

## Cyngor

Rydych dan wŷs trwy hyn i ddod i gyfarfod **Cyngor Dinas a Sir** i'w gynnal yn Siambr y Cyngor, Neuadd y Ddinas, Abertawe ar Dydd Iau, 20 Rhagfyr 2018 am 5.00 pm.

Cynigir trafod y materion canlynol:

1. **Ymddiheuriadau am absenoldeb.**
2. **Datgeliadau o fuddiannau personol a rhagfarnol.**  
[www.abertawe.gov.uk/DatgeliadauBuddiannau](http://www.abertawe.gov.uk/DatgeliadauBuddiannau)
3. **Cofnodion.** **1 - 11**  
  
Cymeradwyo a llofnodi cofnodion y cyfarfod(ydd) blaenorol fel cofnod cywir
4. **Ymatebion ysgrifenedig i gwestiynau a ofynnwyd yng Nghyfarfod Cyffredinol Diwethaf y Cyngor.** **12 - 13**
5. **Cyhoeddiadau'r Aelod Llywyddol.**
6. **Cyhoeddiadau Arweinydd y Cyngor.**
7. **Cwestiynau gan y Cyhoedd.**  
Rhaid i'r cwestiynau ymwneud â materion ar ran agored agenda'r cyfarfod, ac ymdrinnir â hwy o fewn 10 munud.
8. **Cyflwyniad Cyhoeddus -**
9. **Dadansoddiad o effaith diwygio lles.** **14 - 16**
10. **Datganiad Polisi Darpariaeth Isafswm Refeniw (MRP) 2019/20 a Diwygiad i Bolisi MRP 2018/19.** **17 - 30**
11. **Adroddiad Cynnydd Blynnyddol Cynllun Hawliau Plant a Phobl Ifanc 2018.** **31 - 44**
12. **Adolygiad o'r Polisi Gamblo** **45 - 101**
13. **Rhyddid er Anrhydedd Dinas a Sir Abertawe i Gatrawd 157 (Cymru) y Corfflu Logisteg Brenhinol (CLB)** **102 - 103**
14. **Aelodaeth Pwyllgorau.** **104 - 105**



**Huw Evans**  
**Pennaeth Gwasanaethau Democrataidd**  
**Neuadd y Ddinas,**  
**Abertawe.**

**Dydd Llun, 10 Rhagfyr 2018**

**I: Bob Aelod o'r Cyngor**

# Agenda Item 3.



City and County of Swansea

## Minutes of the Council

Council Chamber, Guildhall, Swansea

Thursday, 22 November 2018 at 5.00 pm

**Present:** Councillor D W W Thomas (Chair) Presided

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

### Apologies for Absence

Councillor(s): M C Child, A M Day, C R Evans, D H Hopkins, R D Lewis, D Phillips and M Sykes

---

## 86. Disclosures of Personal and Prejudicial Interests.

The Chief Legal Officer gave advice regarding the potential personal and prejudicial interests that Councillors and Officers may have on the agenda.

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

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

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

- 1) Councillors C Anderson, P M Black, J E Burtonshaw, S E Crouch, J P Curtice, N J Davies, P Downing, C R Doyle, M Durke, V M Evans, W Evans, E W Fitzgerald, R Francis-Davies, S J Gallagher, L S Gibbard, F M Gordon, K M Griffiths, J A Hale, D W Helliwell, T J Hennegan, C A Holley, P R Hood-Williams, B Hopkins, O G James, L James, Y V Jardine, J W Jones, L R Jones, M H Jones, P K Jones, S M Jones, E J King, E T Kirchner, M A Langstone, A S Lewis, M B Lewis, W G Lewis, C E Lloyd, P Lloyd, I E Mann, P M Matthews, P N May, H M Morris, C L Philpott, S Pritchard, A Pugh, C Richards, J A Raynor, K M Roberts, B J Rowlands, M Sherwood, P M Smith, R V Smith, A H Stevens, R C Stewart, D G Sullivan, G J Tanner, D W W Thomas, L G 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 94 "Independent Remuneration Panel for Wales (IRPW) Draft Annual Report 2019-2020 – Consultation".

**87. Minutes.**

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

- 1) Ordinary Meeting of Council held on 25 October 2018.

**88. Written Responses to Questions asked at the Last Ordinary Meeting of Council.**

The Chief Legal Officer submitted an information report setting out the written responses to questions asked at the last Ordinary Meeting of Council.

**89. Announcements of the Presiding Member.**

**1) Lawyers in Local Government (LLG) People Related Lawyer / Team of the Year Award**

The Presiding Member stated that he was delighted to announce that Stephanie Williams and Stephen Holland of the Authority's Legal Education Team had recently won the Lawyers in Local Government (LLG) People Related Lawyer / Team of the Year Award. This is in recognition of the excellent service that they provide to Schools.

The judges were hugely impressed by the value placed on the Team's bespoke service by Head Teachers across Swansea, who described it as "a vital extension of the school community" and praise the "sheer professionalism" and courteous approach of the specialist lawyers involved".

Stephanie Williams and Stephen Holland from Legal Services were present to receive the award.

**2) Government Opportunities (GO) Excellence in Public Procurement Awards Wales 2018-2019**

The Presiding Member stated that he was delighted to announce that the Facilities Team within Corporate Property along with Ministry of Furniture were highly commended at this year's GO awards for the Agile Working Project. The Social and Community Benefit in Procurement Award highlights the good work that has been done in the refurbishment of the new agile office environment.

The award recognises the crucial role that public procurement in Wales can play in providing a more sustainable and equitable society. It highlights organisations who have embedded social and community benefit requirements at the heart of their procurement and supply chain activities to enable better outcomes for the citizens of Wales.

**3) *APSE (Association for Public Service Excellence) Annual Service Awards***

The Presiding Member stated that the APSE (Association for Public Service Excellence) Annual Service Awards which took place in September recognise and celebrate the delivery of outstanding local government frontline services. They received over 370 submissions this year from Local Authorities across the whole of the UK, with Swansea Council being shortlisted in five categories. The Awards were held in Edinburgh and I am delighted to announce that Building Services were announced as the winners of the Best Workforce Initiative Award.

Swansea Council's Building Services department were recognised for this prestigious award due to its staff training and development programme and for its apprenticeship program which has taken on almost 200 apprentices since it was initiated in 2003. The department recognised and replicated this best practice approach across its entire service provision which will ensure future capacity and "fit for purpose" skills for the team.

Emma Lewis and Malcolm Jones from Building Services were present to receive the award.

**4) Apprenticeship Scheme & Apprentice of the Year**

The Presiding Member stated that the Authority's Apprenticeship Scheme had been running since 2003 with an intake of almost 200 apprentices during that period. The Apprenticeship Scheme allows the Authority to develop a new generation of carpenters, plumbers, electricians, plasterers and multi-trade personnel.

The overall Apprentice of the Year was Luke Evans who had just completed his 4<sup>th</sup> year.

The other winners being:

**1<sup>st</sup> Year Apprentice Award**

Mechanical & Electrical Apprentice of the Year goes to Lewis Morgan;  
Craft Apprentice of the Year goes to Joshua Collins.

**2<sup>nd</sup> Year Apprentice Award**

Mechanical & Electrical Apprentice of the Year goes to Connor Phillips;  
Craft Apprentice of the Year goes to Joshua Phelps.

**3<sup>rd</sup> Year Apprentice Award**

Mechanical & Electrical Apprentice of the Year goes to Llewellyn Richards;  
Craft Apprentice of the Year goes to Rory Grey.

**5) Armed Forces - Gold Award from the Defence Employer Recognition Scheme**

The Presiding Member stated that he was delighted that the Authority's efforts to support the Armed Forces have been recognised with a Gold Award from the Defence Employer Recognition Scheme. We're the only council in Wales to have received this award which is organised by the Ministry of Defence. Spencer Martin and Stephen Jenkins went to London recently to receive the award.

Spencer Martin and Stephen Jenkins were present to receive the award.

**6) Diamond Project Wins a Diana Award**

The Presiding Member stated that the Diamond Project is a scheme that helps Swansea's Looked After Children find out more about life in university to inspire them, raise aspirations, increase confidence and self-esteem, and empower their voice has recently won a Diana Award.

The Diamond Project started out as a one-day taster session for older children but has grown thanks to their enthusiasm and support from Swansea Council's Looked After Children's Education Team and the South West Wales Reaching Wider Partnership. The young people now attend regular meetings and days out at Swansea University and are planning on extending it further so they can mentor younger children like themselves to seize opportunities they might have thought would never be within their grasp.

The Diana Award was established in 1999 by the British Government who wanted to continue Princess Diana's legacy by establishing a formal way to recognise young people who were going above and beyond the expected in their local communities.

The young people involved in the Diamond Project will now be invited to attend a ceremony in Cardiff to receive their award. This is the second time they have been recognised for their work recently after winning an award at

Swansea Council's own High Five Awards last month. He congratulated all involved.

**7) National Fleet Awards**

The Presiding Member stated that he was delighted to announce that the Authority has been selected as finalists for two National Fleet Awards. The first is the Green Fleet Awards to be held in Leeds on 22 November 2018, where the Authority are finalists in the Public Sector Fleet of the Year (Medium to Large) category. The second is the What Van Awards to be held in London on 13 December 2018, where the Authority are finalists in the Green Fleet of the Year category.

These nominations are based on the introduction of 40 fully electric vans, the general approach that the Authority has adopted to reduce the environmental impact of our fleet and the proposed adoption of a Green Fleet Policy.

**8) White Ribbon Campaign**

The Presiding Member stated that the White Ribbon Campaign was a global movement working to end violence against women and girls. He stated that the Authority would be marking White Ribbon Day by hosting a number of events in the Civic Centre, Swansea on 26 November 2018.

**9) Amendments / Corrections to the Council Summons**

**i) Agenda Item 15 "Notice of Motion"**

The Presiding Member stated that Councillor C A Holley had asked that the Notice of Motion printed on Pages 60-62 of the Council Summons be withdrawn.

**ii) Urgent Notice of Motion**

The Presiding Member stated that pursuant to paragraph 100B (4)(b) of the Local Government Act 1972, he considered the circulated Notice of Motion as an urgent matter.

**90. Announcements of the Leader of the Council.**

**1) Christmas Parade**

The Leader of the Council apologised for the Christmas Parade held on 18 November 2018 stated that it fell far short of expectations. He stated that action had been taken swiftly and that the contract with the external company had been terminated.

He stated that the Authority had organised the successful Christmas Parade in 2017 and committed to bringing it fully back in-house next year using the

Authority's in-house team that delivered the Wales Airshow and partnered with the BBC to deliver the blockbuster BBC Music Biggest Weekend.

**2) Welsh Government Settlement**

The Leader of the Council stated that the Authority had received some better news on the budget for a change. Whilst, the Authority has only had headline all-Wales figures so far, it looks like at least £1.5m extra will be coming in during 2018-2019.

This money will help the Authority meet some of the shortfall in funding for teachers pay (which will help relieve schools pressures) and winter social care pressures.

**3) Changes to Cabinet Portfolios**

The Leader of the Council stated that he'd made the following amendments to Cabinet Portfolio's:

- i) The responsibility for Petitions sits within the Deputy Leader of the Council Cabinet Portfolio.
- ii) Communities First has been removed from the Children Services Cabinet Portfolio and added to the Better Communities Cabinet Portfolio.

**91. Public Questions.**

One question was asked by a member of the public relating to the following agenda items:

- 1) Urgent Notice of Motion – Brexit.

The relevant Cabinet Member responded accordingly.

No questions requiring a written response.

**92. Public Presentation - None.**

No Public Presentations were received.

**93. Council Tax Base Calculation 2019/2020.**

The Business Transformation and Performance Cabinet Member submitted a report detailing the calculation of the Council Tax Base for the City and County of Swansea, its Community / Town Councils and the Swansea Bay Port Health Authority for 2019-2020. The Council is required to determine the Council Tax Bases for 2019-2020 by 31 December 2018.

**Resolved** that:



- 1) The calculation of the Council Tax Bases for 2019-2020 be approved;
- 2) In accordance with the Local Authorities (Calculation of Tax Base) (Wales) Regulations 1995, as amended, the calculation by the City and County of Swansea Council for the Year 2019-2020 shall be:

**For the whole area** 90,069

**For the area of Community / Town Councils:**

Bishopston	1,943
Clydach	2,622
Gorseinon	3,263
Gowerton	1,951
Grovesend	416
Ilston	318
Killay	2,146
Llangennith, Llanmadoc and Cheriton	505
Llangyfelach	940
Llanrhidian Higher	1,595
Llanrhidian Lower	332
Llwchwr	3,402
Mawr	744
Mumbles	9,651
Penllergaer	1,363
Pennard	1,468
Penrice	412
Pontarddulais	2,305
Pontlliw and Tircoed	1,042
Port Eynon	423
Reynoldston	300
Rhossili	183
Three Crosses	713
Upper Killay	556

**For the area of the Swansea Bay Port Health Authority** 62,600

**94. Independent Remuneration Panel for Wales (IRPW) Draft Annual Report 2019-2020 - Consultation.**

The Head of Democratic Services submitted a report informing Council of the Independent Remuneration Panel for Wales (IRPW) Draft Annual Report 2019 and outlined the determinations proposed by the IRPW. The report also contained the recommended draft response of the Democratic Services Committee of 6 November 2018 to the consultation.

**Resolved that:**

- 1) The comments and observations as set out in Appendix A of the report be adopted as the Authority's formal response to the IRPW.

**95. Review of Councillors Handbook.**

The Head of Democratic Services submitted a report seeking approval of the recommendations of the Democratic Services Committee of 6 November 2018 following its review of Section A "Councillor and Co-opted Member Remuneration (Salaries, Allowances & Expenses)" of the Councillors Handbook.

**Resolved** that:

- 1) The amendments to Section A "Councillor and Co-opted Member Remuneration (Salaries, Allowances & Expenses)" of the Councillors Handbook as outlined in Appendix A of the report be adopted.

**96. Amendments to the Council Constitution.**

The Presiding Member, Monitoring Officer and Head of Democratic Services jointly submitted a report seeking to amend in order to simplify, improve and / or add to the Council Constitution in relation to the following areas:

- a) Part 3 "Responsibility for Functions" - Corporate Parenting Board & Pension Fund Committee Terms of Reference;
- b) Part 4 "Rules of Procedure" - Council Procedure Rules - "Extraordinary Meeting of Council" and "Public Presentation & Question Time";
- c) Part 4 "Rules of Procedure" - Cabinet Procedure Rules - "Call In Procedure";
- d) Part 4 "Rules of Procedure" - Contract Procedure Rules - Dispensations, Single Tender Procedures and Waivers;
- e) Part 6 "Councillors' Allowances Scheme".

**Resolved** that:

- 1) Paragraph 7 a) of the Terms of Reference of the Corporate Parenting Board as set out in Part 3 "Responsibility for Functions" of the Council Constitution be amended to read:  
  
*"7 a) The Board would normally meet on a quarterly basis but may meet as required".*
- 2) The following Paragraph be added to the Terms of Reference of the Pension Fund Committee as set out in Part 3 "Responsibility for Functions" of the Council Constitution:  
  
*"12. To approve the Authority's Pension Statement of Accounts".*
- 3) Council Procedure Rule 10 relating to "Extraordinary Meeting of Council" as set out in Part 4 "Rules of Procedure" of the Council Constitution be amended to include the following items of business:
  - a) *Announcements / Communications from the Presiding Member;*
  - b) *Announcements / Communications from the Leader of the Council;*

c) *Public Questions.*

- 4) Paragraph 26.5 of Council Procedure Rule 26 relating to "Public Presentations and Question Time" as set out in Part 4 "Rules of Procedure" of the Council Constitution be amended to read:

*"26.5 At the discretion of the Presiding Member any Third Sector Organisation or other Organisation may make a presentation to Council on a matter for which the Council has responsibility. Presentations will be allocated on a first come, first served basis."*

- 5) The title of Council Procedure Rule 26 be amended to read:

*"26. Presentations & Public Question Time".*

- 6) Cabinet Procedure Rule 14 relating to "Order of Business" as set out in Part 4 "Rules of Procedure" of the Council Constitution be amended and re-numbered to include the following:

*"Announcements / Communications from the Leader of the Council".*

- 7) Paragraph 18.3.1 of Cabinet Procedure Rule 18.3 relating to "Validity of Call In" as set out in Part 4 "Rules of Procedure" of the Council Constitution be amended to read:

*"18.3.1 It is not made by 23.59 on the 3<sup>rd</sup> clear working day of the publication of the decision;"*

- 8) Contract Procedure Rule 20 relating to "Dispensations, Single Tender Procedures and Waivers" as set out in Part 4 "Rules of Procedure" of the Council Constitution be amended so that the duty to consider approving or waiving all Dispensations, Single Tender Procedures and Waivers and that a register be kept be transferred to the Head of Commercial Services.

