

Council

You are hereby summoned to attend a Meeting of the **Council of the City and County of Swansea** to be held in the Remotely via Microsoft Teams on Thursday, 2 December 2021 at 5.00 pm.

Watch Online: <https://bit.ly/3oCw0vt>

The following business is proposed to be transacted:

1. **Apologies for Absence.**
2. **Disclosures of Personal and Prejudicial Interests.**
www.swansea.gov.uk/disclosuresofinterests
3. **Minutes.** 1 - 11
To approve & sign the Minutes of the previous meeting(s) as a correct record.
4. **Written Responses to Questions asked at the Last Ordinary Meeting of Council.** 12 - 15
5. **Announcements of the Presiding Member.**
6. **Announcements of the Leader of the Council.**
7. **Public Questions.**
Questions must be submitted in writing to Democratic Services democracy@swansea.gov.uk no later than noon on the working day prior to the meeting. Questions must relate to items on the agenda. Questions will be dealt with in a 10 minute period.
8. **Standards Committee Annual Report 2020-2021.** 16 - 31
9. **Council Tax Base Calculation – 2022/2023.** 32 - 37
10. **Review of the Gambling Policy.** 38 - 104
11. **Diversity in Democracy - Action Plan.** 105 - 117
12. **Independent Remuneration Panel for Wales (IRPW) Draft Annual Report 2022-2023 – Consultation.** 118 - 130
13. **Councillor Safety & Support.** 131 - 134
14. **Councillors' Questions.** 135 - 144

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

You are welcome to speak Welsh in the meeting.

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

Next Meeting: Thursday, 27 January 2022 at 5.00 pm



Huw Evans
Head of Democratic Services
Guildhall,
Swansea.

Tuesday, 23 November 2021

To: All Members of the Council

Agenda Item 3.



City and County of Swansea

Minutes of the Council

Remotely via Microsoft Teams

Thursday, 4 November 2021 at 5.00 pm

Present: Councillor D W W Thomas (Chair) Presided

Councillor(s)

C Anderson
P M Black
J E Burtonshaw
M C Child
J P Curtice
N J Davies
A M Day
P Downing
C R Doyle
M Durke
C R Evans
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

Councillor(s)

C A Holley
B Hopkins
D H Hopkins
O G James
Y V Jardine
J W Jones
L R Jones
M H Jones
M Jones
P K Jones
E J King
E T Kirchner
M A Langstone
H Lawson
A S Lewis
M B Lewis
W G Lewis
C E Lloyd
P Lloyd
I E Mann
P M Matthews
P N May

Councillor(s)

H M Morris
D Phillips
C L Philpott
S Pritchard
A Pugh
C Richards
K M Roberts
B J Rowlands
M Sherwood
R V Smith
R C Stewart
D G Sullivan
G J Tanner
M Thomas
L G Thomas
W G Thomas
L J Tyler-Lloyd
G D Walker
L V Walton
T M White

Officer(s)

Jeffrey Dong	Deputy Chief Finance Officer / Deputy Section 151 Officer.
Huw Evans	Head of Democratic Services
Adam Hill	Deputy Chief Executive / Director of Resources
Tracey Meredith	Chief Legal Officer / Monitoring Officer
Phil Roberts	Chief Executive
Ben Smith	Chief Finance Officer / Section 151 Officer
Martin Nicholls	Director of Place

Apologies for Absence

Councillor(s): P R Hood-Williams, L James, S M Jones, J A Raynor and A H Stevens

59. 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, M C Child, J P Curtice, N J Davies, P Downing, M Durke, V M Evans, W Evans, S J Gallagher, F M Gordon, K Griffiths, M Jones, E J King, A S Lewis, M B Lewis, C Lloyd, P Lloyd, P M Matthews, C L Philpott, C R Richards, K M Roberts, B J Rowlands, M Sherwood, R C Stewart, D G Sullivan, G J Tanner, M Thomas, W G Thomas, L V Walton, G D Walker, T M White, declared a Personal Interest in Minute 69 "Amendment to Inter Authority Agreement (IAA) of the Wales Pension Partnership (WPP) and Funding & Investment Performance Update and Climate Change Risk Update.
- 2) Jeff Dong, Adam Hill, Tracey Meredith, Martin Nicholls & Ben Smith declared a Personal and Prejudicial interest in Minute 64 "Public Questions" and left the meeting prior to its consideration.
- 3) Jeff Dong, Adam Hill, Tracey Meredith, Martin Nicholls, Ben Smith declared a Personal and Prejudicial interest in Minute 65 "Senior Management Review" and left the meeting prior to its consideration.

60. Minutes.

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

- 1) Ordinary Meeting of Council held on 7 October 2021.

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

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

62. Announcements of the Presiding Member.

- a) **Condolences**

i) Former Councillor & Honorary Alderman Susan Waller Thomas

The Presiding Member referred with sadness to the recent death of former Councillor & Honorary Alderman Susan Waller Thomas. Susan represented the Newton Ward for approximately 25 years serving:

- Swansea City Council – 1986-1996.
- City & County of Swansea – 1995-2010.

Susan was Lord Mayor 2007-2008 and former Presiding Officer of the City & County of Swansea.

ii) Former Councillor Linda Wixey

The Presiding Member referred with sadness to the recent death of former Councillor Linda Wixey. Linda represented Sketty North for approximately 4 years serving:

- West Glamorgan County Council 1990-1995.

All present sat silently as a mark as sympathy and respect.

b) LAPF Investment Awards 2021

The Presiding Member was delighted to announce that the City & County of Swansea Pension Fund had been shortlisted in this year's LAPF Awards (Local Government Pension Scheme (LGPS) Oscars) for 3 awards. The winners will be announced on 15 December 2021. The categories being:

- Pension Fund of the Year (assets > £2.5BN).
- Best Climate Change Strategy.
- Best Investment Innovation.

c) Respect for Equilibrium

The Presiding Member stated that Swansea had become one of the first local authorities in Wales to have developed and implemented its own accredited domestic abuse perpetrator programme. Equilibrium has achieved prestigious accreditation from Respect - a leading national organisation on domestic abuse.

To achieve this, the Equilibrium Team had to go through an incredibly detailed, nationally recognised, quality assurance process that ensures best working practices are evidenced throughout the programme.

The Presiding Member thanked everyone for their work and achievement.

63. Announcements of the Leader of the Council.

a) Ironman 70.3 Swansea. Half Ironman Triathlon

The Leader of the Council stated that the Inaugural edition of Ironman 70.3 Swansea Half Ironman Triathlon race was scheduled for 7 August 2022.

Athletes participating in Ironman 70.3 Swansea will take on a 1.2-mile (1.9km) swim, a 56-mile (90km) bike course followed by a half marathon, 13.1-mile (21.1km).

b) Increased funding for the Recovery Fund

The Leader of the Council stated that an additional £5M was to be added to the Recovery Fund. This additional money included £1.9M for Play Areas and Playgrounds. The commitment means that every play area /playground within Swansea across all Electoral Wards will be raised to the green play standard. This also includes up to £500,000 being allocated to skate facilities throughout Swansea.

c) Blue Eden

The Leader of the Council referred to the proposed Blue Eden project, which included a tidal lagoon. The project would also include a battery factory, a data centre and the largest floating solar array in the UK. The heat from the data centre being used to heat local housing.

d) Skate Park. Declaration of Interest

The Leader of the Council stated that following advice from the Monitoring Officer he would not be participating in the forthcoming item relating to the Mumbles Skate Park at Cabinet.

64. Public Questions.

A number of questions were submitted.

- a) James McGettrick asked a question in relation to Minute 73 "Councillors' Questions – Question 3".

The Cabinet Member for Delivery & Operations responded.

- b) Neil Jones asked a question in relation to Minute 69 "Amendment to Inter Authority Agreement (IAA) of the Wales Pension Partnership (WPP) and Funding & Investment Performance Update, and Climate Change Risk Update".

The Chair of the Pension Fund Committee stated that a written response would be provided.

- c) Nortridge Perrot asked questions in relation to:
- i) Minute 75 "Notice of Motion – Nature Emergency".
The Section 151 Officer responded.
 - ii) Minute 68 "Treasury Management Annual Report 2020/21".
The Section 151 Officer responded.
 - iii) Minute 65 "Senior Management Structure".
The Chief Executive responded.

65. Senior Management Structure.

The Chief Executive submitted a report that sought approval in respect of the new Senior Management Structure for the Council.

Resolved that:

- 1) The structure set out in Appendix 2 (and paragraph 2.1.5) of the report subject to the consultation detailed in the report be approved.
- 2) The Chief Executive be authorised to consult all affected staff.
- 3) Subject to 2) above, identifying no significant changes, the Chief Executive be authorised to implement the structure.
- 4) The appointment of an interim Chief Executive on an internal basis, ring fenced to existing Directors be approved.
- 5) The payment of the interim Chief Executive be approved as the same remuneration as the current Chief Executive.
- 6) The commissioning of a pay and grading review for Directors and Heads of Service be approved.

66. Update on Children and Young People's Rights Scheme.

The Cabinet Member for Children Services presented a report that sought approval of the Swansea's Children and Young People's Rights Scheme following consultation and to agree to continue with a co-productive approach for mechanisms for listening to children and young people.

Resolved that:

- 1) The results of the Consultation at Appendix 2 be noted.

- 2) The Swansea Children's Rights Scheme at Appendix 1 of the report be approved.
- 3) The establishment of 6 co-production forums to work with children and young people on themes identified as priorities as part of the consultation be agreed.
- 4) The continuation of conversations and co-production with children and young people and other stakeholders to add detail to the operation of each co-production forum be agreed.

67. Mid-term Budget Statement 2021/22.

The Section 151 Officer provided a verbal update on the Mid-term Budget Statement 2021-2022.

68. Treasury Management Annual Report 2020/21.

The Section 151 Officer presented a 'for information' report that detailed the Council's Treasury Management activities during 2020/21 and compared actual performance against the strategy laid down at the start of the year.

69. Amendment to Inter Authority Agreement (IAA) of the Wales Pension Partnership (WPP) and Funding & Investment Performance Update, and Climate Change Risk Update.

The Chair of the Pension Fund Committee presented a report that sought approval to amend the previously approved Inter Authority Agreement (IAA) of the Wales Pension Partnership (WPP) to incorporate revised governance arrangements which allow a scheme member representative on the Joint Governance Committee (JGC) along with other operational changes identified and to inform Council of the funding position of the pension fund and recent investment performance and progress against mitigating climate change risk in the investment portfolio.

Resolved that:

- 1) The amended Inter Authority Agreement (IAA) attached at Appendix 1 of the report be approved.
- 2) The funding position and investment performance in Section 4 of the report and the progress on addressing climate change risk and journey to achieving net zero within its investment portfolio in sections 5-10 of this report be noted.

70. Council Procedure Rule 4 "Smoking / Refreshments / Mobile Phones / Comfort Break

In accordance with Council Procedure Rule 4 the Presiding Member adjourned the meeting in order to facilitate a 10-minute comfort break.

71. Councillor Induction & Training Programme 2022.

The Head of Democratic Services presented a report that sought adoption of the Councillor Induction & Training Programme 2022.

Resolved that:

- 1) The mandatory / compulsory training areas outlined in Paragraph 3 of the report be agreed.
- 2) The Councillor Induction & Training Programme 2022 be adopted.
- 3) The Head of Democratic Services work with CMT to populate the Training Provider, Date, Venue and Time of the Councillors Training & Induction.

72. Amendments to the Council Constitution - Democratic Services Committee.

The Presiding Member, Monitoring Officer and Head of Democratic Services presented an information report making amendments in order to simplify, improve and / or add to the Council Constitution.

Section 60 of the Local Government (Democracy) Wales Act 2013 amended the Local Government (Wales) Measure 2011 in relation to the Democratic Services Committee.

As a result of this legislative change, the following has been added to the Terms of Reference of the Democratic Services Committee:

- i) *“At the request of the Local Authority, the Democratic Services Committee may review any matter relevant to:*
 - a) *The support and advice available to Members of the Authority*
 - b) *The terms and conditions of Office of those Members.”*

73. Councillors' Questions.

1) Part A ‘Supplementary Questions’

Seven (7) Part A ‘Supplementary Questions’ were submitted. The relevant Cabinet Member(s) responded by way of written answers contained in the Council Summons.

Those supplementary questions required a written response are listed below.

Question 2

- i) Councillor C A Holley referred to the Facebook page claiming that children living at Dan-y-Coed were not receiving the Care & Education they require. He asked what actions were taken as a result of this?

The Cabinet Member for Children Services stated that a written response would be provided.

- ii) Councillor M H Jones referred to the Improvement Plan in place and asked whether the Cabinet Member was happy with the Plan, and whether he felt the Council were receiving value for money?

The Cabinet Member for Children Services stated that a written response would be provided.

Question 3

Councillor A M Day asked when the report would be available?

The Cabinet Member for Delivery & Operations stated that a written response would be provided.

Question 5

Councillor C A Holley asked for a question in relation to the Apprenticeship Scheme.

The Leader of the Council stated that a report relating to the Apprenticeship Scheme would be presented to Council in due course.

2) Part B 'Questions not requiring Supplementary Questions'

Six (6) Part B 'Questions not requiring Supplementary Questions' were submitted.

74. Notice of Motion - Unity Over Division Charter.

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

"The huge social and political changes that the country has seen over the last few years have given rise to major social division especially along the lines of race, ethnicity, religion and nationality. One of the most worrying consequences of this is the sharp rise in reported race hate crimes which have increased by almost 30% since 2016. There is no place in a modern society for racial discrimination and intolerance and we should make a commitment to unite and eradicate it in all its guises.

The adoption of the Unity over Division Charter would provide a starting point for what will hopefully be a more proactive approach to building an inclusive workplace.

And so, we the Elected Members named above request that Swansea Council:

1. *Swansea Council will adopt the Unity of Division Charter.*

2. *Swansea Council will appoint an Inclusion Champion, who will be the lead person for the Unity over Division Charter agenda, with the support of Trade Unions and the Council to collaborate, monitor, facilitate and promote workplace inclusion wherever possible.*
3. *Swansea Council will ensure that all staff members including schools are given mandatory training on how to adhere to the Council's Equality and Diversity Policy and will ensure that this document is reviewed annually.*
4. *Swansea Council stands together with Trade Unions provide informative and up to date materials aimed at helping to promote equality and harmony within the workplace.*
5. *Swansea stands together with Trade Unions to condemn incidents where there are local and national examples of hate crime and discrimination.*
6. *Swansea Council will work with all appropriate other agencies and organisations to promote cohesion inside and outside the workplace”.*

Resolved that the Notice of Motion outlined above be approved.

75. Notice of Motion - Nature Emergency.

Proposed by Councillor P K Jones and Seconded by Councillor A S Lewis.

“This Council notes with alarm the urgency to take strong, relevant, and immediate measures to counter and minimise the scale and impacts upon mankind and wildlife of human-caused loss of biodiversity and global climate change.

The Council also notes the failure of countries globally (including the UK) to meet nearly all of the UN sustainable development goals, including for biodiversity, set in 2010, now to be reviewed at the COP 15 in October in Kunming, China – Intergovernmental Platform on Biodiversity and Ecosystems (IPBES).

We are facing a combined and inter-related local and global climate and ecological disaster, with 17% of species in Wales at risk of extinction. But we can change this by putting nature into recovery, which will also help to tackle climate change.

