the Joint Committee for a period of five years from the Commencement Date.
- 3.5 The Joint Committee may appoint additional persons to the Joint Committee as non-voting members of the Joint Committee for a period of five years from the Commencement Date. The Joint Committee shall not co-opt an additional person to the Joint Committee unless the Joint Committee has decided that the person has expertise relevant to one or more themes in the Swansea Bay City Deal.
- 3.6 The co-option of any person as a non-voting member shall be subject to that person confirming in writing to the monitoring officer of the Accountable Body that he or she agrees to comply with the Co-opted Member Protocol. No co-option shall take effect until such confirmation has been given.
- 3.7 The head of paid service, monitoring officer and section 151 officer of each of the Councils shall be entitled to attend meetings of the Joint Committee as an adviser and shall not have a vote.

4 Chair

- 4.1 The Chair of the Joint Committee shall be an elected member representative of a Council appointed to the Joint Committee.
- 4.2 The Chair of the Joint Committee shall be elected for a two year term in the first instance, reviewed annually thereafter.
- 4.3 The three Leaders of the remaining local authorities shall be appointed as Deputy Chairs.

5 Voting

- 5.1 Each member of the Joint Committee shall have one vote. Decisions of the Joint Committee shall be made by simple majority vote. In the event of an equality of votes, the Chair of the Joint Committee shall have a casting vote.

6 Conflict of Interest

- 6.1 To allow the Joint Committee to undertake all its functions a clear distinction shall be drawn between those involved in specific scheme development and those preparing recommendations on those schemes. A robust system of declaration of conflict of interest shall be put in place.

- 6.2 Occasions shall arise where conflicts of interest preclude specific named members and/or local authorities from taking part in discussions which shall form views and recommendations on specific matters. Members have an obligation to declare any such interests which shall then be recorded.

7 Proceedings of Meetings

- 7.1 The rules of procedure in the constitution of the Accountable Body shall apply to meetings of the Joint Committee.

- 7.2 The leaders of the Councils shall be subject to the codes of conduct of their Councils.

- 7.3 Co-opted members of the Joint Committee who are not members of the Councils shall be subject to the rules of conduct in Schedule 13 and shall sign an undertaking in the form set out at Schedule 13 to confirm that they shall abide by those rules of conduct.

8 Quorum

- 8.1 The quorum for a meeting of the Joint Committee shall be one representative from each of the four Councils.

9 Frequency

- 9.1 The Joint Committee shall meet monthly initially until at such point it agrees otherwise. Additional meetings may be called by the Chair on at least seven clear days' notice issued through the Regional Office.

10 Allowances

- 10.1 No allowances shall be paid.

11 Servicing

- 11.1 The Regional Office shall organise appropriate servicing for the meetings.

12 Sub groups

- 12.1 The Joint Committee by agreement can introduce sub-groups or Task & Finish groups for any matters which they feel would be better dealt with in this way. These sub-groups shall report to the Joint Committee with any recommendations or draft papers or reports.

13 Letters of Support

- 13.1 The Joint Committee may authorise the Chair of the Joint Committee to send letters of support on behalf of the Councils to businesses for projects which the Joint Committee decides are complementary to the Swansea Bay City Deal. The Joint Committee shall not give such authorisation to the Chair of the Joint Committee unless the Joint Committee is satisfied that the project for which a letter of support will be provided meets criteria agreed by the Joint Committee.

14 Review

- 14.1 To be reviewed annually.

Schedule 2 Programme Board

1 Governance

1.1 Officer Governance

2 Purpose

2.1 The Programme Board shall have four distinct roles:

- (a) Preparing recommendations on the Swansea Bay City Deal programme:
 - (i) Ensuring that all schemes are developed in accordance with the agreed package.
 - (ii) Overseeing production of business cases.
 - (iii) Preparing recommendations to the Joint Committee and Economic Strategy Board on all schemes whilst ensuring that due regard is given to all advisory/consultation bodies.
- (b) Advising on the strategic direction of the Economic Strategy Board.
- (c) Overseeing performance and delivery of the delivery of projects in accordance with diagram B in 0.
- (d) Working on a regional basis to improve public services especially in the areas of: economic development; transport, planning and strategic land use; housing and regeneration.

3 Accountable to

3.1 Joint Committee

4 Reporting

4.1 All reports prepared by the Board pertaining to Swansea Bay City Deal and regional or sub-regional matters, once approved by the Board, shall be submitted as draft to the Joint Committee for approval via the Regional Office.

5 Membership

5.1 The Swansea Bay City Region Programme Board shall consist of the head of paid service of each of the Councils or another officer nominated by the head of paid service.

5.2 The Programme Board may co-opt additional representatives to the Board. Co-opted members may include representatives of the following organisations:

- (a) Swansea University.
- (b) University of Wales Trinity St David.

- (c) Hywel Dda University Health Board.
- (d) Abertawe Bro Morgannwg Health Board.

6 Chair

- 6.1 The Chair shall be agreed by the Joint Committee.
- 6.2 The Chair shall be reviewed annually.

7 Voting/Agreement

- 7.1 The Programme Board shall not have any decision making Powers.
- 7.2 Agreement shall be reached by consensus.
- 7.3 Where alternative views and opinions are expressed these shall be recorded and included in any reporting process.

8 Conflicts of Interest

- 8.1 To allow the Programme Board to undertake all its functions a clear distinction shall be drawn between those involved in specific scheme development and those preparing recommendations on those schemes to the Joint Committee. A robust system of declaration of conflicts of interest shall be put in place.
- 8.2 Occasions shall arise where conflicts of interest preclude specific named officers and/or local authorities from taking part in discussions which shall form views and recommendations on specific matters. Members have an obligation to declare any such interests which shall then be recorded.

9 Proceedings of meetings

- 9.1 The chair of the Board shall arrange for minutes of the proceedings of each meeting to be taken, approved and recorded. This role shall be undertaken by the Regional Office.

10 Quorum

- 10.1 For the Board to agree and submit recommendations, the Councils must be represented up to a quorum equivalent to that of half of the representatives of the Councils on the membership of the Programme Board and must include the 4 Chief Executives or their representatives .

11 Frequency

- 11.1 The Programme Board shall meet monthly before the Joint Committee meeting and before all quarterly meetings of the Economic Strategy Board.

12 Allowances

- 12.1 No allowances shall be paid.

13 Servicing

- 13.1 The Regional Office shall organise appropriate servicing for the meetings.

Schedule 3 Notices

Chief Legal Officer
Carmarthenshire County Council
County Hall
Carmarthen
Carmarthenshire
SA31 1JP

Chief Legal Officer
Neath Port Talbot County Borough Council
Port Talbot Civic Centre
Port Talbot
SA13 1PJ

Chief Legal Officer
Pembrokeshire County Council
County Hall
Haverfordwest
Pembrokeshire
SA61 1TP

Chief Legal Officer
City and County of Swansea Council
Civic Centre
Oystermouth Road
Swansea
SA1 3SN

Schedule 4 Accounting Periods

The initial Accounting Period shall be the date of this Agreement until 31 March and thereafter shall be:

| Start of Accounting Period | End of Accounting Period |
|----------------------------|--------------------------|
| 1 April | 30 June |
| 1 July | 30 September |
| 1 October | 31 December |
| 1 January | 31 March |

Schedule 5 Matters Reserved to The Councils

- 1 Approving the Funding Conditions.
- 2 Making decisions on borrowing and on finding other sources of funding other than Government Funding for projects. Each Council shall be responsible for borrowing or providing other funding for projects located in its area. If a project is located in the areas of more than one Council each of the Councils in whose area the project is located may agree that borrowing or providing other funding should be shared between all of the Councils in whose areas the project is located equally or in proportions agreed by all of the Councils in whose areas the project is located.
- 3 Deciding which Council should enter into a funding agreement for a project located in the areas of more than one of the Councils.
- 4 Agreeing to replace a project identified in the Implementation Plan with a project which has completed the process set out in clause 12.6.
- 5 Varying the terms of reference of the Joint Committee.
- 6 Deciding whether to accept a Joint Committee Withdrawal Notice from one of the Councils and to allow a Council to withdraw from the Swansea Bay City Deal and this Agreement.
- 7 Deciding on conditions to impose on a Council which issues a Joint Committee Withdrawal Notice.
- 8 Deciding whether to continue or discontinue with any procurement or project forming part of the Swansea Bay City Deal in the administrative area of a Council which withdraws from the Joint Committee.
- 9 Agreeing the terms for termination of this Agreement by agreement of all the Councils.
- 10 Deciding on actions to implement the provisions of the dispute resolution procedure in clause 25.
- 11 Agreeing alternative funding options for the Annual Costs Budget.
- 12 Approving Project Conditions for projects in their areas in accordance with clause 12.

Schedule 6 Economic Strategy Board

1 Purpose

- 1.1 To provide strategic direction for the Swansea Bay City Deal and provide strategic advice to the Joint Committee on matters relating to the Swansea Bay City Region. Specifically the role shall:
- (a) Submit strategic objectives for the Swansea Bay City Region.
 - (b) Monitor progress with regard to the delivery of the Swansea Bay City Deal in accordance with diagram B in Schedule 8.
 - (c) Oversee the production of business cases and put forward recommendations to the Joint Committee for approval.
 - (d) Make recommendations to the Joint Committee.

2 Reporting

- 2.1 Joint Committee

3 Membership

- 3.1 Members shall be appointed through an open recruitment and nomination process. Members including co-opted members of the Joint Committee shall submit proposals to the Joint Committee for the recruitment and nomination process. Those proposals shall be subject to unanimous agreement by members of the Joint Committee the Welsh Government and the UK Government. Members shall include:
- (a) 1 private sector chair or other suitable representative.
 - (b) 5 private sector representatives.
 - (c) 2 higher education or further education representatives.
 - (d) 2 life sciences or well-being representatives.
 - (e) The leaders of the Councils or their nominated representatives.
- 3.2 The head of paid service of each of the Councils or their nominated representative shall be entitled to attend meetings of the Economic Strategy Board as an adviser or an observer but shall not have a vote.

4 Chair

- 4.1 The Chair shall be appointed following nominations by the unanimous agreement of: the Welsh Government, the UK Government and the Joint Committee.
- 4.2 The Chair shall be a private sector representative or other suitable representative.
- 4.3 The Chair shall be accountable to the Joint Committee.
- 4.4 The Chair shall be reviewed annually.

5 Voting/Agreement

- 5.1 The Economic Strategy Board shall not have any formal decision-making powers.
- 5.2 The Economic Strategy Board shall reach agreement by consensus.
- 5.3 Where alternative views and opinions are expressed these shall be recorded and included in any reporting process.

6 Conflicts of Interest

- 6.1 To allow the Economic Strategy Board to undertake all its functions a clear distinction shall be drawn between those involved in specific scheme development and those preparing recommendations on those schemes to the Joint Committee. A robust system of declaration of conflict of interest shall be put in place.
- 6.2 Occasions shall arise where conflicts of interest preclude specific named officers, individuals, committee members and local authorities from taking part in discussions which shall form views and recommendations on specific matters. Members have an obligation to declare any such interests which shall then be recorded.
- 6.3 The leaders of the Councils shall be subject to the codes of conduct of their Councils. Co-opted members of the Economic Strategy Board who are not members of the Councils shall be subject to the rules of conduct set out at Schedule 13 and shall sign an undertaking in the form set out at Schedule 13 to confirm that they will abide by those rules of conduct.

7 Proceedings of meetings

- 7.1 The Regional Office shall arrange for minutes of the proceedings of each meeting to be taken, approved and recorded.

8 Quorum

- 8.1 For the Economic Strategy Board to agree and submit recommendations, membership must be represented up to a quorate equivalent to that of half of the membership of the Economic Strategy Board which must include leaders or their representatives from each of the Councils.

9 Frequency

- 9.1 The Economic Strategy Board shall meet with the following frequency or as and when required:
 - (a) Quarterly in advance of any Joint Committee meeting; and
 - (b) When necessary to deal with business as agreed by the Chair of the Economic Strategy Board.

10 Allowances

- 10.1 There shall be no allowances paid.

11 Servicing

11.1 The Regional Office shall organise appropriate servicing for the meetings.

12 Sub groups

12.1 Thematic sub committees may be established as and when required and shall report to the Economic Strategy Board.

Schedule 7 Projects Funded By the Swansea Bay City Deal

| PROJECT NAME | Private (£ m) | Public (£ m) | City Deal (£ m) | Total Project Costs (£ m) |
|--|--------------------------|-------------------------|----------------------------|--|
| Internet of Economic Acceleration | | | | |
| Digital Infrastructure | 30.0 | 0.0 | 25.0 | 55.0 |
| Swansea City & Waterfront Digital District | 23.9 | 94.3 | 50.0 | 168.2 |
| Creative Digital Cluster - Yr Egin | 3.0 | 16.3 | 5.0 | 24.3 |
| Centre of Excellence in Next Generation Digital Services (CENGS) | 27.0 | 5.5 | 23.0 | 55.5 |
| Skills & Talent Initiative | 4.0 | 16.0 | 10.0 | 30.0 |
| | | | | |
| Internet of Life Science & Wellbeing | | | | |
| Life Science & Well-being Campuses | 10.0 | 20.0 | 15.0 | 45.0 |
| Life Science & Well-being Village | 127.5 | 32.0 | 40.0 | 199.5 |
| | | | | |
| Internet of Energy | | | | |
| Homes as Power Stations | 382.9 | 119.2 | 15.0 | 517.1 |
| Pembroke Dock Marine | 25.9 | 22.4 | 28.0 | 76.3 |
| | | | | |
| Smart Manufacturing | | | | |
| Factory of the Future | 3.2 | 10.3 | 10.0 | 23.5 |
| Steel Science Centre | 0.0 | 60.0 | 20.0 | 80.0 |
| | | | | |
| TOTALS | 637.4 | 395.9 | 241.0 | 1,274.3 |

Funding allocations are subject to approval of Project Business Cases

Schedule 8 Project Approval Process

DIAGRAM A - Full Business Case Approval Process for agreed Swansea Bay City Deal Projects.

Completed Full Business Cases for each of the 11 projects will undergo initial quality assessment by the Regional office and Accountable Body before being considered by the respective Swansea Bay City Deal governance structures as highlighted below.