- 9) The Councillors' Allowance Scheme as set out in Part 6 "Councillors' Allowances Scheme" be deleted in its entirety and replaced with:

*"Information relating to Councillor and Co-opted Members' Remuneration may be viewed at [Member' Schedule of Remuneration](#)."*

**97. Scrutiny Dispatches – Quarterly Impact Report.**

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

**98. Councillors' Questions.**

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

Eight (8) Part A 'Supplementary Questions' were submitted. The relevant Cabinet Member(s) responded by way of written answers contained in the Council Summons.

Those supplementary question(s) required a written response are shown below:

**Question 6.** Councillor C L Philpott asked:

*“Can the Cabinet Member provide a briefing note to all Councillors outlining the rules in place in relation to the Authority’s weed spraying scheme?”*

The Environment & Infrastructure Management Cabinet Member stated that a written response would be provided.

**2) Part B ‘Questions not requiring Supplementary Questions’**

Three (3) Part B ‘Questions not requiring Supplementary Questions’ were submitted.

**99. Notice of Motion from Councillors C A Holley, M H Jones, P M Black, A M Day and J W Jones.**

This item was withdrawn.

**100. Urgent Item**

The Presiding Member stated that pursuant to paragraph 100B (4)(b) of the Local Government Act 1972, he considered that the “Notice of Motion from : Councillors R C Stewart, C A Holley, P M Black, J E Burtonshaw, M C Child, A M Day, W Evans, R Francis-Davies, D H Hopkins, J W Jones, M H Jones, E J King, A S Lewis, C E Lloyd, J A Raynor, M Sherwood and M Thomas in relation to Brexit should be considered at the meeting as a matter of urgency.

**101. Urgent - Notice of Motion from Councillors R C Stewart, C A Holley, P M Black, J E Burtonshaw, M C Child, A M Day, W Evans, R Francis-Davies, D H Hopkins, J W Jones, M H Jones, E J King, A S Lewis, C E Lloyd, J A Raynor, M Sherwood and M Thomas**

**Reason for Urgency:** It is widely reported in the press that the Prime Minister is hoping to achieve a Brexit deal on 25 November 2018, when she attends an emergency EU summit in Brussels for that express purpose. It is widely understood that the vote could take place as early as 7 December 2018. Therefore there is a clear need to treat this Notice of Motion as urgent.

Proposed by Councillor R C Stewart and Seconded by Councillor C A Holley.

*“It has become clear that over the last two weeks the deal to exit the EU in March 2019 is a deal that pleases neither remainers nor Brexiteers, and has little chance of being agreed in Parliament.*

*To give the UK Government a clear view of how we think they should resolve this situation, this Council calls on the Government to either call a General Election and / or provide the people including 16 and 17 year olds an opportunity to vote on the*

*deal via a People's Vote. This vote should include an option to remain in the EU or exit with no deal.*

*Given that the Brexit referendum was dogged by huge amounts of misinformation, this Council calls on all Government agencies to ensure that any relevant information is made easily available to the public.*

*We resolve to call upon the Leader of Council to write to the Prime Minister setting out the views stated in this motion."*

**Resolved** that the Notice of Motion outlined above as amended by adopted.

The meeting ended at 6.12 pm

**Chair**



## Report of the Chief Legal Officer

Council – 20 December 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 22 November 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  
22 November 2018**

1.	<p><b>Councillor C L Philpott</b></p> <p><b>In relation to Councillors Question 6</b></p> <p>Can the Cabinet Member provide a briefing note to all Councillors outlining the rules in place in relation to the Authority's weed spraying scheme.</p> <p><b>Response of the Cabinet Member for Environment &amp; Infrastructure Management</b></p> <p>The Authority procured a weed contract under the "Sell to Wales" national framework. The procured company is Complete Weed Control (South Wales) Limited. The contract requires 3 spray treatments per annum. All treatments are carried out by miniature tractors and are logged via the vehicle tracking system. Any reported "missed" or "unaffected" areas are subsequently treated/retreated on request at no further cost to the Authority. The contract is to treat all areas of <b>Adopted Highway</b> within the Authority.</p> <p>Please find links to FAQ's at <a href="http://www.swansea.gov.uk/weedsFAQs">www.swansea.gov.uk/weedsFAQs</a> And the weed spraying schedule at <a href="http://www.swansea.gov.uk/weeds">www.swansea.gov.uk/weeds</a></p> <p>Can I also remind Councillors what I said at the last Council, that is, if you find areas of your Wards that are unsatisfactorily treated, as you are our eyes and ears, then please contact the Highways call centre on 01792 635100, so that we can resolve the situation.</p>

# Agenda Item 9.



## Report of the Cabinet Member for Better Communities - People

Council - 20 December 2018

### Welfare Reform Impact Analysis

<b>Purpose:</b>	The report presents the findings of the 'Welfare Reform Impact Assessment – September 2018 Update'.
<b>Report Author:</b>	Rachel Moxey
<b>Finance Officer:</b>	Chris Davies
<b>Legal Officer:</b>	Lucy Moore
<b>Access to Services Officer:</b>	Rhian Millar
<b>For Information</b>	

#### 1. Background

- 1.1 'Policy in Practice' carried out the third and final analysis of Swansea's Single Housing Benefits Extract (SHBE) data using the September 2018 extract. The analysis identifies the impact of multiple welfare reforms at a household level. The September 2018 SHBE data contains information on 24,500 low income households in Swansea.
- 1.2 Previous analysis of Swansea's SHBE data was carried out utilising the March 2017 and March 2018 extract.
- 1.3 This report provides a summary only of the findings and predictions made by the analysis of the September 2018 data. The full report is included as a background paper.

#### 2. Demographic change between March 2018 and September 2018

- 2.1 The total SHBE cohort has dropped from 24,973 in March 2018 to 24,427 in September 2018. This may reflect households moving onto Universal Credit and not claiming Council Tax Reduction as of September 2018.



- 2.2 The number of households that are in receipt of Universal Credit has more than doubled, from 1,002 to 2,394.
- 2.3 Single households remain the most common household type making up 53.9% of all working age households in the cohort. Lone parents make up a further 28.8%.
- 2.4 The proportion of working age households in work has decreased from 13.2% to 7.7%.
- 2.5 Living with a disability remains the largest cause of unemployment (decreasing slightly from 53.7% to 53%).
- 2.6 The proportion of residents that are worse off under Universal Credit has increased from 41.8% to 45.2%.

### **3. Living Standards in Swansea (September 2018)**

- 3.1 38.3% of the cohort are in relative poverty in September 2018. This is an increase of 1.6% since March 2018. (Relative poverty: income below 60% of the median household income).
- 3.2 30.8% of the cohort have a monthly shortfall of over £100 per month.
- 3.3 9.9% of the cohort are in financial crisis (income is less than rent) or at financial risk (household costs exceed income).

### **4. Predictions (September 2018 / 2020)**

- 4.1 5,889 households are likely to be highly impacted (loss of more than £30 per week) due to welfare reform by 2020.
- 4.2 The number of households in financial crisis is predicted to drop from 206 to 102, while the number of households at risk or struggling is predicted to increase from 3,740 to 5,476.
- 4.3 The number of households under the poverty line is predicted to rise from 9,362 to 10,720 and the number of children living in households under the poverty line is predicted to rise from 6,987 to 8,408.
- 4.4 The number of households with a shortfall of over £100 per month is predicted to rise from 7,513 to 9,414 and the number of children living in households with a shortfall of over £100 per month is predicted to rise from 5,190 to 7,358.
- 4.5 The number of households with a shortfall of less than £100 per month is predicted to fall from 1,849 to 1,306 and the number of children living in households with a shortfall of less than £100 per month is predicted to fall from 1,797 to 1,050.

- 4.6 The number of households not in relative poverty is predicted to fall from 15,065 to 13,707 and the number of children living in households not in relative poverty is predicted to fall from 4,883 to 3,462.
- 4.7 38.3% of the cohort is predicted to have a high impact with a loss of £30 or more per week compared to 2.4% in 2018.

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

- 5.1 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.

Our Equality Impact Assessment process ensures that we have paid due regard to the above.

This report is for information only and subsequently there are no equality implications relating to this report.

## **6. Legal Implications**

- 6.1 There are no legal implications.

## **7. Financial Implications**

- 7.1 There are no financial implications.

**Background papers:** Policy in Practice Welfare Reform Impact Analysis September 2018.

**Appendices:** None

# Agenda Item 10.



## Report of the Section 151 Officer

Council – 20 December 2018

### Minimum Revenue Provision (MRP) Policy Statement 2019/20 and Revision to 2018/19 MRP Policy

<b>Purpose:</b>	To approve the Minimum Revenue Provision Policy Statement for 2019/20 and to revise the 2018/19 Policy and implement in year on the basis that a clear intention to revise the policy has been previously highlighted to both Cabinet and Council.
<b>Policy Framework:</b>	Medium Term Financial Plan
<b>Consultation:</b>	Legal, Finance and Access to Services.
<b>Recommendation(s):</b>	It is recommended that:  1) Council approves the Minimum Revenue Provision (MRP) Policy Statement as outlined in Section 3.3 of the Report
<b>Report Author:</b>	Jeff Dong
<b>Finance Officer:</b>	Ben Smith
<b>Legal Officers:</b>	Debbie Smith/Tracey Meredith
<b>Access to Services Officer:</b>	Rhian Millar

## 1 Introduction

- 1.1 Capital expenditure is generally expenditure on assets which have a life expectancy of more than one year e.g. buildings, vehicles, machinery. It is inappropriate to charge the entirety of this expenditure in the year in which it is incurred i.e. the expenditure benefits more than a single year of account. As such, the resulting costs are spread over several years. The manner of spreading these costs is through an annual Minimum Revenue Provision (MRP) which was previously determined under Regulation and now is determined under Guidance. Under the Local Authorities (Capital Finance and Accounting) (Wales) Regulations 2003, Local Authorities are required to charge to their revenue account, for each financial year, a Minimum Revenue Provision (MRP) to account for the cost of their debt in the preceding financial year. Regulation 21 set

out the method Authorities were required to follow in calculating MRP.

- 1.2 Under the Local Authorities (Capital Finance and Accounting) (Amendment) (Wales) Regulations 2008, the detailed calculation has been replaced with a requirement that local authorities 'have regard' to the guidance (attached at Appendix B) and the recommendations within. In principle, an authority is now only required to make a 'prudent provision' in respect of its ongoing MRP charge. The broad aim of prudent provision is to ensure that debt is repaid over a period reasonably commensurate with that over which the capital expenditure provides benefits.
- 1.3 The options for prudent provision ( full guidance note is attached at Appendix B) are as follows:
1. Regulatory Method – MRP is equal to the amount determined in accordance with the former 2003 Regulations as if it had not been revoked by the 2008 Regulations.(4% reducing balance)
  2. Capital Financing Requirement (CFR) Method – MRP is equal to 4% of the non-housing CFR at the end of the preceding financial year.(4% reducing balance)
  3. Asset Life Method – where capital expenditure on an asset is financed wholly or partly by borrowing, MRP is to be made in equal annual instalments over the estimated economic life of the asset. Where capital expenditure is not incurred in the creation of an asset, MRP is to be made in equal annual instalments over a period reasonably reflecting the benefit arising from the expenditure.
  4. Depreciation Method – MRP is to be equal to the depreciation of that proportion of the asset on which expenditure has been financed by borrowing.
- 1.4 The 2008 Regulations recommend that prior to the commencement of each financial year a local authority prepares a statement of its policy on making MRP (Annual MRP Statement) and submits it to full Council. At Council March 2018, the following MRP Policy was approved, subject to review during 2018/19 was reported as:
- Option 1 for pre 2007/08 debt and all new supported borrowing 2007/08 onwards
  - Option 3 for all new unsupported borrowing 2007/08 onwards
  - HRA MRP remains the regulatory 2%

## **2. Wales Audit Office Guidance**

- 2.1 The Assistant Auditor General (AAG) for Wales in his letter to all Local Authorities in Wales, dated 7<sup>th</sup> January 2016, advised that where an amendment to current MRP policy is being considered, a Local Authority should take account of 'The Well-being of Future Generations (Wales) Act 2015' (the Act). This is because an amendment from the 4% reducing balance methodology to one based on asset lives will invariably result in a reduced MRP charge in the short-term but an increased MRP charge in the longer term.

- 2.2 In complying with the Act a Local Authority must ensure that its decisions are sustainable, whereby “the needs of the present are met without compromising the ability of future generations to meet their own needs”, and recognise “the importance of balancing short term needs with the need to safeguard the ability to meet long term needs”.
- 2.3 In addition the AAG advised that those Local Authorities wishing to amend their current MRP Policy should demonstrate that:
- The lower charge more accurately reflects the lives of assets employed by the authority; or
  - The lower charge is reasonably commensurate with the period implicit in the determination of Revenue Support Grant (i.e. a 4% reducing balance basis).

### **3 Revised MRP Policy**

- 3.1 The Section 151 Officer informed Council in March 2018 of the pending review into the basis of the adopted MRP policy, and that discussions were being held with the Wales Audit Office (WAO) in reviewing the procedural aspects, and in determining whether the proposals were considered prudent.
- 3.2 The basis of the proposal is for the ‘Asset Life’ method ( Option 3) to be applied to all supported borrowing (including capital expenditure incurred before 1<sup>st</sup> April 2008), which is currently amortised using Option1.
- 3.3 The proposed amendment to the MRP Policy, effective in financial year 2018/19, is based on the following methodology, discussed with WAO. It is recommended that Council approve:
- For all supported borrowing, including capital expenditure incurred before 1<sup>st</sup> April 2008, the charge to revenue will be over 40 years by the straight line method, which is commensurate with the average of asset useful economic lives. In essence this replaces the 4% reducing balance method with a 2.5% straight line method. This can be considered a more prudent approach than the current provision because it introduces a more certain period for eliminating the debt liability in full.
  - For unsupported borrowing, the charge to revenue will be over 40 years by the straight line method, or over the estimated economic life of the asset if that is less than 40 years. ( unchanged)
  - Where a regulatory requirement requires a different amortisation period ( e.g. Capitalisation Directive for back pay) (unchanged)
  - For the Housing Revenue Account, the MRP will remain at 2% of the opening capital Financing requirement (CFR) each year ( unchanged) up until April 2021 following which the MRP on new expenditure will need to be on the Asset life or the Depreciation method in line with the new Item 8 determination issued by Welsh Government following the exit of the subsidy system. The preferred method shall be determined in 2021.

- 3.4 The implications of the proposed amended MRP Policy for the 50 year period which applies to the supported and unsupported borrowing 2018/19 to 2067/68 is outlined in Appendix A and summarised in Table 1 for 2018/19 to 2022/23, with 2022/23 being the final year of the next 3 year Medium Term Financial Plan.

3.5 Table 1 – Implications of Proposed Amended MRP

Financial Year	Estimated Current MRP charge @ 4% reducing balance	Estimated MRP Charge @ Useful Life 40 years ( 2.5% straight line)	Difference ( Saving)
	£'000	£'000	£'000
2018/19	9,917	6,456	3,460
2019/20	9,520	6,456	3,064
2020/21	9,139	6,456	2,683
2021/22	8,774	6,456	2,317
2022/23	8,423	6,456	1,967

The table reflects the MRP on the existing borrowing only. There will be additional savings on the MRP charges (compared to previous policy) in the initial years of new future borrowings, which are themselves likely to be substantial given the scale of ambition of the Council's future capital programme .

- 3.6 It is evident from Table 1 that significant financial savings averaging £2.7 million per annum are anticipated over the period 2018/19 to 2022/23 arising from the proposed amendment to the MRP Policy.

- 3.7 In addressing the AAG's requirements in respect of the Act, the following should be noted from Appendix A in respect of the proposed amendment to the MRP Policy:

- A reduced charge to revenue is projected for the period 2018/19 to 2028/29
- An increased charge to revenue is projected for the period 2029/30 to 2056/57
- A reduced charge to revenue per annum is projected from 2057/58, reflecting the full extinguishment of the debt liability under the asset life method by this point in time
- In respect of opening CFR debts as at 31/3/18, by the 4% reducing balance method, a balance of £33.5m still remains after 50 years and even after 100 years, a liability of £4.3m still remains whereas with the 2.5% straight line method the debt is totally extinguished by 2057/58 (i.e. in 40 years)

- 3.8 In conclusion, the proposed amendment to the MRP Policy determines a more prudent annual charge to revenue whilst acknowledging the Council's responsibility to its current and future citizens in responding to the requirements of the Act. Appendix A clearly demonstrates that by applying the proposed average asset useful economic life of 40 years on

a straight line basis to supported borrowing including capital expenditure incurred before 1<sup>st</sup> April 2008, this historic liability is actually extinguished after 40 years instead of leaving a residual debt balance for citizens 100 years plus into the future. This residual liability will mean that future citizens will be required to finance this historic debt, at the expense of real services making a real difference to citizens' lives.