On 30 June 2021, the Welsh Government was one of the first parliaments in the world to declare a nature emergency. Climate Change Minister, Julie James, MS, announced that ‘Restoring nature and mitigating the impact of climate change are top priorities for this government’.

Swansea Council declared a climate emergency in June 2019 and has since been developing a Climate Change Action Plan for the Council and for Swansea as a whole in collaboration with Swansea Environmental Forum and other stakeholders.

This Council recognises that biodiversity loss is every much as serious to our future survival as climate change – Nature contributes so much to our world, both in practical ecosystem service terms – carbon sequestration, fresh-water management,

soil management, air pollution control, shade, cooling and flood prevention, food plants, medicines – and also in terms of natural beauty affecting mental health and well-being.

We therefore propose that, in support of the Welsh Government's declaration of a nature emergency, the Council declares a nature emergency and commits fully to preparing and delivering a Nature Recovery Action Plan to be implemented in tandem with the developing Climate Action Plan.

Much work is already being done:

- *The Council has included a corporate priority well-being objective for nature recovery in its Corporate Plan for 2020-2022.*
- *It has supported the delivery of the 'Working With Nature' objective in the Swansea Public Services Board Well-being Plan.*
- *The Council has established a Climate Change and Nature Programme Board and a Steering Group to ensure that both issues are fully taken into account across all Service areas plans and projects.*
- *We have appointed a part time Biodiversity Officer, to work in collaboration with all Council Services, to ensure compliance with our Environment (Wales) Act biodiversity duty and to monitor and record progress, as well as providing advice and support for the preparation and delivery of a Section 6 Action Plan.*
- *We provide a lead role in co-ordinating and supporting the Local Nature Partnership (LNP), which has over 97 members from local wildlife and other organisations wishing to contribute to nature recovery.*
- *We also employ a temporary part time LNP officer who will co-ordinate the preparation of a Local Nature Recovery Action Plan.*

*However, whilst there is much good work being done and much progress being made, **we need to do more.***

The scale of the challenge requires increased prioritisation, additional commitment, and resources to ensure that we meet our targets to reverse the decline of biodiversity.

Specific actions could include:

- *Maintaining and strengthening our corporate priority for Natural resources and Biodiversity including Climate Change.*
- *Refreshing the Swansea Climate Charter to become an integrated Climate and Nature Charter.*
- *Extending the terms of reference and membership of the current steering group on climate change to include nature and biodiversity and become the Climate Change and Nature Steering group.*
- *Continuing to work collaboratively with the Local Nature Partnership (LNP) and other key networks across Wales to make more space to enable nature to become abundant again. The LNP includes active nature conservation NGOs, such as RSPB, the Wildlife Trusts, Plantlife and Buglife as well as*

statutory agencies and research bodies, such as Natural Resources Wales and Swansea University.

- *Increasing our work with local community groups and schools to facilitate the widest possible engagement of Swansea residents in maintaining and enhancing local wildlife.*
- *Seeking further support from UK and Welsh governments to provide us with the necessary powers and resources to ensure that we are empowered to maintain and enhance biodiversity.*
- *Seeking resources to provide sustainable long term core revenue and capital funding, thus enabling us to build the capacity and resources to plan and deliver long term strategies and initiatives for nature recovery (rather than relying on short term grant funded projects).*

This Council resolves that:

- *The Council declares a nature emergency and creates a Climate Change and Nature Action Plan.*
- *The Council extends the terms of reference and membership of the current Climate Change Programme Board and the Climate steering group to become the Climate Change and Nature Programme Board and respectively the Climate Change and Nature Steering Group.*
- *The Council refreshes the Climate Change Charter to become an integrated Climate and Nature Charter.*

The Leader of the Council writes to both the UK Prime Minister and to the First Minister for Wales requesting extra resources and powers to enable the Council to deliver upon a fully-fledged and integrated Action Plan for Nature and Climate Change”.

Resolved that the Notice of Motion outlined above be approved.

The meeting ended at 8.27 pm

Chair

Agenda Item 4.



Report of the Chief Legal Officer

Council – 2 December 2021

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 Meeting of Council held on 4 November 2021.

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 asked at Council
4 November 2021**

<p>1</p>	<p>Mr Neil Jones</p> <p>Minute 64 - Public Questions</p> <p>Asked a question in relation to Minute 69 “Amendment to Inter Authority Agreement (IAA) of the Wales Pension Partnership (WPP) and Funding & Investment Performance Update, and Climate Change Risk Update”.</p> <p>"Climate Change Risk "Swansea Council declared a "climate emergency" in 2019 and have set in motion a strategy to move towards Zero Carbon in a timely manner, 2030 in the case of its corporate estate.</p> <p>Regrettably no similar progress has been made by the Pension Fund Committee, although over the last three years they have reduced their exposure to dangerous fossil fuel investments by nearly 50%.</p> <p>The Chairman Councillor Clive Lloyd has told me investment in fossil fuels is unsustainable in the long term, and financial advisers, including some of the counties own, have indicated fossil fuel companies, like Shell and BP still have no investment strategy compatible with 1.5 degrees as agreed in Paris 6 years.</p> <p>What more evidence do they want that "engagement" is not working. If not now, when.</p> <p>With COP26 debating these issues at the moment, how much longer do we have to wait before Council and its Pension Fund Funds Committee commits to fossil fuel divestment and develop strategy for reaching zero carbon in a timely manner in order to protect the future of the planet and the financial security of pension fund members.</p> <p>Response of the Chair of the Pension Fund Committee</p> <p>The Pension Fund Committee as the appropriately delegated Council committee with responsibility for the proper governance of The City & County of Swansea Pension Fund takes its fiduciary and its sustainable investment responsibilities very, very seriously. As such it has made great strides in achieving its published ambitions in reducing the carbon emissions of its listed equity portfolios by 50% by 2022 and is well ahead of schedule, with latest reported metrics showing carbon emission exposures being at only 42% (reduced by 58%). Let me remind you that it is all carbon emissions and not those solely associated with fossil fuels (25%) which adversely contribute to climate change and The Committee has taken steps to address this risk holistically and not just divestment from fossil fuels as continually advocated by FoE.</p> <p>As previously advised this is a constant evolving landscape. Noting the good progress, The Pension Fund Committee has historically, at its meeting on the 17th Nov 2021 approved a recommendation to approve setting a <u>'net zero' carbon emissions target of 2037</u> for the investment</p>
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portfolio of the fund and the accompanying investment beliefs and the resultant outline framework to achieve that aim. It is a highly ambitious target noting the varied obligations of the fund and its objectives, however the committee has undertaken a rigorous education programme and workshop to develop and adopt this approach.

It is obvious that the course chosen by the Pension Fund committee to address climate change risk does not satisfy the demands of FoE in terms of pace and methodology. However, the Committee are satisfied that this measured, incremental, evidence based approach is not only effective in achieving its aims but is well in advance of our peers in the rest of the LGPS and pension fund space. You refer to the record breaking investment return achieved by the fund this year and this is because we have a well-diversified appropriately risk aware investment portfolio. In fact this sensible approach to sustainable investing was recognised by an LAPF award in 2019 and the fund is currently shortlisted for **3 LAPF Awards in 2021: Best Pension Fund, Best Climate Change Strategy, Best Investment Innovation.**

The Pension Fund Committee are unanimous in their recognition of the risks posed by climate change not only to the fund and its members but to us all at large. The Pension Fund Committee is clear in its remit and area of responsibility but expecting The City & County of Swansea Pension Fund to deliver climate change-preparedness at listed companies is not realistic. That is the case not least because the Office for National Statistics analysis of the ownership of the £1.88 trillion value of UK quoted companies reveals that pension funds own only 2.4% of all shares of which the LGPS is less than that. This compares to 4% owned by insurance companies and 13.5% owned by individuals – and nearly 55% ownership by foreign investors but we recognise that the LGPS can start to deploy their assets in a more climate aware way, which the City & County of Swansea Pension Fund have embraced and continue to make progress in. There is definitely an air of preaching to the converted in respect of our continued correspondence on this matter and perhaps the work of The FoE may well be better directed at some of the other less sophisticated pension funds and asset owners identified elsewhere.

2

Councillor C A Holley

In relation to Minute 73 - Councillors Questions - Question 2

He referred to the Facebook page claiming that children living at Dan-y Coed were not receiving the Care & Education they require. He asked what actions were taken as a result of this.

Response of the Cabinet Member for Children Services

In response to the additional question, Item 15, Question 2, point (i) raised following Council on the 4th November, neither the Head of Child and Family Services or myself have had sight of the Facebook page nor has it been shared with myself or the Head of Service; on this basis I am unable to add anything further to the response that has already been provided. As a result of the complaints raised, Orbis were contacted who confirmed

	<p>they had responded directly to the residents about their concerns and provided information about why the children were spending more time on site than usual (due to Covid restrictions) and the measures they were putting place to try and minimise the noise levels.</p>
<p>3</p>	<p>Councillor M H Jones</p> <p>In relation to Minute 73 - Councillors Questions - Question 2 She referred to the Improvement Plan in place and asked whether the Cabinet Member was happy with the Plan, and whether he felt the Council were receiving value for money.</p> <p>Response of the Cabinet Member for Children Services</p> <p>Care Inspectorate Wales will have oversight of the improvement plan that is in place following the last inspection at Dan-y-Coed. Child and Family Services will continue with routine visits to the residential home, as they would for any commissioned service.</p> <p>The Head of Child and Family Services has confirmed that the social worker for the young person from Swansea who is living at Dan-y-Coed, along with the Independent Reviewing Officer who undertakes the young person’s statutory looked after reviews, are content with the care and support being provided to them.</p>
<p>4</p>	<p>Councillor A M Day</p> <p>In relation to Minute 73 - Councillors Questions - Question 3 Asked when the report would be available.</p> <p>Response of the Cabinet Member for Delivery & Operations</p> <p>We have only recently received the full conservation study and officers are currently reviewing to understand if it provides all the necessary information required. We will also need to consider the full cost of conservation of the protected buildings. Once final analysis has been undertaken we can look to share for information.</p>

Agenda Item 8.



Report of the Chair of the Standards Committee

Council – 2 December 2021

Standards Committee Annual Report 2020-2021

Purpose:	This report sets out the work of the Standards Committee in 2020-2021.
Report Authors:	Huw Evans & Allison Lowe
Finance Officer:	Ben Smith
Legal Officer:	Tracey Meredith
Access to Services Officer:	Rhian Millar
For Information	

1. Introduction

- 1.1 The Local Government Act 2000 requires the Council to establish a Standards Committee to promote and maintain high standards of conduct and probity in the conduct of Councillors of the City and County of Swansea. The Standards Committee has been in operation since October 2000.
- 1.2 Attached as **Appendix A** is the Standards Committee Annual Report 2020-2021.

2. Integrated Assessment Implications

- 2.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:
 - Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.

- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

2.2 The Well-being of Future Generations (Wales) Act 2005 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

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

2.4 There are no integrated assessment implications associated with this report.

3. Financial Implications

3.1 There are no financial implications associated with this report.

4. Legal Implications

4.1 There are no legal implications other than those set out in the body of the report.

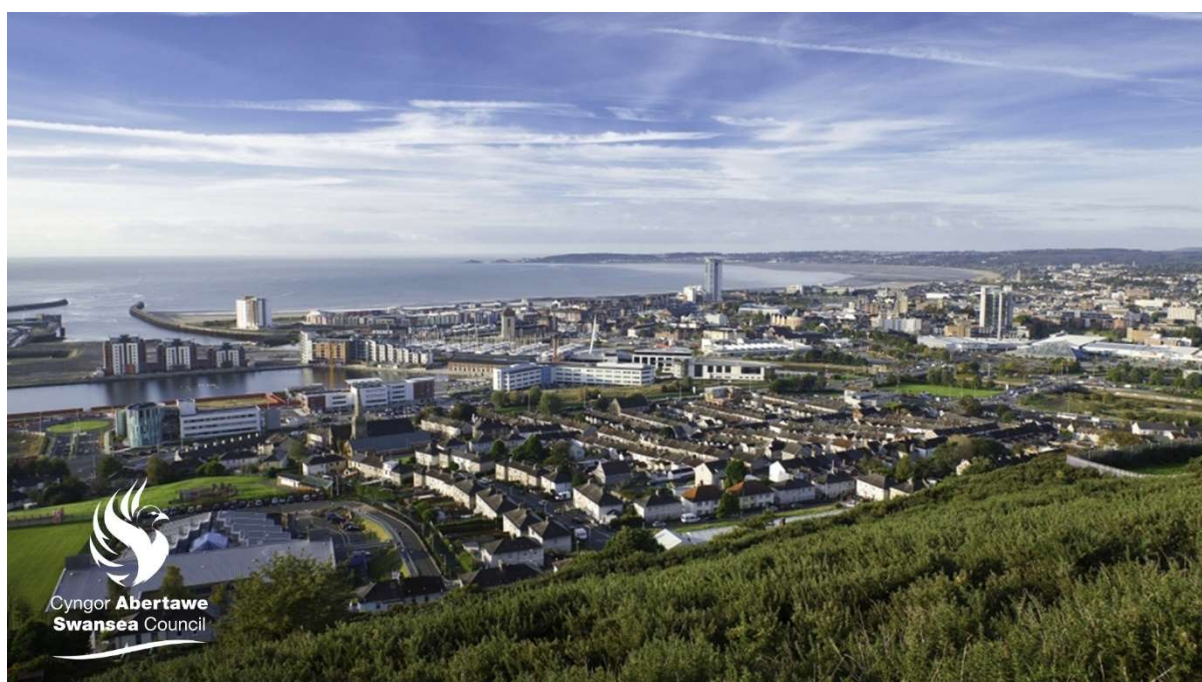
Background Papers: None.

Appendices:

Appendix A Standards Committee Annual Report 2020-2021

Standards Committee Annual Report 2020-2021

City & County of Swansea



The Ten General Principles of Public Life

<p>Selflessness – members must act solely in the public interest. They must never use their position as members to improperly confer an advantage on themselves or to improperly confer an advantage or disadvantage on others.</p>	<p>Equality and Respect - Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion, and show respect and consideration for others.</p>
<p>Honesty – Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.</p>	<p>Openness - Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.</p>
<p>Integrity and Propriety - Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.</p>	<p>Objectivity in Decision-making - In carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards and benefits, members must make decisions on merit. Whilst members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.</p>
<p>Duty to Uphold the Law - Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.</p>	<p>Accountability - Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.</p>
<p>Stewardship – In discharging their duties and responsibilities members must ensure that their authority’s resources are used both lawfully and prudently.</p>	<p>Leadership - Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority. They must respect the impartiality and integrity of the authority’s statutory officers and its other employees.</p>
<p><i>“Nolan Committee on Standards in Public Life”</i></p>	

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Chair's Foreword

Despite the work of the Committee this year being affected by the Covid 19 pandemic the Committee has continued to meet remotely and has undertaken some challenging work during the course of the year.

The Committee overhauled its Hearing Procedure for dealing with Public Service Ombudsman for Wales (PSOW) complaints. This was a significant piece of work with the procedure being used for a code of conduct complaint received from the PSOW in 2020.

Generally, the conduct of members is high with the number of Code of Conduct complaints being 17 with the PSOW deciding not to investigate those complaints. One matter was referred to the Standards Committee for determination and that related to Mumbles Community Council. We were pleased to see that the number of complaints relating to Community / Town Councils during 2020-2021 reduced.