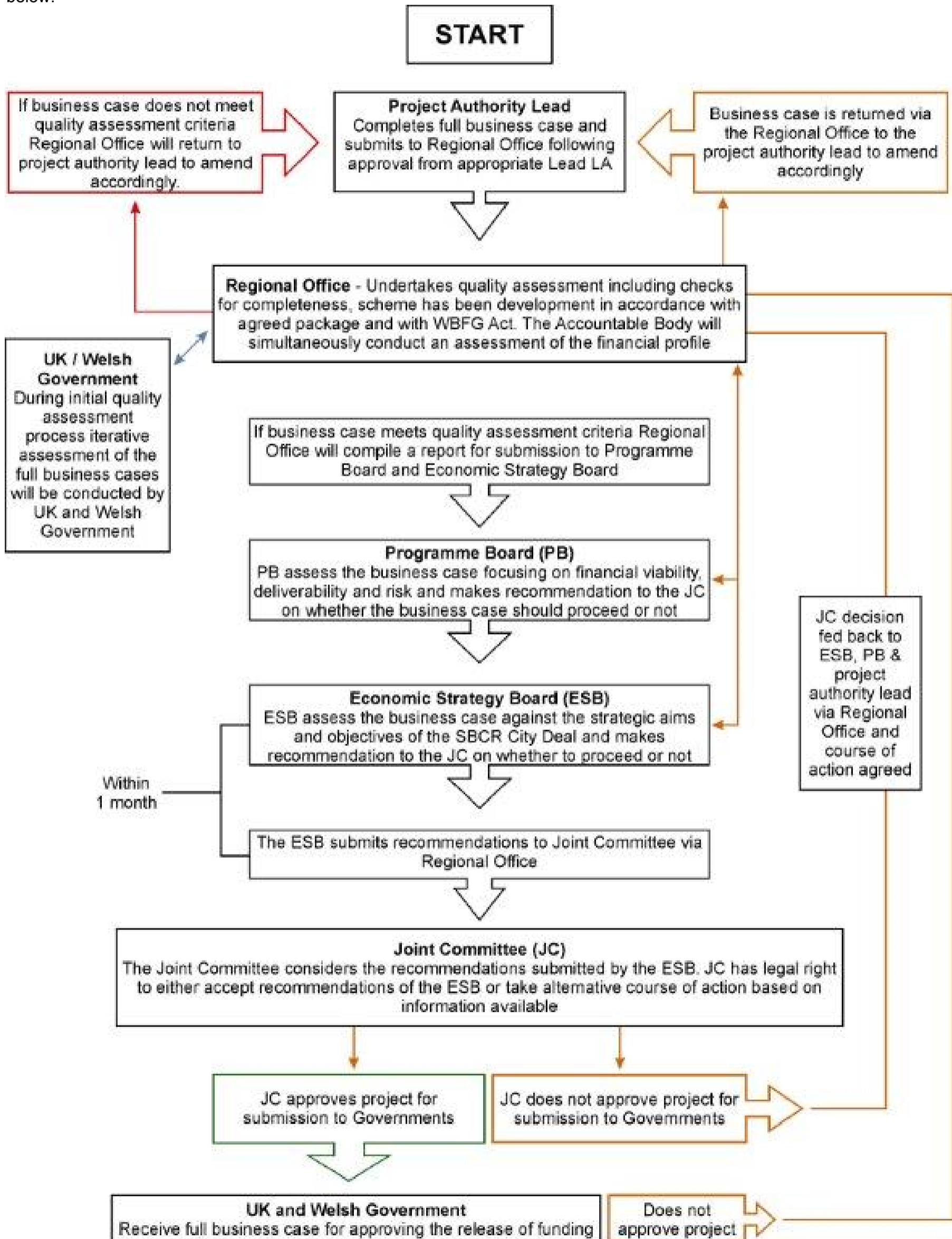
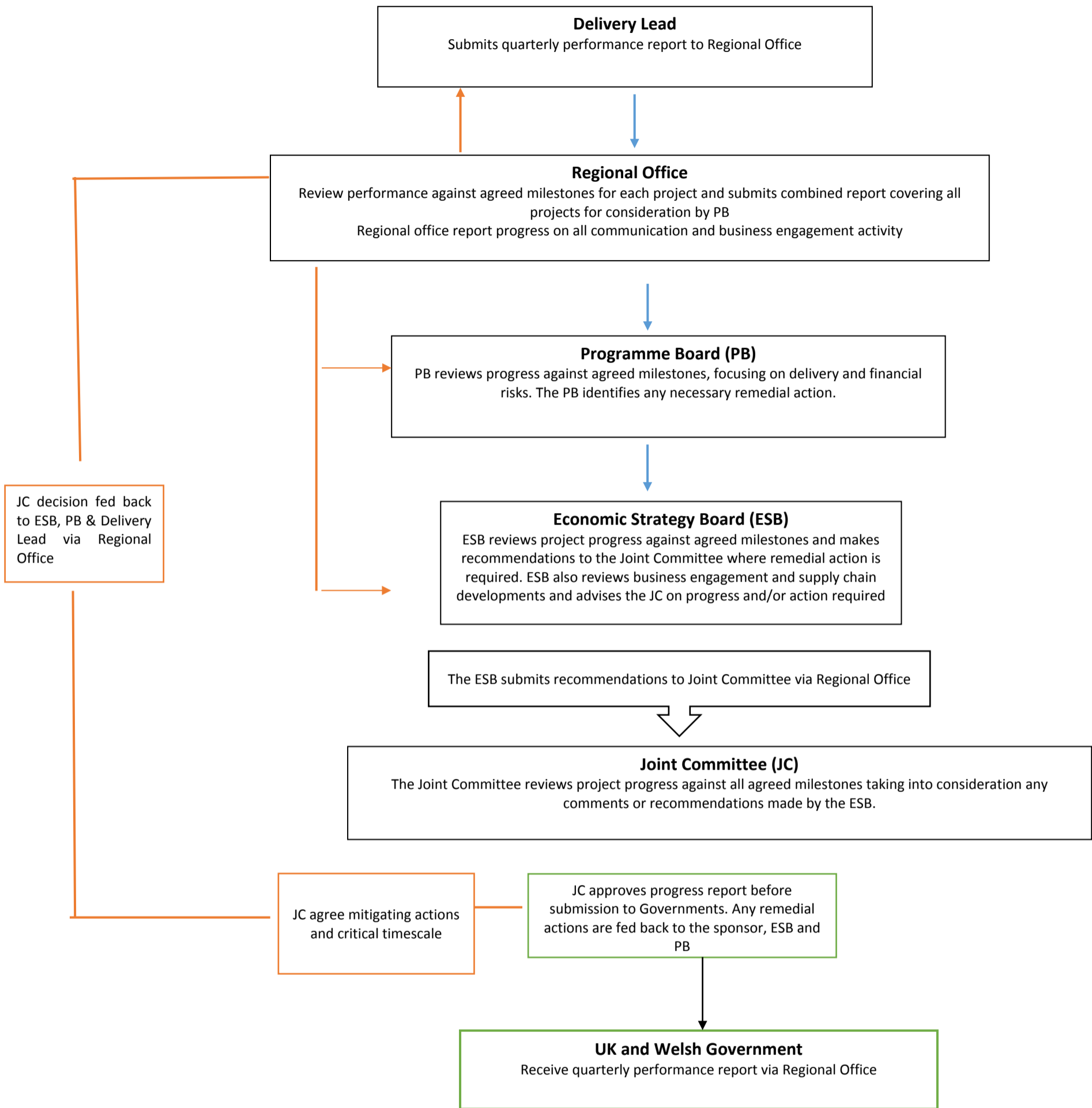
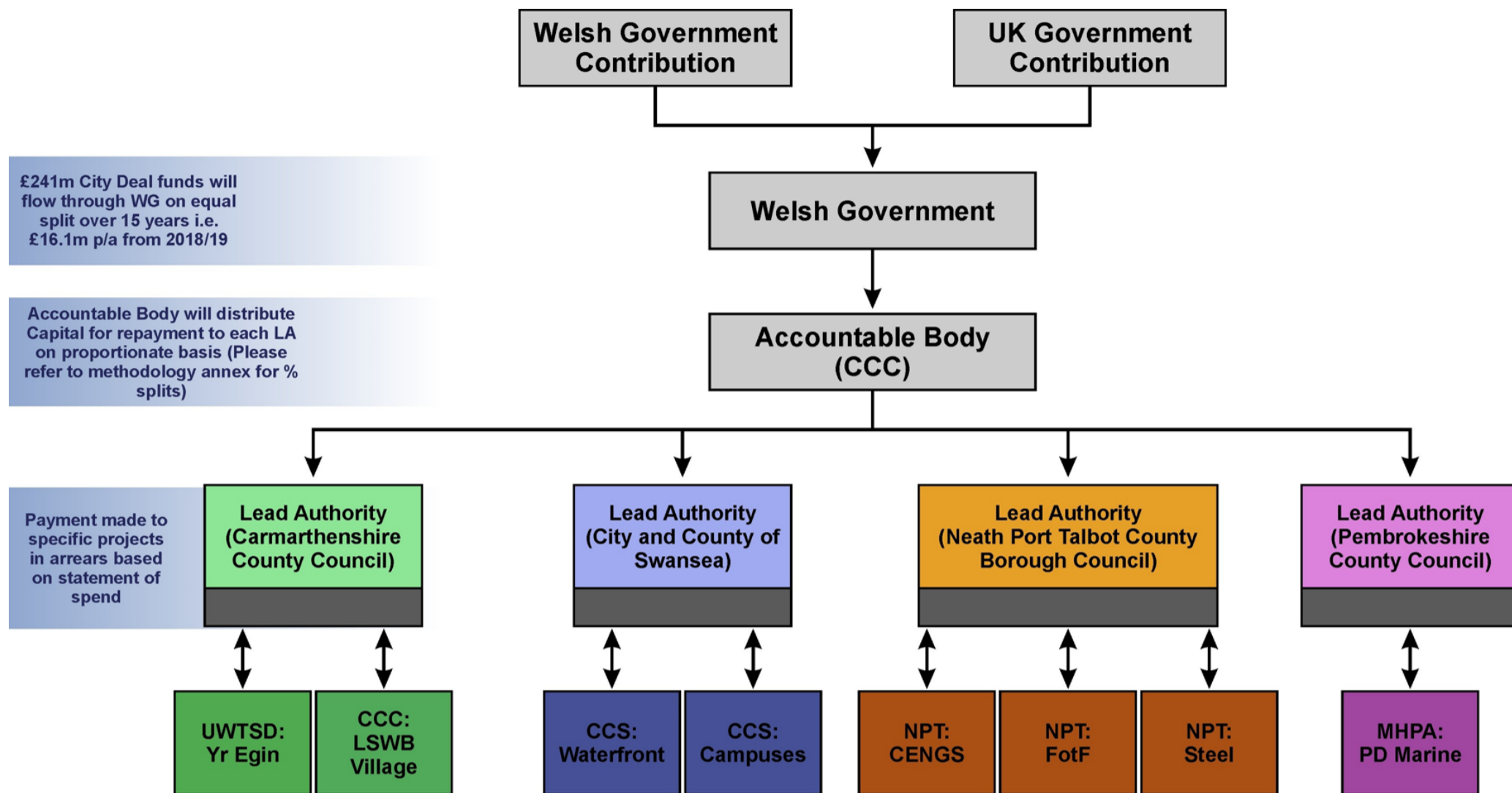


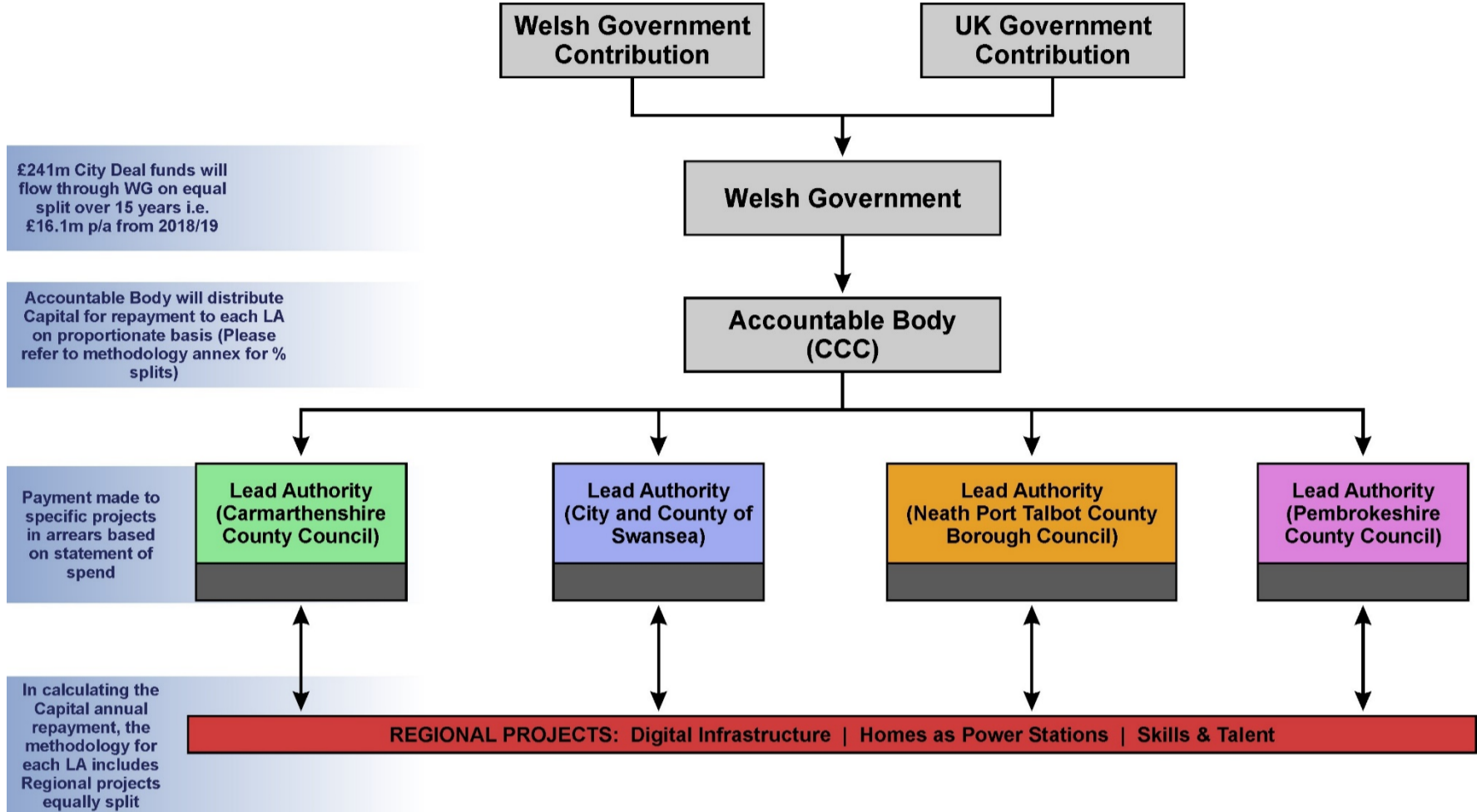
Diagram B - Project Monitoring



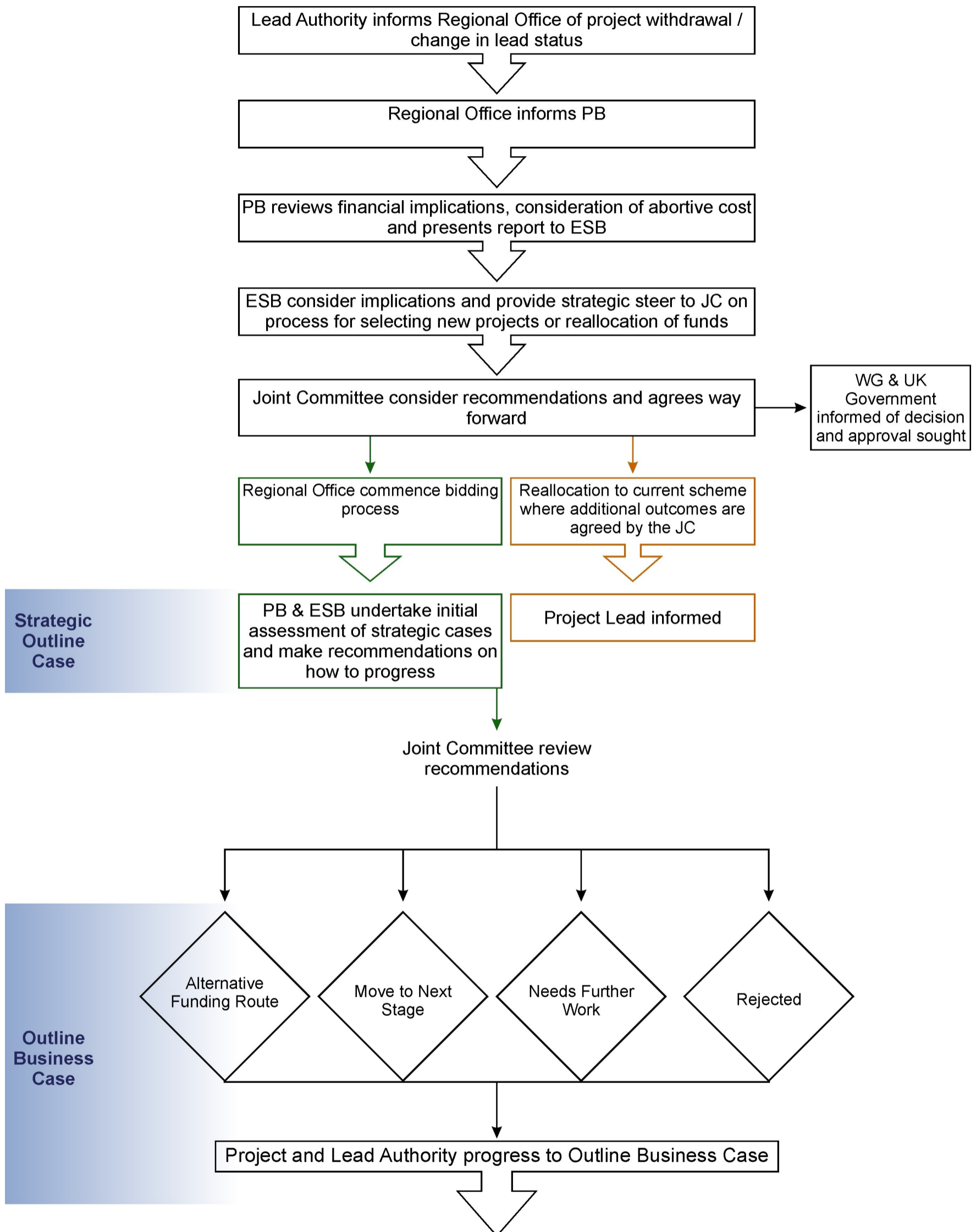
SWANSEA BAY CITY DEAL FLOW OF FINANCES (LOCAL)



SWANSEA BAY CITY DEAL FLOW OF FINANCES (REGIONAL)



CHANGE IN PROJECT STATUS



Education and Public Services Group
Y Grŵp Addysg a Gwasanaethau Cyhoeddus



Llywodraeth Cymru
Welsh Government

To:
Chief Finance Officers
Local Authorities listed in Annex A

cc:
Chief Finance Officers of Police Forces in Wales

03 May 2018

Dear Chief Finance Officers

LOCAL GOVERNMENT ACT 2003 SECTIONS 16(2) (b) AND 20: TREATMENT OF CERTAIN COSTS AS CAPITAL EXPENDITURE

1. This direction supersedes the previous direction issued on 15 March 2016.
2. In December 2017, the Secretary of State announced, the continuation of the capital receipts flexibility programme for a further three years, to give local authorities in England the continued freedom to use capital receipts from the sale of their own assets (excluding Right to Buy receipts) to help fund the revenue costs of transformation projects and release savings.
3. Accordingly, the Cabinet Secretary for Local Government and Public Services directs, in exercise of his powers under sections 16(2)(b) and 20 of the Local Government Act 2003 ("the Act"), that the local authorities listed in Annex A ("the Authorities") treat as capital expenditure, expenditure which:
 - a. is incurred by the Authorities that is designed to generate ongoing revenue savings in the delivery of public services and/or transform service delivery in a way that reduces costs or demand for services in future years for any of the public sector delivery partners; and
 - b. is properly incurred by the Authorities for the financial years that begin on 1 April 2016, 1 April 2017, 1 April 2018, 1 April 2019, 1 April 2020 and 1 April 2021.