- 3.9 In responding to the AAG's requirement in paragraph 2.3, an evaluation of the Council's fixed assets concludes that an average useful life of 40 years is prudent and sensible since it reflects current and future useful economic lives of recently created assets. In addition, a maximum useful life of 40 years for infrastructure assets is consistent with other Local Authorities.
- 3.10 This is particular pertinent to note in relation to arrangements under the City Deal where all three other local authority partners have already changed their MRP policy. Furthermore, a direct consequence of City Deal financing falling over an equal instalment basis over a period of 15 years, but up front spending and borrowing heavily loaded towards earlier years, likely peaking by 2025-26 means that there is an imbalance of funding over the time period. This can be partly offset by reducing the front loading of some capital financing costs by the change to the MRP Policy method. This is a fairer way of smoothing and sharing costs over the medium term.
- 3.11 Finally, and wholly in line with the Reserves Policy agreed by Council in both 2017 and 2018, any early years underspending on capital financing, including that achieved by the proposed MRP Policy Change, will itself be set aside into the Capital Equalisation Reserve rather than used to directly reduce revenue spending. As explained previously to Council this Equalisation Reserve is itself used to smooth costs and address some aspects of the timing difference between spend over a shorter period than the reimbursement flowing from the 15 year equal funding instalments offered by the City Deal.

#### **4 Financial Implications**

- 4.1 For the 2018/19 financial year and for the period of the Medium Term Financial Plan 2019/20 to 2022/23, revenue savings of circa £2.7 million per annum are projected.
- 4.2 Annual revenue savings will continue to be realised until the 2028/29 financial year following which an increased charge to revenue is evident until the 2056/57 financial year before annual savings are again realised from the 2057/58 financial year, as a result of the full extinguishment of the debt under the asset life method for the MRP Policy.
- 4.3 In the prudent planning for the future City Deal, it is recognised the revised MRP policy provides for (as set out in the report) the differences in timing of costs . Taken in conjunction with the timing of future City Deal grant financing flows, and the continued proposed use of the Capital Equalisation Reserve to smooth yet further charges to revenue, this change, justifies and mitigates, appropriately, the changed profile of

MRP repayment, whilst remaining, in the professional opinion of the S151 Officer, prudent.

## **5. Legal Implications**

- 5.1 The Authority is under a duty to make arrangements for the proper administration of its financial affairs. Failure to do so will be a breach of that duty. The statutory provisions and guidance imposing such a duty on the Authority are as set out in the main body of the Report.
- 5.2 That includes specific duties under the Wellbeing of Future Generations Act. It is clear that the revised MRP Policy as set out in the report, addresses its obligations under the Act, and provides for:
- an equalisation of the cross generational subsidy inherent in the previous policy
  - eliminates payment into perpetuity for the historically incurred debt burden.
  - appropriate amortisation period for debt commensurate with the life of the asset acquired

## **6. Equality Impact 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.

Our Equality Impact Assessment process ensures that we have paid due regard to the above. An equality impact assessment screening has been undertaken and it concludes that there are no equality impact implications arising from this report.

**Background papers:** None

### **Appendices:**

Appendix A – MRP Projections

Appendix B – MRP Guidance

Appendix C – Equality Impact Assessment



## Appendix A

Existing Supported Borrowing CFR					
year ended	CFR	MRP @ 4% reducing balance	CFR	MRP at 40 year useful asset life ( 2.5% straight line)	Difference
	£'000	£'000	£'000	£'000	£'000
31/03/2018	258,245	10,330	258,245	6,456	3,874
31/03/2019	247,915	9,917	251,789	6,456	3,460
31/03/2020	237,999	9,520	245,333	6,456	3,064
31/03/2021	228,479	9,139	238,877	6,456	2,683
31/03/2022	219,340	8,774	232,421	6,456	2,317
31/03/2023	210,566	8,423	225,964	6,456	1,967
31/03/2024	202,143	8,086	219,508	6,456	1,630
31/03/2025	194,058	7,762	213,052	6,456	1,306
31/03/2026	186,295	7,452	206,596	6,456	996
31/03/2027	178,843	7,154	200,140	6,456	698
31/03/2028	171,690	6,868	193,684	6,456	411
31/03/2029	164,822	6,593	187,228	6,456	137
31/03/2030	158,229	6,329	180,772	6,456	-127
31/03/2031	151,900	6,076	174,315	6,456	-380
31/03/2032	145,824	5,833	167,859	6,456	-623
31/03/2033	139,991	5,600	161,403	6,456	-856
31/03/2034	134,391	5,376	154,947	6,456	-1,080
31/03/2035	129,016	5,161	148,491	6,456	-1,295
31/03/2036	123,855	4,954	142,035	6,456	-1,502
31/03/2037	118,901	4,756	135,579	6,456	-1,700
31/03/2038	114,145	4,566	129,123	6,456	-1,890
31/03/2039	109,579	4,383	122,666	6,456	-2,073
31/03/2040	105,196	4,208	116,210	6,456	-2,248
31/03/2041	100,988	4,040	109,754	6,456	-2,417
31/03/2042	96,949	3,878	103,298	6,456	-2,578
31/03/2043	93,071	3,723	96,842	6,456	-2,733
31/03/2044	89,348	3,574	90,386	6,456	-2,882
31/03/2045	85,774	3,431	83,930	6,456	-3,025
31/03/2046	82,343	3,294	77,474	6,456	-3,162
31/03/2047	79,049	3,162	71,017	6,456	-3,294
31/03/2048	75,887	3,035	64,561	6,456	-3,421
31/03/2049	72,852	2,914	58,105	6,456	-3,542
31/03/2050	69,938	2,798	51,649	6,456	-3,659
31/03/2051	67,140	2,686	45,193	6,456	-3,771
31/03/2052	64,455	2,578	38,737	6,456	-3,878
31/03/2053	61,876	2,475	32,281	6,456	-3,981
31/03/2054	59,401	2,376	25,825	6,456	-4,080

31/03/2055	57,025	2,281	19,368	6,456	-4,175
31/03/2056	54,744	2,190	12,912	6,456	-4,266
31/03/2057	52,555	2,102	6,456	6,456	-4,354
31/03/2058	50,452	2,018	0	0	2,018
31/03/2059	48,434	1,937	0	0	1,937
31/03/2060	46,497	1,860	0	0	1,860
31/03/2061	44,637	1,785	0	0	1,785
31/03/2062	42,852	1,714	0	0	1,714
31/03/2063	41,137	1,645	0	0	1,645
31/03/2064	39,492	1,580	0	0	1,580
31/03/2065	37,912	1,516	0	0	1,516
31/03/2066	36,396	1,456	0	0	1,456
31/03/2067	34,940	1,398	0	0	1,398
31/03/2068	33,542	1,342	0	0	1,342

**Minimum Revenue Provision****1. Government Guidance**

The Welsh Assembly Government issued new guidance in March 2008 which requires that a Statement on the Council's policy for its annual MRP should be submitted to the full Council for approval before the start of the financial year to which the provision will relate.

The Council are legally obliged by section 21 (1b) to "have regard" to the guidance, which is intended to enable a more flexible approach to assessing the amount of annual provision than was required under the previous statutory requirements. The guidance offers four main options under which MRP could be made, with an overriding recommendation that the Council should make prudent provision to redeem its debt liability over a period which is reasonably commensurate with that over which the capital expenditure is estimated to provide benefits. The requirement to 'have regard' to the guidance therefore means that: -

Although four main options are recommended in the guidance, there is no intention to be prescriptive by making these the only methods of charge under which a local authority may consider its MRP to be prudent.

It is the responsibility of each authority to decide upon the most appropriate method of making a prudent provision, after having had regard to the guidance.

Where the CFR was nil or negative on the last day of the preceding financial year, the authority does not need to make an MRP provision. MRP in the current financial year would therefore be zero,

**Option 1: Regulatory Method**

Under the previous MRP regulations, General Fund MRP was set at a uniform rate of 4% of the adjusted CFR (i.e. adjusted for "Adjustment A") on a reducing balance method (which in effect meant that MRP charges would stretch into infinity). This option is available for the General Fund share of capital financing requirement which relates to capital expenditure incurred prior to 1 April 2008. It may also be used for new capital expenditure up to the amount which is deemed to be supported by the Welsh Assembly Government annual supported borrowing allocation. The use of the commutation adjustment to mitigate the MRP charge is also allowed to continue under this option.

**Option 2: Capital Financing Requirement Method**

This is a variation on option 1 which is based upon a charge of 4% of the aggregate CFR without any adjustment for Adjustment A, or certain other factors which were brought into account under the previous statutory MRP calculation. The CFR is the measure of an authority's outstanding debt liability as depicted by their balance sheet.

### **Option 3: Asset Life Method.**

This method may be applied to most new capital expenditure, including where desired that which may alternatively continue to be treated under options 1 or 2.

The guidance suggests that any new borrowing which receives no Government support and is therefore self-financed would fall under option 3

Under this option, it is intended that MRP should be spread over the estimated useful life of either an asset created, or other purpose of the expenditure. There are two useful advantages of this option: -

- Longer life assets e.g. freehold land can be charged over a longer period than would arise under options 1 and 2.
- No MRP charges need to be made until the financial year after that in which an item of capital expenditure is fully incurred and, in the case of a new asset, comes into service use (this is often referred to as being an 'MRP holiday'). This is not available under options 1 and 2.

There are two methods of calculating charges under option 3:

Equal instalment method – equal annual instalments which are calculated using a simple formula set out in paragraph 9 of the MRP guidance,

under this approach, the MRP is provided by the following formula

$A - B \text{ divided by } C$

A is the amount of capital expenditure in respect of the asset financed by borrowing or credit arrangements

B is the total provision made before the current financial year in respect of that expenditure

C is the inclusive number of financial years from the current year to that in which the estimated life of the asset expires

Annuity method – annual payments gradually increase during the life of the asset with an appropriate interest rate used to calculate the annual amount

Under both options, the authority may make additional voluntary revenue provision and this may require an appropriate reduction in later years' MRP

In addition adjustments to the calculation to take account of repayment by other methods (e.g. application of capital receipts) should be made as necessary.

**Option 4: Depreciation Method**

Under this option, MRP charges are to be linked to the useful life of each type of asset using the standard accounting rules for depreciation (but with some exceptions) i.e. this is a more complex approach than option 3.

The same conditions apply regarding the date of completion of the new expenditure as apply under option 3.

**2. Date of implementation**

The previous statutory MRP requirements cease to have effect after the 2006/07 financial year. However, the same basis of 4% charge in respect of the GF share of CFR may continue to be used without limit until the 2009/10 financial year, relative to expenditure incurred up to 31/3/2008.

The guidance suggests that Options 3 and 4 should be applied to any capital expenditure which results in an increase in the CFR and does not relate to the authority's Supported Capital Expenditure.

The guidance also provides the authority with discretion to apply Options 3 or 4 to all capital expenditure whether or not supported and whenever it is incurred.

## Equality Impact Assessment

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

**Section 1**

What service area and directorate are you from?

Service Area: Financial Services & Service Centre

Directorate: Resources

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

Service/ Function Proposal	Policy/ Procedure	Project	Strategy	Plan	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>

(b) Please name and describe below  
**MINIMUM REVENUE PROVISION (MRP) POLICY-** this policy sets out the appropriate amortisation periods for different forms of debt incurred by the Authority

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

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

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

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

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

	High Impact	Medium Impact	Low Impact	Don't know
Age	(H) <input type="checkbox"/>	(M) <input type="checkbox"/>	(L) ✓	(H) <input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>

Pregnancy and maternity	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
Religion or (non-)belief	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
Sex	→ <input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
Sexual Orientation	→ <input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
Welsh Language	→ <input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
Poverty/social exclusion	→ <input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
Carers	→ <input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
Community cohesion	→ <input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>

**Q4 Have you / will you undertake any public consultation and engagement relating to the initiative?**

☐ Yes

✓ No

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

If yes, please provide details below

**Q5(a) HOW VISIBLE IS THIS SERVICE/FUNCTION/POLICY/PROCEDURE/ PROJECT/ STRATEGY TO THE GENERAL PUBLIC?**

High visibility  
to general public

☐ (H)

Medium visibility  
to general public

☐ (M)

Low visibility  
to general public

✓ (L)

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

High risk  
to reputation

☐ (H)

Medium risk  
to reputation

✓ (M)

Low risk  
to reputation

✓ ☐

(L)

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

Yes

✓ No

If yes, please provide details below

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

– NOTE: Q3 counts as a single **H**, **M** or **L** (and one **H** / **M** outscores any n° of **Ls**)

**MOSTLY **H** and/or **M** → HIGH PRIORITY → ☐ EIA to be completed**

Please go to Section

2

**MOSTLY **L** → LOW PRIORITY / → ✓ Do not complete EIA**

**NOT RELEVANT**

**Please go to Q8  
followed by Section  
2**

**Q8 If after completing the EIA screening process you determine that this service/function/policy/project is not relevant for an EIA you must provide adequate explanation below.**

This is an accounting policy which affects the methodology adopted to amortise debt in the Authority's financial statements and has no direct impact on the groups identified in Q3

**Section 2**

Please send this completed form to the Access to Services Team for agreement before obtaining email approval from your Head of Service.

<b>Screening form completed by:</b>	
Name: Jeff Dong	
Location: 1.4.1c	
Telephone Number: 6934	
Date: 7/11/18	
<b>Approval by Head of Service:</b>	
Name: B Smith	
Position: Section 151 Officer	
Date: 7/11/18/	

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





## Report of the Cabinet Member for Children's Services–Young People

Council – 20 December 2018

### Children & Young People's Rights Scheme Annual Progress Report 2018

<b>Purpose:</b>	To present the report on the progress of the implementation of the Children & Young People's Rights scheme in Swansea.
<b>Policy Framework:</b>	The Rights of Children and Young Persons (Wales) Measure 2011 Children & Families Measure (Wales) Measure 2010 United Nations Convention on the Rights of the Child (1989) (UNCRC)
<b>Consultation:</b>	Legal, Finance and Access to Services, Corporate Management Team
<b>Recommendation(s):</b>	It is recommended that:  1) The Annual Progress Report on the Children and Young People's Rights Scheme be endorsed
<b>Report Authors:</b>	Katie Spendiff / Jane Whitmore
<b>Finance Officer:</b>	Chris Davies
<b>Legal Officer:</b>	Lucy Moore
<b>Access to Services Officer:</b>	Rhian Miller

#### 1. Introduction

- 1.1 In September 2013 Council agreed to create a due regard duty and embed the United Nations Convention on the Rights of the Child (UNCRC) 1989 within the Authority's Policy Framework, and to mainstream positive approaches to the rights of children and young people within the policy and functions of the City and County of

Swansea. The Children & Young People's Rights Scheme implements this decision and was formally adopted on the 21<sup>st</sup> October 2014

- 1.2 The Children and Young People's Rights Scheme sets out the arrangements the City and County of Swansea will put in place to ensure compliance with its duty to have due regard to the UNCRC. It provides transparency about the processes that will be followed to comply with the duty, and outlines monitoring procedures and expected outcomes.
- 1.3 As outlined in the Children & Young People's Rights Scheme a report will be compiled annually to assess the work undertaken and the way the scheme is being implemented across the Council and its impact on children and young people.

## **2. Main Body of Report**

- 2.1 The full report on the annual progress of the implementation of the Children & Young People's Rights Scheme in Swansea can be found under Appendix 1.
- 2.2 The report covers;
  - An overview of how the Children & Young People's Rights Scheme was developed and is being implemented
  - Details of how we have promoted knowledge and understanding of the UNCRC through training and awareness raising sessions
  - How we have taken a whole Council approach to embedding Child Rights
  - The participation of Children & Young People in decisions that affect them (Article 12)
  - Accountability and compliance
  - Next steps looking ahead

## **3. General Issues**

None.

## **4. Equality and Engagement Implications**

- 4.1 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.

Our Equality Impact Assessment process ensures that we have paid due regard to the above.

- 4.2 The Children & Young People's Rights Scheme highlights the intrinsic links between the protected characteristics outlined in the Equality Act and the rights of children and young people.

When thinking about children's rights, there are equality implications in regard to age, and sometimes in relation to the other protected characteristics.