I would also like to thank Gareth Evans for his invaluable contribution whilst serving as an independent (lay) member on the Standards Committee. Gareth joined the Committee on 1 April 2015 and completed 6 years. The Committee will seek to recruit a replacement member in 2021.

Jill Burgess, Chair of Standards Committee

1. The Role of the Standards Committee

- 1.1 The Committee operates within a statutory framework and the following terms of reference:
- a) The Standards Committee is made up of 5 Independent Members, 3 Councillors and 1 Community/Town Councillor. By virtue of Section 53 (10) of the Local Government Act 2000 a Standards Committee and the Standards Committees (Wales) Regulations 2001, the Standards Committee is not required to comply with Section 15 of the Local Government and Housing Act 1989 (duty to allocate to Political Groups).
 - b) To promote and maintain high standards of conduct and probity in respect of Councillors & Co-opted Members of the Authority and Community / Town Councillors within the area of the City and County of Swansea.
 - c) To assist Members of the Authority and Community / Town Councils to observe their Authority's Code of Conduct.
 - d) To advise the Authority and Community / Town Councils on the adoption, monitoring and review of their Code of Conduct.
 - e) To advise and train Members on matters relating to the Code of Conduct.
 - f) To grant dispensations to Members in accordance with the Standards Committees (Grant of dispensations) (Wales) Regulations 2001 and Section 81 (5) of the Local Government Act 2000.
 - g) To consider allegations of breaches of Code of Conduct made against Members.
 - h) To oversee the Authority's protocol on Member and Officer working relationships.
 - i) To oversee and monitor the Authority's Whistle Blowing Policy and general confidential reporting Procedures.
 - j) To provide training to Members on conduct and ethical standards issues and any developments relevant to these areas.
 - k) To specifically consider and deal with less serious allegations of impropriety concerning Members.
 - l) To oversee the register of Members interests required under Section 81(1) of the Local Government Act 2000.
 - m) To consider all appeals relating to the Dealing with Unreasonable or Unacceptable Behaviour by Members of the Public Policy.

- n) To consider any other matters placed before the Committee by the Monitoring Officer.

2. The Committee's Work in 2020-2021

2.1 Requests for Dispensation

- 2.1.1 The Committee considered 32 requests for dispensation from Councillors, the majority of which related to a Notice of Motion. The Committee will be looking at the Dispensation Form as part of their work next year and considering whether the Form can be made easier to understand and complete.

2.2 Public Services Ombudsman for Wales (PSOW) Annual Report and Accounts 2019-2020

- 2.2.1 The Committee discussed the report, which set out performance over the year including both complaints about public service providers as well as code of conduct complaints.
- 2.2.2 The Committee had regular briefings from the Monitoring Officer on cases which the PSOW had dealt with and which were reported in either the PSOW Casebook or the Adjudication Panel for Wales's publications.

2.3 Annual Meeting with Political Group Leaders, Chairs of Committees and Chief Executive

- 2.3.1 Usually the Standards Committee invites each Political Group Leader, the Chief Executive and a selection of Committee Chairs to attend the Standards Committee to seek their understanding and opinions on the work of the Committee.
- 2.3.2 However, these meetings did not take place in 2020-2021 due to the Covid-19 pandemic.
- 2.3.3 The Monitoring Officer took this opportunity to outline the themes / issues raised during the Meetings with Political Group Leaders, Chairs of Committee and Chief Executive.
- 2.3.4 The Committee also received a briefing on the new duties under the Local Government and Elections (Wales) Act 2021. They were advised as to the new duty upon Group Leaders to ensure high standards of conduct within their group and the Committee's duty to bring an annual report to full council as soon as reasonably practicable after the end of each financial year, both duties coming into force next year.

2.4 Complaints of Breach of the Code of Conduct

- 2.4.1 During the period of this Annual Report the following matters were reported to the Standards Committee for information:

a) Complaints made but not investigated by the Ombudsman under the provisions of Section 69(2) of the Local Government Act 2000

There were 17 cases where the Ombudsman decided not to investigate an alleged breach of the Code of Conduct following a complaint.

b) Investigations completed by the Ombudsman where the decision was no evidence of breach or no action taken

There were no cases where the Ombudsman investigated but found that it was not in the public interest to take any further action.

c) Investigations undertaken by the Ombudsman where the decision was to discontinue the investigation

There were no cases where the Ombudsman had commenced an investigation and subsequently decided to discontinue that investigation.

d) Investigations under the provisions of Section 70 (4) of the Local Government Act 2000 – referred to the Standards Committee for consideration

Breaches of the Code of Conduct may be referred to the Monitoring Officer by the Ombudsman under the provisions of Section 69 (c) and 71(2) of the Local Government Act 2000 for consideration by the Standards Committee. Where there is a finding of a breach, public reports on such cases are published on the Council's website.

NB - One referral (from 2019) had been made to the Standards Committee and was heard on 30 June 2021.

2.5 Standards Committee – Hearings Procedure

2.5.1 The Committee, together with the Monitoring Officer, drafted and approved a new Hearings Procedure to determine any referrals from the Public Services Ombudsman for Wales (PSOW) in relation to a complaint about breach of the Code of Conduct by a Member. The Hearing Procedure was drafted having considered other Authority's procedures and in accordance with any guidance from the PSOW and Adjudication Panel for Wales.

2.6 Public Services Ombudsman for Wales Consultation on Revised Guidance on the Code of Conduct

2.6.1 The Committee considered the revised Guidance and responded to the PSOW Consultation on the new Guidance. The Committee welcomed the more user friendly and improved layout, the inclusion of more real life cases and the fact that they were numbered for easy reference.

- 2.6.2 Whilst the Committee welcomed the proposed improved changes they noted that it would be useful if the Guidance would include a reference to the sanction imposed in relation to the cases outlined.
- 2.6.3 The Committee also welcomed the clarity on the role of the Community Council Clerk in the guidance for Community Councillors and the reference to working as a team and culture of mutual respect.
- 2.6.4 However, they expressed concern around the low number of referrals made to the Standards Committee as a proportion of complaints received by the Ombudsman. Whilst the Committee respected the Ombudsman's discretion in applying the two stage test to determine whether to refer complaints to them, they were of the view that the low levels of referrals affected their ability to undertake their role of maintaining public confidence and would welcome the balance of the Ombudsman's discretion to be more towards referral than it currently was.

2.7 Public Services Ombudsman for Wales Referral – Alleged Breach of the Code of Conduct by a Community Councillor

- 2.7.1 As outlined above, the Ombudsman referred one case from 2019 to the Monitoring Officer for determination by the Standards Committee.

2.8 Reports “For Information”

- 2.8.1 A number of reports were noted by the Committee, including the Ombudsman's Code of Conduct Casebook, Adjudication Panel for Wales decisions, the Local Government and Elections (Wales) Bill and the Standards Committee Annual Report 2019-2020.

3. Future Priorities

- 3.1 The Committee regularly reviews its work programme and has identified the following priority areas for consideration in 2021/22:
- Interview Group Leaders regarding Local Government & Elections (Wales) Act 2021 responsibilities;
 - Consultation with community councils in relation to training/induction;
 - Updating the request for dispensation form.

4. Committee Membership

- 4.1 Jill Burgess (lay member) was re-elected Chair in July 2020 and Mike Lewis (lay member) was elected Vice Chair.

4.1.1 The Standards Committee consists of 9 members:

5 x Independent Members
Jill Burgess
Gareth Evans*
Michaela Jones
Mike Lewis
Margaret Williams

1 x Community / Town Councillor
Philip Crayford

3 x City & County of Swansea Councillors
Joe A Hale
Mike B Lewis
L Graham Thomas

*Gareth Evans term of office ceased on 31 March 2021 and he did not seek reappointment.

4.2 Terms of Office - Independent Members of the Standards Committee

4.2.1 The term of office for Independent Members can be for not less than 4 years and for no more than 6 years. They can be reappointed for one further consecutive term but that term cannot be for more than an additional four years.

4.2.2 The table below shows the dates of commencement and subsequent expiry dates of membership for all Independent (Co-opted) Members of the Standards Committee.

Note: Independent Members marked in *italics* and with “*” denotes that they are in their second term and cannot have their term extended further.

Independent Members	Appointment Terms	
	Start	End
<i>Jill Burgess*</i>	19.10.2012	18.10.2018
	Re-appointed to	18.10.2022
Gareth Evans	01.04.2015	31.03.2021
Michaela Jones	01.10.2017	30.09.2023
Mike Lewis	01.10.2017	30.09.2023
<i>Margaret Williams*</i>	01.04.2015	31.03.2021
	Reappointed to	31.03.2025

4.3 Term of Office - Community / Town Council Member of the Standards Committee

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

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

Community / Town Council Member	Appointment Terms	
	Start	End
Philip Crayford*	05.10.2012	04.05.2017
	Re-appointed	LGE 2022

5. Attendance Records

5.1 The Committee usually meets twice a year, with additional ad hoc meetings held as required. During 2020/2021, the Standards committee met on the following dates:

- 31 July 2020 (Special meeting);
- 4 December 2020 (Special meeting);
- 18 February 2021 (Special meeting);
- 19 March 2021.

5.2 The meeting scheduled for 2 October 2020 was cancelled.

COMMITTEE MEMBER	ATTENDANCE MAIN COMMITTEE	
	Possible	Actual
Jill Burgess (Chair)	4	4
Mike Lewis (Vice Chair)	4	4
Gareth Evans	4	3
Michaela Jones	4	4
Margaret Williams	4	4
Councillor Philip Crayford	4	4
Councillor Joe Hale	4	1
Councillor Mike B Lewis	4	4
Councillor Graham Thomas	4	3

6. Biographies - Committee Members 2020/21

Independent Members



Jill Burgess, Chair

Jill has been a member of the Standards Committee since October 2012, Chair since October 2016. She is a retired business-woman whose greatest contribution is in the area of Entrepreneurship, and Business Enterprise. The innovative and complexity of her business start-up earned her the accolade of Welsh Businesswoman of the Year 1996 and still mentors students as part of her governorship with Swansea

University. She also works with Gower College Swansea through their “Lions Lair” competitions for young entrepreneurs. She was the instigator of job sharing for Women in American Express UK and won the recognition and award for this being adopted UK wide. At the request of the Chief Executive of Neath Port Talbot Council she set up the first Businesswomen’s Network and was the first lady president of Neath and Port Talbot Business Club. She has been a Constant Judge for Women in Business Awards for the last 9 years in conjunction with the Evening Post. She is Vice Chair of the Gower Society with responsibilities for the protection of the Lordship of Gower and a Super Lay member of the National Institute for Clinical Health Research (NICHR). Jill is passionate about giving back - be it to someone young or old – who can STEP UP to reach their potential.



Mike Lewis, Vice Chair

Mike Lewis enjoyed a thirty-eight year career with Lloyds Banking Group before joining the Standards Committee in 2017.

He has previously been an Independent Member of South Wales Police Authority, a Senior Assessor with the College of Policing and an Independent Member of Hywel Dda University Health Board. He is currently a Non-Legal Member sitting on Employment Tribunals, an Independent Member of South Wales Police Ethics and Risk Committees, and was elected as Vice Chair of the Standards Committee in December 2020.



Gareth Evans

I have been a member of the Standards Committee since April 2015 and this year sees the end of my tenure on the Committee. It has been absorbing at times and has generally focussed on the right things being done and how to get that message over. The fact that there haven't been multiple concerns gives confidence that councillors are cognisant of the requirements expected of them and that this is well managed and monitored by Democratic Services.



Michaela Jones

Michaela was appointed to the Standards Committee in October 2017. She was a solicitor in private practice until 2016. She sits as a judge in the Mental Health Review Tribunal for Wales and is a lay member on professional conduct regulatory committees. In addition she is an Independent Assessor for Student Loans Company appointed by DfE. Michaela currently lives in Cardiff.



Margaret Williams

Margaret Williams was appointed to the Standards Committee in 2015 and served as Vice Chair for two years.

She studied Chemistry at Imperial College, London University, and was awarded a BSc Hons. degree. This led on to research leading to a PhD at University College of Wales, Swansea.

Margaret pursued a thirty-five year career in teaching, including fourteen years as Deputy Headteacher and a further fourteen years as Headteacher of a large Secondary School.

Since retiring, Margaret regularly chairs Admissions Appeal hearings across South West Wales. Also, she is Vice Chair of Governors for a primary school in Carmarthenshire.

Community / Town Council Representative



**Phil Crayford, Community /
Town Council Representative**

After retiring in 2010 after 37 years in the Fire & Rescue Service Phil wanted to continue to be involved in community initiatives, safety and general wellbeing for all. He was fortunate to be elected onto LLangyfelach Community Council where he has served as Chairman, and is currently Chair of the Finance committee. This will be his last year on the standards committee as next year he will have to relinquish this role due to the time limits set. "I have thoroughly enjoyed the interaction being on the committee which has been varied and interesting." Phil continues to work in the voluntary sector and is currently Chair of the governing Body of St Helens Primary School. He is president of

his Community in Spain and works with a variety of charitable organisations in assisting in Health & Safety issues and assessments.

City & County of Swansea Councillors



Councillor Joe
Hale

Serving the St.
Thomas Electoral
Ward

Term of Office:
03.05.2012 -



Councillor Mike
Lewis

Serving the
Mynyddbach
Electoral Ward

Term of Office:
03.05.2012 -



Councillor
Graham Thomas

Serving the
Cwmbwrla
Electoral Ward

Term of Office:
03.05.2012 -

7. Helpful Contacts

Chair of Standards Committee – Jill Burgess

Email: democratic.services@swansea.gov.uk

Chief Legal Officer and Monitoring Officer – Tracey Meredith Tel: (01792) 637521

Email: tracey.meredith@swansea.gov.uk

Huw Evans, Head of Democratic Services Tel: (01792) 635757

Email: huw.evans@swansea.gov.uk

Democratic Services - Tel: (01792) 636923

Email: democratic.services@swansea.gov.uk

Public Services Ombudsman for Wales – Mr Nick Bennett Tel: 0300 790 0203

Webpage: <http://www.ombudsman-wales.org.uk/en.aspx>



Agenda Item 9.