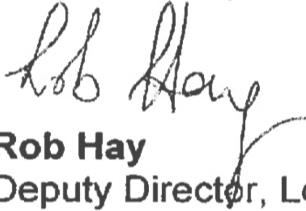


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Llinell Ymholiadau Cymraeg 0845 010 4400
English Enquiry Line 0845 010 3300
Epost • Email: LGFPMail@wales.gsi.gov.uk

4. In further exercise of Welsh Ministers' powers under section 20 of the Act, it is a condition of this direction that expenditure treated as capital expenditure in accordance with it, may only be met from capital receipts – within the meaning of section 9 of the Act and regulations made under that section (see Part 3 of SI 2003/3239(W319) as amended), which have been received in the years to which this direction applies.
5. This direction is given for the purposes of Chapter 1 of Part 1 of the Act only. It does not convey any other consent that may be required or any view as to the propriety of the expenditure. It is for each Authority to be satisfied that any amount to which this direction is applied is properly incurred in the financial year concerned.
6. When applying the direction, authorities are required to have regard to the *Guidance on Flexible Use of Capital Receipts* issued by Welsh Ministers under section 15(1)(a) of the Act.
7. If you have any queries in connection with the above, please do not hesitate to contact Local Government Finance Policy Division at:
LGFPMail@wales.gsi.gov.uk

Yours faithfully



Rob Hay
Deputy Director, Local Government Finance Policy Division

Authorised to sign this direction by the Cabinet Secretary for Local Government and Public Services

Annex A: List of Authorities to which this direction applies

| Welsh Local Authorities |
|---|
| Isle of Anglesey County Council |
| Gwynedd County Council |
| Conwy County Borough Council |
| Denbighshire County Council |
| Flintshire County Council |
| Wrexham County Borough Council |
| Powys County Council |
| Ceredigion County Council |
| Pembrokeshire County Council |
| Carmarthenshire County Council |
| Swansea City and County Council |
| Neath Port Talbot County Borough Council |
| Bridgend County Borough Council |
| Vale of Glamorgan County Borough Council |
| Rhondda Cynon Taff County Borough Council |
| Merthyr Tydfil County Borough Council |
| Caerphilly County Borough Council |
| Blaenau Gwent County Borough Council |
| Torfaen County Borough Council |
| Monmouthshire County Council |
| Newport City Council |
| Cardiff City and County Council |

| Welsh Fire & Rescue Authorities |
|--|
| North Wales Fire and Rescue Authority |
| South Wales Fire and Rescue Authority |
| Mid and West Wales Fire and Rescue Authority |

| Welsh Police and Crime Commissioner |
|---|
| Police and Crime Commissioner for Dyfed-Powys |
| Police and Crime Commissioner for Gwent |
| Police and Crime Commissioner for North Wales |
| Police and Crime Commissioner for South Wales |

Welsh Government

GUIDANCE ON FLEXIBLE USE OF CAPITAL RECEIPTS

April 2018

PART 1 of this document provides an informal commentary on Part 2.

PART 2 contains the statutory guidance to which local authorities must have regard.

[PART 1]

INFORMAL COMMENTARY ON THE GUIDANCE ON FLEXIBLE USE OF CAPITAL RECEIPTS

[References to the paragraphs in the formal guidance are in square brackets]

POWER UNDER WHICH THE GUIDANCE IS ISSUED [1.1]

1. The **Local Government Act 2003** ("the Act"), section 15(1) requires a local authority "...to have regard (a) to such guidance as the Secretary of State may issue, and (b) to such other guidance as the Secretary of State may by regulations specify..." and section 24 of the Act states "In its application to Wales, ...for any reference to the Secretary of State there were substituted a reference to the Welsh Ministers."
2. The guidance on the flexible use of capital receipts in Part 2 of this document is issued under section 15(1) of the Act and authorities are therefore required to have regard to it.
3. Two codes of practice issued by the Chartered Institute of Public Finance and Accountancy (CIPFA) contain guidance on capital receipts and local authority accounting that complements the Welsh Government guidance. These publications are:
 - *The Prudential Code for Capital Finance in Local Authorities*
 - *The Code of Practice on Local Authority Accounting.*

4. Local authorities are required to have regard to the current edition of *Treasury Management in Public Services: Code of Practice and Sectoral Guidance Notes* by Regulation 19 of the *Local Authorities (Capital Finance and Accounting) (Wales) Regulations 2003 (SI 2003/3239 (W319))* and to the *Local Authority Accounting Code* as proper practices for preparing accounts under section 21(2) of the Act.

APPLICATION [3.1- 3.2]

5. This guidance should be read alongside the relevant direction issued by Welsh Ministers.
6. This guidance applies with effect from 1 April 2016 to 31 March 2022 – i.e. for the financial year 2016-17 and for each subsequent financial year to which the flexible use of capital receipts direction applies.
7. The direction makes it clear that local authorities cannot borrow to finance the revenue costs of service reform. Local authorities can only use capital receipts from the disposal of property plant and equipment assets received in the years in which this flexibility is offered. Local Authorities may not use their existing stock of capital receipts to finance the revenue costs of qualifying projects..

QUALIFYING EXPENDITURE [4.1 - 4.3]

8. Welsh Ministers believe that individual authorities and groups of authorities are best placed to decide which projects will be most effective for their areas. The key criterion to use when deciding whether expenditure can be funded by the capital receipts flexibility is that it is forecast to generate ongoing savings or reduce revenue costs or pressures over the longer term to an authority, or several authorities, and/or to another public body.
9. A list of types of project that would qualify for the flexible use of capital receipts is included in the guidance. This list is not meant to be prescriptive or exhaustive and individual authorities with projects that will generate ongoing savings or reduce revenue costs or pressures over the longer term which are not included in the list can apply the flexibility to fund those projects.

ACCOUNTABILITY AND TRANSPARENCY [5.1 - 5.6]

10. Welsh Ministers believe it is important that individual authorities demonstrate the highest standards of accountability and transparency. The guidance recommends that each authority should prepare a separate disclosure note of the individual projects that have been funded or part funded through capital receipts flexibility. The disclosure note should be approved by the Responsible Financial

Officer at the same time the statutory accounts are certified and can be included as part of the year-end accounts documentation. The disclosure note should be considered and approved by the person presiding at the committee or meeting at which approval of the statement of accounts was given.

[PART 2]

**Welsh Government
GUIDANCE ON FLEXIBLE USE OF CAPITAL RECEIPTS**

Issued under section 15(1)(a) of the *Local Government Act 2003*
and effective from 1 April 2016

(1) POWER UNDER WHICH THE GUIDANCE IS ISSUED

1.1 The following guidance is issued by Welsh Ministers under section 15(1)(a) of the *Local Government Act 2003*.

(2) DEFINITION OF TERMS

2.1 In this guidance, **the Act** means the *Local Government Act 2003*.

2.2 **Local authority** has the meaning given in section 23 of the Act (and in regulations made under that section).

2.3 **Capital receipt** has the meaning given in section 9 of the Act (and in regulations made under that section).

2.4 **Qualifying expenditure** means expenditure on a project where incurring up-front costs will generate ongoing savings; reduce revenue costs or pressures over the longer term. The main part of this guidance details the types of project that will generate qualifying expenditure.

2.5 The **direction** means a direction made under section 16(2)(b) of the Act, to allow named local authorities to treat qualifying expenditure as being capital expenditure.

2.6 **Prudential indicators** has the meaning given in the CIPFA code of practice, *The Prudential Code for Capital Finance in Local Authorities*.

(3) APPLICATION

Effective date

3.1 This guidance applies with effect from 1 April 2016, for the period for which flexible use of capital receipts will apply. This will be set out in the direction.

Local authorities

3.2 This guidance applies to all local authorities in Wales named in the directions issued by Welsh Ministers.

(4) QUALIFYING EXPENDITURE

Types of qualifying expenditure

4.1 Qualifying expenditure is expenditure on any project that is designed to generate ongoing revenue savings in the delivery of public services and/or transform service delivery in a way that reduces costs or demand for services in future years for the Authority or any of the delivery partners. This includes investment which supports economic growth projects which are also designed to reduce revenue costs or pressures over the longer term. Within this definition, it is for individual local authorities to decide whether or not a project qualifies for the flexibility.

4.2 The set up and implementation costs of any new processes or arrangements can be classified as qualifying expenditure. The ongoing revenue costs of the new processes or arrangements cannot be classified as qualifying expenditure.

Examples of qualifying expenditure

4.3 There are a wide range of projects that could generate qualifying expenditure and the list below is not prescriptive. Examples of projects include:

- Preparatory work necessary to support local authority mergers as part of the programme to reform local government in Wales;
- Sharing back-office and administrative services with one or more other council or public sector body;
- Investment in service reform feasibility work, eg. setting up pilot schemes;
- Collaboration between local authorities and central government to free up land for economic use;

- Funding the cost of service reconfiguration, restructuring or rationalisation (staff or non-staff), where this leads to ongoing efficiency savings or service transformation;
- Sharing Chief Executives, management teams or staffing structures;
- Driving a digital approach to the delivery of more efficient public services and how the public interacts with constituent authorities where possible;
- Aggregating procurement on common goods and services where possible, either as part of local arrangements or using the National Procurement Service, Crown Commercial Services or other central purchasing bodies which operate in accordance with the Wales Procurement Policy Statement;
- Improving systems and processes to tackle fraud and corruption in line with the Local Government Fraud and Corruption Strategy – this could include an element of staff training;
- Setting up alternative delivery models to deliver services more efficiently and bring in revenue (for example, through selling services to others); and
- Integrating public facing services across two or more public sector bodies (for example children's social care, trading standards) to generate savings or to transform service delivery.
- Investment which supports economic growth projects which are also designed to reduce revenue costs or pressures over the longer term, across one or more local authorities and/or other public sector bodies.

(5) ACCOUNTABILITY AND TRANSPARENCY

Preparation

5.1 Following the end of each financial year, as part of the preparation of its annual accounts, a local authority should ensure it prepares a disclosure note in accordance with the timetable in paragraph 5.5

Content

5.2 As a minimum, the disclosure note should list each project that made use of the capital receipts flexibility, ensuring that it details the split of up-front funding for each project between capital receipts and other sources, and that on a project-by-project basis, setting out the expected savings and/or benefits of investment.

5.3 The disclosure note may also include any other matters considered to be relevant.

Approval

5.4 The disclosure note should be considered and approved by resolution of the committee or of the members meeting as a whole.

Timing

5.5 For any financial year, a disclosure note should be prepared and approved no later than approval of the statement of accounts.

Publication

5.6 Welsh Ministers expect the disclosure note once approved, to be made available to the public free of charge, in print or online.



Llywodraeth Cymru
Welsh Government

Mr C Moore
S. 151 Officer – Swansea Bay City Region
Director of Corporate Services
Carmarthenshire County Council
County Hall
CARMARTHEN
SA31 1JP

16 May 2018

Dear *Chris*

Swansea Bay City Region City Deal: Financial Arrangements

I refer to the ongoing discussions you and others have been having with my predecessor and other colleagues in Welsh Government regarding the Swansea Bay City Region financing arrangements. In particular these have covered how the authorities within the city region are seeking flexibility to manage the financing of the City Deal projects, in the same way that authorities have flexibility to effectively and efficiently manage the funding of their own Capital Programmes.

As set out in the Heads of Terms, the Welsh Government and UK Government have committed to invest a combined total of up to £241 million on specific interventions, subject to the submission and approval of the full business cases in relation to the 11 identified projects and the agreement of governance arrangements. This funding is to be provided as capital funding. However, the Region has indicated that the nature of some projects means they require revenue rather than capital support.

Subject to confirmation by HM Treasury, the government capital grant funding is to be provided on a flat profile with payments of the grant being made over a 15-year period. The local authorities within the City Deal region are expected to manage the funding in respect of the individual projects in the most cost effective and efficient way. There are no plans for Welsh Government to set additional terms and conditions on the use of the capital grant funding or restrict any otherwise permitted funding mechanism beyond those already set out in the Heads of Terms and the standard requirements of grant offers to ensure the maintenance of the highest standards of regularity and propriety for the use public monies. Within this, we expect each local authority to optimise its own funding position.

As indicated previously, the Welsh Government will expect the equivalent value of the allocated grant funds to be clearly expended on the projects as per the business cases submitted.



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In light of the Swansea Bay City Region's need for revenue funds to support some of its projects, the Welsh Government recognises the four authorities will need to manage their capital funding so as to enable revenue expenditure to be supported. If this is to be achieved (at least in part) through the use of the local authorities' available Capital Receipts, local authorities will need to have reference to the latest Direction from Welsh Ministers on the use of capital receipts, issued under section 15(1) (a) of the Local Government Act 2003 and the accompanying statutory *Guidance on Flexible Use of Capital Receipts*.

This may involve each local authority allocating borrowing against other capital projects within its capital programme, to maximise flexibility and make most effective use of resources (including the use of Reserves). This will be a matter for the local authorities concerned, provided they clearly identify that the total value of the City Deal funding provided has been incurred as expenditure on City Deal projects.

As was set out in the Heads of Terms, the Swansea Bay City Region will need to work with the UK Government and the Welsh Government to develop an agreed implementation, monitoring and evaluation plan for whole Deal which sets out the proposed approach to evaluating the impact of delivery.

Linked to this, as part of the grant procedures, the authorities will need to demonstrate clearly that all expenditure has been incurred on each project in line with the relevant business case. This is in line with the City Deal ethos of local accountability, where we have already set out in our letter of 7 July 2017 to the City Deal Accountable Officer (Mark James) that we do not intend to impose additional terms and conditions on the grant offers beyond those required as a matter of course to ensure financial propriety and good governance.

I hope this letter gives you and your colleagues within the City Region sufficient reassurance and confidence in relation to the available funding flexibilities to ensure all the projects can be delivered.

Yours sincerely



Judith Cole
Deputy Director
Local Government Finance Policy, Workforce and Social Partnerships

Mark Drakeford AC/AM
Ysgrifennydd y Cabinet dros Gyllid
Cabinet Secretary for Finance



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA-P-MD-1201-18

Rob Stewart

Leader, City and County of Swansea

rob.stewart@swansea.gov.uk

11 April 2018

Dear Rob

I write further to recent correspondence and discussions with Leaders and yourself regarding the retention of non-domestic rates in relation to the Swansea Bay City Region City Deal.

This letter sets out an offer of an in-principle agreement to the original proposal which you put forward at the meeting with Leaders and the Secretary of State for Wales. I intend to initiate arrangements to allow the region to retain 50% of the additional net yield in non-domestic rates generated by the 11 projects which are to be delivered by the Deal.

Such an arrangement, of course, will rely upon a commitment from all four authorities to provide the information needed to enable my officials to assess the impact of the changes and to implement them.

Taking this forward will also involve each authority engaging in subsequent discussions with my officials in line with the principles set out in my letter of 10 August. Any change to the current arrangements for non-domestic rates will have significant wider implications for both local authorities and for the budgetary processes of the Welsh Government. These implications need to be fully understood and managed.

I need to be clear that my offer is predicated on the original proposal put to me by the four local authorities. That means that all four authorities will need to meet the forecast borrowing costs and manage any risk of the retained share of the rates yield being lower than estimated. Project business cases will still need to demonstrate that viable financial plans are in place for each project.

It is also the case that the changes needed to enable any share of the rates yield to be retained must be carried out within the relevant legal and financial governance requirements. The advice provided to me suggests that this is not a simple matter. The non-domestic rates system is complex and governed by a detailed statutory framework, consultative arrangements and public finance requirements. Whilst we will, as always, make every effort to ensure the administrative procedures are as simple and effective as possible, we will all have to operate within the required standards. I therefore ask that the four authorities work with my officials to ensure that the necessary changes are effected in line with these long-standing requirements.

I am very pleased that our work together has led to the proposals set out in this letter. I would be grateful for your confirmation that the four authorities wish to accept this offer and make the commitments outlined above so that we may move forward and focus our efforts on the delivery of the Deal.

I am copying this letter to the four Leaders and the Secretary of State for Wales.

A handwritten signature in black ink that reads "Mark". The letters are cursive and slightly slanted to the right.

Mark Drakeford AM/AC
Ysgrifennydd y Cabinet dros Gyllid
Cabinet Secretary for Finance

Copies to:

Secretary of State for Wales
Cllr Emlyn Dole, Leader, Carmarthenshire County Council
Cllr Rob Jones, Leader, Neath Port Talbot County Borough Council
Cllr David Simpson, Leader, Pembrokeshire County Council
Cllr Mark James, Chief Executive, Carmarthenshire County Council

Schedule 12 - Terms of Reference of Joint Scrutiny Committee

1. Membership.

- 1.1 The Joint Scrutiny Committee shall comprise of 12 members in total, 3 each from the 4 Constituent Authorities.
- 1.2 The membership may not include Executive Members

2. Purpose

2.1 The purpose of the Joint Scrutiny Committee shall be:

- 2.1.1 Performing the overview and scrutiny function for the Swansea Bay City Region City Deal (as specified in the Swansea Bay City Deal Joint Committee Agreement) on behalf of the 4 Constituent Authorities;
- 2.1.2 To develop a Forward Work Programme reflecting the functions under cl. 2.1.1 above
- 2.1.3 To seek reassurance and consider if the City Deal is operating according to the Joint Committee Agreement, its Business Plan, timetable and / or is being managed effectively;
- 2.1.4 To monitor any City Deal Regional projects against its Programme Plan
- 2.1.5 To make any reports and recommendations to the Constituent Authorities, whether to their executive Boards or Full Council as appropriate, in respect of any function which has been delegated to the Joint Committee pursuant to the Joint Committee Agreement

- 2.2 For the avoidance of doubt scrutiny of individual Authorities projects' shall be a matter for the relevant Constituent Authorities' Scrutiny Committee

3. Chair

- 3.1 The chair and Vice-Chair of the Joint Scrutiny Committee shall be elected by the Joint Scrutiny Committee
- 3.2 The chair of the Scrutiny Committee shall not be from the same Authority as the Chair of the Joint Committee

4. Voting

- 4.1 Each member of the Joint Scrutiny Committee shall have one vote. Decisions of the Joint Scrutiny Committee shall be made by simple majority vote.
- 4.2 In the event of equality of votes the Chair of the Joint Scrutiny Committee shall have a casting vote.