The due regard duty placed upon the Local Authority seeks to ensure that when decisions are made that affect children and young people, children's rights must be considered and acted upon if it is deemed that decisions being made have adverse effects on children and their equality rights. The inclusion of the UNCRC within the EIA process is contained within the report (Appendix 1).

There are no equality implications for the Children and Young People's Rights Scheme Annual Report (Appendix 1).

- 4.3 No EIA screening report is required for the development of Appendix 1.
- 4.4 No Full EIA report is required for the development of Appendix 1. A full EIA for Swansea's Children and Young People's rights scheme was produced at the time of its development.
- 4.5 The UNCRC embraces children's right to be able to express themselves, and receive information in a language of their choice, including Welsh. The report outlines opportunities for participation where children and young people have been able to engage through the medium of Welsh.

Once Appendix 1 is approved and signed off, it will be published and promoted to children, young people, their families and other relevant stakeholders. Copies will be available in English and Welsh, as well as other languages if required.

## **5. Financial Implications**

- 5.1 Whilst there are no immediate financial implications arising from this report, it should be assumed that any resultant future spending needs will need be contained within existing budget provision and have full and due regard to the budget principles set out in 'Sustainable Swansea – Fit for the Future', the medium term financial plan and the likely levels of future budgets

## **6. Legal Implications**

- 6.1 There are lots of legal issues underpinning UNCRC and children's rights but the report itself doesn't create a legal issue.

**Background Papers:**

Children & Young People's Rights Scheme

<http://www.swansea.gov.uk/childrensrightsscheme>

**Appendices:**

Appendix 1 – Children & Young People's Rights Scheme Annual Progress Report 2018



# Children's Rights in Swansea

## Annual Report on implementing the Children & Young People's Rights Scheme in Swansea.

September 2017 to August 2018

If you have any queries please contact [Katie.spendiff@swansea.gov.uk](mailto:Katie.spendiff@swansea.gov.uk)



# Hello

Swansea Council values children and young people and the part they play in our communities.

**We are committed to children's rights.**

We are creating a culture where children's rights are at the centre of our work. We aim to consider them in everything we do.

**This is important. Every Child has rights.**

Understanding and respecting Children's Rights gives us better services and better results in the lives of children, young people and families.

## **Children's rights**

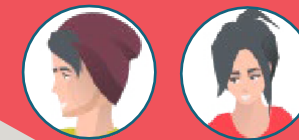
The UNCRC is the United Nations Convention on the Rights of the Child. It is a list of rights for all children and young people aged 0-18 years across the world and includes the things children need to be healthy, safe, able to participate and be the best they can.

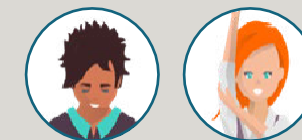
## **The Children and Young People's Rights Scheme in Swansea:**

This scheme was launched in November 2014. We were the first county to voluntarily make it part of our work. The Scheme means we pay 'due regard' to the UNCRC when making decisions.

- We do this by:
- encouraging participation so children and young people have a say in decisions
- sharing knowledge and understanding of the UNCRC
- having systems for feedback and complaints
- gathering evidence of how following the UNCRC changes decisions and improves lives.

**This is a report on what Swansea Council has done this year to put the Children & Young People's Rights Scheme into action.**





# 1: Engagement and participation

We recognise the value and importance of listening to what children and young people have to say.

## Duty

In Wales, Council's have to make sure there are opportunities for children to have a say in decisions which affect their lives

1,521 children and young people had opportunities to have their voices heard. Having them involved has made a real difference to our plans and services.

## How

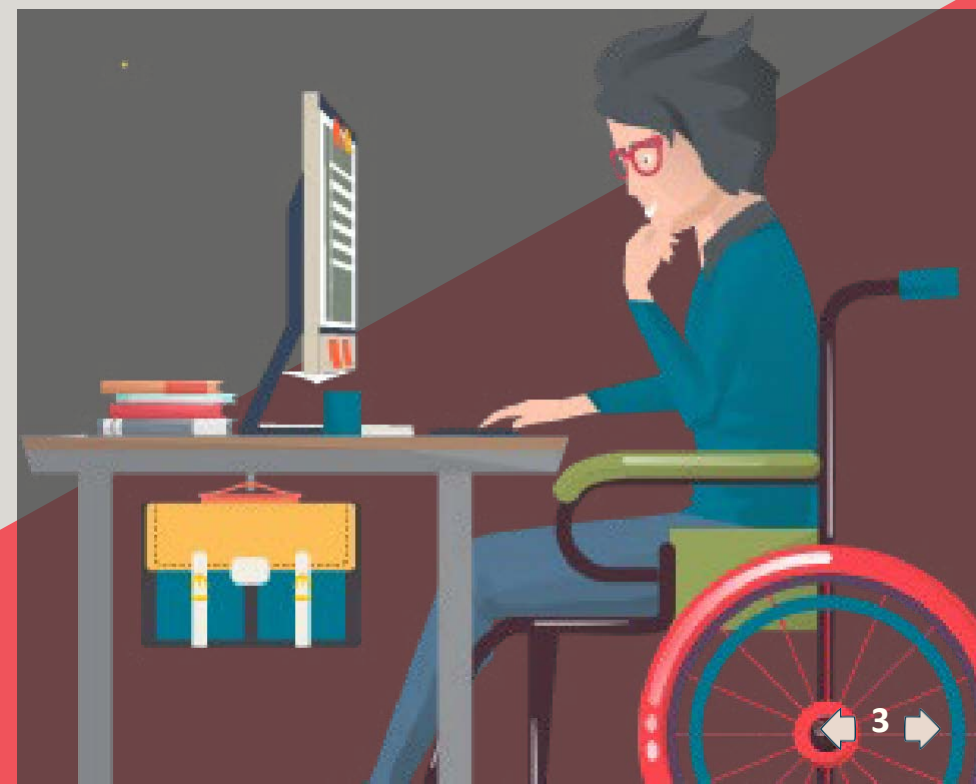
**Working together** – We cannot do this on our own. We work with schools, communities, services and other partners too.

We held different forums, events and projects across Swansea through **Big Conversations** – open, safe and fun ways for children and young people to be heard:

- **Big Conversation Forum** – 539 11-18 year olds explored topics including extremism, gender equality and Swansea Council's Budget.
- **Pupil Voice Forum** – 165 children and young people aged 7-18 took part in the Pupil Voice Forum. Topics included Identity and Equality, The Future of Education in Swansea (Abertawe 2025) and a consultation on services for children whose first language is not English
- **Forums for Children who have experienced care** – 67 children took part in forums to let us know what is important for children in care and those who have been, and have now left.
- **School Visits** – 617 children worked with through visits to schools, to school councils and other school clubs.

## Some of the outcomes from these include:

- Working together to develop more Big Conversations for a wider age range of children
- Holding the first ever Big Conversation for children aged 7-10 where 133 children from 33 primary schools came together to talk about Swansea's Wellbeing Plan.
- Young People working with a professional stage school to create, produce and perform a production based on Community Safety messages
- Changing the way in which the High Five Awards are promoted
- Developing plans for services to act on the issues raised by children in Care





The Corporate Parenting Challenge – a week of activities with children who have experience of being in care.

**Corporate Parent** – as a council we have the same responsibility to care for the children we look after as a parent.

The Council know that good experiences for children and young people to be listened are very important.

This year the Corporate parenting Challenge changed. Time was taken to work with, and build good relationships with children and young people who worked on making information to share with adults who make decisions about their lives. This includes Councilors, managers, social workers, health workers, youth workers and many others.

**10** Young people spent 8 weeks planning and taking part in activities and talking about the issues that matter most to Children in Care or have been in care. This year the most important issues agreed:

- Understanding and knowing how Services work
- Promoting children's right to be heard and exploring ways this can be achieved
- Understanding paperwork that is completed about children in care
- Working better together with adults to make decisions as a team



#### Some of the outcomes include:

- Children have worked together with adults to decide what the best ways of working together are
- A clear plan has been made to make sure adults and children work together in a way that is right for children
- New opportunities for children and young people to have their voices heard have been set up to include:
  - Opportunities for children aged 7-10 years in care
  - Opportunities for young people aged 11-16 years in care
  - Opportunities for young people aged 16-25 years who have left care
- These opportunities will give children, Young people and adults' space and time to work on the things they have said are important.
- Team champions are nominated to promote children's rights to the people they work with.





## 2: Promoting knowledge and understanding

We are committed to supporting people to understand children's rights. We want services to think about the UNCRC in their day-to-day work.

### Duty

To develop knowledge and understanding of the UNCRC through training for staff and decision makers.

### How

We have supported 149 people to understand the UNCRC, including:

- School Governors training as part of the Annual School Governor Training Programme
- Development sessions with Early Years Professionals on Rights in Early Years and on programmes that help children to be ready for school (Good Start Great Start)
- Sessions with students studying degrees for work with children to understand the UNCRC
- Training people who work with young parents to deliver sessions to them on Children's and Human Rights.
- Development session on UNCRC and restorative practice with student volunteers At Discovery

We have supported schools through the UNICEF Rights Respecting Schools Award with:

- Full INSET training
- After school workshops and sessions for pupils.

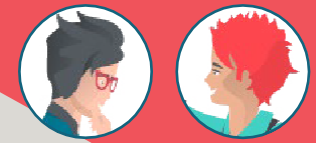
100% of schools are now engaged in the Rights Respecting Schools Award journey. Work will continue to support schools in 2019 (see page 10).



We have worked together to learn about rights by:

- Working with others to make sure children's rights is embedded for **future generations**. This means making sure the voices of children are heard, sharing good practice and making information understandable for people.
- Supporting the **Children and Young People's Partnership Board** to embed the UNCRC when working on children and young people's issues.
- Taking part in a **Children's Rights Summer School**, and working with people from other countries to learn about rights across the World.
- Using **Magic Moments** to understand the importance of memories and stories when having your voice heard.
- Working to create a **child friendly city** where rights are visible and respected across the city.





## Whole Council Approach

In Swansea, everyone working for the Council is a member of the team.

We are committed to the best outcomes for children and young people, delivering the best services and keeping them safe.

Following the children's rights scheme has changed how we work.

We have one shared approach to making sure the UNCRC is part of all our plans and policies. This includes thinking about how any decisions may affect children and young people's lives

### Children's rights are part of our corporate plans including our:

- Strategic Equality Plan
- Democratic reporting process
- Scrutiny reporting process

### Children's rights are part of our development and place plans including:

- City of Culture plans
- City Centre Redevelopment plans including production of
- Dilly footprints

### Children's rights are part of our plans for education, people and well-being including:

- Strategic Equality plans in schools
- School Council Audit
- Corporate Parenting Strategy
- The Early Years Strategy
- Our approaches to school readiness in
- Childcare settings
- Healthy and Sustainable Pre-School Scheme
- Play Sufficiency Assessment
- Young People's Service plans
- Child and Family Service's Participation and Children's Rights
- Plan
- Swansea's Public Service Board's Wellbeing Plan

### Children's Rights are celebrated:

- On International Children's Rights Day, children and adults in
- Swansea presented their success to over 100 guests from across Wales





### 3: Raising awareness

We want everyone to know about children's rights.

#### Duty

Toraise awareness of the UNCRC to everyone including children and young people.

#### How

We worked with children and young people to develop a county-wide rights mascot. They decided on Dilly the Dragon.

#### Dilly Dragon

**Dilly works hard and has:**

- A flag that flies during planned periods from the Civic Centre Building
- #DillyDragon #DdraigDilly linked to the Corporate Facebook and Twitter
- Promotional materials like pens, headphones, water bottles, posters and badges.
- a new Instagram page @dillydragonswansea
- been seen on hidden rocks across Swansea as part of the Dilly Dragon Rocks project launched at National Play Day

**Partners have linked pieces of work and the UNCRC to Dilly's work. This includes promoting Dilly on:**

- Playful Schools' plaques and signage
- 'Smoke Free Beach' and Smoke Free School Gates' signage
- Swansea's Best Start Campaign
- Regular posts to the Children's Commissioner's 'Rights Hour' Twitter feed
- Development of Dilly footprints across the City Centre

Dilly the Dragon's work will continue in the next year.

#### Promoting rights to in schools:

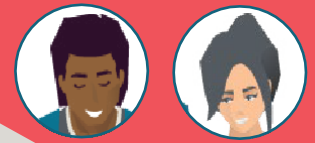
**Rights are promoted to Children and families in schools through the Rights Respecting Schools Award.**

- 100% of schools are engaged with the Rights Respecting Schools Award
- In 2018/19, teachers and Council Officers will train to be assessors of the award. This will make accreditation free for schools.
- This is an innovative move to make sure schools can be recognised for the excellent rights work they, but at no cost to them.



## 4: Improving how we work

We are committed to listening and improving the way we work.



### Duty

To have a system that can receive feedback and complaints.

### How

We have ways for children and young people to question decisions and tell us what they think.

As well as through the Big Conversation, we have an email address where anyone can question decisions, ask for advice and tell us what they think.

It is [UNCRC@swansea.gov.uk](mailto:UNCRC@swansea.gov.uk)

### If you feel your rights are not being met

If people feel their rights are not being met and wish to make a complaint, Swansea Council has a complaints process that sets out the steps we go through to listen to issues and deal with them.

This can be found at <https://www.swansea.gov.uk/article/7326/Corporate-complaints-procedure>



## 5: Collecting evidence

It can be difficult to measure the outcomes of children's rights in our work. However, we have feedback from schools, children and young people and partners that it does.

### Duty

To make sure we follow the UNCRC, are accountable, and have evidence of the difference it makes.

### How

#### The Children's Rights Impact Assessment

This process helps decision makers look at how their policies and actions will affect the rights of children.

We have received assessments from many departments in Swansea. So direct or indirect impact on children and young people. Evidence show assessments help avoid barriers, tackle poverty, address inequality and

#### Rights Respecting Schools Impact Assessment process

As part of the award schools are asked to identify the impact that respecting rights has on pupils' lives. This gives us evidence on how children's rights work:

- builds positive relationships and behaviour
- develops positive attitudes towards diversity
- challenges prejudice
- reduces bullying
- gives pupils confidence to respect rights.





# Next steps: Looking ahead to 2019.

We work hard to make sure children's rights are respected but there is always more to do.

This table shows what we said we would do this year, what we have done, and what we need to do next.

## What did we need to do?

### Broaden Our Approach

- Work with departments to offer training that helps them understand the UNCRC and the council's commitment
- Decide how Dilly should be used across the Council to promote children's rights

### Extending Our Offer

- Explore ways to make the Big Conversation available to:
  - Children aged 7-10 years
  - Young people who are not in school
- Extend the Corporate Parenting Challenge to include children and young people aged 7-21 years

### Being More Visible

- Make sure Swansea's work on Children's Rights is promoted on social media
- Make sure the council's web pages on children's rights are up to date and relevant for the people that need to look at them

### Assessing Impact

- Understanding the difference children's rights approaches make for children in Swansea including the Rights Respecting Schools Award and the Children's Rights Impact Assessment

## What have we done?

### Broadening our Approach

- 149 people have received training on UNCRC. Many more have received advice and support. This is difficult to measure.
- Dilly is promoted ad-hoc but a process needs to be formalised.

### Extending Our Offer

- Plans have been made to extend the Big Conversation to younger children and older people. Dates and themes have been set.
- Opportunities for people aged 7-21 years who experience care have been developed through a Participation Strategy

### Being More Visible

- #dillydragonswansea now exists on Instagram
- Work is being done to think about how Dilly can promote human rights for all people living, working and learning in Swansea.
- UNCRC web pages are being updated

### Assessing Impact

- Work has been done to map good rights work that takes places across organisations in Swansea
- Teachers and Officers will be trained to provide free RRSA to schools
- Impact of children's rights work needs to be explored

## What do we need to do now?

### Broadening Our Approach

- We need to think about what training we offer and who delivers this
- We need to think about how departments report their rights work strategically
- We need to decide how Dilly is promoted across the Council

### Extending Our Offer

- We need to test the new Big Conversation Offer and work with others to make sure it is successful
- We need to make sure what children say is heard and can affect change
- We need to test new plans for children who experience care and make sure they work

### Being More Visible

- We need to make ourselves even more visible on social media and through the press
- A brand for human rights need to be developed.
- We need to find out if the Council's website is where children look for rights information

### Assessing Impact

- We need to test our new Rights Respecting Schools approach and make sure it works and is sustainable.
- We need to evaluate how well the Children's Right Scheme works
- We need to promote how children and their families can let us know if they feel their rights are not being met.