Report of the Cabinet Member for Economy, Finance and Strategy (Leader)

Council – 2 December 2021

Council Tax Base Calculation - 2022/2023

Purpose:	This report details the calculation of the Council Tax Base for the City and County of Swansea, its Community Councils and the Swansea Bay Port Health Authority for 2022/23. The Council is required to determine the Council Tax Bases for 2022/23 by 31 December 2021.																										
Policy Framework:	None																										
Consultation:	Legal and Finance.																										
Recommendation:	<p>The calculation of the Council Tax Base for 2022/23 be approved.</p> <p>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 2022/23 shall be:</p> <table><tr><td>For the whole area</td><td>93,114</td></tr><tr><td colspan="2">For the area of Community Councils:</td></tr><tr><td>Bishopston</td><td>2,024</td></tr><tr><td>Clydach</td><td>2,639</td></tr><tr><td>Gorseinon</td><td>3,288</td></tr><tr><td>Gowerton</td><td>2,008</td></tr><tr><td>Grovesend & Waungron</td><td>441</td></tr><tr><td>Ilston</td><td>351</td></tr><tr><td>Killay</td><td>2,144</td></tr><tr><td>Llangennith, Llanmadoc and Cheriton</td><td>527</td></tr><tr><td>Llangyfelach</td><td>965</td></tr><tr><td>Llanrhidian Higher</td><td>1,606</td></tr><tr><td>Llanrhidian Lower</td><td>340</td></tr></table>	For the whole area	93,114	For the area of Community Councils:		Bishopston	2,024	Clydach	2,639	Gorseinon	3,288	Gowerton	2,008	Grovesend & Waungron	441	Ilston	351	Killay	2,144	Llangennith, Llanmadoc and Cheriton	527	Llangyfelach	965	Llanrhidian Higher	1,606	Llanrhidian Lower	340
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Llanrhidian Lower	340																										

	Llwchwr	3,477
	Mawr	758
	Mumbles	10,089
	Penllergaer	1,434
	Pennard	1,563
	Penrice	485
	Pontarddulais	2,327
	Pontlliw & Tircoed	1,034
	Port Eynon	478
	Reynoldston	324
	Rhossili	212
	Three Crosses	712
	Upper Killay	603
	For the area of the Swansea Bay Port Health Authority	64,857
Report Author:	Julian Morgans	
Finance Officer:	Ben Smith	
Legal Officer:	Tracey Meredith	
Access to Services Officer:	Rhian Millar	

1. Council Tax Base Calculation.

- 1.1 The City and County of Swansea Council is required to determine the Council Tax Base for 2022/23 based on its estimated position.
- 1.2 The Tax Base is used by the Council to calculate its Council Tax for 2022/23.
- 1.3 The Police and Crime Commissioner for South Wales will be informed of the Council's Tax Base in relation to their precepts and levies.
- 1.4 The Tax Base must be calculated as follows:
 - take the number of dwellings for each valuation band as at 31 October 2021
 - adjust for the estimated changes during the year, i.e. additions, reductions (including those for disabled adaptations), deletions and exemptions
 - reduce by the number of discounts allowed
 - adjust for any premiums charged.
 - convert each Band to a Band D equivalent by applying the relevant multiplier, e.g. for Band A multiply by 6 and divide by 9

- sum the Band D equivalent for each band
- multiply this by the estimated collection rate
- add the Band D equivalent of exempt class O properties, i.e. dwellings owned by the Ministry of Defence

The following assumption has been made –

- the collection rate will be 96.5% (in light of the collection fund deficit in 2021-22 and the impact of the Covid 19 pandemic, it is prudent to reduce the assumed collection rate, slightly).

1.5 The estimated 2022/23 Council Tax Base for the whole of the City and County of Swansea has been calculated as 93,114. The comparable figure for 2021/22 was 94,051. Percentage changes are shown in Appendix B.

1.6 The calculation of the Council's Tax Base is set out in Appendix A. Percentage changes are shown in Appendix B.

2. Financial Implications.

2.1 The gross tax base, before applying the collection rate, has decreased in part due to a lower number of premium charges being levied than was anticipated. This could be indicative that the policy intention behind the introduction of Council Tax premiums in the city has been successful but also reflects that in the first year of charging a second home premium, once owners received their bills, further information provided to the authority and changes of use lead to the reduction in the number of dwellings subject to the premium charge.

3. Legal Implications

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

4. Integrated Assessment Implications

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

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.

- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 4.1.1 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.
- 4.1.2 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.
- 4.2 There are no integrated assessment implications. The calculation is a statutory requirement using formulae set out in regulations for Council Tax setting purposes.

Background Papers: None

Appendices:

Appendix A – Council Tax Base 2022/23 – Calculation

Appendix B – Council Tax Base 2022/23 – Percentage changes

Council Tax Base 2022/23 - Calculation

Appendix A

Band	*A	A	B	C	D	E	F	G	H	I	Total
Estimated no of chargeable dwellings		16,232	26,902	23,389	15,846	12,115	7,827	3,792	1,148	518	107,769
Disabled Dwelling Adjustment		127	19	-11	-26	-21	-65	-37	13	-38	
Sub Total (1)	39	16,359	26,921	23,378	15,820	12,094	7,762	3,755	1,161	480	107,769
Discounts Adjustment	-5	-2,494	-3,192	-2,339	-1,443	-925	-515	-217	-71	-21	-11,222
Premium Adjustment		310	501	452	357	316	228	133	47	19	2363
Sub Total (2)	34	14,175	24,230	21,491	14,734	11,485	7,475	3,671	1,137	478	98,910
Ratio to Band D	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	21/9	
Band D Equivalent	19	9,450	18,845	19,103	14,734	14,037	10,797	6,118	2,275	1,114	96,491

Estimated Collection Rate%	96.5%
Sub Total	93,114
Class O - Band D Equivalent	0
Council Tax Base 2022/23	93,114

Appendix B - Council Tax Base 2022/23 – Percentage Changes

	2022/23	2021/22	No.	%
For the whole area	93,114	94,051	-937	-1.00
Bishopston	2,024	2,064	-40	-1.93
Clydach	2,639	2,676	-37	-1.36
Gorseinon	3,288	3,319	-31	-0.93
Gowerton	2,008	1,992	16	0.78
Grovesend & Waungron	441	420	21	4.97
Ilston	351	364	-13	-3.68
Killay	2,144	2,151	-7	-0.33
Llangennith, Llanmadoc and Cheriton	527	536	-9	-1.65
Llangyfelach	965	971	-6	-0.61
Llanrhidian Higher	1,606	1,640	-34	-2.05
Llanrhidian Lower	340	338	2	0.57
Llwchwr	3,477	3,508	-31	-0.88
Mawr	758	768	-10	-1.36
Mumbles	10,089	10,349	-260	-2.51
Penllergaer	1,434	1,451	-17	-1.17
Pennard	1,563	1,518	45	2.95
Penrice	485	479	6	1.25
Pontarddulais	2,327	2,348	-21	-0.88
Pontlliw & Tircoed	1,034	1,039	-5	-0.47
Port Eynon	478	484	-6	-1.26
Reynoldston	324	335	-11	-3.29
Rhossili	212	208	4	1.73
Three Crosses	712	713	-1	-0.09
Upper Killay	603	583	20	3.46
Swansea Bay Port Health Authority	64,857	65,722	-865	-1.32

Agenda Item 10.



Report of the Cabinet Member for Delivery & Operations

Council – 2 December 2021

Review of the Gambling Policy

Purpose:	To consider the proposed amendments to the Gambling Policy.
Policy Framework:	The City and County of Swansea, Statement of Principles, Gambling Act 2005. (The Gambling Policy)
Consultation:	Extensive consultation on the proposed amendments to the policy has been undertaken involving representatives of persons carrying on gambling businesses, statutory bodies, representatives of interested parties and City and County of Swansea Members. Legal, Finance, Access to Services have also been consulted in respect of this report.
Recommendation(s):	It is recommended that: 1) The proposed amendments to the Policy are approved and the revised policy attached at Appendix B is adopted.
Report Author:	Lynda Anthony
Finance Officer:	Aimee Dyer
Legal Officer:	Aled Gruffydd
Access to Services Officer:	Rhian Millar

1.0 Introduction

- 1.1 The Gambling Act 2005 (the Act) requires the City and County of Swansea, as the Licensing Authority, to review its Statement of Principles under the Gambling Act 2005, (Gambling Policy), every three years.

1.2 The current Gambling Policy was adopted at Council on 20th December 2018 and came into effect on the 31st January 2019.

1.3 The reviewed Policy must be issued for consultation and adopted by Council before publication. The Policy must be published at least 4 weeks before it comes into effect on the 31st January 2022.

2.0 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 was updated in May 2021.

3.0 The Consultation

3.1 Extensive consultation on the proposed amendments to the policy has been undertaken involving representatives of persons carrying on gambling businesses, statutory bodies, representatives of interested parties and City and County of Swansea Members.

3.2 The consultation period ended on the 8th October 2021 and one response was received. This was from Gosschalks Solicitors, acting for the Betting and Gaming Council. A copy of the response is attached at Appendix A.

4.0 The Response

4.1 The response from Gosschalks Solicitors confirms that the response is submitted on behalf of the Betting and Gaming Council (BGC), details their role as the standards body for the UK's regulated betting and gaming industry, their mission and objectives, summarises betting and gaming in the UK and problem gambling. The response also explains the BGC approach to partnership working with local authorities, its views on the differentiation between Licensing Act 2003 and Gambling Act 2005 applications and also makes specific comments on the amended Policy.

4.2 The specific comments in respect of the amended Policy relate to paragraphs 12.2, 15.2 (incorrectly referenced as paragraph 15.3), 40.3 and 40.4.

4.3 In respect of paragraph 12.2, which refers to the mandatory and default conditions and the ability of the Licensing Authority to attach conditions where it is appropriate. The response states that *"this section would be assisted by a clear explanation that the mandatory and default conditions that attach to all premises licences are intended to be sufficient to ensure operation that is reasonably consistent with the licensing objectives. This section should also state that additional conditions will only be*

considered where there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case and that risk is not adequately addressed by the policies, procedures and mitigation measures proposed by the applicant in the local risk assessment submitted alongside the application.

4.4 In respect of paragraph 15.2, the response suggests that this paragraph is removed from the policy and states *“This refers to the potential for a policy “as regards areas where gambling premises should not be located.” The use/mix of use of premises in an area is a matter for the planning authority and as paragraph 17 recognises, the Licensing Authority, “will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning.” Any policy of the Licensing Authority with regard to areas where gambling premises should not be located is likely to be unlawful and is certainly contrary to the “aim to permit” principle contained within Section 153 Gambling Act 2005.”*

4.5 In respect of paragraph 40 the response states *“Paragraph 40.3 (under the heading “Risk Assessments”) gives a list of examples of matters that the licensing authority recommends operators take into account when making their risk assessment. This list should be redrafted to exclude matters that are not relevant to an assessment of risk to the licensing objectives. For example, “The location of premises in relation to problems of anti-social behaviour, youth crime, graffiti/tagging, street/underage drinking, disorder, drug dealing activities etc.” should be removed as none of these issues have any relevance to an assessment of risk to the licensing objectives.*

Similarly, “Patterns in gambling e.g. coincide with benefit payments, salary payments” should be removed unless it is the Licensing Authority’s view that any person in receipt of benefits or paid employment is either vulnerable or their gambling is likely to be a source of crime and disorder, associated with crime or disorder or being used to support crime.

4.6 In respect of paragraph 40.4, relating to other issues that may be considered by operators when carrying out their risk assessment, it is suggested that reference to matters of faith is removed from the policy.

5.0 Officer Observations

5.1 The information contained within the response received has been considered by Officers and the following observations are made.

5.2 The comments provided in response to paragraph 12.2 are noted and paragraph 12.2 has been amended to include wording to clarify that the authority will attach other conditions, where it is believed to be appropriate to mitigate risks associated with a particular premises.

- 5.3 The comments provided regarding the removal of paragraph 15.2 are noted. The Statutory Guidance issued by the Gambling Commission Guidance allows local authorities to include in their policy, comment on location of premises and the general principles they will apply when considering the location of gambling premises, so far as it relates to the licensing objectives. The policy must also be clear that each case will be decided on its merits. In view of this, no amendments are proposed regarding paragraph 15.2. It should also be noted that there are currently no proposals to include a specific policy regarding the location of gambling premises and any future changes would be the subject to a statutory consultation.
- 5.4 Paragraph 40.3 is included to assist operators in being able to better understand their local environment and proactively mitigate the risks to the licensing objectives. Officers consider that the matters listed are relevant when considering the risks of gambling in a particular locality and that they should be retained in the policy but accept the matters listed may not be relevant to all premises. In view of this, no amendments to paragraph 40.3 are proposed.
- 5.5 The comments received regarding paragraph 40.4 are noted and it is accepted that the references to “*matters of faith*” should be removed from the policy but that the reference to building used for religious purposes is retained.

6.0 Proposed Changes to the Policy

- 6.1 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 B to this report. The changes proposed are identified in bold italics and any text to be removed is shown by striking through.
- 6.2 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.
- 6.3 The main changes proposed are:
- Updated information relating to The Guidance to Licensing Authorities has been inserted (Paragraph 2.4).
 - The data relating to the County’s population and land area has been amended (Paragraph 3.1).
 - SA1 area included (Paragraph 3.2).
 - Specific link for Responsible Authority list included (Paragraph 5.3).

- The paragraph relating to Exchange Of Information has been reworded to include specific and relevant sections of Acts (Paragraph 8.0).
- Additional information has been added in respect of illegally sited machines and enforcement (Paragraphs 9.8 – 9.12).
- The paragraph relating to the no casino resolution has been reworded to include the dates of all previous resolutions (Paragraph 18.1).
- A paragraph has been added stating that Licensed Family Entertainment Centre (FEC) applicants are expected to provide evidence that suitable criminal records checks have been conducted on all staff in employment (Paragraph 27.5).
- A paragraph has been added stating that Unlicensed Family Entertainment Centre (UFEC) applicants are expected to provide evidence that suitable criminal records checks have been conducted on all staff in employment (Paragraph 32.5).
- A paragraph relating to satisfactory measures regarding the supervision of gaming machines in licensed premises has been reworded to include a further suggestion (Paragraph 33.5).
- A paragraph has been added to emphasise that the licensing authority has the discretion to specify the number of permitted gaming machines in an alcohol-licensed premises holding a gaming machine permit (Paragraph 33.10).
- The contact details for the Department for Digital, Culture, Media & Sport have been updated (Paragraph 48.0).
- Removal of “Gambling Commission” from the main list as it is duplicated in the sub section for “Responsible Authorities” (Appendix B - Consultees).
- Insertion of “GambleAware” the new name for Responsibility in Gambling Trust (Appendix B - Consultees).
- Removal of “Permit Holders” and “Premises Licence Holders” (Appendix B - Consultees).
- Removal of “Association of British Bookmakers”, “British Casino Association” and “Casino Operators Association of the UK” and insertion of “Betting and Gaming Council” as this is now the single industry standards body (Appendix B – Consultees).

- Removal of “Permit Holders” and “Premises Licence Holders” (Appendix B - Consultees).

6.4 In addition to the above changes, following receipt of the consultation responses, it is also proposed that the additional amendments detailed below and referred to in paragraphs 5.2 and 5.5 of the report, are included in the policy.

- Inclusion of additional wording to clarify that the authority will attach other conditions, where it is believed to be appropriate to mitigate risks associated with a particular premises (Paragraph 12.2).
- Removal of references to “*matters of faith*” (Paragraph 40.4).

7.0 Integrated Assessment Implications

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

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

7.1.1 The Well-being of Future Generations (Wales) Act 2005 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the ‘well-being goals’.

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

7.2 An Integrated Impact Assessment (IIA) Screening Form has been completed with the agreed outcome that a full IIA report is not required. The high impact noted for poverty/social exclusion is considered to have a positive impact in line with Council initiatives. The draft Policy was issued for consultation and the IIA screening form reviewed following receipt of the consultation responses with no further amendments required. A copy of the screening form is attached at Appendix C.

8.0 Financial Implications

8.1 There are no financial implications associated with this report.

9.0 Legal Implications

9.1 It is a legal requirement that the Policy is reviewed every three years.

9.2 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.
<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>

Appendices:

Appendix A - Response from Gosschalks Solicitors on behalf of the Betting and Gaming Council

Appendix B - Draft Gambling Policy 2022-2025.

Appendix C - Integrated Impact Assessment (IIA) screening form.