5. Conflicts of Interest

- 5.1 Members of the Joint Scrutiny Committee must declare any interest either before or during the meetings of the Joint Scrutiny Committee (and withdraw from that meeting if necessary) in accordance with their Council's Code of Conduct or as required by law.

6. Proceedings of Meetings

- 6.1 The rules of procedure of the Host Authority for the scrutiny function shall apply to meetings of the Joint Scrutiny Committee
- 6.2 Members of the Joint Scrutiny Committee shall be subject to the Codes of Conduct for Members of their Councils.

7. Quorum

- 7.1 The quorum for meetings shall be no less than 8 members, which must include at least 1 member from each of the 4 Authorities

8. Frequency

- 8.1 The Joint Scrutiny Committee shall meet quarterly. Additional meetings may be convened by the Chair on at least 7 clear days notice.

9. Allowances

- 9.1 No allowances shall be paid

10. Servicing

- 10.1 The Host Authority for the joint scrutiny functions shall be Neath Port Talbot County Borough Council

11. Sub-Groups

- 11.1 The Joint Scrutiny Committee by agreement may create Task and Finish Groups.

12. Review

- 12.1 The Terms of reference of the Joint Scrutiny Committee shall be reviewed annually

Schedule 13 - Rules of Conduct of Co-opted Members of the Joint Committee and the Economic Strategy Board

- 1 These rules apply to you in your capacity as:
 - 1.1 a co-opted member of the Joint Committee or
 - 1.2 the Economic Strategy Board of the Swansea Bay City Region.
- You must observe these rules whenever you attend a meeting of the Joint Committee or the Economic Strategy Board.
- 2 You shall conduct yourself appropriately and shall treat others with respect at meetings of the Joint Committee and the Economic Strategy Board.
- 3 You shall not conduct yourself in a manner which could reasonably be regarded as bringing the Joint Committee or the Economic Strategy Board or the Swansea Bay City Region into disrepute.
- 4 You shall abide by any policies and procedures adopted by the Joint Committee.
- 5 You shall prepare fully for meetings of the Joint Committee and the Economic Strategy Board including reading papers and seeking advice from the Regional Office when necessary.
- 6 You shall comply with any request for information from the Accountable Officer or the monitoring officer of the Accountable Body properly and reasonably required in connection with your role as a member of the Joint Committee or the Economic Strategy Board.
- 7 As part of your role you may be requested by the Joint Scrutiny Committee to provide information or to attend a meeting and answer questions in connection with your activities as a member Joint Committee the Economic Strategy Board or the Swansea Bay City Deal, as the case may be and you are expected to comply with any such request.
- 8 You shall not disclose confidential information nor any information relating to business of the Joint Committee or the Economic Strategy Board which is exempt from public access
- 9 You shall avoid situations where your interests will conflict with the interests of the Swansea Bay City Region.
- 10 You shall regard yourself as having a personal interest in any business of the Joint Committee or Economic Strategy Board if it relates to or is likely to affect:
 - 10.1 Any employment or business carried on by you or any person who employs or has appointed you.
 - 10.2 Any firm in which you are a partner or any company for which you are a remunerated director.
 - 10.3 Any corporate body which has a place of business or land in the Swansea Bay City Region and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body.
 - 10.4 Any land in which you have a beneficial interest which is in the Swansea Bay City Region.
 - 10.5 Any land in the Swansea Bay City Region in which you have a licence to occupy for 28 days or longer.
- 11 You shall regard yourself as having a prejudicial interest in any business of the Joint Committee or Economic Strategy Board if you have a personal interest which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgment of the public interest.
- 12 You shall inform the Regional Office of your personal interests so that the Regional Office may register your interests on a register of interests of co-opted members of the Joint Committee and the Economic Strategy Board. You shall inform the Regional Office of your personal interests:
 - 12.1 No later than 28 days after your acceptance of co-option to the Joint Committee or the Economic Strategy Board; and
 - 12.2 No later than 28 days after you become aware of any new personal interests.
- 13 If you have a personal interest in any business which is considered at a meeting that you attend of the Joint Committee or the Economic Strategy Board you must disclose to that meeting the existence and nature of your interest before or at the commencement of the consideration of the business or when the interest becomes apparent.
- 14 If any of the following circumstances apply in respect of an item of business of the Joint Committee or the Economic Strategy Board you shall subject to paragraph 15 withdraw from the meeting and you shall not participate in the consideration of the business if:
 - 14.1 The business relates to project for which the body which nominated or appointed you to the Joint Committee or the Economic Strategy Board is the Delivery Lead.
 - 14.2 You have a prejudicial interest in the business.
- 15 Where you have a prejudicial interest in any business considered by the Joint Committee or the Economic Strategy Board you may attend a meeting of the Joint Committee or the Economic Strategy Board at which the business is considered for the purpose of making representations answering questions or giving evidence to the same extent that members of the public are allowed to attend the meeting for the purpose of making representations answering questions or giving evidence.

Undertaking to abide by the rules of conduct

I (name of co-opted member) undertake to abide by the rules of conduct of co-opted members of the Joint Committee and the Economic Strategy Board of the Swansea Bay City Region

Signed -----

Date -----

Agenda Item 13.



Joint Report of the Returning Officer and Head of Democratic Services

Council - 26 July 2018

Amended Report

Local Democracy & Boundary Commission for Wales' Review of Electoral Arrangements for the City and County of Swansea

| | |
|------------------------------------|---|
| Purpose: | To provide Initial Observations to the Local Democracy & Boundary Commission for Wales in relation to the review of the City and County of Swansea Electoral Arrangements. |
| Policy Framework: | None. |
| Consultation: | Access to Services, Finance, Legal, Councillors, Political Group Leaders. |
| Recommendation(s): | It is recommended that: 1) The Initial Observations as detailed in Paragraph 6 of the report be approved and forwarded to the Local Democracy and Boundary Commission for Wales. |
| Report Author: | Huw Evans |
| Finance Officer: | Ben Smith |
| Legal Officer: | Tracey Meredith |
| Access to Services Officer: | Catherine Window |

1. Introduction

- 1.1 The Local Democracy & Boundary Commission for Wales is reviewing the Electoral Arrangements for the City and County of Swansea with a view to considering and formulating proposals for future arrangements. (Section 29 of the Local Government (Democracy) (Wales) Act 2013).
- 1.2 The Commission has asked for this Authority's Initial Observations on the review prior to them formulating their Draft Proposals. The Commission ask that this Authority submits for consideration a scheme or schemes for electoral arrangements based on the existing Communities and Community Wards. Maps drawn to scale showing the boundaries of the suggested electoral wards is also required.

- 1.3 The Authority has assisted the Commission in publicising the review by posting notices in the Guildhall, Civic Centre, Libraries and Community Centres. Additionally, the Authority has informed all 24 Community / Town Councils and Friends of Parks.
- 1.4 The deadline for submitting the Authority's Initial Observations to the Commission is 26 July 2018.
- 1.5 The second stage of the review will start with the publication of the Commission's Draft Proposals. This will present a further opportunity for comments and representations to be made. The Commission will then consider those representations and prepare their Final Proposals. These will be published and submitted to the Welsh Government, who may give effect to the proposals either as submitted or with modifications.

2. General Points Relating to the Commissions Review

- 2.1 The 12 week period for an Authority to come up with meaningful Initial Observations is unrealistic. The Authority suggests that for future Reviews, the Commission should look to expand that initial period to 16 weeks in order to allow greater opportunities for Local Authorities to consider such a review.
- 2.2 In light of the above, the Authority is prepared to assist the Commission through its process of preparing its Draft Proposals and will answer any questions and engage as the Commission sees fit.
- 2.3 Dealing with Boundary changes in isolation is not an effective use of resource. The Authority favours co-terminus boundaries and notes the complexity and issues caused when boundaries no longer mirror the other building blocks for electoral arrangements. As such, this Authority suggests that future Boundary Reviews (Community, Local Government, Parliamentary etc.) should be carried out at the same time

3. Councillor : Elector Ratio

- 3.1 The Authority has tried to keep within a variance of +/- 10% of the Commissions guidance of 1 Councillor to every 2,500 Electors. However, given Community restraints especially of smaller Communities and the potential development linked to the Local Development Plan, this has not always been possible. The Authority will argue that special circumstances will be required in those instances.

4. Electorate Population Forecast

- 4.1 The electorate population forecasts are based on projected housing growth levels documented in Swansea's Local Development Plan (LDP) and the latest annual Joint Housing Land Availability Study (JHLAS), co-ordinated by the Council's Planning Policy team.

- 4.2 The detail on the sites is in Statement ED037 “Housing Site Trajectories and Land Supply”, available via the link www.swansea.gov.uk/ldpexamination (Appendix 3, from page 15 onwards). This document contains details of housing sites and the number of units with completion anticipated during the full plan period (2010-25) - by year, location and component type (four in all, from commitments to larger strategic areas).
- 4.3 As part of the calculations, sites with any completions forecast between 2017 and 2023 were individually assigned to their relevant ward (with some larger sites split across wards). For each ward, the calculations sum the projected housing units by type and year (2017-23 total). These projected ward totals are then applied to the latest baseline figure of housing stock by ward (using Valuation Office Agency data, 2017), from which %-increases are applied to the current (2018) electorate figures, with communities matched to their relevant ward.
- 4.4 For 9 of the 36 wards, there are no housing units anticipated for completion in this timeframe; therefore no electorate population increase is forecast in these areas. Elsewhere are wards where some large site/unit development is currently predicted to take place before 2023. Inevitably, this leads to some significant differences in forecast levels of growth at a ward level, e.g. Llangyfelach and Penllergaer (both over 35%), against a county average of around 7%.

5. Process adopted by Swansea Council

- 5.1 During the initial consultation period of 12 weeks (4 May to 26 July 2018), Swansea Council followed the guidance set out by the Commission as detailed in its “Electoral Reviews: Policy and Practice 2016” publication, the Commissions letter of 27 April 2018 and the information set out during the Commissions presentation to Council on 26 April 2018.
- 5.2 Meetings with Councillors and dedicated Electoral Ward meetings with Councillors were held on 30-31 May & 4 June 2018. The Head of Democratic Services continued to meet and correspond with Councillors during June and July 2018.
- 5.3 The terms of reference of the Authority’s Constitution Working Group (CWG) were amended in order to allow that Group to consider the views of the Electoral Ward Councillors. The CWG is made up of the Presiding Member, Political Group leaders and some other Councillors. This in turn led to a report to Council on 26 July 2018
- 5.4 The CWG met on 11 July 2018 and considered an initial view of general issues, approaches and identified specific geographical areas where a fuller consideration of arrangements seemed most to be appropriate, having due consideration to the Commission’s Council Size Policy.

6. Initial Observations by Electoral Ward

| Bishopston Electoral Ward | No. of Cllrs | | Electorate | |
|---|--------------|----------------|--------------|------------------|
| | Current | Proposed | Current | 5 Year Projected |
| | 1 | 1 | 2,700 | 2,700 |
| ➤ <i>Bishopston / Llandeilo Ferwallt Community</i> | | | 2,700 | 2,700 |
| • Bishopston Community Ward | | | 1,592 | 1,592 |
| • Murton Community Ward | | | 1,108 | 1,108 |
| Both Bishopston and Murton Community Wards, sit logically within the Bishopston Ward. | | | | |
| Proposal | | | | |
| The Bishopston Electoral Ward elements (6) of Barlands Cottage, 1 Old Kittle Road (2) and Limberlost, 2 Old Kittle Road (4) be added to the Pennard Electoral Ward. | | | | |
| It creates a 5 year projected electorate of 2,694. | | | | |
| Additional Comments may be submitted by Political Groups. | | | | |
| Proposed Councillor : Elector Ratio | | 1:2,694 | Variance | 7.76% |

| Bonymaen Electoral Ward | No. of Cllrs | | Electorate | |
|--|--------------|----------------|--------------|------------------|
| | Current | Proposed | Current | 5 Year Projected |
| | 2 | 2 or 3 | 5,451 | 5,958 |
| ➤ <i>Bonymaen Community</i> | | | 5,451 | 5,958 |
| Bonymaen is an established Community with some new development occurring in the area of the Liberty Stadium. Despite the increased electorate, the Authority believes that it can still be managed by 2 Councillors. | | | | |
| Proposal | | | | |
| Comments may be submitted by Political Groups. | | | | |
| Proposed Councillor : Elector Ratio | | 1:2,979 | Variance | 19.16% |

Three Councillor Calculation

| | | | |
|-------------------------------------|----------------|----------|----------------|
| Proposed Councillor : Elector Ratio | 1:1,986 | Variance | -20.56% |
|-------------------------------------|----------------|----------|----------------|

| Castle Electoral Ward | No. of Cllrs | | Electorate | |
|--|--------------|----------|------------|------------------|
| | Current | Proposed | Current | 5 Year Projected |
| | 4 | 4 | 10,324 | 11,234 |
| ➤ <i>Castle / Castell Community</i> | | | 10,324 | 11,234 |
| <p>Castle is an established area within Swansea. Despite the increased electorate, the Authority believes that it can still be managed by 4 Councillors.</p> <p>The Commission wants Electoral Ward sizes between 1 and 3 Councillors.</p> <p>Proposal Comments may be submitted by Political Groups.</p> | | | | |
| Proposed Councillor : Elector Ratio | | | 1:2,809 | Variance |
| | | | | 12.34% |

| Clydach Electoral Ward | No. of Cllrs | | Electorate | |
|---|--------------|----------|------------|------------------|
| | Current | Proposed | Current | 5 Year Projected |
| | 2 | 2 or 3 | 5,689 | 5,983 |
| ➤ <i>Clydach Community</i> | | | 5,689 | 5,983 |
| • Clydach Community Ward | | | 2,063 | 2,170 |
| • Glais Community Ward | | | 275 | 289 |
| • Graigfelen Community Ward | | | 1,343 | 1,412 |
| • Vardre Community Ward | | | 2,008 | 2,112 |
| <p>Clydach is an established Community made up of 4 Community Wards.</p> <p>There is an anomaly with Clydach in that one property namely High Mead is only accessible from Neath Port Talbot Borough Council area.</p> <p>Proposal High Mead, off Farm Road, Clydach to be moved into the Neath Port Talbot Borough Council area.</p> <p>Additional Comments may be submitted by Political Groups.</p> | | | | |
| Proposed Councillor : Elector Ratio | | | 1:2,992 | Variance |
| | | | | 19.66% |

Three Councillor Calculation

| | | | |
|-------------------------------------|---------|----------|---------|
| Proposed Councillor : Elector Ratio | 1:1,994 | Variance | -20.23% |
|-------------------------------------|---------|----------|---------|

| Cockett Electoral Ward | No. of Cllrs | | Electorate | |
|---|---------------------|----------------|-------------------|------------------|
| | Current | Proposed | Current | 5 Year Projected |
| | 4 | 4 | 10,583 | 11,749 |
| ➤ <i>Cockett Community</i> | | | 10,583 | 11,749 |
| <p>Cockett is an established area within Swansea. Despite the increased electorate, the Authority believes that it can still be managed by 4 Councillors.</p> <p>The Commission wants Electoral Ward sizes between 1 and 3 Councillors.</p> <p>The streets around Gors Primary School / Junction of Gors Avenue and Cockett Road (excluding Cockett Road) be added to the Townhill Electoral Ward as they were some years back.</p> <p>Proposal The Cockett Electoral Ward elements (308) of Cefn Coed Crescent (11), Gors Avenue (63), Gwynedd Avenue (96), Lon Cothi (54), Lon Teify (49) and Lon Towy (35) be added to the Townhill Electoral Ward.</p> <p>It creates a 5 year projected electorate of 11,441.</p> <p>Additional Comments may be submitted by Political Groups.</p> | | | | |
| Proposed Councillor : Elector Ratio | | 1:2,860 | Variance | 14.41% |

| Cwmbwrla Electoral Ward | No. of Cllrs | | Electorate | |
|--|---------------------|----------------|-------------------|------------------|
| | Current | Proposed | Current | 5 Year Projected |
| | 3 | 3 or 2 | 5,640 | 5,780 |
| ➤ <i>Cwmbwrla Community</i> | | | 5,640 | 5,780 |
| <p>Cwmbwrla is an established area within Swansea.</p> <p>Proposal Comments may be submitted by Political Groups.</p> | | | | |
| Proposed Councillor : Elector Ratio | | 1:1,927 | Variance | -22.93% |