## Report of the Cabinet Member for Delivery

Council – 20 December 2018

### Review of the Gambling Policy

<b>Purpose:</b>	To consider the proposed amendments to the Gambling Policy.
<b>Policy Framework:</b>	The City and County of Swansea, Statement of Principles, Gambling Act 2005. (The Gambling Policy)
<b>Consultation:</b>	Legal, Finance and Access to Services.
<b>Recommendation(s):</b>	It is recommended that:  1) The proposed amendments to the Policy are approved and the revised policy attached at Appendix A is adopted.
<b>Report Author:</b>	Lynda Anthony
<b>Finance Officer:</b>	Paul Roach
<b>Legal Officer:</b>	Lyndsay Thomas
<b>Access to Services Officer:</b>	Rhian Millar

#### 1. Introduction

- 1.1 The Gambling Act 2005 (the Act) requires the City and County of Swansea, as the Licensing Authority, to review its Statement of Principles under the Gambling Act 2005, (Gambling Policy), every three years.
- 1.2 The current Gambling Policy was adopted at Council on 26<sup>th</sup> November 2015 for publication in December 2015.
- 1.3 The reviewed Policy must be issued for consultation and adopted by Council before publication. The Policy must be published at least 4 weeks before it comes into effect on the 31<sup>st</sup> January 2019.

## **2. The Gambling Policy**

- 2.1 The Gambling Policy must comply with the requirements of the Act. Account should also be taken of guidance issued by the Gambling Commission (The Guidance).
- 2.2 The Guidance was first issued in April 2006 and has subsequently been revised. The latest version (5<sup>th</sup> edition) was issued in September 2015.

## **3. Proposed Changes to the Policy**

- 3.1 Officers have undertaken a full review of the policy in accordance with the current guidance. A copy of the draft of the revised Policy is attached at Appendix A to this report. The changes proposed are identified in bold italics and any text to be removed is shown by striking through.
- 3.2 The majority of the Policy has not been changed. Where changes have been made, these are to reflect the changes made to The Guidance and also to provide clarification in respect of specific matters.
- 3.3 The main changes proposed are:
- The foreword has been amended to include more detail regarding the requirement to publish the statement of principles and also specifies the relevant section of the Act (Page 3).
  - Further details have been provided in relation to the Gambling Commission Guidance, details of the edition have been added and reference made to any subsequent updates (Paragraph 2.4, page 4).
  - The County's population has been amended (Paragraph 3.1, page 5).
  - A sentence has been added signposting readers to further information about Swansea (Paragraph 3.5, page 5).
  - Additional wording has been included specifying the reasons representations or applications for licence reviews can be made based on the three licensing objectives. The specific section of the Act that defines Interested Parties has also been added (Paragraph 6.1, page 6).
  - The date of the Data Protection Act has changed from 1998 to 2018 and reference to the General Data Protection Regulations 2016 have been included (Paragraph 8.1, page 9).
  - Additional information has been added in respect of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) and a specific reference made to the social responsibility code (Paragraph 12.5, page 11).



- A paragraph has been added stating that the number and category of gaming machines is set down by the Act and any subsequent changes to legislation. A link to the Gambling Commission's website for current information has been included (Paragraph 12.6, page 11).
- A sentence has been added specifying that Occasional Use Notices must be submitted for each day betting is to take place (Paragraph 37.1, page 30).
- Additional wording has been included in relation to Local Risk Assessments for Operators setting out the Licensing Authority's expectations of Operators and clearly stating that risk assessments are to be kept on individual premises and be available for inspection (Paragraph 40.2, page 34).
- Additional wording has been added detailing additional matters to be considered when carrying out risk assessments (Paragraphs 40.3 and 40.4, pages 34 & 35).
- The contact details for the Department for Digital, Culture, Media & Sport have been updated (Paragraph 48.0, page 37).
- The list of consultees has been updated to include Public Health Wales at the suggestion of Gambling Commission (Appendix B, page 39).

#### **4. The Consultation**

- 4.1 Extensive consultation on the proposed amendments to the policy has been undertaken involving existing licence holders, representatives of persons carrying on gambling businesses, statutory bodies, representatives of interested parties and City and County of Swansea Members.
- 4.2 The consultation period ended on the 19<sup>th</sup> October 2018, no responses were received therefore no further changes to the Policy are proposed.

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

- 5.1 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.

Our Equality Impact Assessment process ensures that we have paid due regard to the above.

- 5.2 An Equalities Impact Assessment (EIA) Screening Form has been completed with the agreed outcome that a full EIA report is not required. A copy of the screening form is attached at Appendix B

## **6. Financial Implications**

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

## **7. Legal Implications**

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

### **Background Papers:**

Gambling Commission guidance to licensing authorities (5<sup>th</sup> edition).

### **Appendices:**

Appendix A – Draft Gambling Policy

Appendix B – EIA screening

**CITY AND COUNTY OF SWANSEA**  
**STATEMENT OF PRINCIPLES**  
**GAMBLING ACT 2005**  
  
***(GAMBLING POLICY)***

## INDEX

<b>Foreword</b>	3
1.0 Licensing Objectives	3
2.0 Introduction	4
3.0 The City and County of Swansea <b><i>Geographical Area</i></b>	5
4.0 Consultees	5
5.0 Responsible Authorities	6
6.0 Interested Parties	6
7.0 Licensing Authority Functions	7
8.0 Exchange of Information	8
9.0 Enforcement	9
10.0 Fundamental Rights	10
11.0 Integrating Strategies	10
12.0 Premises Licences	10
13.0 Definition of Premises	12
14.0 Premises Ready For Gambling	13
15.0 Location	13
16.0 Door Supervisors	14
17.0 Duplication with Other Regulatory Regimes	14
18.0 Casinos	14
19.0 General Principles - Casino Premises	16
20.0 Casino Application Stage 1	17
21.0 Principles to be applied to Casino Stage 2	18
22.0 Casino Application Stage 2	18
23.0 Bingo Premises	20
24.0 Betting Premises	20
25.0 Tracks	21
26.0 Adult Gaming Centre	22
27.0 Licensed Family Entertainment Centre	23
28.0 Travelling Fairs	24
29.0 Provisional Statements	24
30.0 Reviews	25
31.0 Permits/Temporary & Occasional Use Notice	26
32.0 Unlicensed Family Entertainment Centres	26
33.0 Alcohol Licensed Premises	27
34.0 Club Gaming Permits	28
35.0 Prize Gaming & Prize Gaming Permits	29
36.0 Temporary Use Notices	29
37.0 Occasional Use Notices	30
38.0 Registration of Small Society Lotteries	30
39.0 Licensing Objectives	30
40.0 Local Risk Assessments for Operators	34
41.0 Local Area Profiles	35
42.0 Decision Making	35

## THE CITY AND COUNTY OF SWANSEA

43.0	Appeals Procedure	35
44.0	Reasons for Decisions	36
45.0	Implementing the Determination of the Magistrates' Court	36
46.0	Concerns in respect of Licensed Premises	36
47.0	Information Sharing Network – Operators	37
48.0	Further Information	37
<b>Appendix A Map of the City and County of Swansea</b>		<b>38</b>
<b>Appendix B Consultees</b>		<b>39</b>
<b>Appendix C Principles and Criteria</b>		<b>40 - 47</b>
<b>Appendix D Table of Delegation of Licensing Functions</b>		<b>48 - 49</b>

## THE CITY AND COUNTY OF SWANSEA

# CITY AND COUNTY OF SWANSEA

## GAMBLING POLICY

JANUARY 20169 – JANUARY 201922

### Foreword

The City and County of Swansea is responsible under the Gambling Act 2005 (the Act) for licensing premises and issuing **a number of different** permits and authorisations for the together with temporary **and occasional** use of premises, amongst other matters **notices**.

The Licensing Authority is also required **by the Act** to prepare and publish a statement of the licensing principles that they propose to apply in exercising their functions under the Act. ~~This is known as the Gambling Policy (the Policy). The Policy must be reviewed every three years.~~ ***This statement forms the Licensing Authority's mandate for managing local gambling provision and sets out the Licensing Authority's expectations in relation to operators with premises in the locality. This statement, known as the Gambling Policy (The Policy), must be reviewed, consulted on and published every three years. The Policy has been prepared in accordance with Section 349 of the Act with reference to the relevant Guidance issued by the Gambling Commission. The form of The Policy is set out in The Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006.***

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

### 1.0 Licensing Objectives

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

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

1.2 The Licensing Authority is aware that in accordance with Section 153 of the Act, in making decisions about premises licences and temporary

THE CITY AND COUNTY OF SWANSEA

use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

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

## **2.0 Introduction**

- 2.1 The City and County of Swansea is the Licensing Authority under the Act.
- 2.2 The Policy must be published at least every three years. This Policy will come into effect on the 31<sup>st</sup> January 2016~~9~~**22** and will have effect until 30<sup>th</sup> January 204~~9~~**22**. The Policy can be reviewed from "time to time" and any amended parts consulted upon. The Policy must then be re-published.
- 2.3 Where updates are required due to changes in national legislation, statutory guidance or contact details, the Licensing Authority reserves the right to amend this Policy without consultation where it is necessary to ensure The Policy reflects national legislation or statutory guidance.
- 2.4 The Licensing Authority declares that this Policy has been prepared having regard to the provisions of The Guidance issued by the Gambling Commission (The Guidance), the licensing objectives in the Act and any responses from those consulted. All references to The Guidance refer to The Guidance ***to Licensing Authorities 5<sup>th</sup> edition*** published in ~~March~~ **September 2015 and any subsequent updates**.
- 2.5 The Licensing Authority acknowledges that it may need to depart from this Policy and from The Guidance in individual and exceptional circumstances and where the case merits such a decision in the interests of the promotion of the licensing objectives. Any such decision will be taken in consultation with the appropriate legal advisors for the Licensing Authority, and the reasons for any such departure will be fully recorded.
- 2.6 This Policy was approved at a meeting of Council on XXXXXX and was published on XXXXXX.

This Policy is available on the City and County of Swansea website at [www.swansea.gov.uk](http://www.swansea.gov.uk)

## **THE CITY AND COUNTY OF SWANSEA**

### **3.0 The City and County of Swansea Geographical Area**

- 3.1 The City and County of Swansea covers an area of 378 kilometres (146 square miles), has a population of ~~239,022~~ **245,500** people and is Wales' second largest city. Some two-thirds of the County's boundary is with the sea. The City and County of Swansea can be broadly divided into 4 physical areas. In the north, the Lliw Uplands present an open moorland feature; the Gower Peninsular in the west, a rural landscape with contrasting coasts and a collection of small villages; the urban and suburban centre stretching from Swansea to Gorseinon and Pontarddulais; and the coastal strip around Swansea Bay, no more than 2 miles in width.
- 3.2 The urban area of the City and County is chiefly focused on Swansea and radiates to the west and north of the city centre around Swansea Bay to Mumbles; over Townhill to Cwmbwrla, Treboeth, Fforestfach and Penlan; through Uplands, Sketty, Killay and Dunvant; along the Swansea Valley communities of Hafod, Landore, Plasmarl, Morriston to Clydach; and on the east side of the River from St Thomas to Bonymaen, Llansamlet and Birchgrove.
- 3.3 The second urban focus centres on the Gowerton, Gorseinon and Loughor triangle, along with the nearby communities of Pontarddulais and Penllergaer.
- 3.4 The City and County of Swansea is served by 24 community councils.
- 3.5 A map of the Council area is attached at Appendix A.  
***Further information about Swansea can be found via the Council's web page <https://www.swansea.gov.uk/keyfacts>***

### **4.0 Consultees**

- 4.1 The Licensing Authority consulted widely on this statement between 21<sup>st</sup> September 2018 and 19<sup>th</sup> October 2018 before finalising and publishing. The following were consulted:-
- South Wales Police;
  - Representatives of persons carrying on gambling businesses within the Licensing Authority's area who will be affected by this Policy;
  - Persons/bodies representing the interests of persons likely to be affected by the exercise of the Licensing Authority's functions under the Act and by this Policy.
- 4.2 A full but not exhaustive list of consultees is shown at Appendix B.

## **THE CITY AND COUNTY OF SWANSEA**



## 5.0 Responsible Authorities

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

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

5.2 In accordance with The Guidance, the Licensing Authority designates Child and Family Services of the City and County of Swansea for this purpose.

5.3 The contact details of all the Responsible Authorities under the Act are available via the Council's website at [www.swansea.gov.uk](http://www.swansea.gov.uk)

## 6.0 Interested Parties

6.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence ***based on the three licensing objectives as detailed in paragraph 1.1 of this Policy Statement***. These parties are defined in ***Section 158*** of the Act as follows:

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

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

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

6.4. The principles are:

- Each case will be decided upon its merits;
- The Licensing Authority will not apply a rigid rule to its decision-making;

## THE CITY AND COUNTY OF SWANSEA

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

## **7.0 Licensing Authority Functions**

- 7.1 Licensing Authorities are required under the Act to:
- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences;
  - Issue Provisional Statements;
  - Regulate members’ clubs and miners’ welfare institutes who wish to undertake certain gaming activities by issuing Club

## **THE CITY AND COUNTY OF SWANSEA**

- Gaming Permits and/or Club Machine Permits ;
- Issue Club Machine Permits to Commercial Clubs;
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres ;
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines;
- Register small society lotteries below prescribed thresholds;
- Issue Prize Gaming Permits;
- Receive and Endorse Temporary Use Notices;
- Receive Occasional Use Notices;
- Provide information to the Gambling Commission regarding details of licences issued;
- Maintain registers of the permits and licences that are issued under these functions.

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

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

## **8.0 Exchange of Information**

8.1 The Licensing Authority, in fulfilling its functions under sections 29, 30 and 350 of the Act, in relation to the exchange of relevant information with the Gambling Commission and other regulatory bodies, will comply with current advice issued by the Commission. In exchanging such information, the Licensing Authority will act in accordance with the provisions of the Act and with the provisions of the Data Protection Act

## **THE CITY AND COUNTY OF SWANSEA**

~~1998~~**2018 and the General Data Protection Regulation 2016.** The Licensing Authority will also have regard to any guidance issued by the Gambling Commission on this matter as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

## **9.0 Enforcement**

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

## **THE CITY AND COUNTY OF SWANSEA**

- The licensing objectives;
- Relevant codes of practice;
- The Guidance;
- The principles set out in this Statement of Licensing Policy;
- The Licensing Authority's enforcement policy.

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

## **10.0 Fundamental Rights**

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

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

## **11.0 Integrating Strategies**

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

## **12.0 PREMISES LICENCES**

### **12.1 General Principles**

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

## **THE CITY AND COUNTY OF SWANSEA**

- 12.3 This Licensing Authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:
- in accordance with any relevant code of practice issued by the Gambling Commission;
  - in accordance with any relevant guidance issued by the Gambling Commission ;
  - reasonably consistent with the licensing objectives; and
  - in accordance with the Authority's Gambling Policy.
- 12.4 In accordance with The Guidance moral objections to gambling are not considered a valid reason to reject applications for premises licences and demand is not a criterion for a Licensing Authority.
- 12.5 The Gambling Commission have also issued Licence Conditions and Codes of Practice (LCCP) ***which apply to all operators and personal licence holders***. The LCCP ***strengthens the Social Responsibility (SR) code requirements and imposes a*** formal requirement for operators to consider local risks. The Licensing Authority will have regard to the LCCP when considering applications. ***Details regarding the LCCP and SR code can be accessed via the Gambling Commission website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)***

***The code requires operators;***

- ***To supervise customers effectively on gambling premises and identify customers who are at risk of gambling related harm.***
  - ***To have in place schemes to allow customers to self-exclude themselves from all operators of a similar type in the area where they live and work.***
  - ***To have a range of measures with regard to marketing to ensure social responsibility that are transparent and not misleading.***
  - ***To produce a risk assessment on individual premises, and have policies and procedures and control measures in place to mitigate local risks to the licensing objectives.***
- 12.6 ***Where a premises licence allows gaming machines, this will be governed by the number of machines and category as set down by the Act and any subsequent changes to legislation. Current information can be accessed on the Gambling Commission's website via <http://www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/Sector-specific-compliance/Arcades-and-machines/Gaming-machine-categories/Gaming-machine-categories.aspx>***

THE CITY AND COUNTY OF SWANSEA

### **13.0 Definition of Premises**

- 13.1 Premises is defined in the Act as including “any place”. Section 152 therefore prevents more than one premises licence applying to any place. A single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can reasonably be regarded as being different premises. This approach has been taken to allow large multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences where appropriate safeguards are in place. The Licensing Authority will pay particular attention if there are issues about sub-divisions of a single building or plot and will ensure that mandatory conditions relating to access are observed.
- 13.2 Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.
- 13.3 The Licensing Authority takes particular note of The Guidance and will take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular the Authority will be aware of the following:
- Entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit;
  - Customers should be able to participate in the activity named on the premises licence;
  - The third licensing objective seeks to protect children from being harmed by Gambling. In practice this means not only preventing them taking part in gambling but also preventing them from being in close proximity to gambling. Premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- 13.4 The Licensing Authority will also consider other issues including:
- Whether the premises has a separate registration for business rates;

## **THE CITY AND COUNTY OF SWANSEA**

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

#### **14.0 Premises Ready For Gambling**

- 14.1 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future consistent with the scale of building or alterations required before the premises are brought into use. If the construction of a premise is not yet complete or if they need alteration, or if the applicant does not yet have the right to occupy them, an application for a provisional statement should be considered.
- 14.2 In deciding whether a premises licence can be granted where there are outstanding constructions or alteration works at a premises, the Authority will determine applications on their merits, applying a two stage consideration process: -
- Firstly, whether the premises ought to be permitted to be used for gambling;
  - Secondly, whether appropriate conditions can be put into place to cater for the situation that the premises are not yet in the state in which they ought to be, before gambling takes place;
- 14.3 Applicants should note that the Licensing Authority is not obliged to grant a licence and is also entitled to decide that it is appropriate to grant a licence subject to conditions.