BY EMAIL ONLY
LICENSING SECTION
SWANSEA COUNCIL

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / MJM / 123267.00001
#GS4127140
Your ref:
Date: 01 October 2021

Dear Sirs,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Betting and Gaming Council (BGC) and are instructed to respond on behalf of the BGC to your consultation on the review of your Gambling Act 2005 Statement of Principles.

The Betting and Gaming Council

The Betting and Gaming Council (BGC) was created in 2019 as the new standards body for the UK's regulated betting and gaming industry. This includes betting shops, online betting and gaming businesses, bingo and casinos. Its mission is to champion industry standards in betting and gaming to ensure an enjoyable, fair and safe betting and gaming experience for all of its members' customers.

BGC members support 119,000 jobs and account for £4.5 billion to the Treasury annually in tax. Recent study also showed that BGC members contributed around £7.7 billion in gross value added to the UK economy in 2019.

The gambling industry is integral to the survival of sport. Betting companies spend over £40 million a year on the English Football League (EFL) and its clubs. Horse racing, an industry estimated to be worth £3.5 billion a year to the UK economy and which generates 85,000 jobs receives over £350 million per annum through the Horse Racing Industry Levy, media rights and sponsorship. Darts and Snooker receive in excess of £10 million per annum which represents 90 % of all sponsorship revenue.

The BGC has four principal objectives. These are to –

- **create a culture of safer gambling throughout the betting and gaming sector, with particular focus on young people and those who are vulnerable**
- **ensure future changes to the regulatory regime are considered, proportionate and balanced**

- become respected as valuable, responsible and engaged members of the communities in which its members operate
- safeguard and empower the customer as the key to a thriving UK betting and gaming industry

Before we comment on your draft policy document, it is important that the backdrop against which the comments are made is established.

Betting and Gaming in the UK

Betting and gaming is an incredibly important part of the UK leisure and hospitality industry, employing over 70,000 people, including 50,000 in betting, 13,000 in casinos and 10,000 people directly employed online. The betting and gaming industry contributes £8.7 billion Gross Value Added to the UK economy & contributes £3.2 billion to HM Treasury. In addition, casinos contribute over £120 million to the tourism economy each year.

Betting and gaming is widely enjoyed in the UK. Around 30 million people participate in some sort of gambling, whether that is on the National Lottery, placing a bet in betting shops, playing in casinos or at bingo. The overwhelming majority of these people do so safely without reporting any problems.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that the number of betting offices (as of March 2020) was 7681. This is reducing every year and has fallen from a figure of 9137 in March 2014. Covid 19 had a devastating effect on the betting industry. The number of betting offices in June 2020 was down to 6461.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- In April 2019 a maximum stake of £2 was applied to the operation of fixed odds betting terminals
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable and possibly falling.

Problem Gambling

Problem gambling rates are static or possibly falling. The reported rate of 'problem gambling' (according to either the DSM-IV or the PGSI) was 0.8% of the adult population in 2015, in 2016 it was 0.7% and in 2018 it was 0.5% of the adult population.

This is termed statistically stable but is encouraging that we might finally be seeing a reduction in problem gambling due to the raft of measures that have been put in place recently both by the

industry, the Gambling Commission and the Government – from a ban on credit cards, restrictions to VIP accounts, new age and identity verification measures and voluntary restrictions on advertising. These rates have remained broadly the same since the introduction of the Gambling Act 2005.

Whilst one problem gambler is too many, both the Government and regulator both say there is no evidence that problem gambling has increased in recent years.

During the Covid-19 period of lockdown, both the Gambling Commission and Government have acknowledged that problem gambling levels have not increased.

In June 2020, the BGC's five largest members committed to increasing the amount they spend on research, education and treatment (RET) services from 0.1 per cent to 0.25 per cent of their annual revenue in 2020, 0.5 per cent in 2021, 0.75 per cent in 2022 and 1 per cent in 2023. The five operators confirmed they will provide £100 million to GambleAware charity to improve treatment services for problem gamblers.

Rates of 'problem gambling' in the UK are low by international standards – compared to France (1.3%), Germany (1.2%), Sweden (2.2%) and Italy (1.27%).

The BGC supported the creation of the new NHS gambling treatment clinics who have promised 22 clinics, 3 of which are open now. We are pleased that the NHS have committed to work to increase the number of clinics in the UK in addition to existing serviced delivered by Gordon Moody Association and GamCare's 120 treatment centres located throughout the UK.

The BGC welcomes the Gambling Commission's National Strategy was a way of accelerating progress on responsible gambling and tackling problem gambling. Our members are fully committed to meeting this challenge and are working tirelessly to deliver new responsible gambling initiatives including technology that tackles problem gambling and supporting a statutory levy and increased funding for problem gambling clinics.

Underage participating by those aged 11-16 in any gambling activity has declined from 22% to 11% over the past decade; here, 'gambling activity' mainly relates to personal betting (e.g. playing cards with friends) and legal play of lotteries (e.g. participating with consent of parents / guardians). BGC members have a zero tolerance to those under the age of 18 attempting to use their products.

Working in partnership with local authorities

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

Differentiation between Licensing Act 2003 and Gambling Act 2005 applications

When considering applications for premises licences, it is important that a clear distinction is made between the regimes, processes and procedures established by Gambling Act 2005 and its

regulations and those that are usually more familiar to licensing authorities – the regimes, processes and procedures relating to Licensing Act 2003.

Whilst Licensing Act 2003 applications require applicants to specify steps to be taken to promote the licensing objectives, those steps being then converted into premises licence conditions, there is no such requirement in Gambling Act 2005 applications where the LCCP provide a comprehensive package of conditions for all types of premises licence.

It should continue to be the case that additional conditions in Gambling Act 2005 premises licence applications are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called “Think 21”. This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%.

When reviewing draft statements of principles in the past, we have seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The BGC is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities

Considerations specific to the draft Statement of Principles Gambling Act 2005 (Gambling Policy)

Paragraph 12.2 refers to the mandatory and default conditions and the ability of the Licensing Authority to attach conditions where it is appropriate. This section would be assisted by a clear explanation that the mandatory and default conditions that attach to all premises licences are intended to be sufficient to ensure operation that is reasonably consistent with the licensing objectives. This section should also state that additional conditions will only be considered where there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case and that risk is not adequately addressed by the policies, procedures and mitigation measures proposed by the applicant in the local risk assessment submitted alongside the application.

Paragraph 15.3 should be deleted. This refers to the potential for a policy “*as regards areas where gambling premises should not be located.*” The use/mix of use of premises in an area is a matter for the planning authority and as paragraph 17 recognises, the Licensing Authority, “*will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning.*” Any policy of the Licensing Authority with regard to areas where gambling premises should not be located

is likely to be unlawful and is certainly contrary to the “*aim to permit*” principle contained within Section 153 Gambling Act 2005.

Paragraph 40.3 (under the heading “Risk Assessments”) gives a list of examples of matters that the licensing authority recommends operators take into account when making their risk assessment. This list should be redrafted to exclude matters that are not relevant to an assessment of risk to the licensing objectives. For example, “*The location of premises in relation to problems of anti-social behaviour, youth crime, graffiti/tagging, street/underage drinking, disorder, drug dealing activities etc*” should be removed as none of these issues have any relevance to an assessment of risk to the licensing objectives.

Similarly, “*Patterns in gambling e.g. coincide with benefit payments, salary payments*” should be removed unless it is the Licensing Authority’s view that any person in receipt of benefits or paid employment is either vulnerable or their gambling is likely to be a source of crime and disorder, associated with crime or disorder or being used to support crime.

Finally, whilst it is accepted that buildings used for religious purposes may cater for people who may be vulnerable, “*matters of faith*” are certainly not relevant to an assessment of risk to the licensing objectives and the reference to such matters should be removed from paragraph 40.4.

Conclusion

On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope that these comments above are useful. The BGC will work with you to ensure that its members’ operation of its premises will operate in accordance with the licensing objectives.

Yours faithfully,



GOSSCHALKS LLP

CITY AND COUNTY OF SWANSEA

STATEMENT OF PRINCIPLES

GAMBLING ACT 2005

(GAMBLING POLICY)

DRAFT

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CITY AND COUNTY OF SWANSEA

GAMBLING POLICY

JANUARY 2019 2022 – JANUARY 2022 2025

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 together with temporary and occasional use notices.

The Licensing Authority is also required by the Act to prepare and publish a statement of principles they propose to apply in exercising their functions under the Act. 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

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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 31st January ~~2019~~ **2022** and will have effect until 30th January ~~2022~~ **2025**. 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 **last updated in May 2021** ~~5th edition published in 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 ~~20th December 2018~~ **to be confirmed** and was published on ~~21st December 2018~~ **to be confirmed**.

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

3.0 The City and County of Swansea Geographical Area

3.1 The City and County of Swansea covers an area of ~~378~~ **379.7 square kilometres (146 square miles)**, has a population of ~~245,500~~ **246,600** 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, Morryston to Clydach; and on the east side of the River from **SA1**, 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 ~~21st September 2018~~ **20th September 2021** and ~~19th October 2018~~ **8th October 2021** 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;

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- Persons/bodies representing the interests of persons likely to be affected by the exercise of the Licensing Authority's functions under the Act and by this Policy.

4.2 A full but not exhaustive list of consultees is shown at Appendix B.

5.0 Responsible Authorities

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

- 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/https://www.swansea.gov.uk/media/22790/Responsible-authorities-in-regard-to-the-Gambling-Act-2005/pdf/Responsible authorities in regard to the Gambling Act 2005.pdf](http://www.swansea.gov.uk/https://www.swansea.gov.uk/media/22790/Responsible-authorities-in-regard-to-the-Gambling-Act-2005/pdf/Responsible%20authorities%20in%20regard%20to%20the%20Gambling%20Act%202005.pdf)

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)"

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- 6.3 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party.
- 6.4. The principles are:
- Each case will be decided upon its merits;
 - The Licensing Authority will not apply a rigid rule to its decision-making;
 - The Licensing Authority will consider the examples of considerations provided in The Guidance;
 - Decisions on premises licences and temporary use notices, will be made in accordance with Guidance;
 - The Licensing Authority will, in accordance with The Guidance, ensure that the phrase “has business interests” will be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- 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.

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7.0 Licensing Authority Functions

7.1 Licensing Authorities are required under the Act to:

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

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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 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.

The principle that the Council will apply in respect of the exchange of information between it and the Gambling Commission and those bodies listed in Schedule 6 of the Act is that it will act in accordance with the provisions of the Gambling Act 2005 which includes the provision that the data protection legislation, as defined in section 3 of the Data Protection Act 2018, will not be contravened. The Council will also have regard to any guidance issued by the Gambling Commission to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

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

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- simple and user friendly; and
 - Targeted: regulation should be focused on the problem, and minimise side effects.
- 9.3 In accordance with The Guidance the Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 9.4 The Licensing Authority will use appropriate enforcement to promote the Licensing Objectives. The main enforcement and compliance role for the Licensing Authority under the Act will be to ensure compliance with the premises licences and other relevant permissions.
- 9.5 The Gambling Commission is the enforcement body for the operating licences and personal licences. Any concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.
- 9.6 The Licensing Authority will carry out a risk-based inspection programme, having regard to:
- The licensing objectives;
 - Relevant codes of practice;
 - The Guidance;
 - The principles set out in this Statement of Licensing Policy;
 - The Licensing Authority's enforcement policy.
- 9.7 The Licensing Authority will have regard to The Guidance in respect of 'test purchasing' when considering making test purchases at gambling premises.
- 9.8 *Gaming machines can only be made available for use where a premises licence, permit or an exemption e.g. travelling fairs, authorises its use. It is not possible to site gaming machines at premises such as off licences, newsagents, taxi offices, takeaways or other retail stores.***
- 9.9 *When illegally sited gaming machines are discovered, the Licensing Authority will make every effort to seize the gaming machine at the first opportunity to ensure that the gaming machine is removed from circulation.***
- 9.10 *The Licensing Authority working with the Gambling Commission will investigate offences committed under the Gambling Act 2005***

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by both the supplier of the machine and the proprietor of the business on which the machine was illegally sited.

9.11 *The Licensing Authority will usually take formal action against the proprietor of the business where illegal gaming machines have been made available for use on the premises. As part of the proceedings the Licensing Authority will seek to secure a forfeiture order under Section 345 of Act, in order that the machine can then be destroyed.*

9.12 *The Licensing Authority anticipates that similar action will be taken by the Gambling Commission to ensure that formal action is also taken against the supplier of the gaming machine.*

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

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attach others, where it is believed to be appropriate ***to mitigate risks associated with a particular premises.***

- 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
- 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->

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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:

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

14.0 Premises Ready For Gambling

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

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

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

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

15.0 Location

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

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

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

16.0 Door Supervisors

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

17.0 Duplication with Other Regulatory Regimes

17.1 The Licensing Authority will take into account all relevant matters and will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. The Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval. It will however consider carefully, any concerns about conditions which are not able to be met 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 ~~26th October 2017~~ **4th November 2014**, the City and County of Swansea acting as a Licensing Authority **first** agreed to pass a resolution not to issue casino licences under Section 166 of the Act.

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This resolution came into effect on the 5th December ~~2014~~ ~~2017~~ **and the resolution was again passed in October 2017 and November 2020. The date on which the most recent resolution takes effect is specified as 6th December 2020.** The decisions followed a consultation process and consideration of the responses received.

- 18.2 A potential applicant for a casino premises licence should be aware that this resolution has been passed and that applications for a casino premises licence will not be considered by this Authority. Any application received will be returned and the applicant informed that a resolution not to issue casino licences is in place for the City and County of Swansea.
- 18.3 This resolution will not affect existing casino premises licences including any applications for variations or transfers of these licences.
- 18.4 The resolution will last for a period of 3 years from the date it takes effect. After this time the Authority may pass a new resolution not to issue casino premises licences.
- 18.5 In 2006, the City and County of Swansea submitted a proposal to the Independent Casino Advisory Panel to licence one Large and one Small casino. On 19th 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 26th 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

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and will determine the applications received in accordance with The Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008, the Department for Culture Media and Sport's Code of Practice and the Gambling Commission's Guidance to Licensing Authorities.

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

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

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

19.0 General Principles – Casino Premises

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

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

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

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- hold or have applied for an Operating Licence; and
 - have the right to occupy the premises in question.
- 19.4 Unless otherwise specified, any reference to the application and procedures for a 'premises licence' for a casino in the following parts of this section of this document shall also include the application and procedures for a 'provisional statement' for a casino.
- 19.5 In making any decision in respect of an application, the Licensing Authority shall not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building regulation and any decision shall not constrain any later decision by the Authority under the law relating to planning or building.
- 19.6 The Licensing Committee will make the determination on casino licence applications at Stage 1 and at Stage 2. During Stage 2, the Licensing Committee will be supported by an Advisory Panel of Officers and others with appropriate experience.
- 19.7 In accordance with the Code of Practice issued by the Secretary of State, the Licensing Authority will ensure that there is a Register of Interest in place disclosing interest in any contract, arrangement or other relationship with an applicant or a person connected or associated with an applicant. Applicants should note that this does not apply to any agreement between the Licensing Authority and applicant entered into during Stage 2 of the application process.

20.0 Casino Application Stage 1

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

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representations. It is recognised that the Licensing Authority's decision at Stage 1 may be appealed against, in which case the Licensing Authority will not proceed further until all appeals have been dealt with.