Two Councillor Calculation

| | | | | |
|-------------------------------------|--|----------------|----------|---------------|
| Proposed Councillor : Elector Ratio | | 1:1,994 | Variance | 15.60% |
|-------------------------------------|--|----------------|----------|---------------|

| Dunvant Electoral Ward | No. of Cllrs | | Electorate | |
|---|--------------|----------|------------|------------------|
| | Current | Proposed | Current | 5 Year Projected |
| | 2 | 2 or 1 | 3,450 | 3,450 |
| ➤ <i>Dunvant / Y Dyfnant Community</i> | | | 3,450 | 3,450 |
| <p>Dunvant is an established area within Swansea.</p> <p>Glan y Môr, Wern House and Plas y Coed are 3 properties on the north side of the Wern. The properties on the south side are already in Dunvant. Both sides are only accessible via Dunvant.</p> <p>Proposal The Fairwood Electoral Ward elements (3) of Glan y Môr (2), Wern House (1) and Plas y Coed (0) be added to the Dunvant Electoral Ward.</p> <p>It creates a 5 year projected electorate of 3,453.</p> <p>Additional Comments may be submitted by Political Groups.</p> | | | | |
| Proposed Councillor : Elector Ratio | | 1:1,727 | Variance | -30.94% |

One Councillor Calculation

| | | | |
|-------------------------------------|---------|----------|--------|
| Proposed Councillor : Elector Ratio | 1:3,453 | Variance | 38.12% |
|-------------------------------------|---------|----------|--------|

| Fairwood Electoral Ward | No. of Cllrs | | Electorate | |
|--|--------------|----------|------------|------------------|
| | Current | Proposed | Current | 5 Year Projected |
| | 1 | 1 | 2,265 | 2,332 |
| ➤ <i>Three Crosses / Y Crwys Community</i> | | | 1,197 | 1,233 |
| ➤ <i>Upper Killay / Cilâ Uchaf Community</i> | | | 1,068 | 1,100 |
| <p>Fairwood is an established area within Swansea.</p> <p>Glan y Môr, Wern House and Plas y Coed are 3 properties on the north side of the Wern. The properties on the south side are already in Dunvant. Both sides are only accessible via Dunvant.</p> <p>Proposal The Fairwood Electoral Ward elements (3) of Glan y Môr (2), Wern House (1) and Plas y Coed (0) be added to the Dunvant Electoral Ward.</p> <p>The Penclawdd Electoral Ward elements (6) of Channel View (0), Fairways (1), Pen-y-Mynydd (5) all off Cilonnen Road be added to the Fairwood Electoral Ward.</p> <p>Additional Comments may be submitted by Political Groups.</p> | | | | |
| Proposed Councillor : Elector Ratio | | 1:2,335 | Variance | -6.60% |

| Gorseinon Electoral Ward | No. of Cllrs | | Electorate | |
|---|--------------|----------|----------------|------------------------|
| | Current | Proposed | Current | 5 Year Projected |
| | 1 | 1 or 2 | 3,342 | 3,765 |
| ➤ <i>Gorseinon Community</i> | | | 6,861* | 7,725* |
| • Gorseinon Central Community Ward | | | 1,182 | 1,332 |
| • Gorseinon East Community Ward | | | 2,160 | 2,433 |
| <p>* Note: Gorseinon Community covers 4 Community Wards (Gorseinon Central, Gorseinon East, Gorseinon West and Penyrheol). These are combined figures.</p> <p>Gorseinon Central (1,182), Gorseinon East (2,160), Gorseinon West (1,451) and Penyrheol (2,068) collectively form the boundary of the Gorseinon Town Council.</p> <p>Proposal The Penyrheol Electoral Ward elements (118) of Brynteg Road (42), Honeysuckle Lane (6), Llys Brynteg (15), Orchard Close (11) and Princess Street (44) be added to the Gorseinon Electoral Ward.</p> <p>It creates a 5 year projected electorate of 3,883.</p> <p>Additional Comments may be submitted by Political Groups.</p> | | | | |
| Proposed Councillor : Elector Ratio | | | 1:3,833 | Variance 55.32% |

Two Councillor Calculation

| | | | |
|-------------------------------------|----------------|----------|----------------|
| Proposed Councillor : Elector Ratio | 1:1,942 | Variance | -22.34% |
|-------------------------------------|----------------|----------|----------------|

| Gower Electoral Ward | No. of Cllrs | | Electorate | | |
|--|--------------|----------|----------------|------------------|--------------|
| | Current | Proposed | Current | 5 Year Projected | |
| | 1 | 1 | 2,980 | 3,018 | |
| ➤ <i>Ilston / Llanilltyd Gwŷr Community</i> | | | 421 | 426 | |
| • Ilston Community Ward | | | 186 | 188 | |
| • Nicholaston Community Ward | | | 84 | 85 | |
| • Penmaen Community Ward | | | 151 | 153 | |
| | | | | | |
| ➤ <i>Llangennith, Llanmadoc & Cheriton / Llangynydd, Llanmadog a Cheriton Community</i> | | | 672 | 680 | |
| • Cheriton Community Ward | | | 110 | 111 | |
| • Llangennith Community Ward | | | 412 | 417 | |
| • Llanmadoc Community Ward | | | 150 | 152 | |
| | | | | | |
| ➤ <i>Llanrhidian Lower / Llanrhidian Isaf Community</i> | | | 471 | 477 | |
| | | | | | |
| ➤ <i>Penrice / Pen-rhys Community</i> | | | 340 | 345 | |
| • Horton Community Ward | | | 135 | 137 | |
| • Oxwich Community Ward | | | 153 | 155 | |
| • Penrice Community Ward | | | 52 | 53 | |
| | | | | | |
| ➤ <i>Port Eynon / Port Eion Community</i> | | | 508 | 515 | |
| • Knelston Community Ward | | | 227 | 230 | |
| • Llanddewi Community Ward | | | 43 | 44 | |
| • Port Eynon Community Ward | | | 238 | 241 | |
| | | | | | |
| ➤ <i>Reynoldston Community</i> | | | 354 | 359 | |
| | | | | | |
| ➤ <i>Rhossili Community</i> | | | 214 | 217 | |
| <p>Gower is a huge geographical entity. Gower Electoral Ward far exceeds the Commissions guidance on Councillor : Elector Ratio. The Pennard Electoral Ward falls slightly short of the ratio. The Authority therefore looked at ways to address both areas by shifting natural areas between the two areas.</p> <p>Proposal</p> <p>The Ilston / Llanilltyd Gwŷr Community (426) made up of Ilston Community Ward (188), Nicholaston Community Ward (85) and Penmaen Community Ward (153) all currently within the Gower Electoral Ward to be moved into the Pennard Electoral Ward.</p> <p>It creates a 5 year projected electorate of 2,592.</p> <p>Additional Comments may be submitted by Political Groups.</p> | | | | | |
| Proposed Councillor : Elector Ratio | | | 1:2,592 | Variance | 3.68% |

| Gowerton Electoral Ward | No. of Cllrs | | Electorate | | |
|--|--------------|----------|----------------|------------------|----------------|
| | Current | Proposed | Current | 5 Year Projected | |
| | 1 | 2 or 1 | 3,969 | 4,129 | |
| ➤ <i>Gowerton / Tregŵyr Community</i> | | | 3,969 | 4,129 | |
| • Gowerton East Community Ward | | | 1,776 | 1,848 | |
| • Gowerton West Community Ward | | | 2,193 | 2,282 | |
| <p>Gowerton is a distinct Community and village. It borders with 5 other Electoral Wards: Dunvant, Kingsbridge, Penclawdd and Fairwood Wards, all of which are Communities in their own right. With the exception of Waunarlwydd (Cockett Ward), the other Communities are split from Gowerton by approximately 1-3km of farmland / common land. Therefore merging with a neighbouring Ward is not an option.</p> <p>The fifth Ward that Gowerton Ward borders with is the Cockett Ward although that sits in a different Parliamentary Constituency (Swansea West). If Gowerton had to merge with another area, the Waunarlwydd element of Cockett Ward would be the obvious choice due to the natural links between both Communities. The difficulty in such a merger would be the crossing of a Parliamentary Boundary which would also need to be addressed in due course. As such, any links between Gowerton and the Waunarlwydd element of Cockett Ward have been discounted.</p> <p>There is also an anomaly in that a very small number of properties in the Berthlwyd area should be moved into Penclawdd Electoral Ward. The detail of this will follow in the next stage of consultation.</p> <p>Proposal Increase the Electoral Ward to 2 Councillors as the workload for one Councillor is impossible.</p> <p>Additional Comments may be submitted by Political Groups.</p> | | | | | |
| Proposed Councillor : Elector Ratio | | | 1:2,065 | Variance | -17.42% |

One Councillor Calculation

| | | | |
|-------------------------------------|----------------|----------|---------------|
| Proposed Councillor : Elector Ratio | 1:4,129 | Variance | 65.16% |
|-------------------------------------|----------------|----------|---------------|

| Killay North Electoral Ward | No. of Cllrs | | Electorate | | |
|--|--------------|----------|------------|------------------|--------|
| | Current | Proposed | Current | 5 Year Projected | |
| | 1 | 1 | 2,198 | 2,800 | |
| ➤ <i>Killay / Cilâ Community</i> | | | 4,065* | 4,667* | |
| • Killay North Community Ward | | | 2,198 | 2,800 | |
| * Note: Killay / Cilâ Community covers 2 Community Wards. These are combined figures. | | | | | |
| Proposal Comments may be submitted by Political Groups. | | | | | |
| Proposed Councillor : Elector Ratio | | | 1:2,800 | Variance | 12.00% |

| Killay South Electoral Ward | No. of Cllrs | | Electorate | | |
|--|--------------|----------|------------|------------------|---------|
| | Current | Proposed | Current | 5 Year Projected | |
| | 1 | 1 | 1,867 | 1,867 | |
| ➤ <i>Killay / Cilâ Community</i> | | | 4,065* | 4,667* | |
| • Killay South Community Ward | | | 1,867 | 1,867 | |
| * Note: Killay / Cilâ Community covers 2 Community Wards. These are combined figures. | | | | | |
| Proposal Comments may be submitted by Political Groups. | | | | | |
| Proposed Councillor : Elector Ratio | | | 1:1,867 | Variance | -25.32% |

| Kingsbridge Electoral Ward | No. of Cllrs | | Electorate | | |
|--|--------------|----------|------------|------------------|--------|
| | Current | Proposed | Current | 5 Year Projected | |
| | 1 | 3 | 3,500 | 4,299 | |
| ➤ <i>Llwchwr Community</i> | | | 7,426* | 8,440* | |
| • Garden Village Community Ward | | | 1,069 | 1,313 | |
| • Kingsbridge Community Ward | | | 2,431 | 2,986 | |
| * Note: Llwwchwr Community covers 4 Community Wards (Garden Village, Kingsbridge, Lower Loughor & Upper Loughor). These are combined figures. | | | | | |
| Kingsbridge, Loughor (Lower & Upper) form the historic Llwwchwr Town Council. It is an established area that is logical culturally and in a community sense. | | | | | |
| Proposal Merge Kingsbridge, Lower Loughor and Upper Loughor into a new Llwwchwr Electoral Ward on the footprint of the Llwwchwr Town Council boundary. | | | | | |
| It creates a 3 Councillor Electoral Ward & 5 year projected electorate of 8,440. Additional Comments may be submitted by Political Groups. | | | | | |
| Proposed Councillor : Elector Ratio | | | 1:2,813 | Variance | 12.53% |

| Landore Electoral Ward | No. of Cllrs | | Electorate | |
|---|--------------|----------|------------|------------------|
| | Current | Proposed | Current | 5 Year Projected |
| | 2 | 2 | 4,780 | 4,976 |
| ➤ <i>Landore / Glandŵr Community</i> | | | 4,780 | 4,976 |
| Landore is an established area within Swansea. | | | | |
| Proposal: No change. | | | | |
| Additional Comments may be submitted by Political Groups. | | | | |
| Proposed Councillor : Elector Ratio | | 1:2,488 | Variance | -0.48% |

| Llangyfelach Electoral Ward | No. of Cllrs | | Electorate | |
|---|--------------|----------|------------|------------------|
| | Current | Proposed | Current | 5 Year Projected |
| | 1 | 1 | 3,949 | 5,406 |
| ➤ <i>Llangyfelach Community</i> | | | 1,882 | 2,576 |
| ➤ <i>Pontlliw & Tircoed / Pontlliw a Tircoed Community</i> | | | 2,067 | 2,829 |
| Llangyfelach as a Ward appears logical on a map; however, when considered against the road network, it shows that you have to travel through Penllergaer Ward to get from the Community of Llangyfelach to the Community of Pontlliw & Tircoed. | | | | |
| Proposal Extract the Pontlliw & Tircoed Community from the Llangyfelach Electoral Ward and create a Pontlliw & Tircoed Electoral Ward with its footprint being on its existing Community Boundary. | | | | |
| Additional Comments may be submitted by Political Groups. | | | | |
| Proposed Councillor : Elector Ratio | | 1:1,882 | Variance | -24.72% |

| Llansamlet Electoral Ward | No. of Cllrs | | Electorate | |
|--|--------------|----------|------------|------------------|
| | Current | Proposed | Current | 5 Year Projected |
| | 4 | 4 | 11,040 | 11,924 |
| ➤ <i>Birchgrove Community</i> | | | 5,810 | 6,275 |
| ➤ <i>Llansamlet Community</i> | | | 5,230 | 5,649 |
| Birchgrove and Llansamlet are two distinct Communities. | | | | |
| The Commission wants Electoral Ward sizes between 1 and 3 Councillors. | | | | |
| Proposal Comments may be submitted by Political Groups. | | | | |
| Proposed Councillor : Elector Ratio | | 1:2,981 | Variance | 19.24% |

| Lower Loughor Electoral Ward | No. of Cllrs | | Electorate | |
|---|--------------|----------|------------|------------------|
| | Current | Proposed | Current | 5 Year Projected |
| | 1 | 3 | 1,789 | 1,789 |
| ➤ <i>Llwchwr Community</i> | | | 7,426* | 8,440* |
| • Lower Loughor Community Ward | | | 1,789 | 1,789 |
| <p>* Note: Llwwchwr Community covers 4 Community Wards (Garden Village, Kingsbridge, Lower Loughor & Upper Loughor). These are combined figures.</p> <p>Kingsbridge, Loughor (Lower & Upper) form the historic Llwwchwr Town Council. It is an established area that is logical culturally and in a community sense.</p> <p>Proposal: Merge Kingsbridge, Lower Loughor and Upper Loughor into a new Llwwchwr Electoral Ward on the footprint of the Llwwchwr Town Council boundary.</p> <p>It creates a 3 Councillor Electoral Ward & 5 year projected electorate of 8,440. Additional Comments may be submitted by Political Groups.</p> | | | | |
| Proposed Councillor : Elector Ratio | | 1:2,813 | Variance | 12.53% |

| Mawr Electoral Ward | No. of Cllrs | | Electorate | |
|--|--------------|----------|------------|------------------|
| | Current | Proposed | Current | 5 Year Projected |
| | 1 | 1 | 1,390 | 1,390 |
| ➤ <i>Mawr Community</i> | | | 1,390 | 1,390 |
| • Craig Cefn Parc Community Ward | | | 877 | 877 |
| • Felindre Community Ward | | | 274 | 274 |
| • Garnswllt Community Ward | | | 239 | 239 |
| <p>Mawr is geographically large with vast unpopulated areas. It is well below the Commissions Councillor : Electorate Ratio and has no projected growth.</p> <p>Proposal Comments may be submitted by Political Groups.</p> | | | | |
| Proposed Councillor : Elector Ratio | | 1:1,390 | Variance | -44.40% |

| Mayals Electoral Ward | No. of Cllrs | | Electorate | |
|---|--------------|----------|------------|------------------|
| | Current | Proposed | Current | 5 Year Projected |
| | 1 | 1 | 2,156 | 2,156 |
| ➤ <i>Mumbles Community</i> | | | 13,482* | 13,619* |
| • Mayals Community Ward | | | 2,156 | 2,156 |
| <p>* Note: Mumbles Community covers 4 Community Wards making up the Mumbles Community Council. These are combined figures.</p> <p>Proposal Comments may be submitted by Political Groups.</p> | | | | |
| Proposed Councillor : Elector Ratio | | 1:2,156 | Variance | -13.76% |

| Morriston Electoral Ward | No. of Cllrs | | Electorate | |
|--|--------------|----------------|------------|------------------|
| | Current | Proposed | Current | 5 Year Projected |
| | 5 | 5 | 12,047 | 12,177 |
| ➤ <i>Morriston / Treforys Community</i> | | | 12,047 | 12,177 |
| The Commission wants Electoral Ward sizes between 1 and 3 Councillors. | | | | |
| Proposal: Comments may be submitted by Political Groups. | | | | |
| Proposed Councillor : Elector Ratio | | 1:2,435 | Variance | -2.58% |

| Mynyddbach Electoral Ward | No. of Cllrs | | Electorate | |
|---|--------------|----------------|------------|------------------|
| | Current | Proposed | Current | 5 Year Projected |
| | 3 | 3 | 6,604 | 7,139 |
| ➤ <i>Mynyddbach Community</i> | | | 6,604 | 7,139 |
| Proposal Comments may be submitted by Political Groups. | | | | |
| Proposed Councillor : Elector Ratio | | 1:2,380 | Variance | -4.81% |

| Newton Electoral Ward | No. of Cllrs | | Electorate | |
|--|--------------|----------------|------------|------------------|
| | Current | Proposed | Current | 5 Year Projected |
| | 1 | 1 | 2,832 | 2,926 |
| ➤ <i>Mumbles Community</i> | | | 13,482* | 13,619* |
| • Newton Community Ward | | | 2,832 | 2,926 |
| * Note: Mumbles Community covers 4 Community Wards making up the Mumbles Community Council. These are combined figures. | | | | |
| Proposal Comments may be submitted by Political Groups. | | | | |
| Proposed Councillor : Elector Ratio | | 1:2,926 | Variance | 17.04% |