#### **15.0 Location**

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

### **THE CITY AND COUNTY OF SWANSEA**



- Potential impact of premises on area;
- Any other reasonable factor.

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

## **16.0 Door Supervisors**

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

## **17.0 Duplication with Other Regulatory Regimes**

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

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

## **18.0 Casinos**

18.1 On the 26<sup>th</sup> October 2017, the City and County of Swansea acting as a Licensing Authority agreed to pass a resolution not to issue casino licences under Section 166 of the Act. This resolution came into effect on the 5<sup>th</sup> December 2017. The decision followed a consultation process and consideration of the responses received.

# **THE CITY AND COUNTY OF SWANSEA**

- 18.2 A potential applicant for a casino premises licence should be aware that this resolution has been passed and that applications for a casino premises licence will not be considered by this Authority. Any application received will be returned and the applicant informed that a resolution not to issue casino licences is in place for the City and County of Swansea.
- 18.3 This resolution will not affect existing casino premises licences including any applications for variations or transfers of these licences.
- 18.4 The resolution will last for a period of 3 years from the date it takes effect. After this time the Authority may pass a new resolution not to issue casino premises licences.
- 18.5 In 2006, the City and County of Swansea submitted a proposal to the Independent Casino Advisory Panel to licence one Large and one Small casino. On 19<sup>th</sup> May 2008 the Categories of Casino Regulations 2008 and the Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 were made. The latter Order specifies which Licensing Authorities may issue Large and Small Casino Premises Licences. The City and County of Swansea was one of the eight authorities authorised to issue a Small Casino Premises Licence.
- 18.6 On 26<sup>th</sup> February 2008, the Secretary of State for Culture Media and Sport issued the Code of Practice on Determinations under Paragraphs 4 and 5 of Schedule 9 to the Act, relating to Large and Small Casinos, which sets out: -
- the procedure to be followed in making any determinations required under Paragraphs 4 and 5 of Schedule 9 to the Act; and;
  - matters to which the Licensing Authority should have regard in making those determinations.
- 18.7 The Licensing Authority is permitted to grant a Premises Licence for a Small Casino. To grant a casino premises licence the Licensing Authority is required to publish an invitation for applications to be made for a Small Casino Licence under Schedule 9 of the Gambling Act 2005 and will determine the applications received in accordance with The Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008, the Department for Culture Media and Sport's Code of Practice and the Gambling Commission's Guidance to Licensing Authorities.

## THE CITY AND COUNTY OF SWANSEA

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

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

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

## **19.0 General Principles – Casino Premises**

- 19.1 Subject to the provisions in the Act, any person may make an application. The Licensing Authority will determine each application according to criteria which are: -
- the same for all applicants;
  - made known to all applicants;
  - not pre-selected to favour a particular applicant or application.
- 19.2 The Licensing Authority shall ensure that any pre-existing contract, arrangements or other relationship with a company or individual does not affect the procedure for assessing applications so as to make it unfair or perceived to be unfair to any applicant. The Licensing Authority shall therefore disregard any contract, arrangement or other relationship.
- 19.3 The Licensing Authority recognises that applicants may either apply for a full Casino Premises Licence or alternatively a Provisional Statement. Applicants for full Premises Licences however must fulfil certain criteria in that they must: -
- hold or have applied for an Operating Licence; and
  - have the right to occupy the premises in question.
- 19.4 Unless otherwise specified, any reference to the application and procedures for a 'premises licence' for a casino in the following parts

## **THE CITY AND COUNTY OF SWANSEA**

of this section of this document shall also include the application and procedures for a 'provisional statement' for a casino.

- 19.5 In making any decision in respect of an application, the Licensing Authority shall not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building regulation and any decision shall not constrain any later decision by the Authority under the law relating to planning or building.
- 19.6 The Licensing Committee will make the determination on casino licence applications at Stage 1 and at Stage 2. During Stage 2, the Licensing Committee will be supported by an Advisory Panel of Officers and others with appropriate experience.
- 19.7 In accordance with the Code of Practice issued by the Secretary of State, the Licensing Authority will ensure that there is a Register of Interest in place disclosing interest in any contract, arrangement or other relationship with an applicant or a person connected or associated with an applicant. Applicants should note that this does not apply to any agreement between the Licensing Authority and applicant entered into during Stage 2 of the application process.

## **20.0 Casino Application Stage 1**

- 20.1 The Licensing Authority will provide an Application Pack which will include a statement of the principles that it proposes to apply and the procedure that it proposes to follow in assessing applications for the Small Casino Premises Licence.
- 20.2 At this stage, the Licensing Authority cannot accept any additional information other than the prescribed application form laid down in The Gambling Act 2005 (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007. All such additional information will be disregarded and returned to the applicant.
- 20.3 With regard to Stage 1, the principles as stated in Paragraphs 12-18 of the Gambling Policy shall apply to all applications.
- 20.4 The Licensing Authority recognises that each of the other applicants is considered an 'interested party' and as a result may make representations. It is recognised that the Licensing Authority's decision at Stage 1 may be appealed against, in which case the Licensing Authority will not proceed further until all appeals have been dealt with.

## **THE CITY AND COUNTY OF SWANSEA**

- 20.5 If this process results in more than one provisional decision to grant a Premises Licence, Casino Application Stage 2 will be implemented.

## **21.0 Principles to be applied to casino application Stage 2**

- 21.1 The Licensing Authority will apply to Stage 2 the following principles in determining whether or not to grant a Casino Premises Licence: -

- Any provision that is made for the protection of children and other vulnerable people from harm or exploitation arising from gambling, whether in the proposed casino or the wider community;
- Any provision that is made for preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Any provision that is made for ensuring that gambling is conducted in a fair and open way;
- Likely effects of an application on employment and regeneration in Swansea;
- Design and location of the proposed development;
- Range and nature of non gambling facilities to be offered as part of the proposed development;
- Any financial and other contributions;
- The deliverability of the proposals contained in the applications.

- 21.2 In determining which application is likely to result in the greatest benefit to Swansea, the Licensing Authority has set out matters which are likely to receive the greatest weight (Appendix C). However, an applicant is not debarred from putting forward other benefits which the Licensing Authority will consider and weight to the extent that it considers them relevant.

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

## **22.0 Casino Application Stage 2**

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

## **THE CITY AND COUNTY OF SWANSEA**

- 22.2 At this Stage, applicants will be required to state the benefits their applications, if granted, would bring to Swansea.
- 22.3 The Licensing Authority will itself evaluate all applications and make the decision to grant the available Small Casino Premises Licence to the applicant that in its opinion will result in the greatest benefit to Swansea.
- 22.4 The Licensing Authority may enter into a written agreement with an applicant and may determine to attach conditions to any licence issued so as to give effect to any agreement entered into. The Licensing Authority may have regard to the effect of any agreement so entered in making the determination on the applications.
- 22.5 The Advisory Panel, appointed by the Licensing Authority, will carry out a preliminary assessment of each Stage 2 application. Following the preliminary assessment, the Advisory Panel may engage in discussions or negotiations with each Stage 2 applicant with a view to the particulars of an application being refined, supplemented or otherwise altered so as to maximise the benefits to the Authority's area that would result from it, were it granted.
- 22.6 The Advisory Panel will assess each bid according to criteria set out in the Application Pack. The applicant will be sent the Advisory Panel's assessment of its application to enable the applicant to correct any factual errors or (without providing new information) make representations as to the assessment.
- 22.7 The Advisory Panel will then provide a final written report to the Licensing Committee which will include its recommendation as to the correct band for each criterion, its qualitative assessment and also the applicant's response. The Licensing Committee will consider the Advisory Panel's report and will determine the precise score for each criterion. The Licensing Committee will not take further evidence or representations made by the applicants but will then make its decision. Any legal advice required shall be supplied by the Solicitor acting for the Licensing Authority. The Licensing Authority will accept or reject any advice given as it considers appropriate.
- 22.8 All Stage 2 applicants will be informed of the decision and reasons for approval or rejection as soon as is reasonably practicable. It is noted that once a decision has been made there will be no right of appeal.

## THE CITY AND COUNTY OF SWANSEA

## **23.0 Bingo Premises**

- 23.1 Children and young people are allowed to enter bingo premises licensed for bingo however, they are not permitted to participate in the bingo, and if category B or C gaming machines are available, these must be separated from areas where children and young people are allowed. The Licensing Authority will ensure that:
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
  - only adults are admitted to the area where the machines are located;
  - access to the area where the machines are located is supervised;
  - the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
  - at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

## **24.0 Betting Premises**

- 24.1 The Act contains a single class of licence for betting premises. However, within this single class of licence, there will be different types of premises which require licensing.
- 24.2 The Act also permits betting intermediaries to operate from premises, although betting intermediaries usually offer their services via remote communication, such as the internet. In principle, however, there is nothing to prevent a betting intermediary applying for a betting premises licence to offer intermediary services upon the premises.
- 24.3 The Authority is aware of its power to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence.
- 24.4 In considering whether to impose such a condition the Licensing Authority will, among other things, take into account the size of the premises, the number of counter positions available for person to person transactions, and the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons.
- 24.5 The Act provides that a machine is not a gaming machine if it is designed or adapted for use to bet on future real events. Betting

## **THE CITY AND COUNTY OF SWANSEA**

premises may make available machines that accept bets on live events, such as horseracing, as a substitute for placing a bet over the counter. These “betting machines” are not gaming machines: they merely automate the process, which can be conducted in person and, therefore, do not require regulation as a gaming machine.

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

## **25.0 Tracks**

- 25.1 The Licensing Authority is aware that tracks may be subject to one or more premises licence, provided each licence relates to a specified area of the track.
- 25.2 In accordance with The Guidance, the Licensing Authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas they are not permitted to enter.
- 25.3 The Licensing Authority will expect the applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place but that they are still prevented from entering areas where gaming machines (except category D machines) are provided.
- 25.4 The Licensing Authority notes that The Guidance requires Licensing Authorities to consider the location of gaming machines at tracks. Applications for track premises licences will need to demonstrate that where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, that these machines are located in areas where children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.
- 25.5 Betting Machines - The Licensing Authority will in accordance with the Gambling Commissions Guidance, take into account the size of the premises, the number of counter positions available for person to person transactions and the ability of staff to monitor the use of machines when considering the number/nature/circumstances of betting machines an operator wants to offer.

## **THE CITY AND COUNTY OF SWANSEA**



- 25.6 The Licensing Authority will also take note of The Guidance which suggests that Licensing Authorities consider restricting the number and location of such machines in respect of applications for track betting premises licences.
- 25.7 The Licensing Authority will consider attaching a condition to track premises licences requiring the track operator to ensure that the rules of betting are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. An example may be that the rules are printed in the race-card or made available in leaflet form from the track office.
- 25.8 The Act requires applicants to submit plans of the premises with their application in order to ensure the Licensing Authority has the necessary information to determine whether the premises are fit for gambling.
- 25.9 Plans for tracks do not need to be in a particular scale but should be drawn to scale and should be sufficiently detailed to include the information required by the regulations.

## **26.0 Adult Gaming Centre (AGC)**

- 26.1 The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling.
- 26.2 The Licensing Authority will expect applicants to satisfy the authority that there will be sufficient measures to ensure that no-one under the age of 18 is permitted to enter an AGC. The Licensing Authority will have particular regard to the location of and entry to AGCs to minimise the opportunities for children to gain access.
- 26.3 Where gambling facilities are provided at premises as a supplementary activity to the main purpose of the premises; e.g. motorway service areas and shopping malls, the Licensing Authority will expect the gambling area to be clearly defined to ensure that customers are fully aware that they are making a choice to enter into the gambling premises and that the premises is adequately supervised at all times.
- 26.4 The Licensing Authority may consider measures to meet the licensing objectives such as:
- Proof of age schemes;
  - CCTV;
  - Supervision of entrances/machine areas;

## **THE CITY AND COUNTY OF SWANSEA**

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

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

## **27.0 Licensed Family Entertainment Centres (FEC)**

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

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

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

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

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

## **THE CITY AND COUNTY OF SWANSEA**

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

## **28.0 Travelling Fairs**

- 28.1 Travelling fairs are defined as 'wholly or principally' providing amusements on a site that has been used for fairs for no more than 27 days per calendar year.
- 28.2 Where category D machines and/or equal chance prize gaming without a permit are to be made available for use at travelling fairs it is the responsibility of the Licensing Authority to ensure that the facilities for gambling amount to no more than an ancillary amusement.
- 28.3 The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 28.4 The 27-day statutory maximum for the land being used as a fair is per calendar year, and it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land.
- 28.5 The Licensing Authority will work with its neighbouring Authorities to ensure that any land, which crosses its boundaries, is monitored so that the statutory limits are not exceeded.

## **29.0 Provisional Statements**

- 29.1 Developers may wish to apply for provisional statements before entering into a contract to buy or lease land to judge whether a development is worth taking forward. There is no need for the applicant to hold an operating licence or have the right to occupy premises to apply for a provisional statement.
- 29.2 Where representations about premises licence applications are made following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

## **THE CITY AND COUNTY OF SWANSEA**

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

## **30.0 Reviews**

- 30.1 The Licensing Authority may initiate the review of a premises licence or may review a premises licence following the receipt of an application from a responsible authority or interested party.
- 30.2 The Licensing Authority must grant an application for review unless it decides to reject the application on the grounds that the application for review:-
- is not relevant in respect of The Guidance, the relevant codes of practice, The Policy or the licensing objectives;
  - is frivolous;
  - is vexatious;
  - will certainly not cause the Authority to amend, revoke or suspend the licence;
  - is substantially the same as the grounds cited in a previous application relating to the same premises. The Licensing Authority will take into account the time lapsed since the previous application when considering this point;
  - is substantially the same as the representations made at the time the application for the premises license was considered. The Licensing Authority will take into account the time lapsed since the previous application was considered and will not review the licence on the basis of the same arguments considered on the grant of the premises licence.
- 30.3 The purpose of the review will be to determine whether the Licensing Authority should take any action in relation to the licence. If action is justified, the options open to the Licensing Authority are:-
- add, remove or amend a licence condition imposed by the Licensing Authority;

## **THE CITY AND COUNTY OF SWANSEA**

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

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

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

### **31.0 Permits / Temporary & Occasional Use Notice**

31.1 Permits - The Act introduces a range of permits granted by Licensing Authorities when premises provide a gambling facility and either the stakes and prizes are very low or gambling is not the main function of the premises.

### **32.0 Unlicensed Family Entertainment Centres (UFEC) - Gaming Machine Permits**

32.1 Where a premises does not hold a premises licence but wishes to provide only Category D gaming machines, an application may be made to the Licensing Authority for a permit.

32.2 The Licensing Authority will expect applicants to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will be considered on their merits. They may include training of staff regarding suspected truant school children, how to deal with unsupervised, very young children or children causing problems in and around the premises. In accordance with The Guidance, applicants will be expected to demonstrate a full understanding of the maximum stakes and prizes of the gambling permissible in unlicensed FECs, that they have no relevant convictions and that staff are trained to have a full understanding of the maximum stakes and prizes.

32.3 Unlicensed FECs are premises which are wholly or mainly used for making gaming machines available, therefore, exclude any premises primarily used for any other purposes, e.g. canteens, fast food

## **THE CITY AND COUNTY OF SWANSEA**

takeaways, leisure centres, garages and petrol filling stations, taxi offices.

32.4 The Licensing Authority cannot attach conditions to this type of permit.

### **33.0 Alcohol Licensed Premises**

33.1 The Act provides an automatic entitlement to alcohol licence holders to make available 2 gaming machines of category C or D for use in premises licensed to sell alcohol for consumption on the premises. To take advantage of this entitlement, the person who holds the alcohol licence must notify the Licensing Authority and pay the prescribed fee.