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

21.0 Principles to be applied to casino application Stage 2

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

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

21.2 In determining which application is likely to result in the greatest benefit to Swansea, the Licensing Authority has set out matters which 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

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- 22.1 The Licensing Authority will agree and implement a protocol governing the storage of confidential information submitted during Stage 2 of the application process so as to maintain confidentiality.
- 22.2 At this Stage, applicants will be required to state the benefits their applications, if granted, would bring to Swansea.
- 22.3 The Licensing Authority will itself evaluate all applications and make the decision to grant the available Small Casino Premises Licence to the applicant that in its opinion will result in the greatest benefit to Swansea.
- 22.4 The Licensing Authority may enter into a written agreement with an applicant and may determine to attach conditions to any licence issued so as to give effect to any agreement entered into. The Licensing Authority may have regard to the effect of any agreement so entered in making the determination on the applications.
- 22.5 The Advisory Panel, appointed by the Licensing Authority, will carry out a preliminary assessment of each Stage 2 application. Following the preliminary assessment, the Advisory Panel may engage in discussions or negotiations with each Stage 2 applicant with a view to the particulars of an application being refined, supplemented or otherwise altered so as to maximise the benefits to the Authority's area that would result from it, were it granted.
- 22.6 The Advisory Panel will assess each bid according to criteria set out in the Application Pack. The applicant will be sent the Advisory Panel's assessment of its application to enable the applicant to correct any 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.

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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.

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- 24.5 The Act provides that a machine is not a gaming machine if it is designed or adapted for use to bet on future real events. Betting premises may make available machines that accept bets on live events, such as horseracing, as a substitute for placing a bet over the counter. These “betting machines” are not gaming machines: they merely automate the process, which can be conducted in person and, therefore, do not require regulation as a gaming machine.
- 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

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machines when considering the number/nature/circumstances of betting machines an operator wants to offer.

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

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

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

27.0 Licensed Family Entertainment Centres (FEC)

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

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

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.

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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.

27.5 *The applicant will be expected to provide evidence that a suitable criminal record check with the Disclosure and Barring Service (DBS) has been conducted on all staff in their employment.*

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:

- (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 licence was considered. The Licensing Authority will take into account the time lapsed since the previous application was considered and will not review the licence on the basis of the same arguments considered on the grant of the premises licence.

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

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- add, remove or amend a licence condition imposed by the Licensing Authority;
 - exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
 - suspend the premises licence for a period not exceeding three months; and
 - revoke the premises licence.
- 30.4 In determining what action, if any, should be taken following a review, the Licensing Authority must have regard to the principles set out in Section 153 of the Act, as well as any relevant representations.
- 30.5 In particular, the Licensing Authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

31.0 Permits / Temporary & Occasional Use Notice

- 31.1 Permits - The Act introduces a range of permits granted by Licensing Authorities when premises provide a gambling facility and either the 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 takeaways, leisure centres, garages and petrol filling stations, taxi offices.
- 32.4 The Licensing Authority cannot attach conditions to this type of permit.
- 32.5 *The applicant will be expected to provide evidence that a suitable criminal record check with the Disclosure and Barring Service (DBS) has been conducted on all staff in their employment.***
- 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.

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- 33.4 The Licensing Authority considers that such matters will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only category C gaming machines.
- 33.5 Measures which **may** will satisfy the Authority that there will be no access may include the adult machines being located in sight of the bar, **or in the sight of nominated** 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.
- 33.10 *There are many categories of gaming machine permitted at licensed and other premises and the number of such machines that may be permitted in each type of gambling premises are set out in the Act. The Council does not have the power to set different limits or further expand or restrict the categories of machine that are permitted. The exception to this is alcohol-licensed premises that hold gaming machine permits, where licensing authorities have discretion to specify the number of permitted gaming machines. In addition, limits are set separately in the Act for certain types of permit issued by licensing authorities.***

34.0 Club Gaming Permits

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

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

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

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

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

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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 Licensing Objectives

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

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

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

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

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

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

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

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

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

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

39.3.1 Generally, the Gambling Commission would not expect Authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be a matter for either the management of the gambling business and therefore relevant to the Operating Licence, or will be in relation to the suitability and actions of an individual and therefore relevant to the Personal Licence. Both of these licences are the responsibility of the Gambling Commission.

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

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

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

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- 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.
- 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.

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

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

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

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

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

40.0 Local Risk Assessments for Operators

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

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the following matters are considered by operators when carrying out their risk assessment:

- 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;
- 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 p~~ 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 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.

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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 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

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suspend such action (for example, as a result of an ongoing judicial review). The Act provides for no other appeal against the determination of the Magistrates' Court.

46.0 Concerns in respect of Licensed Premises

- 46.1 The Licensing Authority will investigate complaints in respect of licensed premises in relation to matters relating to the licensing objectives for which it has responsibility.
- 46.2 Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, the Licensing Authority may initially arrange a meeting to address and clarify the issues of concern.
- 46.3 This process will not override the right of any party to decline to participate in any meeting or mediation process.

47.0 Information Sharing Network - Operators

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

48.0 Further Information

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

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

Or:

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

Information is also available from:-

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Gambling Commission

Victoria Square House
Victoria Square
Birmingham
B2 4BP

Tel: 0121 230 6500
Fax: 0121 237 2236

Email: info@gamblingcommission.gov.uk
Website: www.gamblingcommission.gov.uk

Department for Digital, Culture, Media & Sport

100 Parliament Street
London
SW1A 2BQ

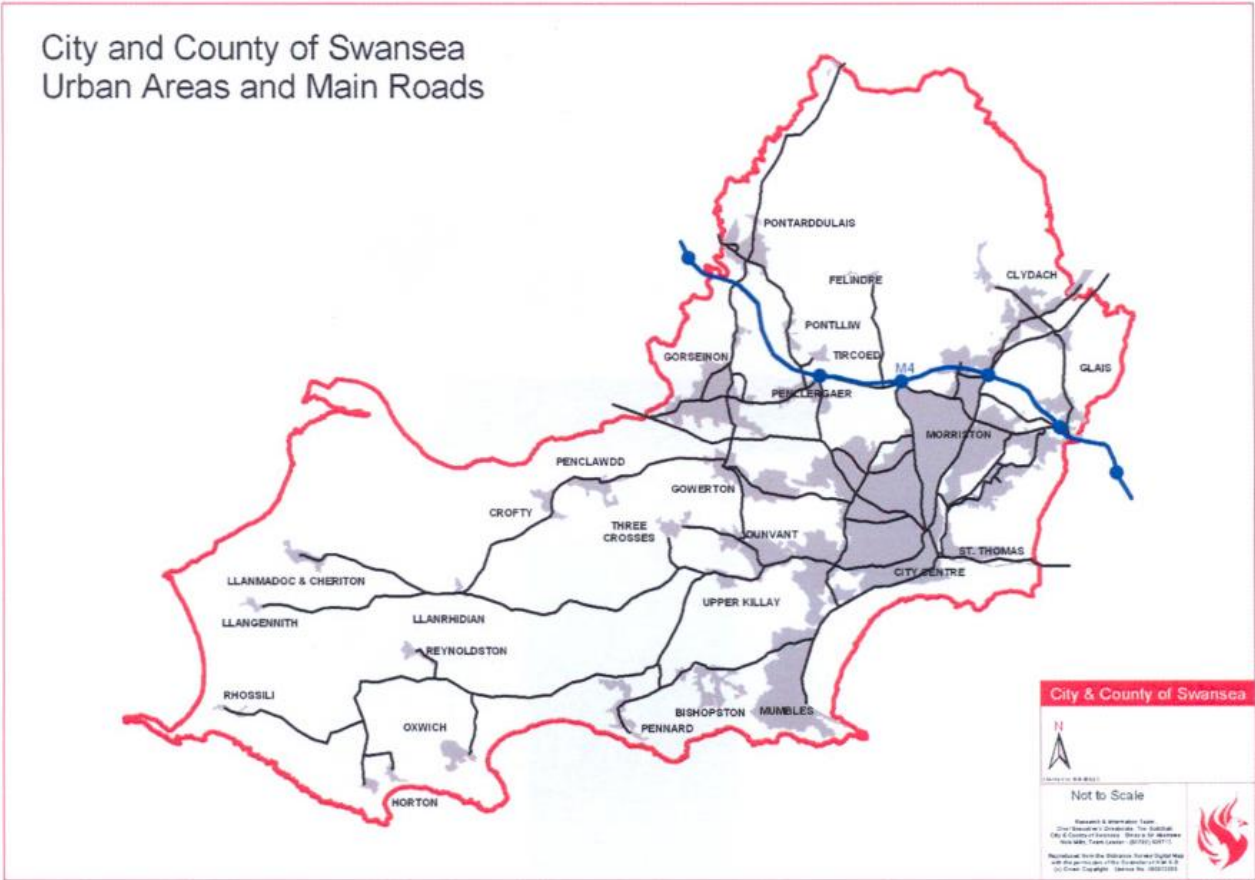
Tel: 020 7211 6200 **2210**

Email: enquiries@culture.gov.uk enquiries@dcms.gov.uk
Website: www.culture.gov.uk

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APPENDIX A



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APPENDIX B - Consultees

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

- ~~Association of British Bookmakers~~
- **Betting and Gaming Council**
- 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
- **GambleAware (formerly Responsibility in Gambling Trust)**
- 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

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APPENDIX C

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Small Casino Licence – Principles and Criteria

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

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

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

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

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

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

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

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

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APPENDIX D – Table of Delegations of Licensing Functions

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

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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

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Integrated Impact Assessment Screening Form – Appendix C

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

Which service area and directorate are you from?

Service Area: Housing and Public Health
 Directorate: Place

Q1 (a) What are you screening for relevance?

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

(b) Please name and fully describe initiative here:

Statutory review of the Gambling Act 2005 - Statement of Principles (Gambling Policy).
 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.
 The reviewed Policy must be issued for consultation and adopted by Council before publication. The Policy must be published at least 4 weeks before it comes into effect on the 31st January 2022.
 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.

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

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

Integrated Impact Assessment Screening Form – Appendix C

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

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

Consultation will be undertaken on the policy, 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.

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

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

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

High risk

Medium risk

Low risk

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

Yes

No

If yes, please provide details below

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

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

Integrated Impact Assessment Screening Form – Appendix C

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 IIA is required.

Outcome of Screening

Q8 Please describe the outcome of your screening below:

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

An Integrated Impact Assessment (IIA) screening form has been completed with the agreed outcome that a full IIA report is not required.

The high impact noted for poverty/social exclusion is considered to have a positive impact in line with Council initiatives.

The reviewed Policy must be issued for consultation and adopted by Council before publication. The IIA screening form will be updated following the consultation and any issues identified from the consultation will be considered.

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

Full IIA to be completed

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

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

Screening completed by:
Name: Lynda Anthony
Job title: Licensing and Food and Safety Manager
Date: 3/8/21
Approval by Head of Service:
Name: Mark Wade
Position: Head of Service Housing and Public Health
Date: 3/8/21

Please return the completed form to accesstoservices@swansea.gov.uk

Agenda Item 11.



Report of the Head of Democratic Services

Council – 2 December 2021

Diversity in Democracy – Action Plan

Purpose:	To set out an Action Plan setting out how the Council can support the Diversity in Democracy Programme. The Diversity in Democracy - Action Plan was considered by the Democratic Services Committee on 8 November 2021 and recommended to Council for adoption.
Policy Framework:	Strategic Equality Plan 2020-2024. Equality Act 2010. Local Government and Elections (Wales) Act 2021.
Consultation:	Access to Services, Finance, Legal, Democratic Services Committee.
Recommendation(s):	It is recommended that: 1) The Diversity in Democracy Action Plan be adopted.
Report Author:	Huw Evans
Finance Officer:	Ben Smith
Legal Officer:	Tracey Meredith
Access to Services Officer:	Rhian Millar

1. Introduction

- 1.1 The Welsh Local Government Association (WLGA) supported a Welsh Government led Diversity in Democracy programme ahead of the 2017 elections. However although the Diversity in Democracy Programme was the biggest and most resourced programme of its kind data shows that there remains a significant lack of diversity in Welsh Councils.
- 1.2 The WLGA Council agreed in September 2018 to take steps to advance gender equality and diversity in Councils before the 2022 elections. This was in recognition of the lack of diversity in Welsh Councils. A cross party working group was set up to explore broader under-representation in

democracy. Part of the remit of the working group was to consider what activities councils and the WLGA could do to improve diversity in democracy and the role of the Welsh Government and political parties.

1.3 In addition to the Working Group the Minister for Housing and Local Government convened a stakeholder roundtable of regional stakeholder events. Key messages were:

- There was a general lack of awareness of the role and contribution made by councillors.
- Social media abuse directed at councillors is getting worse and is predominately directed at female / family members.
- Training and development for councillors was fundamental
- Time commitment was a barrier for many.
- A recurring theme was the provision of costs to those standing for election particularly disabled candidates or those with a protected characteristic.
- There was confusion about whether and what councillors are paid and on what basis and whether remuneration paid covers the costs associated with the role.

1.4 The findings of the working group and the stakeholder engagements was reported to the WLGA Committee on 5 March 2021 where it was widely acknowledged that representational equality results in better decision making and policy development when people with lived experience of issues are making the decisions.

1.5 It also identified that the 'right person for the job' of councillor needs to be a member of the community they serve in order to fully and consistently understand the lives and needs of that community. Councils also need to demonstrate to under-represented communities that they are valued and included in local democracy.

2. Council Resolution – 29 July 2021

2.1 Council at its meeting on 29 July 2021 considered its initial report on Diversity in Democracy. The resolution of Council being:

- "1) *This Council commits to becoming a Diverse Council to:*
- i. Provide a clear, public commitment to improving diversity;*
 - ii. Demonstrate an open and welcoming culture to all;*
 - iii. Consider staggering council meeting times and agreeing recess periods to support councillors with other commitments; and*
 - iv. Set out an action plan of activity ahead of the 2022 local elections.*
- 2) *The Democratic Services Committee be tasked with undertaking a review of the Diversity in Democracy Programme.*
- 3) *A report be brought back to Council with an Action Plan setting out how the Council can support the Diversity in Democracy Programme."*

3. Diversity in Democracy Action Plan

- 3.1 A Draft Diversity in Democracy Action Plan is set out in **Appendix A**. The objectives within the Action Plan are based on those suggested by the Welsh Government. However, others can be added if so desired.
- 3.2 The Democratic Services Committee held on 8 November 2021 considered the report and recommended its adoption by Council.

4. Equality Act 2021 – The 9 Protected Characteristics

- 4.1 There are 9 Protected Characteristics within the Equality Act 2010. They are:

Age	Race
Disability	Religion or Belief
Gender Reassignment	Sex
Marriage & Civil Partnership	Sexual Orientation
Pregnancy & Maternity	-

5. Local Government and Elections (Wales) Act 2021

- 5.1 The above legislation includes a number of provisions promoting diversity in local government including:
- An entitlement to Job sharing for executive members and committee chairs.
 - A duty on principal councils to produce a Public Participation Strategy encouraging people to participate in decision making and promoting awareness of how to become a member of the council.
 - A duty on political group leaders to promote and maintain high standards of conduct by members of their group.
 - Electronic broadcasting of full Council meetings.
 - The ability to have multi-location attendance at council meetings including physical, hybrid and remote attendance.
 - Provisions enabling the maximum period of absence for each type of family absence for members of local authorities to be specified within regulations and for adoptive leave to reflect that which is available to employees.