| Oystermouth Electoral Ward | No. of Cllrs | | Electorate | |
|--|--------------|----------------|------------|------------------|
| | Current | Proposed | Current | 5 Year Projected |
| | 1 | 1 | 3,275 | 3,318 |
| ➤ <i>Mumbles Community</i> | | | 13,482* | 13,619* |
| • Oystermouth Community Ward | | | 3,275 | 3,318 |
| * Note: Mumbles Community covers 4 Community Wards making up the Mumbles Community Council. These are combined figures. | | | | |
| Proposal Comments may be submitted by Political Groups. | | | | |
| Proposed Councillor : Elector Ratio | | 1:3,318 | Variance | 32.72% |

| Penclawdd Electoral Ward | No. of Cllrs | | Electorate | | |
|--|--------------|----------|----------------|------------------|---------------|
| | Current | Proposed | Current | 5 Year Projected | |
| | | 1 | 1 | 2,921 | 2,921 |
| ➤ <i>Llanrhidian Higher / Llanrhidian Uchaf Community</i> | | | 2,921 | 2,921 | |
| • Llanmorlais Community Ward | | | 1,000 | 1,000 | |
| • Penclawdd Community Ward | | | 1,921 | 1,921 | |
| Penclawdd is an established area within Swansea. | | | | | |
| The Penclawdd Electoral Ward elements (6) of Channel View (0), Fairways (1), Pen-y-Mynydd (5) all off Cilonnen Road be added to the Fairwood Electoral Ward. | | | | | |
| Proposal Comments may be submitted by Political Groups. | | | | | |
| Proposed Councillor : Elector Ratio | | | 1:2,915 | Variance | 16.60% |

| Penderry Electoral Ward | No. of Cllrs | | Electorate | | |
|---|--------------|----------|----------------|------------------|--------------|
| | Current | Proposed | Current | 5 Year Projected | |
| | | 3 | 3 | 7,577 | 8,064 |
| ➤ <i>Penderry / Penderi Community</i> | | | 7,577 | 8,064 | |
| Penderry is an established area within Swansea. | | | | | |
| Proposal Comments may be submitted by Political Groups. | | | | | |
| Proposed Councillor : Elector Ratio | | | 1:2,688 | Variance | 7.52% |

| Penllergaer Electoral Ward | No. of Cllrs | | Electorate | | |
|---|--------------|----------|----------------|------------------|----------------|
| | Current | Proposed | Current | 5 Year Projected | |
| | | 1 | 2 | 2,543 | 3,515 |
| ➤ <i>Penllergaer Community</i> | | | 2,543 | 3,515 | |
| • Penllergaer East Community Ward | | | 1,743 | 2,409 | |
| • Penllergaer West Community Ward | | | 800 | 1,106 | |
| Penllergaer is an established area of Swansea. | | | | | |
| Proposal Comments may be submitted by Political Groups. | | | | | |
| Proposed Councillor : Elector Ratio | | | 1:1,758 | Variance | -29.70% |

One Councillor Calculation

| | | | |
|-------------------------------------|----------------|----------|---------------|
| Proposed Councillor : Elector Ratio | 1:3,515 | Variance | 40.60% |
|-------------------------------------|----------------|----------|---------------|

| Pennard Electoral Ward | No. of Cllrs | | Electorate | |
|---|--------------|----------|----------------|------------------|
| | Current | Proposed | Current | 5 Year Projected |
| | 1 | 1 | 2,236 | 2,344 |
| ➤ <i>Pennard Community</i> | | | 2,236 | 2,344 |
| • Kittle Community Ward | | | 528 | 554 |
| • Southgate West Community Ward | | | 1,708 | 1,791 |
| <p>Pennard Electoral Ward falls slightly short of the Commissions guidance on Councillor : Elector Ratio. The Gower Electoral Ward exceeds the ratio. The Authority therefore looked at ways to address both areas by shifting natural areas between the two areas.</p> <p>Additionally, there are 2 properties on Old Kittle Road which currently sit within the Bishopston Electoral Ward but would more logically sit within Pennard Electoral Ward.</p> <p>Proposal The Ilston / Llanilltyd Gwŷr Community (426) made up of Ilston Community Ward (188), Nicholaston Community Ward (85) and Penmaen Community Ward (153) all currently within the Gower Electoral Ward to be moved into the Pennard Electoral Ward.</p> <p>The Bishopston Electoral Ward elements (6) of Barlands Cottage, 1 Old Kittle Road (2) and Limberlost, 2 Old Kittle Road (4) be added to the Pennard Electoral Ward.</p> <p>It creates a 5 year projected electorate of 2,776.</p> | | | | |
| Proposed Councillor : Elector Ratio | | | 1:2,776 | Variance |
| | | | | 11.04% |

| Penyrheol Electoral Ward | No. of Cllrs | | Electorate | |
|---|--------------|----------|------------|------------------|
| | Current | Proposed | Current | 5 Year Projected |
| | 2 | 2 | 4,380 | 4,928 |
| ➤ <i>Gorseinon Community</i> | | | 6,861* | 7,725* |
| • Gorseinon West Community Ward | | | 1,451 | 1,633 |
| • Penyrheol Community Ward | | | 2,068 | 2,327 |
| | | | | |
| ➤ <i>Grovesend & Waungron Community</i> | | | 861 | 969 |
| <p>* Note: Gorseinon Community covers 4 Community Wards (Gorseinon Central, Gorseinon East, Gorseinon West and Penyrheol). These are combined figures.</p> <p>Gorseinon Central (1,182), Gorseinon East (2,160), Gorseinon West (1,451) and Penyrheol (2,068) collectively form the boundary of the Gorseinon Town Council.</p> <p>Grovesend & Waungron (861) is a Community in its own right and forms the Grovesend and Waungron Community Council.</p> <p>Proposal</p> <p>The Penyrheol Electoral Ward elements (118) of Brynteg Road (42), Honeysuckle Lane (6), Llys Brynteg (15), Orchard Close (11) and Princess Street (44) be added to the Gorseinon Electoral Ward.</p> <p>Gwynfaen Farm (2) and Pentrebach Farm (1) both off Gwynfe Road to be moved from Penyrheol Electoral Ward into Upper Loughor Electoral Ward.</p> <p>The new developments off Pentrebach which are currently within Upper Loughor to be moved into Penyrheol Electoral Ward. They are only accessible via this estate. The exact elector numbers for this are unknown at this time.</p> <p>It creates a 5 year projected electorate of 4,807.</p> <p>Additional Comments may be submitted by Political Groups.</p> | | | | |
| Proposed Councillor : Elector Ratio | | | 1:2,404 | Variance -3.86% |

| Pontarddulais Electoral Ward | No. of Cllrs | | Electorate | |
|--|--------------|----------|------------|------------------|
| | Current | Proposed | Current | 5 Year Projected |
| | | 2 | 2 | 4,901 |
| ➤ <i>Pontarddulais Community</i> | | | 4,901 | 5,472 |
| • Dulais East Community Ward | | | 721 | 805 |
| • Dulais West Community Ward | | | 1,498 | 1,673 |
| • Goppa Community Ward | | | 519 | 579 |
| • Pentrebach Community Ward | | | 385 | 430 |
| • Tal-y-bont Community Ward | | | 1,778 | 1,985 |
| Pontarddulais is an established area of Swansea. | | | | |
| Proposal | | | | |
| Comments may be submitted by Political Groups. | | | | |
| Proposed Councillor : Elector Ratio | | | 1:2,736 | Variance |
| | | | | 9.44% |

| Sketty Electoral Ward | No. of Cllrs | | Electorate | |
|---|--------------|----------|------------|------------------|
| | Current | Proposed | Current | 5 Year Projected |
| | | 5 | 5 | 11,120 |
| ➤ <i>Sketty / Sgeti Community</i> | | | 11,120 | 11,773 |
| The Commission wants Electoral Ward sizes between 1 and 3 Councillors. | | | | |
| There are a number of street off Brynmill Lane which are currently within the Sketty Electoral Ward; however these should be within the Uplands Electoral Ward. | | | | |
| Proposal | | | | |
| The Sketty Electoral Ward elements (195) of Averil Vivian Grove (44), Gainsborough Close (18), Llythrid Avenue (16), Masefield Way (47) and Roger Beck Way (70) be added to the Uplands Electoral Ward. | | | | |
| This creates a 5 year projected electorate of 11,578. | | | | |
| Proposed Councillor : Elector Ratio | | | 1:2,316 | Variance |
| | | | | -7.38% |

| St. Thomas Electoral Ward | No. of Cllrs | | Electorate | |
|---|--------------|----------------|------------|------------------|
| | Current | Proposed | Current | 5 Year Projected |
| | 2 | 2 or 3 | 5,490 | 6,230 |
| ➤ <i>St. Thomas Community</i> | | | 5,490 | 6,230 |
| <p>The Council boundary between the City and County of Swansea and Neath Port Talbot County Borough Council isn't clear and could easily be clarified by some simple tweaks in the area of Crymlyn Burrows and the Swansea University Bay Campus.</p> <p>Proposal The Neath Port Talbot County Borough Council elements (327) of Baldwins Crescent, Elba Crescent and the Swansea University Bay Campus (202) be added to St. Thomas Ward of the City and County of Swansea.</p> <p>The boundary between Council's should be defined as:</p> <ol style="list-style-type: none"> 1) The roundabout to the East of Amazon on the A483; 2) The area between the beach up to the railway line to the north of Ffordd Amazon and following the railway line; 3) A line south from the above mentioned roundabout down to the bay. <p>Additional Comments may be submitted by Political Groups.</p> <p>This creates a 5 year projected electorate of 6,674.</p> | | | | |
| Proposed Councillor : Elector Ratio | | 1:3,279 | Variance | 31.14% |

Three Councillor Calculation

| | | | |
|-------------------------------------|----------------|----------|----------------|
| Proposed Councillor : Elector Ratio | 1:2,186 | Variance | -12.57% |
|-------------------------------------|----------------|----------|----------------|

| Townhill Electoral Ward | No. of Cllrs | | Electorate | |
|---|--------------|----------|------------|------------------|
| | Current | Proposed | Current | 5 Year Projected |
| | 3 | 3 | 5,891 | 5,891 |
| ➤ <i>Townhill Community</i> | | | 5,891 | 5,891 |
| <p>In order to better define boundaries, there is a need to address boundaries between Cockett and Townhill and Uplands and Townhill.</p> <p>The streets around Gors Primary School / Junction of Gors Avenue and Cockett Road (excluding Cockett Road) be added to the Townhill Electoral Ward as they were some years back.</p> <p>The streets to the north of Townhill Road and No's 2A-110, Townhill Road (currently Uplands Electoral Ward) be added to the Townhill Electoral Ward as they were some years back.</p> <p>Proposal</p> <p>1) The Cockett Electoral Ward elements (308) of Cefn Coed Crescent (11), Gors Avenue (63), Gwynedd Avenue (96), Lon Cothi (54), Lon Teify (49) and Lon Towy (35) be added to the Townhill Electoral Ward.</p> <p>2) The Uplands Electoral Ward elements (475) of Arfryn Road (3), Graiglwyd Road (No. 124) (2), Lon Coed Bran (118), Lon Coed Parc (24), Lon Dan y Coed (34), Lon Ger y Coed (51), Lon Pen y Coed (68), Pentyla Road (72) and Townhill Road (No's 2A-110 (Evens Only)) (103) be added to the Townhill Electoral Ward.</p> <p>Additional Comments may be submitted by Political Groups.</p> <p>This creates a 5 year projected electorate of 6,674.</p> | | | | |
| Proposed Councillor : Elector Ratio | | | 1:2,225 | Variance -11.01% |

| Uplands Electoral Ward | No. of Cllrs | | Electorate | |
|--|--------------|----------|----------------|------------------|
| | Current | Proposed | Current | 5 Year Projected |
| | 4 | 4 | 10,157 | 10,741 |
| ➤ <i>Uplands Community</i> | | | <i>10,157</i> | <i>10,741</i> |
| <p>The Commission wants Electoral Ward sizes between 1 and 3 Councillors.</p> <p>There are a number of street off Brynmill Lane which are currently within the Sketty Electoral Ward; however these should be within the Uplands Electoral Ward.</p> <p>The streets to the north of Townhill Road and No's 2A-110, Townhill Road (currently Uplands Electoral Ward) be added to the Townhill Electoral Ward as they were some years back.</p> <p>Proposal</p> <p>1) The Sketty Electoral Ward elements (195) of Averil Vivian Grove (44), Gainsborough Close (18), Llythrid Avenue (16), Masefield Way (47) and Roger Beck Way (70) be added to the Uplands Electoral Ward.</p> <p>2) The Uplands Electoral Ward elements (475) of Arfryn Road (3), Graiglwyd Road (No. 124) (2), Lon Coed Bran (118), Lon Coed Parc (24), Lon Dan y Coed (34), Lon Ger y Coed (51), Lon Pen y Coed (68), Pentyla Road (72) and Townhill Road (No's 2A-110 (Evens Only)) (103) be added to the Townhill Electoral Ward.</p> <p>Additional Comments may be submitted by Political Groups.</p> <p>This creates a 5 year projected electorate of 10,461.</p> | | | | |
| Proposed Councillor : Elector Ratio | | | 1:2,615 | Variance |
| | | | | 4.61% |

| Upper Loughor Electoral Ward | No. of Cllrs | | Electorate | |
|--|--------------|----------------|------------|------------------|
| | Current | Proposed | Current | 5 Year Projected |
| | 1 | 3 | 2,137 | 2,352 |
| • <i>Llwchwr Community</i> | | | 7,426* | 8,440* |
| • Upper Loughor Community Ward | | | 2,137 | 2,352 |
| <p>* Note: Llwwchwr Community covers 4 Community Wards (Garden Village, Kingsbridge, Lower Loughor & Upper Loughor). These are combined figures.</p> <p>Kingsbridge, Loughor (Lower & Upper) form the historic Llwwchwr Town Council. It is an established area that is logical culturally and in a community sense.</p> <p>Proposal Merge Kingsbridge, Lower Loughor and Upper Loughor into a new Llwwchwr Electoral Ward on the footprint of the Llwwchwr Town Council boundary.</p> <p>Gwynfaen Farm (2) and Pentrebach Farm (1) both off Gwynfe Road to be moved from Penyrheol Electoral Ward into Upper Loughor Electoral Ward.</p> <p>It creates a 3 Councillor Electoral Ward & 5 year projected electorate of 8,443.</p> <p>Additional Comments may be submitted by Political Groups.</p> | | | | |
| Proposed Councillor : Elector Ratio | | 1:2,813 | Variance | +12.57% |

| West Cross Electoral Ward | No. of Cllrs | | Electorate | |
|---|--------------|----------------|------------|------------------|
| | Current | Proposed | Current | 5 Year Projected |
| | 2 | 2 | 5,219 | 5,219 |
| ➤ <i>Mumbles Community</i> | | | 13,482* | 13,619* |
| • West Cross Community Ward | | | 5,219 | 5,219 |
| <p>* Note: Mumbles Community covers 4 Community Wards making up the Mumbles Community Council. These are combined figures.</p> <p>Proposal Comments may be submitted by Political Groups.</p> | | | | |
| Proposed Councillor : Elector Ratio | | 1:2,610 | Variance | 4.38% |

7. Financial Implications

7.1 There are no financial implications associated with this report.

8. Legal Implications

8.1 There are no legal implications associated with this report.

9. Equality and Engagement Implications

9.1 There are none associated with this report.

Background Papers: None

Appendices: None

Agenda Item 14.



Report of the Leader of the Council

Council – 26 July 2018

Honorary Freedom of the City & County of Swansea to Sir Karl Jenkins CBE B.Mus FRAM LRAM

| | |
|------------------------------------|--|
| Purpose: | To consider conferring Honorary Freedom of the City & County of Swansea to Sir Karl Jenkins CBE B.Mus FRAM LRAM |
| Policy Framework: | None |
| Consultation: | Access to Services, Finance, Legal. Chief Executive, Group Leaders |
| Recommendation(s): | It is recommended that: 1) Honorary Freedom of the City & County of Swansea is granted to Sir Karl Jenkins CBE B.Mus FRAM LRAM 2) A ceremonial council meeting will be held on 4 October 2018 to confer the title of Honorary Freedom. |
| Report Author: | Jo-anne Jones |
| Finance Officer: | Ben Smith |
| Legal Officer: | Tracey Meredith |
| Access to Services Officer: | Rhian Millar |

1. Introduction

Karl Jenkins was born in Penclawdd and attended Gowerton Grammar School. He progressed through the Glamorgan Youth Orchestra, the National Youth Orchestra of Wales, Cardiff and the Royal Academy of Music, London. Following his studies he won awards as a jazz oboist and multi-instrumentalist, working with, amongst others Ronnie Scott. He co-founded Nucleus in 1972, winning first prize at the Montreux Jazz Festival, before joining Soft Machine playing venues as diverse as The Proms, the Newport Jazz Festival (USA), Carnegie Hall, the Reading Festival and the Montreux Festival.

He has become one of the world's most successful composers of applied music. For over fifteen years Karl has supplied music to order of the highest calibre and widest range of styles where he is known for his versatility and speed at composing bespoke music for television and commercials.

Since Karl Jenkins Music was formed in 1996, Jenkins has continued to compose commercial music, not only in his popular "Adiemus" sound (e.g. Cheltenham & Gloucester Building Society in the UK and Delta Air Lines worldwide), but is in demand for his extensive catalogue of sounds from Jazz to Opera, from Rock to Country and from Western European orchestral to synthesised sound design.