33.2 This is not an authorisation procedure as the Licensing Authority have no discretion to consider the notification or turn it down. The Licensing Authority can however, remove the automatic authorisation in respect of any particular premises if:

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

33.3 Licensing Authorities may issue licensed premises gaming machine permits for any number of category C or D machines. This will replace and not be in addition to the automatic entitlement to two machines. If the holder of an alcohol licence for a premises wishes to have more than 2 machines, then an application for a permit must be submitted to the Licensing Authority. The Licensing Authority will consider the application based upon the licensing objectives, any guidance issued by the Gambling Commission under Section 25 of the Gambling Act 2005, and such matters as they think relevant.

33.4 The Licensing Authority considers that such matters will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only category C gaming machines.

## **THE CITY AND COUNTY OF SWANSEA**

- 33.5 Measures which will satisfy the Authority that there will be no access may include the adult machines being located in sight of the bar and staff who will monitor that the machines are not being used by those under 18. Notices and signage may also assist.
- 33.6 In relation to the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.
- 33.7 It is recognised that some holders of alcohol licences wish to provide gaming machines in areas not covered by their alcohol licence. This would require an application for a premises licence and it is likely that this would be dealt with as an application for an Adult Gaming Centre premises licence.
- 33.8 The Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 33.9 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machines.

#### **34.0 Club Gaming Permits**

- 34.1 The Licensing Authority may grant members' clubs and miners' welfare institutes (but not commercial clubs) club gaming permits or club machine permits. These enable premises to provide gaming machines as well as equal chance gaming and games of chance as prescribed in regulations. Equal chance gaming includes games such as poker or bingo where the chances are equally favourable to all participants and players are not competing against a bank. The Licensing Authority will only refuse an application on the grounds that:
- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
  - the applicant's premises are used wholly or mainly by children and/or young persons;
  - an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
  - a permit held by the applicant has been cancelled in the previous ten years; or

## **THE CITY AND COUNTY OF SWANSEA**

- an objection has been lodged by the Gambling Commission or the police.
- 34.2 Club gaming permits allow the provision of no more than three gaming machines. These may be from categories B3A, B4, C or D. Only one B3A machine can be sited as part of this entitlement. The club is permitted to choose the combination of machines on its premises. The Licensing Authority may grant or refuse a permit but it may not attach any conditions to a permit.
- 34.3 If a Member's Club or Miner's Welfare Institute does not wish to have the full range of facilities permitted by a Club Gaming Permit they may apply for a Club Machine Permit. This authorises the holder to have up to three gaming machines of categories B3A, B4, C and D.

### **35.0 Prize Gaming & Prize Gaming Permits**

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

### **36.0 Temporary Use Notices**

- 36.1 Temporary use notices (TUN) allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be considered suitable for a temporary use notice would include hotels, conference centres and sporting venues.



- 36.2 A temporary use notice may only be given by a person or company holding a relevant operating licence. For example, the holder of a betting operating licence could apply to provide betting facilities at a snooker tournament.
- 36.3 The type of gambling that can be authorised by temporary use notices is prescribed by regulations. The Licensing Authority will consider objecting to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

### **37.0 Occasional Use Notices**

- 37.1 Where there is betting on a track on eight days or less in a calendar year betting may be permitted by an occasional use notice (OUN) without the need for a full premises licence. ***An OUN must be submitted for each day that betting is to take place i.e. 3 consecutive days would require 3 OUN.***
- 37.2 There is no provision for objections to be submitted, provided the notice will not result in betting facilities being available for more than 8 days in a calendar year. The Licensing Authority will however consider the definition of a 'track' and whether the use of OUNs is permitted.

### **38.0 Registration of Small Society Lotteries**

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

### **39.0 The Licensing Objectives**

- 39.1 In exercising its functions under the Act, particularly in relation to premises licences temporary use notices and permits, the Licensing Authority must have regard to the licensing objectives.
- 39.2 **Objective 1** - Preventing gambling from being a source of crime and disorder; being associated with crime and disorder or being used to support crime.
- 39.2.1 The Commission takes a leading role in preventing gambling from being a source of crime.
- 39.2.2 Anyone applying to the Authority for a premises licence will have to hold an operating licence from the Commission before a licence can be issued so the Licensing Authority will not be concerned with the

## **THE CITY AND COUNTY OF SWANSEA**

suitability of an applicant. Where concerns about a person's suitability arise the Licensing Authority will bring those concerns to the attention of the Commission without delay.

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

39.2.4 The Authority will seek to address issues of disorder under the Act. Disorder is intended to mean activity that is more serious and disruptive than nuisance. A disturbance could be considered serious enough to constitute disorder if police assistance was required to deal with it. Another factor the Authority is likely to take into account is how threatening the behaviour was to those who could see or hear it.

39.2.5 The Authority will, when determining applications, consider whether the grant of a Premises Licence will result in an increase in crime and disorder.

39.2.6 Applicants are encouraged to discuss the crime prevention procedures in their premises with the Authority's licensing officers and officers from South Wales Police before making a formal application.

39.2.7 In considering licence applications, the Authority will in particular take into account the following:-

- The design and layout of the premises;
- The training given to staff in crime prevention measures appropriate to those premises;
- Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
- Where premises are subject to age restrictions, the procedures in place to conduct age verification checks;
- The likelihood of any violence, public order or policing problem if the licence is granted.

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

39.3.1 Generally, the Gambling Commission would not expect Authorities to become concerned with ensuring that gambling is conducted in a fair

## **THE CITY AND COUNTY OF SWANSEA**

and open way, as this will be a matter for either the management of the gambling business and therefore relevant to the Operating Licence, or will be in relation to the suitability and actions of an individual and therefore relevant to the Personal Licence. Both of these licences are the responsibility of the Gambling Commission.

39.3.2 As track operators will not necessarily have an operating licence from the Gambling Commission the Authority may, in certain circumstances, require conditions of licence to ensure that the environment in which betting takes place is suitable.

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

39.4.1 The Authority has noted The Guidance that this objective means that children and young persons should be prevented from taking part in gambling and should be prevented from entering those gambling premises which are adult only environments. The Authority will therefore consider as suggested in The Guidance, whether specific measures are required at particular premises, regarding this objective.

39.4.2 The Authority is also aware of the Gambling Commission Codes of Practice in relation to specific premises.

39.4.3 It is noted that the Gambling Commission does not seek to define “vulnerable persons” but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This Authority will consider this licensing objective on a case by case basis.

39.4.4 The Authority will seek to ensure that there are restrictions on advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

39.4.5 The Authority will consult with South Wales Police and the Principal Officer for Safeguarding Quality and Performance, Child and Family Services and the Principal Officer for Safeguarding and Wellbeing of the City and County of Swansea on any application that indicates there may be concerns over access for children or vulnerable persons.

## THE CITY AND COUNTY OF SWANSEA

- 39.4.6 The Guidance sets out considerations that an operator must take into account in order to protect children and young people from accessing gambling premises.
- 39.4.7 The LCCP prescribe how operators must prevent children from using age restricted gaming or gambling activities, particularly where gaming machines are licensed.
- 39.4.8 The Authority will expect applicants to offer their own measures to meet the licensing objectives in respect of issues such as:
- Proof of age;
  - CCTV;
  - Supervision of entrances/machine areas;
  - Physical separation of areas;
  - Locations of entry/gaming machines;
  - Notices/signage;
  - Specific opening hours;
  - Self-exclusion schemes i.e. when someone asks an operator to refuse to accept their custom to prevent them from gambling;
  - Provision of information leaflets/helpline numbers for organisations such as GamCare.

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

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

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

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

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises and type of licence applied for;

## THE CITY AND COUNTY OF SWANSEA

- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other aspects.

#### 40.0 Local Risk Assessments for Operators

- 40.1 The LCCP require new applicants and operators of existing premises seeking to vary a licence, to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises. They are also required to have policies, procedures and control measures ***in place*** to address those risks.
- 40.2 Operators are required ***by the Social Responsibility (SR) code*** to make the risk assessment available to the Licensing Authority when an application is submitted for a new premises licence, variation of a premises licence or otherwise on request. ***This will form part of the Licensing Authority's inspection regime and may be requested when officers are investigating complaints. The Licensing Authority would expect the local area risk assessment to be kept on the individual premises and be available for inspection.***
- 40.3 ***The code requires the Licensing Authority to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and this Licensing Authority would recommend that the following matters are considered by operators when carrying out their risk assessment:*** ~~In undertaking their risk assessments, operators should have regard to the following:~~
- The layout of the premises in particular access to the premises by children and vulnerable persons;
  - The location of the premises in particular the proximity to premises/areas where the presence of children/vulnerable persons may be expected e.g. schools, parks, playgrounds, entertainment venues such as cinemas and bowling alleys, shops, cafés, bus stops, premises with alcohol licences, medical centres, care homes, money outlets, treatment centres for addictions, ***other gambling outlets, banks, post offices;***
  - The location of the premises in relation to problems of antisocial behaviour, youth crime, ***graffiti/tagging***, street/underage drinking, disorder, ***drug dealing activities etc;***
  - Incidents of underage gambling;
  - Details relating to self-exclusions;
  - Patterns in gambling e.g. coincide with benefit payments, salary payments;

## THE CITY AND COUNTY OF SWANSEA

- ***Arrangements for localised exchange of information regarding self-exclusions and gaming trends***

**40.4 Other issues that may be considered could include:**

- ***Matters of faith, including all religious or faith denominations including proximity to churches, mosques, temples or any other place of worship.***

This list is not exhaustive and other relevant factors ***not in this list that are identified must*** should also be taken into consideration.

## **41.0 Local Area Profiles**

- 41.1 The current Guidance introduces the concept of local area profiles (LAP) for Authorities as a means of mapping out local areas of concern. There is no requirement for an Authority to have a LAP or if they have a LAP for it to be included in The Policy.
- 41.2 Where the Authority develops a LAP this will be contained in a separate document and made available in conjunction with The Policy.

## **42.0 Decision Making**

- 42.1 The powers and duties of the Licensing Authority under the Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority.
- 42.2 It is considered that many of the functions will be largely administrative in nature with no perceived areas of contention. In the interests of efficiency and cost effectiveness these will, for the most part, be carried out by officers.
- 42.3 Appendix D sets out the recommended delegation of functions and decisions by guidance. The Licensing Authority may, nevertheless, refer any matter to the Licensing Committee or Sub-Committee.

## **43.0 Appeals Procedure**

- 43.1 Appeal provisions for parties aggrieved by decisions of the Licensing Authority are set out in Sections 206 to 209 of the 2005 Act. Appeals must be made to the Magistrates Court for the area in which the Licensing Authority, which has considered the application, is situated.
- 43.2 An appeal has to be commenced by giving notice of the appeal by the appellant to; The Clerk to the Justices, Swansea Magistrates Court, Grove Place, Swansea SA1 5DB within a period of 21 days, beginning

# **THE CITY AND COUNTY OF SWANSEA**

with the day on which the appellant was notified by the Licensing Authority of the decision to be appealed against.

43.3 On determining an appeal, the Court may:

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

#### **44.0 Reasons for Decisions**

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

#### **45.0 Implementing the Determination of the Magistrates' Court**

45.1 As soon as the decision of the Magistrates' Court has been notified to all parties, the Council will not delay its implementation and necessary action will be taken forthwith unless ordered by a higher court to suspend such action (for example, as a result of an ongoing judicial review). The Act provides for no other appeal against the determination of the Magistrates' Court.

#### **46.0 Concerns in respect of Licensed Premises**

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

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

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

## **THE CITY AND COUNTY OF SWANSEA**

## **47.0 Information Sharing Network - Operators**

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

## **48.0 Further Information**

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

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

Or:

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

### **Information is also available from:-**

#### **Gambling Commission**

Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP

Tel: 0121 230 6500  
Fax: 0121 237 2236

Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)  
Website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

#### **~~Department for Digital, Culture, Media & Sport~~ Department of Culture Media and Sport**

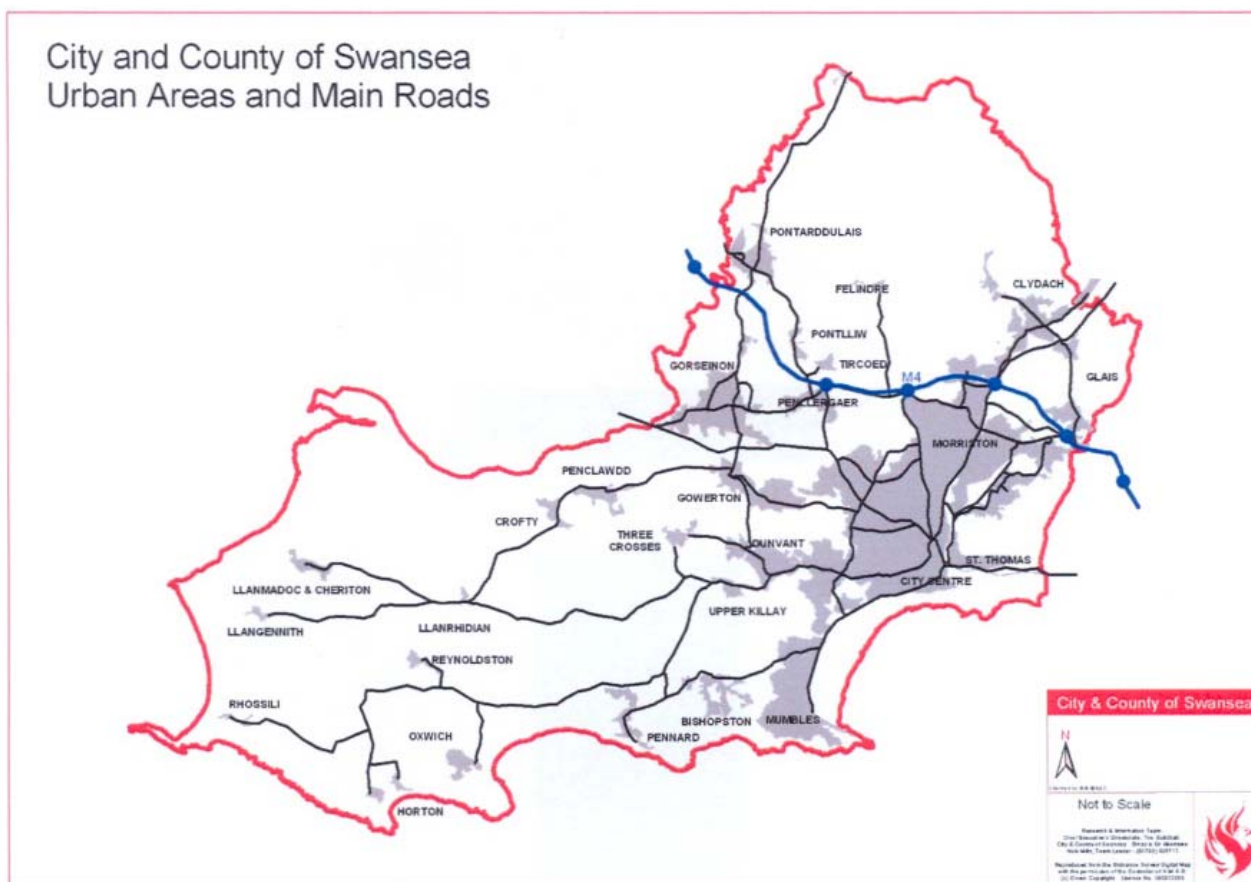
**100 Parliament Street** ~~2-4 Cockspur Street~~  
London  
**SW1A 2BQ** ~~SW1Y 5DH~~  
Email: [enquiries@culture.gov.uk](mailto:enquiries@culture.gov.uk)  
Website: [www.culture.gov.uk](http://www.culture.gov.uk)

Tel: 020 7211 6200

## **THE CITY AND COUNTY OF SWANSEA**



## APPENDIX A



## THE CITY AND COUNTY OF SWANSEA

## APPENDIX B - Consultees

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

- Association of British Bookmakers
- British Amusement Catering Trade Association (BACTA)
- Bingo Association
- British Casino Association
- British Beer & Pub Association
- British Greyhound Racing Board
- Casino Operators Association of the UK
- Club & Institute Union
- Gambling Commission
- GamCare
- Lotteries Council
- Maritime & Coastguard Agency
- Neighbourhood Watch
- Permit Holders
- Premises Licence Holders
- Responsibility in Gambling Trust
- Responsible Authorities:-
  - Chief Officer of Police
  - Licensing Authority
  - Chief Fire Officer
  - HM Revenue & Customs
  - Environmental Health
  - Gambling Commission
  - Planning
  - Child & Family Services
- Licensing Committee
- Elected Members of City and County of Swansea
- Legal Services
- Community Councils
- **Public Health Wales**

THE CITY AND COUNTY OF SWANSEA

## APPENDIX C

### City and County of Swansea

#### Small Casino Licence – Principles and Criteria

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

THE CITY AND COUNTY OF SWANSEA

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

## THE CITY AND COUNTY OF SWANSEA



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

## THE CITY AND COUNTY OF SWANSEA

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

## THE CITY AND COUNTY OF SWANSEA

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

## THE CITY AND COUNTY OF SWANSEA



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

## THE CITY AND COUNTY OF SWANSEA

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

## THE CITY AND COUNTY OF SWANSEA

## APPENDIX D – Table of Delegations of Licensing Functions

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

THE CITY AND COUNTY OF SWANSEA

Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

X Indicates the lowest level to which decisions can be delegated

## THE CITY AND COUNTY OF SWANSEA

## Equality Impact Assessment Screening Form

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

### Section 1

Which service area and directorate are you from?