6. Financial implications

- 6.1 There are no financial implications associated with this report at this stage. The WLGA Diversity in Democracy Programme does include considerations around resettlement grants for senior salary holders which will have financial implications.

7. Legal Implications

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

8. Integrated Assessment Implications

- 8.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
 - Deliver better outcomes for those people who experience socio-economic disadvantage
 - Consider opportunities for people to use the Welsh language
 - Treat the Welsh language no less favourably than English.
 - Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 8.2 The Well-being of Future Generations (Wales) Act 2005 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.
- 8.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.
- 8.4 An IIA screening has been undertaken and no adverse implications have been noted. This report sets out a Diversity in Democracy Action Plan. The Committee / Council is being asked to support this work which will have a positive impact on the community as a whole in ensuring that Councillors represent the diverse electorate and work towards the wider agenda of achieving diversity in democracy.

Background Papers: None

Appendices:

Appendix A – Diversity in Democracy Action Plan.

**Swansea Council
Diversity In Democracy Action Plan**

	Objective	Actions / Ways Forward	Time Frame	Responsible
1	Increase understanding of different tiers of government in Wales, the role each plays in society and how they operate.	1 Distribution of Welsh Government educational resources to accompany the extension of the franchise to 16 and 17 year olds in Wales. Liaise with Children's Rights Forum.	Resources have been developed by WG and have been distributed to schools	Head of Democratic Services / Electoral Services Team Leader / Director of Education
		2 Promote Welsh Government's Guidance / materials for 16 and 17 year olds regarding Democracy in Wales. Explore Web-based platforms.	Autumn 2021	Head of Democratic Services / Electoral Services Team Leader
		3 Overview of the Council website page www.swansea.gov.uk/councillors that includes the 'Becoming a Councillor' page to be reviewed and promoted.	Autumn 2021	Head of Democratic Services
		4 Communication. Undertake a comprehensive communications campaign with general and targeted messaging. Explore potential avenues such as school forums / youth councils / career fairs / Outside Organisations, etc. Continue to engage with schools (subject to pandemic), including links with school councils and youth councils.	Autumn 2021	Head of Communications, Equalities Team, Partnership & Involvement Team, Education

		We will specifically target Women, BAME, Disabled, LGBTQ+ & Young People.		
		5 Work with key stakeholders and representative organisations to ensure qualifying citizens are aware of their right to vote in certain elections and their right to stand as a Candidate in certain elections.	Autumn 2021	Electoral Services Team Leader
2	Increase engagement with the public to: <ul style="list-style-type: none"> • Raise awareness of the role and activities of the Council provide clarity about how the public can better inform local decision making. • Build greater community cohesion through a greater presence at community events. 	1 Publication of the Council Constitution and Council Constitution Guide as per the Local Government and Elections (Wales) Act 2021. The Council Constitution is available at www.swansea.gov.uk/constitution	January – February 2022	Monitoring Officer / Head of Democratic Services
		2 Develop Public Participation Strategy Scheme for compliance with duty under the 2021 Act.	January 2022	Deputy Chief Executive
		3 To continue to webcast meetings as specified under the 2021 Act. Promote the www.swansea.gov.uk/meetingsonline page and www.swansea.gov.uk/democracy page to improve public awareness.	January 2022	Head of Democratic Services

	<ul style="list-style-type: none"> Creating and building upon community networks. 	<p>4 Encourage each Political Group to create a Diversity Spokesperson / Lead.</p> <p>These Diversity Leads would seek to ensure that Councillors from under-represented groups are represented whenever possible in high profile, high influence roles.</p> <p>The Diversity Leads would also demonstrate an open and welcoming culture to all, promoting the highest standards of behaviour and conduct within their Political Groups.</p> <p>These Diversity Leads to be named on the www.swansea.gov.uk/councillors page.</p>	December 2021	Political Group Leader / Head of Democratic Services
3	Increase awareness of the role of Councillors, the contribution they make to society and how to become a Councillor	<p>1 Overview of the Council website page www.swansea.gov.uk/councillors that includes the 'Becoming a Councillor' page to be reviewed and promoted.</p>	Autumn 2021	Head of Democratic Services / Head of Communications
		<p>2 Work with Community / Town Councils to ensure they link with Swansea Council's 'Becoming a Councillor page' or create their own and that the page is promoted. https://www.swansea.gov.uk/becomeacouncillor</p>	November 2021 – January 2022	Head of Democratic Services
		<p>3 Encouraging people to participate in decision-making and promoting awareness of how to become a Councillor. This could be a video presented by Councillors to include:</p>	January 2022	Head of Communications / Head of Democratic Services

		<ul style="list-style-type: none"> • What being a Councillor entails. • Salary & Allowances • Promoting / facilitating processes. • The Training available to Councillors. <p>Link to any training / informative materials available with the WLGA, WG etc.</p>		
		4 Work with the WLGA to raise awareness among public sector organisations of the benefits of employees undertaking civic duties.	Ongoing	Leader of the Council / Political Group Leaders / Corporate Management Team
		5 Seek the participation of Political Group Leaders to champion the diversity expectations within the selection processes of their Political Parties. To encourage Political Group Leaders to promote the advice available to future candidates or individuals considering standing for office at the earliest opportunity.	October 2021	Chief Executive / Head of Democratic Services
		6 Encourage Councillors to utilise their own Social Media platforms to promote the role of a Councillor through Councillor blogs / 'day in the life of'.	December 2021	Head of Democratic Services
4	Greater respect & support for those standing for and	1 Promote duty on Political Group Leaders to promote high standards of conduct.	December 2021	Political Group Leaders / Monitoring Officer

	securing elected office in Wales	<p>2 All Councillors & Co-opted Members required to have mandatory Code of Conduct Training. Refresher at least once during a term of office and also if the Code is amended.</p> <p>Standards Committee to monitor compliance in relation to standards of conduct and provide training.</p>	Summer 2022	Monitoring Officer / Head of Democratic Services
		<p>3 Support the Welsh Government's plans to introduce an Access to Elected Office fund to assist disabled people to stand for elected office at the 2022 Local Elections.</p>	Once available	Political Group Leaders / Head of Democratic Services
5	Comprehensive training and awareness programme available through a variety of routes available for Councillors to support them in their role as Councillors.	<p>1 Review the Councillor Training & Development Programme. The programme must use e-Learning and recorded training events placed online. Make use of the All Wales Training Materials for Councillors led by the WLGA.</p>	December 2022	Head of Democratic Services / Democratic Services Committee HR Training Officer
		<p>2 Working closely with other Local Authorities to run joint Councillor Training Events.</p>	Ongoing	Head of Democratic Services
		<p>3 Review areas of staff training and development courses, which can be made available for Councillors.</p>	Ongoing	HR Manager
		<p>4 Councillor Induction & Training Programme 2022.</p>	November – December 2021	Head of Democratic Services / Democratic Services Committee

		<p>5 Encourage returning Councillors to provide mentoring / shadowing for first time Councillors and those that request it.</p> <p>This is in addition to the Signposting and Support provided by the Head of Democratic Services and the Democratic Services Team.</p>	May 2022 onwards for the 5 year term of office	Head of Democratic Services / Political Group Leaders
		<p>6 Encourage Political Group Leaders to undertake Personal Development Reviews for Councillors. The Head of Democratic Services will assist as required.</p>	May 2022 onwards for the 5 year term of office	Political Group Leaders
		<p>7 Promoting the WLGA's online "Councillor Guide" for the 2022 elections and the suite of National e-Learning modules specifically developed for Councillors which are available via the NHS Learning Wales website. https://learning.wales.nhs.uk</p>	April 2022. Include in the Candidates Pack	Head of Democratic Services
6	Improve the safety of Councillors and their families when undertaking their Council duties	<p>1 Comply with the Local Government & Elections (Wales) Act 2021 by ensuring that personal addresses are not used on Ballot Papers.</p>	March 2022	Electoral Services Team Leader
		<p>2 Comply with the Local Government & Elections (Wales) Act 2021 by ensuring that official addresses are published on Council website and in the Register of Interest rather</p>	March 2022	Monitoring Officer / Head of Democratic Services

		than the personal addresses of Councillors. (Where requested).		
		3 Encourage Councillors to undertake Health & Safety training, Lone Working training to ensure their safety during elections and when they are elected. Promote the Lone Working Policy and guidance.	December 2021	HR Manager
		4 All Councillors to have identity cards to allow secure access to Council buildings (Guildhall & Civic Centre).	In place.	Facilities Management
		5 Social Media Safety training to be delivered to members through the Councillor Induction & Training Programme and built upon during their term of office.	May-September 2022	Head of Communications
		6 Promote the WLGA's advice and support service to individual Councillors who receive online abuse.	December 2022	Head of Democratic Services
7	Maximise opportunities for individuals to work in ways that enable them to achieve a work / life balance which protects their welfare and wellbeing and allows them to manage any caring / dependency relationships.	1 Introduction of a Multi-Location Meetings Policy encouraging remote and physical attendance at meetings.	January 2022	Chief Legal Officer / Head of Democratic Services
		2 Comply with all WG Legislation / Guidance in relation to the promote job-sharing by Executive Leaders and other Office holders.	May 2022	Chief Legal Officer / Head of Democratic Services

		3 Promote Family Absence provisions for Councillors.	January 2022	Chief Legal Officer / Head of Democratic Services
		4 Promote the Allowances & other remunerations that are available to Councillors and inform candidates standing for Election by linking with the www.swansea.gov.uk/councillors page.	January 2022	Head of Democratic Services
		5 Promote the IRPW “Contribution Towards Costs of Care and Personal Assistance”.	January 2022	Head of Democratic Services
		6 Encourage all Councillors to claim any necessary allowances or expenses incurred. Failure to claim by Councillors often leads to those in need of the allowances not claiming. It is essential that Councillors receive fair remuneration for their work and that the role of Councillor is not limited to those that can afford it.	January 2022	Head of Democratic Services

		7 Review Council, Cabinet & Committee meeting times to ensure flexibility to suit Committee Members.	Completed. In accordance with the 2011 Measure this must be undertaken at least once per term of office.	Head of Democratic Services.
8	Assess the effectiveness of the provisions in 2011 Measure in relation to data collection, and in relation to other candidate data that could be collected in order for Political Parties to support diverse candidates at elections	1 Provide all relevant data to the Welsh Government or relevant requesting bodies post-election, to enable them to produce their survey report on diversity and lessons learned.	Summer 2022	Electoral Services Team Leader
		2 Undertake a post-election Councillors Diversity & Inclusion survey. The survey aiming to understand any barriers or additional support required for candidates. The survey feedback will help to deliver a positive and diverse environment for future Councillors.	Summer 2022	Equalities Team / Head of Democratic Services

Agenda Item 12.



Report of the Head of Democratic Services

Council – 2 December 2021

Independent Remuneration Panel for Wales (IRPW) Draft Annual Report 2022-2023 - Consultation

Purpose:	To consult and comment on the Independent Remuneration Panel for Wales (IRPW) Draft Annual Report 2022-2023. The Democratic Services Committee met on 8 November 2021 and recommend Appendix A of the report as the Authority's formal reply to the IRPW.
Policy Framework:	None.
Consultation:	Access to Services, Finance, Legal, Democratic Services Committee.
Recommendation(s):	It is recommended that: 1) The IRPW draft Annual Report 2022-2023 proposals be noted. 2) Appendix A of the report form the Authority's formal reply to the IRPW.
Report Author:	Huw Evans
Finance Officer:	Ben Smith
Legal Officer:	Tracey Meredith
Access to Services Officer:	Rhian Millar

1. Introduction

- 1.1 The Independent Remuneration Panel for Wales (IRPW) is tasked with setting the remuneration levels for Councils in Wales. Each year, they publish a Draft Annual Report which is circulated for consultation. The Draft Report may be viewed at <https://gov.wales/independent-remuneration-panel-wales>
- 1.2 The consultation period closes on 26 November 2021; however the IRPW have given Swansea Council a week's extension until 3 December 2021. The final IRPW report will be published in February 2022.

- 1.3 This report sets out the determinations affecting the City and County of Swansea and proposes responses as necessary.
- 1.4 The Democratic Services Committee held on 8 November 2021 considered the report and recommended Appendix A as the Authority's formal response to the IRPW.

2. Determinations within the IRPW Draft Annual Report 2022-2023

- 2.1 The IRPW Draft Annual Report contains a number of determinations that don't affect the City and County of Swansea and are omitted from this report.
- 2.2 An "Extract of the Determinations of the IRPW Draft Annual Report and City and County of Swansea's Comments" is appended as **Appendix A**. The Appendix seeks to stimulate debate and ultimately a formal response to the IRPW consultation.
- 2.3 The Local Government (Wales) Measure 2011 requires the Panel's Annual Report to take effect from 1 April. In most years, this is in line with financial and administrative arrangements of all authorities. However, when new Councils are elected some of the Panel's determinations are to be effective for the new municipal term.
- 2.4 On 9 May 2022, new municipal arrangements will come into effect following Local Government elections. The IRPW Annual Report therefore has two different effective dates as set out below:
- i) For the period 1 April 2022 to 8 May 2022, all of the Determinations contained in the Independent Remuneration Panel for Wales' Annual Report 2021/2022 will continue to apply in respect of Principal Councils and Community and Town Councils.
 - ii) For National Park Authorities and Welsh Fire and Rescue Authorities the determinations in Sections 7 and 8 of the IRPW Report will apply from the new financial year, 1 April 2022.
 - iii) With effect from 9 May 2022, (the new municipal year) the determinations set out in the IRPW Report in Sections 3 and 13 will apply to Principal Councils and Community and Town Councils.

3. Integrated Assessment Implications

- 3.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.

- Foster good relations between people who share a protected characteristic and those who do not.
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

3.2 The Well-being of Future Generations (Wales) Act 2005 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the ‘well-being goals’.

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

3.4 There are no integrated assessment implications in relation to this report.

4. Financial Implications

4.1 The IRPW proposes setting the salaries as follows in order to avoid further erosion in relation to average earnings:

Basic Salary	Current	Proposed 2022/23
	£14,368	£16,800

Civic Salaries	Current	Proposed 2022/23
Civic Head	£23,161	£25,593
Deputy Civic Head	£18,108	£20,540

Senior Salaries	Current	Proposed 2022/23
These are inclusive of Basic Salary		
Band 1	-	-
Leader of Council	£55,027	£63,000
Deputy Leader of Council	£38,858	£44,100
Band 2	-	-
Executive Members	£33,805	£37,800
Band 3	-	-
Committee Chairs (if remunerated)	£23,161	£25,593
Band 4	-	-
Leader of Largest Opposition Group	£23,161	£25,593
Band 5	-	-
Leader of Other Political Groups	£18,108	£20,540

Note: Normally these changes are effective from 1 April each year; however given the Local Government Elections in May 2022, they are effective from 9 May 2022 on this occasion.