Jenkins's talent in composing to picture, combined with his massively appealing album writing is now culminating with film scores in the offing. Further information on Mr Jenkins career can be found by visiting his website www.karljenkins.com.

Sir Karl Jenkins is the first Welsh born composer to receive a knighthood for services to composing and crossing musical genres.

Granting Honorary Freedom of the City & County of Swansea to Sir Karl Jenkins, will allow the council of the City & County of Swansea to recognise him as one of the world's most-performed living composers.

2. Section 249 of the Local Government Act 1972.

Under section 249 of the Local Government Act the Council may by a resolution passed by not less than two thirds of the members voting thereon, admit to be an Honorary Freeman person of distinction and persons who have, in the opinion of the Council rendered eminent service to the County.

In the past similar honours have been bestowed by the Council and its predecessors on The Welsh Guards, The Royal Welsh Regiment (Royal Welch Fusiliers) and its antecedent regiments, HM Coastguard, RNLI, former President Jimmy Carter, the late Lord Callaghan, the late John Charles, HMS Scott, The Archbishop of Canterbury, 1st The Queen's Dragoon Guards, 215 (City of Swansea) Squadron, Mel Nurse, Chris Coleman, and more recently HMS Cambria.

3. Ceremony Arrangements

It is proposed that the ceremony will be held at a ceremonial meeting of the Council to be held at the Guildhall, Swansea on 4 October 2018.

4. Equality and Engagement Implications

The proposal has no equality implications and an Equality Impact Assessment is not required in this instance.

5. Financial Implications

The cost of the proceedings, including a Freedom Scroll, will be met from the Corporate Promotions budget.

6. Legal Implications

The power to grant Honorary Freedom of the City and County of Swansea is contained in Section 249 [5] of the Local Government Act 1972.

Background Papers: None

Appendices: None

Agenda Item 15.



Joint Report of the Presiding Member, Monitoring Officer, Head of Democratic Services & Constitution Working Group

Council - 26 July 2018

Amendments to the Council Constitution

| | |
|------------------------------------|--|
| Purpose: | To make amendments in order to simplify, improve and / or add to the Council Constitution. A decision of Council is required to change the Council Constitution. |
| Policy Framework: | Council Constitution. |
| Consultation: | Access to Services, Finance, Legal, Constitution Working Group. |
| Recommendation(s): | It is recommended that: 1) The changes to the Council Constitution as outlined in Paragraph 4 together with any further consequential changes be recommended to Council for approval. |
| Report Authors: | Tracey Meredith / Huw Evans |
| Finance Officer: | Ben Smith |
| Legal Officer: | Tracey Meredith |
| Access to Services Officer: | Sherill Hopkins |

1. Introduction

- 1.1 In compliance with the Local Government Act 2000, the City and County of Swansea has adopted a Council Constitution. From time to time it is necessary to review the Council Constitution in line with legislative requirements and to ensure good governance arrangements.
- 1.2 A number of issues have arisen since adoption and in order to maintain the aims, principles and procedures set out in Articles 1 and 15 of the Council Constitution, it is proposed that the amendments set out below should be made to the Constitution.

1.3 The terms of reference of the Constitution Working Group includes keeping under review the Council Constitution and to make appropriate recommendations for change.

2. Delegated Minor Corrections to the Council Constitution

2.1 There are no delegated minor corrections to the Council Constitution.

3. Amendments to the Council Constitution

3.1 This report outlines a number of suggested amendments to the Council Constitution. The amendments are within the following area of the Council Constitution:

a) Part 4 - Cabinet Procedure Rules - Call In Procedure.

4. Part 4 - Cabinet Procedure Rules - Call In Procedure.

4.1 The Call-In Procedure is currently found within the Cabinet Procedure Rules in Part 4, Paragraph 18 of the Council Constitution. The Call-In Procedure set out at paragraphs 18.1 to 18.13 involve 5% of any councillors being able to call-in any decision of Cabinet within 3 clear working days of publication of that decision. It is for the Presiding Member to decide whether the call-in is valid.

4.2 Paragraph 18.4 sets out the exhaustive list of criteria which needs to be satisfied for a valid call-in. If valid, the called in decision will be referred to a Challenge Panel who will consider and make recommendations or refer to another body i.e. Scrutiny.

4.3 The Monitoring Officer has reviewed the Council's Call-In Procedure. Swansea Council would appear to be unique in having a valid Call-in referred to a Challenge Panel. The majority, if not all, councils have Scrutiny Committees considering a called in decision. This would be in line with the limitation on Cabinet members being unable to sit on Scrutiny Committees.

4.4 It is therefore proposed to change the current call-in procedure so that it reflects the practice across Wales and also that the exhaustive criteria for a valid call-in is changed to that set out at paragraph 3.1 of the new procedure, namely, urgency provision, that the decision is broadly the same as a decision called in previously, the decision has been subject of pre-decision scrutiny and the call-in reasons provide too little detail. The proposed new Call-In Procedure is found at **Appendix A** of this report together with a flowchart outlining the procedure at **Appendix B**.

4.5 Discussions have taken place with Group Leaders and the Chair of the Scrutiny Programme Committee and all are agreed with the proposed changes.

5. Financial Implications

5.1 There are no financial implications associated with this report.

6. Legal Implications

6.1 There are no legal implications associated with this report.

7. Equality and Engagement Implications

7.1 There are none associated with this report.

Background Papers: None

Appendices:

Appendix A Proposed - Call-in Procedure

Appendix B Call-in Procedure Flowchart

Proposed - Call In Procedure

1. Executive Decisions

- 1.1 Where a decision is made by Cabinet, the minutes of the decision shall be published electronically and made available at the Guildhall within 2 clear working days of the decision being made by the Head of Democratic Services.
- 1.2 The Chair and Vice Chair of the Scrutiny Programme Committee shall also be sent electronic copies of the minutes of all such decisions.
- 1.3 The minutes shall:
 - i) Bear the date on which they are published; and
 - ii) Specify that the decision will come into force and may then be implemented on the expiry of 3 clear working days (the Call In period) after the publication of the decision, unless called in pursuant to these Procedure Rules.

2. How to Call In an Executive Decision?

- 2.1 The Chair and / or Vice Chair of the Scrutiny Programme Committee or any 4 Councillors may Call In a decision by giving notice and stating the reason(s) for a Call In, in writing (preferably via e-mail) to the Head of Democratic Services within the Call In period. The Head of Democratic Services will then notify the decision taker of the Call In via e-mail.

3. Validity of Call In

- 3.1 The Head of Democratic Services upon consultation with the Monitoring Officer and Presiding Member may rule that a Call In is not valid if:
 - a) It is not made by midnight on the 3rd clear working day of the publication of the decision;
 - b) The decision is exempt from Call In on account of urgency provisions as set out below and also where:
 - i) The decision being called in is the same, or broadly the same, as a previous Call In within the last six months;
 - ii) The decision has been subject to pre-decision scrutiny and there is no material change in relevant information/evidence;

- iii) The Call In does not specify precisely which aspects of the decision is to be challenged or provides too little information.

4. Role of the Scrutiny Programme Committee

4.1 The Head of Democratic Services shall call a meeting of the Scrutiny Programme Committee on such date as s/he may determine, where possible after consultation with the Chair of the Scrutiny Programme Committee, and in any case within 7 clear working days of the decision to Call In.

Note: For the purpose of this paragraph, the last working day before Christmas and the working days between Christmas and the New Year shall not be counted as working days.

4.2 At its meeting, the Scrutiny Programme Committee will consider the called in decision.

4.3 The Scrutiny Programme Committee shall consider the reasons for the Call In and the decision and:

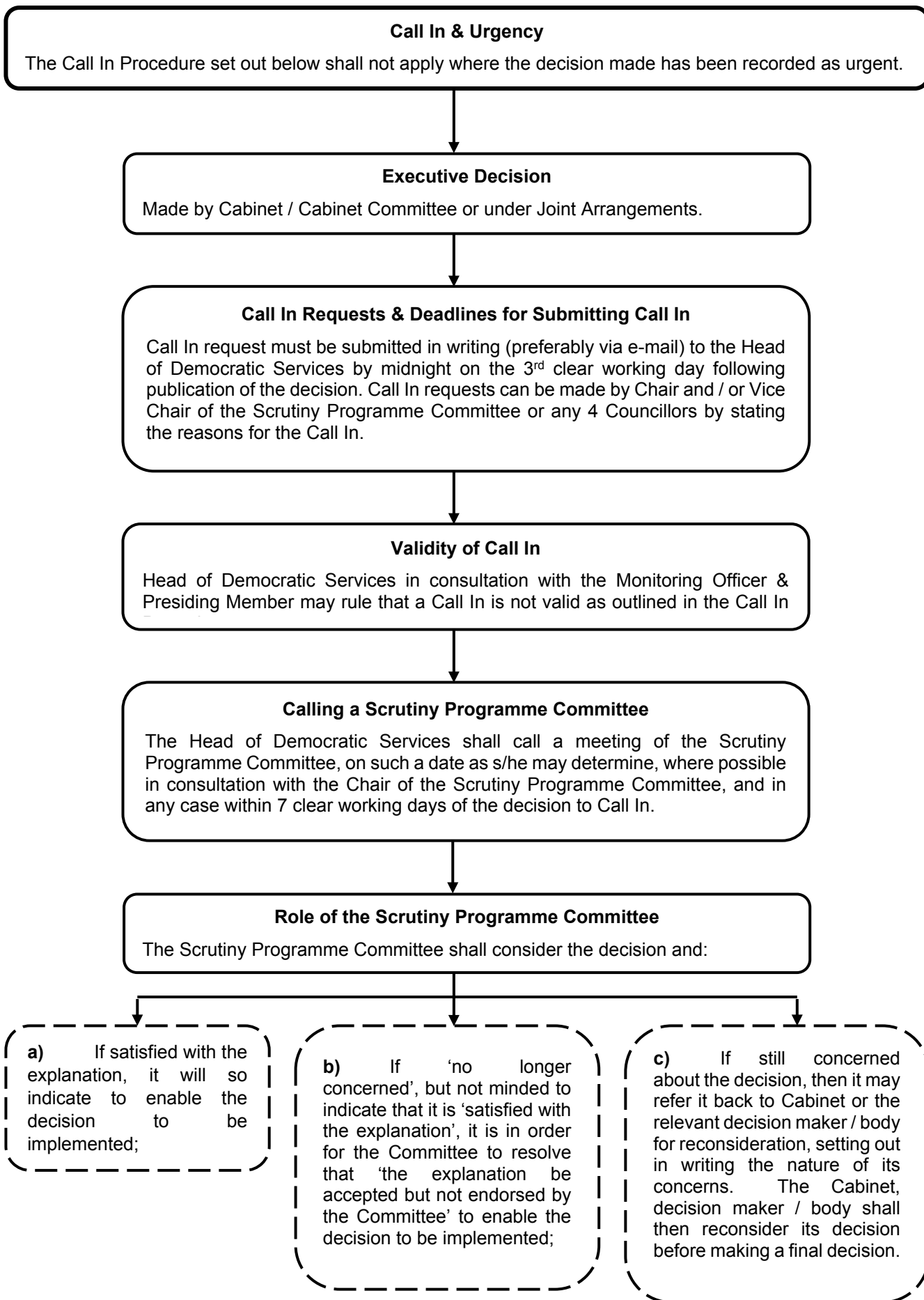
- i) If satisfied with the explanation it will so indicate to enable the decision to be implemented;
- ii) If 'no longer concerned', but not minded to indicate that it is 'satisfied with the explanation', it is in order for the Committee to resolve that 'the explanation be accepted but not endorsed by the Committee';
- iii) If still concerned about the decision, then it may refer it back to Cabinet or the relevant decision maker / body for reconsideration, setting out in writing the nature of its concerns. The Cabinet, decision maker / body shall then reconsider its decision before making a final decision.

5. Call In and Urgency

5.1 The Call In procedure set out above shall not apply where the decision being taken is urgent. A decision will be urgent if either the Head of Paid Service, the Section 151 Officer or the Monitoring Officer certifies that any delay likely to be caused by the Call In procedure could seriously prejudice the Council or the public interest including failure to comply with statutory requirements;

- 5.2 The record of the decision, and notice by which it is made public, shall state whether the decision is an urgent one, and therefore not subject to Call In.
- 5.3 The operation of the provisions relating to Call In and urgency shall be monitored annually and a report submitted to Council with proposals for review if necessary.

Call In Procedure Flowchart



Agenda Item 16.



Council – 26 July 2018

Councillors' Questions

Part A – Supplementaries

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| 1 | <p>Cllr Jeff Jones, Chris Holley & Mary Jones</p> <p>The Leader has previously given a figure of £520 million as the present average estimate of debt held by the Authority rising to £570 million in 2021/2022.</p> <p>In addition to the £32 million per annum that presently services this debt, the Leader has also provided a forecast of increases in financing charges of £1.5 million in 2018/2019 rising to £15 million in 2025/2026. He has also stated that the projected figures did not include the City Centre and City Deal projects. With these projects in mind will the Leader state what will the additional borrowing requirements be to service these projects and what will be the additional cost of financing these borrowings.</p> <p>Will the Leader also state what affect this will have on an already pressurised revenue budgetary situation in these times of austerity.</p> <p>Response of the Leader</p> <p>I have already responded to previous questions on this matter and drawn attention to the agreed budget, medium term financial plan and treasury management strategy.</p> <p>This included inherited borrowing of £79m taken out by the previous administration on schemes such as the LC and the Guildhall.</p> <p>The overall financing forecasts reflect the policy intention to borrow up to a net £200m taking into account City Deal direct financing.</p> <p>The borrowing is a gross figure and does not take into account income generated by the assets we will be creating. This includes the value of retained business rates, rental income from city centre developments or uplift and increases in capital values of our existing assets as we add value to our city centre and city region.</p> <p>Nor do they account for the significant economic uplift from such developments including improving the GVA of the city and region. The Arena development alone is projected to contribute £40m per annum to the local economy. Therefore in less than 3 years of operation the arena will have delivered more than its construction cost into the economy of Swansea.</p> <p>The MTFP sets out the S151 officer assumptions as to the peak of funding requirements at £15m (gross) recognising that this Council has an ambitious plan to deliver over a shorter timeframe than the city deal funding. This may</p> |
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| | <p>be reduced or offset by the income streams above. In addition it has always been a key aim of the Swansea Bay City Deal to deliver all 11 projects in parallel to ensure the most positive economic impact is generated in the shortest period of time.</p> <p>The overall capital financing costs for this council will rise on these assumptions from around 7% to just over 10% of revenue spending. It is worth noting that we are at a time of historical low cost borrowing. To emphasise this point we can now borrow approximately £2 for the same cost as £1 in 2007/08 when £27m borrowing alone was taken out for the LC refurbishment. As well as servicing that debt at interest rates nearly twice what they now are, there has been an ongoing revenue subsidy to the LC averaging over £800k per annum over each of the past ten years. The operators of the Arena will be paying sums to the Council, not the other way round.</p> <p>Given all of the above the s151 officer and I do not consider that this represents a disproportionately large sum of our annual income to spend on the “repayment”, especially as the long term benefit of creating new income streams from the council is so important to future council financing.</p> <p>There will continue to be significant pressures on all budgets and this does undoubtedly add to the burden in the very short term. However in the absence of any fair, reasonable and realistic long term revenue funding from Westminster, via the Welsh Government, I and this administration will continue to look to not only maintain what the Council does now, but ensure Swansea regains its position as a leading UK city destination and develop and grow Swansea to be fit for the wellbeing of future generations.</p> |
| 2 | <p>Cllr Linda Tyler-Lloyd</p> <p>I was encouraged to read in the Swansea Leader that the council is recruiting new apprentices, I understand that the parks services will be benefiting from this initiative, within 10 years every gardener will have retired from the Botanical Gardens and Clyde Gardens, when they go so does their horticultural knowledge and expertise. My question is, where will the apprentices be based. And what Royal Horticultural Society qualifications are they undertaking as part of the scheme.</p> <p>Response of the Cabinet Member for Environment & Infrastructure Management</p> <p>It is indeed good news that the Council is creating employment opportunities and developing talent for the future through Apprenticeships. It is intended to recruit two Gardener Apprentices to be based at Clyne Gardens and the Botanical Gardens, gaining knowledge and experience at both of these sites. It is absolutely essential that the knowledge and experience of the excellent staff at these sites is not lost.</p> <p>The specific qualification options are still being explored, and they could be a Royal Horticultural Society course, or a Horticultural NVQ course.</p> |