Service Area: Housing and Public Protection

Directorate: Place

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

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

### (b) Please name and describe below

Statutory review of the Gambling Act 2005 - Statement of Principles  
(Gambling Policy)

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

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

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

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

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

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

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

☒ YES      ☐ NO (If NO, you need to consider

## Equality Impact Assessment Screening Form

**If yes, please provide details below**

Consultation will be 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

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

High visibility  
☐ (H)

Medium visibility  
☐ (M)

Low visibility  
☒ (L)

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

High risk  
☐ (H)

Medium risk  
☐ (M)

Low risk  
☒ (L)

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

☐ Yes

☒ No

**If yes, please provide details below**

### Q7 HOW DID YOU SCORE?

*Please tick the relevant box*

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

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

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

This relates to a review of an existing policy to include recent legal changes, changes to statutory guidance and clarification of points within the policy. The high impact noted for poverty/social exclusion is considered to have a positive impact in line with Council initiatives. The Gambling Act 2005 also provides a licensing objective for the protection of children and other vulnerable persons from being harmed or exploited by gambling therefore no full EIA is required.

## Equality Impact Assessment Screening Form

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

<b>Screening completed by:</b>
Name: Lynda Anthony
Job title: Licensing and Food and Safety Manager
Date: 7/8/18
<b>Approval by Head of Service:</b>
Name: Mark Wade
Position: Head of Service Housing and Public Protection
Date: 7/8/18

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



## Report of the Leader of the Council

Council – 20 December 2018

### **Honorary Freedom of the City & County of Swansea to 157 (Welsh) Regiment of the Royal Logistic Corps (RLC)**

<b>Purpose:</b>	To consider conferring Honorary Freedom of the City & County of Swansea to 157 (Welsh) Regiment of the Royal Logistic Corps (RLC)
<b>Policy Framework:</b>	None
<b>Consultation:</b>	Access to Services, Finance, Legal. Chief Executive & Group Leaders
<b>Recommendation(s):</b>	It is recommended that:  1) Honorary Freedom of the City & County of Swansea is granted to 157 (Welsh) Regiment of the Royal Logistic Corps (RLC).  2) A ceremonial council meeting be held on 27 July 2019 to confer the title of Honorary Freedom.
<b>Report Author:</b>	Jo-anne Jones
<b>Finance Officer:</b>	Ben Smith
<b>Legal Officer:</b>	Tracey Meredith
<b>Access to Services Officer:</b>	Rhian Millar

#### **1. History**

157 (Welsh) Regiment has a special bond which has grown between the people of Swansea and the regiment over many years.

The Regiment's Squadron in Swansea began life HQ 53 (Welsh) Divisional Train Army Service Corps (ASC) whose origins date back to 1912. August 1915 saw the 53<sup>rd</sup> (Welsh) Division participated in the landings at Gallipoli where it earned praise for its part in supplying ammunition to the 160<sup>th</sup> Brigade (now HQ Wales). On 1 April 1993, 223 (Welsh) Squadron Royal Corps of Transport (RCT) became 223 Artillery Support Squadron RLC following the formation of the Royal Logistics Corps. After the 198 Strategic Defence Review, 1999 saw 223 Artillery Support Squadron RLC become 223 Transport Squadron RLC.



It was not the only squadron that re-organised. In 2007, 157 (Wales and Midland) Regiment RLC was renamed Welsh Transport Regiment RLC. 223 Squadron then became known as 223 (West Glamorgan) Transport Squadron RLC.

Throughout its history and army re-organisations, Swansea has been a constant support with a strong community base and fully embraces the armed forces community covenant.

Swansea is celebrating its 50<sup>th</sup> anniversary in July 2019, and subject to your agreement and support, a ceremonial council to confer Honorary Freedom will be convened in 2019 as part of Swansea's anniversary celebrations.

## **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 HMS Cambria, 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, 1<sup>st</sup> The Queen's Dragoon Guards, 215 (City of Swansea) Squadron, Mel Nurse and more recently, Chris Coleman.

## **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 27 July 2019.

## **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 14.



## Report of the Cabinet Member for Business Transformation & Performance

Council – 20 December 2018

### Membership of Committees

<b>Purpose:</b>	Council approves the nominations/amendments to the Council Bodies.
<b>Policy Framework:</b>	None.
<b>Consultation:</b>	Political Groups.
<b>Recommendation:</b>	It is recommended that:  1) The amendments to the Council Bodies listed in paragraph 2 be approved
<b>Report Author:</b>	Gareth Borsden
<b>Legal Officer:</b>	Tracey Meredith
<b>Finance Officer:</b>	Paul Cridland
<b>Access to Services Officer:</b>	N/A

#### 1. Introduction

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

#### 2. Changes to Council Body Membership

- 2.1 The political groups have indicated that they have changes to the following Council Bodies:

##### **Swansea Bay City Deal Joint Scrutiny Committee**

Remove Councillor M H Jones  
Add Councillor J W Jones

##### **Poverty Reduction Policy Development Committee**

Remove Councillor G J Tanner  
Add Labour Vacancy

##### **Trustees Panel**

Remove Councillor G J Tanner  
Add Labour Vacancy

**Corporate Parenting Board**  
Remove Councillor J P Curtice  
Add Labour Vacancy

**3. Financial Implications**

3.1 There are no financial implications associated with this report.

**4. Legal Implications**

4.1 There are no legal implications associated with this report.

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

**Appendices:** None



Council – 20 December 2018

## Councillors' Questions

### Part A – Supplementaries

1	<p><b>Cllrs Lyndon Jones &amp; Brigitte Rowlands.</b></p> <p>Could the Cabinet Member confirm the number of betting shops throughout the City &amp; County of Swansea. How are the spread out across the County.</p> <p><b>Response of the Cabinet Member for Delivery</b></p> <p>There are currently 32 licensed betting shops in the City and County of Swansea. There is 1 betting shop in the Bonymaen Ward, 12 in Castle, 1 in Clydach, 3 in Cockett, 1 in Cwmbwrla, 2 in Gorseinon, 1 in Killay South, 1 in Landore, 2 in Llansamlet, 1 in Lower Loughor, 3 in Morriston, 1 in Pontarddulais, 1 in St Thomas, 1 in Sketty and 1 in Townhill. The addresses of the betting shops in each ward are as follows:</p> <p><b>Bonymaen – 1</b> Ladbrokes, Adj. to Bonymaen Inn, Mansel Road, Bonymaen</p> <p><b>Castle Ward – 12</b> The Winning Post, 45 The Kingsway, Swansea Betfred, 19 Oxford Street, Swansea Coral, 237 High Street, Swansea Coral, 17 Union Street, Swansea. Coral, 206 Oxford Street, Swansea Ladbrokes, 20 Union Street, Swansea Ladbrokes, 43 Wind Street, Swansea Ladbrokes, 64 Plymouth Street, Swansea Paddy Power, 15, Union Street, Swansea William Hill, 77 St Helen's Road, Swansea William Hill, 26 Oxford Street, Swansea William Hill, 42 High Street, Swansea</p> <p><b>Clydach – 1</b> Ladbrokes, 42 High Street, Clydach</p> <p><b>Cockett - 3</b> Coral, 561A Pentregethin Road, Gendros, Swansea Betfred, 560 Pentregethin Road, Gendros, Swansea Ladbrokes, 908 Carmarthen Road, Fforestfach, Swansea</p> <p><b>Cwmbwrla – 1</b> Ladbrokes, Adj. to The Three Sisters, Mansel Terrace, Swansea</p>
---	---

	<p><b>Gorseinon – 2</b> William Hill, 104 High Street, Gorseinon, Swansea Coral, 67-68 High Street, Gorseinon, Swansea</p> <p><b>Killay South – 1</b> Coral, 440 Gower Road, Killay Swansea</p> <p><b>Landore – 1</b> Betfred, 303-307 Llangyfelach Road, Treboeth, Swansea</p> <p><b>Llansamlet – 2</b> Ladbroke's, Samlet Road, Swansea Enterprise Park, Swansea Ladbroke's, 160 Trallwn Road Llansamlet, Swansea</p> <p><b>Lower Loughor – 1</b> David Lucas Turf Accountants, Oakleigh Road, Loughor, Swansea</p> <p><b>Morrison – 3</b> Betfred, 7-8 Woodfield Street, Morrison, Swansea Coral, 102 Clase Road, Morrison, Swansea William Hill, 132 Woodfield Street, Morrison, Swansea</p> <p><b>Pontarddulais – 1</b> Coral, 9 St Teilo Street, Pontarddulais, Swansea</p> <p><b>St Thomas - 1</b> Ladbroke's, 4 Delhi Street, St Thomas, Swansea</p> <p><b>Sketty – 1</b> Coral, Gower Road, Sketty, Swansea</p> <p><b>Townhill – 1</b> Ladbroke's, 272 Townhill Road, Mayhill, Swansea</p>
2	<p><b>Cllrs Chris Holley, Jeff Jones &amp; Mary Jones</b></p> <p>The Leader has already apologised for the disappointing Christmas Parade this year so will he or the Cabinet Member tell Council how the contract was awarded, the complete breakdown of costs, and are there any outstanding liabilities. It has been promised that our “in house team” will be responsible for the event next year but as the Council is already struggling with budgets how will this be funded.</p> <p><b>Response of the Cabinet Member for Investment, Regeneration &amp; Tourism</b></p> <p>The contract was awarded via a Waiver to a single supplier, as with previous years. The contractor works as the production director for Europa Park, Germany (the largest theme park in Germany) – producing regular parades, including ‘Disneyopa’, and understood the kind of event we were aiming to achieve for the city centre. He produced a plan to support our ambitions.</p>

	<p>A number of community workshops took place in the lead up, including the creation of a 'Choir of Opportunity' (homeless and other excluded people) and elf school, as well as choreography with existing organisations such as Rising Stars (special needs theatre group); Tenovus Choir (cancer survivors) etc. these costs are included below.</p> <p>£11,055 crew/ staff/ first aid/stewards  £28,300 creative fees/ production/ artist costs /accommodation – this paid to the contractor to commission content.  £2,500 Special Effects  £2,258.15 materials, lights, ratchets etc.  £11,500 sub contractors, PA, stage lighting, stages etc.  £1,124 generator  £2,508 barriers, hire,  £4,398 traffic management/ signage etc.  £5,000 marketing  Total:£68,643</p> <p>Most of these costs are unavoidable in order to deliver a safe large public event. It is important to note that following discussions with the council the contract has ended, the contractor has waived his right to a fee, and the council has only therefore met the cost for production/ artist participants.</p> <p>There are no outstanding liabilities. The organisation, route and management of future Parades will be brought back in house as before, delivered from the existing events team and budget.</p>
3	<p><b>Cllrs Lyndon Jones, Myles Langstone &amp; Brigitte Rowlands.</b></p> <p>The Christmas Parade in the city centre was well below expectations this year, something that has been acknowledged by the Leader of the Council and sadly picked up by the national press.</p> <p>We would like to encourage the Council to work with local businesses to get more involved with the floats and displays to enhance the parade, their contributions to the production of the floats and displays will reduce the cost of the parade to the Council.</p> <p>It should also be noted that the Christmas decorations are excellent and create a very festive atmosphere in the run up to Christmas, which is something we will be promoting via social media to counteract the negative media coverage Swansea has had, we would encourage others to do the same.</p> <p><b>Response of the Cabinet Member for Investment, Regeneration &amp; Tourism</b></p> <p>The Council's Special Events Team did encourage the type of participation suggested. However we are trying to establish why that did not materialise into the type of event everyone expected.</p> <p>This year was exceptionally challenging from an event perspective as construction constraints in the city centre meant crowd safety concerns were significantly more challenging than previous years and therefore limited the options for safe routing of the parade.</p>

	<p>We are reviewing the delivery approach and controls to ensure the parade next year is delivered to the scale and quality we expect. Our aim will be to deliver a 'Christmas spectacular' next Christmas as part of the Swansea's 50th Anniversary celebrations.</p> <p>The event will be delivered by the in-house events team that has a proud record of delivering highly successful national events like the Wales National Airshow and Biggest Weekend.</p>
4	<p><b>Cllrs Wendy Fitzgerald, Gareth Sullivan &amp; Kevin Griffiths</b></p> <p>Council was informed some time ago of the valuable role that Local Area Coordinators could play in communities across Swansea.          Could the Cabinet Member advise Council how many LAC's there are in total, how many are funded by Council and how many by other organisations?          Could the Cabinet Member also inform Council what reason the Fire Authority has given for terminating the contract of the LAC covering the Penllergaer, Loughor area a year earlier than agreed.</p> <p><b>Response of the Cabinet Member for Care Health &amp; Ageing Well</b></p> <p>We will shortly have 11 LACs given forthcoming recruitment to the Blaenymaes and Llansamlet areas.</p> <p>A LAC is funded by each of Swansea University, Gwalia (Pobl) and Cwmtawe Primary care cluster. Additionally funds are received from Coastal and Family Housing Associations towards the general provision of LAC across Swansea</p> <p>The Council was advised that the Fire Service terminated the contract with us for the LAC in Gowerton, Loughor &amp; Penllergaer due to staff shortages within the Fire Service compounded by long term sickness within the team from which she was seconded.</p> <p>We very much regret this early decision as it has removed a provision to those communities just as it was getting established and starting to produce excellent results.</p>
5	<p><b>Cllrs Chris Holley, Peter Black &amp; Gareth Sullivan</b></p> <p>What is the current position and future plans for staff (Health, Swansea University and the Council) employed in the Civic Centre and what are the current parking provisions for them.</p> <p><b>Response of the Cabinet Member for Business Transformation &amp; Performance</b></p> <p>The University have been granted a lease of approximately 2000 sq metres in the Civic Centre up until the 31<sup>st</sup> Jan 2021, they have been allowed use of 10 parking spaces. The lease generates a significant financial revenue return for the Council. ABMU occupy accommodation as part of the integrated working arrangements with Social Services colleagues. Parking permits are granted to support this service which are charged for and therefore generate additional</p>

	<p>income. All parking permits are managed in accordance with established policy and to meet the business needs of the Council.</p> <p>Future plans for the Civic Centre continue to be under consideration.</p>
	<p><b>Part B – No Supplementaries</b></p>
6	<p><b>Cllrs Chris Holley, Peter Black &amp; Jeff Jones</b></p> <p>What is the current position of the lease on the Patti Pavilion.</p> <p><b>Response of the Cabinet Member for Business Transformation &amp; Performance</b></p> <p>The Patti Pavilion is subject to a lease for 125 years from 25<sup>th</sup> March 2009 to a company called Andgreen (Red Kite) Limited.</p>
7	<p><b>Cllrs Chris Holley, Mary Jones &amp; Graham Thomas</b></p> <p>The Council are employing a Development Officer for Castle Square, what is the cost of the post and how is going to be funded.</p> <p><b>Response of the Cabinet Member for Investment, Regeneration &amp; Tourism</b></p> <p>Cabinet in October 2017 considered options for the siting of a development opportunity on part of Castle Square and options for delivery mechanisms and key principles for the development and the enhancement the public realm. The Cabinet decision was that the Council would develop a commercial element and enhance the environment of Castle Square by employing an external Development Manager and professional team including an architect, quantity surveyor and letting agents.</p> <p>In order to take Castle Square forward a Development Manager and a professional team is currently being procured, with a view to an appointment early in 2019. An initial budget is required for a Stage 1- Initial Feasibility study to undertake design, tenant discussions, establish viability and a business case which would then be reported to Cabinet for decision on whether to proceed to Stage 2 and allocate capital for the planning and delivery stage. For Stage 1 - Initial Feasibility, £50k is being funded from regeneration capital match funding and which was agreed in a further report to Cabinet on June 21 2018.</p>