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| <p>3</p> | <p>Cllrs Mary Jones, Mike Day & Jeff Jones</p> <p>Since the introduction of the Squids payment scheme for school meals and the recent email telling parents/ carers that any account that is under £10 in credit will result in no meal being provided, will the Cabinet Member tell Council how many children have been refused a meal since the introduction of this scheme last year.</p> <p>Response of the Cabinet Member for Education Improvement & Learning</p> <p>There has been very positive feedback from schools since the introduction of the SQUID payments scheme for school meals and, since these changes we are not aware of any child having been refused a meal.</p> <p>To clarify, the SQUID system has been set up to allow parents a maximum of 5 meals in arrears. This is to allow parents a week buffer, while at the same time discouraging them to run up a large, possibly unmanageable debt.</p> <p>The usual process is that as soon as there is no credit in a child's account, the school contact the parent to load the account or bring a packed lunch in for their child. The school have discretion to provide the child with a meal, meeting the cost until the parent pays them.</p> |
| <p>4</p> | <p>Cllrs P Hood-Williams, L Jones , W Thomas & M Langstone</p> <p>In the 2018/19 City and County of Swansea Council budget, Council Tax was increase by virtually 5% and Council house rents were increased by almost 7%.</p> <p>Can the Leader explain how these increases are compatible with the Council's laudible policies of Poverty Reduction and Poverty Prevention.</p> <p>Response of the Leader</p> <p>Council has to balance a range of competing priorities and deal with the long lasting consequences of prolonged austerity made in Westminster. If Wales and subsequently this Council got a full and fair share of funding recognising fully all the pressures placed upon us all by demography (e.g. adult social care) and decisions outside of our hands (e.g. national pay awards, the Apprenticeship Levy, all imposed, all unfunded) then Council could have considered alternatives this year and every year.</p> <p>I will always want to maintain and indeed improve services be they general fund or housing revenue related and indeed want to invest further to regenerate and revitalise our city to create jobs and employment opportunities.</p> <p>As a Council with social care and education responsibilities, its increases in council tax are not out of line with the majority of others in England or Wales. Those on low incomes are protected from the full impact of the headline</p> |

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| | <p>increases by the Council Tax Reduction Scheme, part paid for by Welsh Government, the rest of it of course paid for by this Council. As we have all come to expect, not a bean of this safety net is funded from Westminster.</p> <p>In terms of housing this Council intends to meet the Welsh Housing Quality Standard and as Leader I am immensely proud that this Council is, for the first time in a generation, building new council houses. That is why we have raised rents by the maximum allowed by the Welsh Government to improve the current stock for current tenants and invest in new stock for new people to have the opportunity to have a quality home, built to high environmental standards, to live in. The majority of tenants do of course receive partial or full housing benefit or rent allowance which again mitigates the headline rise for those on lower incomes.</p> |
| 5 | <p>Cllrs Peter Black, Chris Holley & Mary Jones</p> <p>Will the Leader outline the full revenue costs to the council of the new Arena building including capital repayments and any envisaged subsidy.</p> <p>Response of the Leader</p> <p>The business case for the Arena is currently going through the UK/WG business case approval process and will in due course also go through the City Deal Joint Governance Committee. As I have repeatedly made clear it will also come before this Council for the opportunity for discussion and decision once we know it has cleared these approval mechanisms which are necessary to unlock City Deal funding which supports part of the cost. I can assure that a full case will be set out before a final decision to commit this Council is made. I would expect the case to be considered by the autumn.</p> |
| 6 | <p>Cllrs Wendy Fitzgerald, Gareth Sullivan & Graham Thomas</p> <p>What income/savings is the council deriving from solar panels situated on council buildings and when is it envisaged that the cost of installation will be repaid in full.</p> <p>Response of the Cabinet Member for Homes & Energy</p> <p>The income and savings fall into three categories all of which are variable</p> <p>Firstly the UK Government set up Feed-in Tariffs (FiT) which have reduced from 41.4 p/kWh in 2010 to 4.00 p/kWh in October 2017. The FIT rate is guaranteed for between 20 and 25 years, depends on the date when the panels were installed.</p> <p>This incentive was intended to “kick start” the market which largely was successful resulting in a significant reduction in the installation costs over the same period. Actual costs depends on a range of factors including the size of installation, which vary depending on site specifics. The typical cost range would be circa £5000/KW in 2010 to £1500 per KW in 2017. Typical payback period would be 8 to 12 years.</p> |

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| | <p>Secondly, Solar panel returns are a balance of income from the Feed in Tariff and savings on electricity bills. As Feed in Tariff levels have reduced and electricity bills have risen over the years, this balance has shifted. Since the latest tariff cuts in February 2016, savings are now a larger part of the return from solar PV than tariff income. Typically a system of 40 KW can reduce electricity by £2,080 per annum and result in an addition export tariff for unused electricity of £2,330 per annum giving a total saving of £4,410 per annum, and a reduction of 35 tonnes of CO2 being produced.</p> <p>Thirdly unused electricity is exported back to the grid at typical rates of 4.01p/KWh for general tariff and 5.24p/KWh for export tariff.</p> <p>As can be seen the increasing importance of electricity savings also means that maximising savings by using as much free solar electricity as possible, as opposed to exporting it to the grid, is likely to have a big impact on our return on investment. This has implications for battery storage and other add-on technologies that aim to maximise the productive use of free solar electricity on-site, thereby increasing savings.</p> <p>In addition to directly installed systems, the council has also set up SCEES (Swansea Community Energy & Enterprise Scheme) which is a new unique community owned renewable energy company which was established by Swansea Council who invested £100K which will be paid back over a 20 year period plus interest. This is an investment rather than a 'cost to authority' and the council receives 6% return and the capital is repaid. We have been repaid 6% interest and 5% capital this year as projected. SCEES is now run independently by a group of local Directors, including Councillor Andrea Lewis the Cabinet member for Homes and Energy who is a board member. They develop and manage renewable energy projects for the benefit of residents in some of the more deprived areas in Swansea.</p> <p>SCEES was set up in 2015 to develop community owned solar projects in and around Townhill and Penderry. During August and September 2016 they installed Solar /PV panels on 9 schools and 1 care home in the areas of Townhill and Penderry in Swansea. These sites typically pay approx. 7.7p/KWh instead of the 13p/KWh they would pay from a typical energy supplier.</p> <p>Up to £500k surplus profits from the scheme will be used to fund skills and enterprise development in some of the poorest communities within Swansea. Whilst the needs of the community are likely to change over time, these funds will be spent on new renewable projects, energy efficiency, low carbon transport, tariff switching, energy awareness, community spaces, enterprise development, business start-up costs, skills development, training and tutoring.</p> |
| | <p>Part B – No Supplementaries</p> |
| <p>7</p> | <p>Cllrs Peter May & Irene Mann</p> |

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| | <p>On 13th April the LDP inspector wrote to the council saying that LDP examination had been suspended. One of the reasons was that the proposed policy LDP on HMOs needed improving. What is the new timescale for the examination and subsequent delivery of the LDP. What opportunities for participation in the examination are there.</p> <p>Response of the Cabinet Member for Delivery</p> <p>The timescale for the delivery of the LDP is set out in the Delivery Agreement (July 2017). This states that the LDP Examination will run until Spring 2018. The Examination has in fact run for a longer period and has lasted to Summer 2018. To reflect this update, Plan adoption is currently anticipated by the end of 2018. This timetable is subject to the date of receipt of the Inspectors Report, which the Planning Inspectorate expects to submit to the Council by Autumn 2018.</p> <p>The Matters Arising Changes version of the LDP will be subject to a minimum 6 week public consultation, which will provide an opportunity for anyone to submit their comments on the amendments made to the Plan during the examination. It is currently anticipated that this will be carried out during September-October 2018. Precise dates for consultation will be widely publicised once they are established, with the agreement of the Planning Inspectorate.</p> |
| 8 | <p>Cllrs Peter May & Irene Mann</p> <p>The statement from the council to the LDP examiner contains the proposed method for calculating the percentage of HMOs in a particular area. This percentage will be compared to the threshold in the LDP when a planning application for a new HMO is determined.</p> <p>Below are elements of the calculation from the council's statement: "5.23 The LPA will assess the concentration of HMO properties within a 50 metre radius of the HMO planning application proposal. The radius will be measured from the centrepont of the proposed property's street frontage.</p> <p>5.24 All residential properties falling within planning use class C3 will be included as part of the count. For the avoidance of doubt this includes social housing.</p> <p>5.25 Flats will be counted as individual properties where these have a front entrance onto the same street as the proposed HMO property."</p> <p>When providing reports for the planning committee to determine applications. The report calculates the percentage by a totally different method altogether.</p> <p>This is demonstrated in the paragraph below extracted from an report written by officers for an application heard by the planning committee on 6th March 2018.</p> |

“St Helens Avenue contains 214 residential properties, 88 of which are registered as HMO's alongside two shops and a business use. The corner of St Helen's Road contains an empty Church building which was most recently used as a restaurant and a bar to the other side. Brynymor Road, which backs onto the application site, contains a number of commercial properties. It is noted that No.198, which is on a corner plot, is not a registered HMO property and No.200 is registered. The conversion of the existing dwelling would result in the concentration of HMOs increasing from 41.12% to 41.58%. Taking into account the volume of commercial properties in the local area and the existing high numbers of HMOs in neighbouring streets it is not considered that the proposed conversion would result in an unacceptable harmful concentration relative to the existing circumstances.”

The method provided by reports to the planning committee to calculate HMO density differ significantly than the one that the council is proposing for the future in two ways.

1. Instead of using the proposed 50m radius method to ascertain the total number of properties, the council are using the total number of properties in a street. In this case 214.
2. Instead of including all residential properties and flats in the total number of properties as proposed in para 5.24 and 5.25 , the council are only counting one front door. Including all properties and flats would make the total 250 rather than 214 according to separate House ID data from the Council.

The current method used by the council to inform the planning committee therefore presents a much higher percentage of HMO density than the proposed method contained in their statement to the LDP examiner for the future.

In plain terms, percentages which now are calculated as 11% under the current method could come out as 8% under the future method. If the threshold was 10% the current method would give the impression to the planning committee that an application would be recommended for refusal. In reality though, under the council's new counting proposals, it would be recommended for approval.

Wouldn't it be more beneficial to the committee to provide them with percentages based on a method of calculation that is consistent with their proposed policy and the actual recommendations that it is likely to provide future planning committees when considering their decisions.

Response of the Cabinet Member for Delivery

There is no evidence to indicate that alternative methods of calculation would indicate either higher or lower percentages or concentrations of HMO's in a particular area as much will depend upon the character of that area and the circumstances that apply in each case.

The proposed LDP policy, which advocates a 'radius approach', currently carries no material weight in the consideration of HMO planning applications. The precise requirements and proposals of the policy are still subject to

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| | <p>deliberation as part of the LDP examination. Current applications must, therefore, be considered under the provisions of existing UDP policy. As the previously produced draft Supplementary Planning Guidance on HMO's was adopted, following the decision of Planning Committee in July 2017, there is currently no established or agreed mechanism or threshold for establishing what constitutes a harmful concentration or intensification of HMO's in an area. Each application must therefore be considered on its own individual merits at the time of determination. The likely recommendation at any future Planning Committee following the adoption of the LDP is not therefore a material planning consideration at this stage.</p> |
| <p>9</p> | <p>Cllrs Peter May & Irene Mann</p> <p>The 'Uplands 4' Lower Super Output Area is entirely contained within the council's proposed HMO management zone which would allow a 25% HMO threshold. In their statement to the LDP examiner, the council's own figures state that the Uplands 4 LSOA only contains an HMO percentage of 16.8%. Why is a policy being proposed to allow scope for a substantial increase the number of HMOs in the Uplands 4 LSOA.</p> <p>Response of the Cabinet Member for Delivery</p> <p>The LSOA referenced in the question, with a 16.8% HMO concentration, is located between those LSOAs that have concentrations of 24.3% and 19.5%. It is located close to University buildings, has a number of localised high concentrations of HMOs, and also contains property types suited for use as HMOs as well as family homes. A boundary that sought to omit the 16.8% area would lack clarity and legibility, would not reflect the evidence and would not provide for the very modest additional number of HMOs over the LDP period in this area, at a particularly sustainable location.</p> |
| <p>10</p> | <p>Cllrs Peter May & Irene Mann</p> <p>According to the HMO public register the capacity of an HMO can vary between 3 and 58 people. In the council's statement to the LDP examiner regarding their proposal for the HMO policy, only the amount of HMOs are mentioned. There is no reference throughout the statement to the numbers of people living in them.</p> <p>How does the council propose to explain to the LDP examiner that they are trying to justify a proposing a housing policy without considering the number of people living in the houses.</p> <p>Response of the Cabinet Member for Delivery</p> <p>The amended LDP policy on HMO development sets out a number of criteria that will be used to assess the suitability of proposals. This includes consideration of the number of HMO properties already located within the surrounding area. This policy approach is considered clear, legible and evidenced based. It is consistent with the broad policy framework used by a number of other Authorities for determining HMO proposals. A policy approach of attempting to consider the number of occupants at each HMO in</p> |

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| | <p>the area at the time of any given application would lack clarity and is not considered a reasonable or workable approach.</p> |
| 11 | <p>Cllrs Peter May & Irene Mann</p> <p>The timing of the exodus of some 4,000 HMO tenants coincided with the Air Show and the Half Marathon. These events attracted a high degree of visiting footfall through the Brynmill area. There was large effort from community volunteers to clear rubbish from outside HMOs, to help put the city in a good light. Despite these efforts to mitigate the effect, visitors to the city had to negotiate split refuse bags and food waste to access the coast. Can we have an undertaking that there will be a properly thought out and coordinated plan for next year to prevent the same situation occurring. Could local members also be involved at every stage to assist with the design of the plan.</p> <p>Response of the Cabinet Member for Delivery</p> <p>The Airshow is organised on the first weekend in July and the Half Marathon is subject to organisers' plans which the Council advises on. With regard to HMO management and waste issues, there is a clear and robust plan to deal with the exodus, but in future years the local members will be advised of the delivery plan at an early stage so that they can provide input into its development and implementation.</p> |
| 12 | <p>Cllrs Peter May & Irene Mann</p> <p>In their statement to the LDP examiner, the council have proposed an HMO management area where up to 25% of properties can be converted into HMOs. The rest of the city enjoys the benefit of only allowing 10% of properties to be HMOs.</p> <p>In their statement to the LDP examiner, the council are proposing an HMO management area.</p> <p>The proposed 25% area in their statement is an enlargement of the original proposed area that was presented to the planning committee for the SPG on 4th July 2017. Initially, the proposed HMO management area terminated at the ward boundary running along Phillips Parade and Duke Street.</p> <p>There has been a small annexation to the east and the area now terminates along the centre line of Nicholl Street.</p> <p>This annexation has created the following perverse result: Nicholl Street has now been split between the two zones. On the 25% side there are 16 houses, 1 of which is an HMO giving a percentage of 6.2%. On the 10% side there are 15 houses, 5 of which are HMOs giving a percentage of 33.3%.</p> <p>Page Street which is the first street in the 10% zone has 31 houses, 12 of which are licensed HMOs giving a percentage of 38.7%.</p> |

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| | <p>This annexation has produced a perverse result where the percentage of HMOs outside the proposed management area is above three times its 10% threshold, whereas the percentage of HMOs inside the management zone is about a quarter of its 25% threshold.</p> <p>How would the council propose to defend an appeal if an HMO application in Page Street was denied planning permission having breached the 10% threshold for the street.</p> <p>Why does the council consider 10% to be robust and defensible in Page Street.</p> <ol style="list-style-type: none"> a. What rationale has been used to justify this annexation. b. Had the number of HMOs in the annexe, substantially changed between the time of the original proposal and the annexation. <p>Response of the Cabinet Member for Delivery</p> <p>The HMO Management Area boundary at Nicholl Street, as currently proposed, is consistent with the extent of the Lower Super Output Area (LSOA) at this location. This is why the boundary only includes the properties on the western side. The LSOAs have provided a key piece of underlying evidence on HMO concentrations to guide the delineation of the Management Area boundary. The proposed delineation is consistent with the evidence in this regard, and it is therefore considered rational, robust and defensible approach. The number of HMOs at Nichol Street/page Street has not changed substantively since 2017. Notwithstanding this, the street character and property types on both sides of Nicholl Street (and indeed Page Street) are broadly the same, and there is some localised existing concentrations of HMOs throughout these two small streets. This represents another aspect of the evidence base that can also be considered in delineating the boundary, as has been for some other discreet areas of the Management Area. There is an option therefore to extend the HMO Management Area to include both the sides of Nicholl Street and Page Street. This had been considered but not proposed due to the abovementioned desire to retain consistency with the LSOA. However this option could be presented to the LDP Inspectors at the upcoming Examination hearing on HMO matters as being a refinement that is consistent with part of the evidence, albeit that these properties are part of a wider LSOA with a concentration of only 9.1%. This alternative option (of slightly extending the 25% Management Area) will make very little difference to the consideration of applications for HMOs at these locations, as these streets are already at or close to ‘capacity’ having regard to either a 10% or 25% thresholds. This highlights the highly restrictive nature of the proposed Management Area and the few opportunities that exist within it for further HMOs.</p> |
| 13 | <p>Cllrs Mike Day, Cheryl Philpott & Lynda James</p> <p>Can the Cabinet Member give an update on land sales, indicating planned, and actual net receipts for 2016/7, 2017/8 and so far for 2018/9? What are the anticipated receipts for the current financial year.</p> <p>Response of the Cabinet Member for Business Transformation & Performance</p> |

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| | <p>Net receipts for 16/17 and 17/18 were £3.773M and £5.145M respectively. Planned or expected receipts are contained within a rolling programme which is regularly reviewed and updated due to the nature of the disposal process. For 18/19 the revised budget position stated expected net receipts of £2.75M, but again would be contained within a rolling programme.</p> |
| 14 | <p>Cllrs Mike Day, Sue Jones, Mary Jones</p> <p>Can the Cabinet Member tell Council how many teaching and non-teaching posts have been lost, and will be lost by 1 September 2018, in all Primary, Secondary and Special schools through</p> <ul style="list-style-type: none"> a) compulsory redundancy b) voluntary and/or early retirement c) non-filling of vacant posts <p>since the 1 April 2018.</p> <p>Response of the Cabinet Member for Education Improvement & Learning</p> <p>Information will be available after 31 August 2018 when all staff who are leaving will have been wholly removed from the system.</p> |
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