- 4.2 The total theoretical financial cost as a result of these draft IRPW determinations in relation to Salaries and the fact that Swansea Council will grow by 3 Councillors to 75 is £246,359. This will need to be fully reflected in future budgets from 2022-2023. The actual cost in any one year will depend upon who holds any of the Civic or Senior Salary Offices in year (i.e. where one Councillor might discharge two roles but only receive one higher salary).
- 4.3 The payments to Statutory Co-opted Members has also increased; however, it is envisaged that this will be managed within budget.
- 4.4 It is important to put the proposed salary for Councillors into context. An Independent Member of a Welsh Health Board would currently earn £15,936 p.a. in line with Welsh Government set remuneration levels, based on a minimum commitment of 4 days per month. The IRPW have based a Councillors salary on 3 days per week.

5. Legal Implications

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

Background Papers: None.

Appendices:

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

Extract of the Determinations of the IRPW Draft Annual Report 2022 and the City and County of Swansea’s Comments

Note: This report only outlines the salary figures of Group A Council’s to which the City and County of Swansea belongs.

General Comment – Promoting Diversity in Democracy

General 1	<p>Councillors are concerned at the negative feedback that some Councillors have experienced in relation to the publication of the amounts received for claims for Mileage, Allowance and ICT expenses. Their claims are all within the amount allowed. Those Councillor living the furthest from the Guildhall will have the largest claim as they travel the farthest, this often makes them stand out in any published list.</p> <p>One suggestion could be for the IRPW to consider a similar approach to the publication of expenses and allowances as those in place for Contribution towards Costs of Care and Personal Assistance (CPA).</p> <p>The Head of Democratic Services is asked to discuss this issue with the IRPW, specifically in relation to its potential impact on the excellent work of the Welsh Government and others in promoting Diversity in Democracy.</p>
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Section 3 - Payments to Elected Members of Principal Councils: Basic, Senior and Civic Salaries

Determination 1	The Basic Salary in 2022/23 for elected members of principal councils shall be £16,800.
Comments	This is a rise of £2,432 per Councillor. Given the explanation for the pay rise as outlined in the Draft Annual Report, the Authority makes no comment on the increase.
Determination 2	Senior Salary levels in 2022/23 for members of principal councils shall be as set out in Table4 (of the IRPW Report). <i>The proposed and current levels are outlined below for ease.</i>
Comments	Senior Salaries include the Basic Salary element. Given the explanation for the pay rise as outlined in the Draft Annual Report, the Authority makes no comment on the increase. Determination 2 of the IRPW would have the following effect:

Senior Salaries (inclusive of Basic Salary) - Group A Councils	Current	Proposed 2022/23
Band 1 Leader Deputy Leader	£55,027 £38,858	£63,000 £44,100
Band 2 Executive Members	£33,805	£37,800
Band 3 Committee Chairs (if remunerated)	£23,161	£25,593
Band 4 Leader of the Largest Opposition Group	£23,161	£25,593
Band 5 Leader of Other Political Groups	£18,108	£20,540

Determination 3	Where paid, a Civic Head must be paid a Band 3 salary of £25,593 in accordance with Table 4 (of the IRPW Report).	
Comments	Civic Salaries include the Basic Salary element. Given the explanation for the pay rise as outlined in the Draft Annual Report, the Authority makes no comment on the increase.	
Civic Salaries (inclusive of Basic Salary) - Group A Councils	Current	Proposed 2022/23
Civic Head	£23,161	£25,593

Determination 4	Where paid, a Deputy Civic Head must be paid a Band 5 salary of £20,540 in accordance with Table 4 (of the IRPW Report).	
Comments	Civic Salaries include the Basic Salary element. Given the explanation for the pay rise as outlined in the Draft Annual Report, the Authority makes no comment on the increase.	
Civic Salaries (inclusive of Basic Salary) - Group A Councils	Current	Proposed 2022/23
Deputy Civic Head	£18,108	£20,540

Determination 5	Where appointed and if remunerated, a Presiding Member must be paid £25,593 in accordance with Table 4 (of the IRPW Report).	
Comments	The Presiding Member within the City and County of Swansea is not remunerated. No comment.	
	Current	Proposed 2022/23
Presiding Member	£23,161	£25,593

Determination 6	The post of Deputy Presiding Member will not be remunerated.
Comments	No Change. Agreed.

Determination 7	<p>a) An elected member must not be remunerated for more than one senior post within their authority.</p> <p>b) An elected member must not be paid a senior salary and a civic salary.</p> <p>c) All senior and civic salaries are paid inclusive of basic salary.</p> <p>d) If a council chooses to have more than one remunerated deputy leader, the difference between the senior salary for the deputy leader and other executive members should be divided by the number of deputy leaders and added to the senior salary for other executive members in order to calculate the senior salary payable to each deputy leader.</p>
Comments	No Change. Agreed.

Determination 8	Members in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any NPA or FRA to which they have been appointed. They remain eligible to claim travel and subsistence expenses and contribution towards costs of care and personal assistance from NPA or FRA.
Comments	No Change. Agreed.

Determination 9	Members in receipt of a Band 1 or Band 2 salary cannot receive any payment from a Community or Town Council of which they are a member. They remain eligible to claim travel and subsistence expenses and contribution towards costs of care and personal assistance from the Community / Town Council. Where this situation applies, it is the responsibility of the individual member to comply.
Comments	Slight amendment to the wording. Agreed.

Determination 10	Each authority, through its Democratic Services Committee, must ensure that all its elected members are given as much support as is necessary to enable them to fulfil their duties effectively. All elected members should be provided with adequate telephone, email and internet facilities giving electronic access to appropriate information.
Comments	No Change. Agreed.

Determination 11	Such support should be without cost to the individual member. Deductions must not be made from members' salaries by the respective authority as a contribution towards the cost of support which the authority has decided necessary for the effectiveness and or efficiency of members.
Comments	No Change. Agreed.

Determination 12	Principal Councils can apply for specific or additional senior salaries that do not fall within the current Framework.
Comments	Slight amendment to the wording. Agreed.

Determination 13	The Panel will decide on a case-by-case basis the appropriate senior salary, if any, for assistants to the Executive.
Comments	New determination. Agreed.

Section 4 - Joint Overview and Scrutiny Committees (JOSC)

Determination 14	The salary level for a Chair of a Joint Overview and Scrutiny Committee shall be £8,793.
Comments	New determination. Agreed.

Determination 15	The salary level for a Vice Chair of a Joint Overview and Scrutiny Committee shall be £4,396.
Comments	New determination. Agreed.

Section 5 - Pension Provision for Elected Members of Principal Councils

Determination 16	The entitlement to join the Local Government Pension Scheme (LGPS) shall apply to all eligible elected members of principal councils.
Comments	No Change. Agreed.

Section 6 - Entitlement to Family Absence

Determination 17	An elected member is entitled to retain a basic salary when taking family absence under the original regulations or any amendment to the regulations irrespective of the attendance record immediately preceding the commencement of the family absence.
Comments	Slight amendment to the wording. Agreed.

Determination 18	When a senior salary holder is eligible for family absence, they will continue to receive the salary for the duration of the absence.
Comments	No Change. Agreed.

Determination 19	It is a matter for the authority to decide whether or not to make a substitute appointment. The elected member substituting for a senior salary holder taking family absence will be eligible to be paid a senior salary, if the authority so decides.
Comments	No Change. Agreed.

Determination 20	If the paid substitution results in the authority exceeding the maximum number of senior salaries which relates to it, as set out in the Panel's Annual Report, an addition to the maximum will be allowed for the duration of the substitution. However, this will not apply to the Isle of Anglesey or Merthyr Tydfil Councils if it would result in the number of senior salaries exceeding fifty percent of the Council membership. Specific approval of Welsh Ministers is required in such circumstances.
Comments	No Change. Agreed.

Determination 21	When a Council agrees a paid substitution for family absence the Panel must be informed within 14 days of the date of the decision, of the details including the particular post and the duration of the substitution.
Comments	No Change. Agreed.

Determination 22	The Council's schedule of remuneration must be amended to reflect the implication of the family absence.
Comments	No Change. Agreed.

Section 7 - Payments to Members of National Park Authorities

Determinations 23-29 relate to Members of National Park Authorities. The Authority does not have any Councillors that are Members of National Park Authorities. No comment.

Section 8 - Payments to Members of Welsh Fire and Rescue Authorities

Determination 30	The basic salary for FRA ordinary members shall be £2,369 with effect from 1 April 2022.
Comments	There are 7 Swansea Councillors that are Members of Welsh Fire and Rescue Authorities. This determination would lead to a salary increase per Councillor which would be payable by the Fire and Rescue Service. No comment.

Determination 31	The senior salary of the Chair of an FRA shall be £11,162 with effect from 1 April 2022.
Comments	The Chair is paid by the Fire and Rescue Service. No comment.

Determination 32	An FRA senior salary of £6,109 must be paid to the Deputy Chair where appointed.
Comments	The Deputy Chair is paid by the Fire and Rescue Service. No comment.

Determination 33	Chairs of committees or other senior posts can be paid. This shall be paid at £6,109.
Comments	Chair of Committees are paid by the Fire and Rescue Service. No comment.

Determination 34	Members must not receive more than one FRA senior salary.
Comments	No Comment. Agreed

Determination 35	A FRA senior salary is paid inclusive of the FRA basic salary and must reflect significant and sustained responsibility.
Comments	No Comment. Agreed.

Determination 36	Members of a principal council in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any FRA to which they have been nominated. Where this situation applies, it is the responsibility of the individual member to comply.
Comments	Slight amendment to the wording. Agreed.

Section 9 - Payments to Co-opted Members of Principal Councils, National Park Authorities and Fire and Rescue Authorities

Determination 37	Principal councils, NPAs and FRAs must pay the following fees to co-opted members who have voting rights Table 7 (of the IRPW Report).
Comments	No Change. Agreed.
Observation	All references to the Audit Committee should be amended to read "Governance & Audit Committee" to reflect the Local Government & Elections (Wales) Act 2021.

Chairs of Standards, and Audit Committees	£268 (4 hours and over) £134 (up to 4 hours)
Ordinary members of Standards Committee who also Chair Standards Committees for Community / Town Councils	£238 daily fee (4 hours and over) £119 (up to 4 hours)
Ordinary members of Standards Committees; Education Scrutiny Committee, Crime and Disorder Scrutiny Committee and Audit Committee	£210 (4 hours and over) £105 (up to 4 hours)
Community and Town Councillors sitting on Principal Council Standards Committees	£210 (4 hours and over) £105 (up to 4 hours)

Determination 38	Reasonable time for pre-meeting preparation is to be included in claims made by co-opted members the extent of which can be determined by the appropriate officer in advance of the meeting.
Comments	No Change. Agreed.

Determination 39	Travelling time to and from the place of the meeting is to be included in the claims for payments made by co-opted members (up to the maximum of the daily rate).
Comments	No Change. Agreed.

Determination 40	The appropriate officer within the authority must determine in advance whether a meeting is programmed for a full day and the fee will be paid on the basis of this determination even if the meeting finishes before four hours has elapsed.
Comments	No Change. Agreed.

Determination 41	Fees must be paid for meetings and other activities including other committees and working groups (including task and finish groups), pre-meetings with officers, training and attendance at conferences or any other formal meeting to which co-opted members are requested to attend.
Comments	No Change. Agreed.

Determination 42	Each authority, through its Democratic Services Committee or other appropriate committee, must ensure that all voting co-opted members are given as much support as is necessary to enable them to fulfil their duties effectively. Such support should be without cost to the individual member.
Comments	No Change. Agreed.

Section 10 – Contribution towards Costs of Care and Personal Assistance (CPA)

Determination 43	<p>All relevant authorities must provide a payment towards necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs as follows:</p> <ul style="list-style-type: none"> • Formal (registered with Care Inspectorate Wales) care costs to be paid as evidenced. • Informal (unregistered) care costs to be paid up to a maximum rate equivalent to the hourly rates as defined by the Living Wage Foundation at the time the costs are incurred. <p>https://www.livingwage.org.uk/what-real-living-wage</p>
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	This must be for the additional costs incurred by members to enable them to carry out official business or approved duties. Each authority must ensure that any payments made are appropriately linked to official business or approved duty. Payment shall only be made on production of receipts from the care provider.
Comments	Agree.

Section 13 - Payments to Members of Community and Town Councils

Determinations 44-52 relate to Community / Town Councils. They are listed below for information only.

Determination 44	Community and town councils must make available a payment to each of their members of £150 per year as a contribution to costs and expenses, with the exception of those Councils in Group 5 where the payment is optional.
Comments	Slight amendment to the wording. Agreed.

Page 129	Determination 45 Community and town councils can make payments to each of their members in respect of travel costs for attending approved duties. Such payments must be the actual costs of travel by public transport or the HMRC mileage allowances as below: <ul style="list-style-type: none"> • 45p per mile up to 10,000 miles in the year. • 25p per mile over 10,000 miles. • 5p per mile per passenger carried on authority business. • 24p per mile for private motor cycles. • 20p per mile for bicycles.
Comments	No Change. Agreed.

Determination 46	If a community or town council resolves that a particular duty requires an overnight stay, it can authorise reimbursement of subsistence expenses to its members at the maximum rates set out below on the basis of receipted claims: <ul style="list-style-type: none"> • £28 per 24-hour period allowance for meals, including breakfast where not provided. • £200 - London overnight. • £95 - elsewhere overnight. • £30 - staying with friends and/or family overnight.
Comments	No Change. Agreed.

Determination 47	<p>Community and town councils can pay financial loss compensation to each of their members, where such loss has occurred, for attending approved duties as follows:</p> <ul style="list-style-type: none"> • Up to £55.50 for each period not exceeding 4 hours. • Up to £110.00 for each period exceeding 4 hours but not exceeding 24 hours.
Comments	No Change. Agreed.

Determination 48	<p>Each council can decide to introduce an attendance allowance for members. The amount of each payment must not exceed £30. A member in receipt of financial loss compensation will not be entitled to claim attendance allowance for the same event.</p> <p>Councils that intend to introduce an attendance allowance must set out the details of the scheme and publish them on their website.</p>
Comments	Agreed.

Determination 49	<p>Community and town councils can provide a payment to the mayor or chair of the council up to a maximum of £1,500. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed.</p>
Comments	No Change. Agreed.

Determination 50	<p>Community and town councils can provide a payment to the deputy mayor or deputy chair of the council up to a maximum of £500. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed.</p>
Comments	No Change. Agreed.

Determination 51	The application of the Remuneration Framework by relevant Group.
Comments	Agreed.

Determination 52	<p>Members in receipt of a Band 1 or Band 2 senior salary from a principal council (that is Leader, Deputy Leader or Executive Member) cannot receive any payment from any community or town council, other than travel and subsistence expenses and reimbursement of costs of care.</p>
Comments	No Change. Agreed.

Agenda Item 13.



Report of the Head of Democratic Services

Council – 2 December 2021

Councillor Safety & Support

Purpose:	To provide support to all Councillors in discharging their role by agreeing in principal to the council funding appropriate security measures where councillors are at personal risk or significant threat.
Policy Framework:	Local Government (Democracy) (Wales) Act 2013. Local Government (Wales) Measure 2011 Independent Remuneration Panel for Wales Annual Report.
Consultation:	Access to Services, Finance, Legal, Democratic Services Committee.
Recommendation(s):	It is recommended that: 1) Where a Councillor is at personal risk or significant threat of harm in carrying out their role that consideration is given to funding appropriate security measures. 2) Authority be delegated to the Head of Democratic Services and the Chief Finance Officer to consider and determine any request for such funding. 3) A document relating to the Personal Safety of Councillors be included in the Local Government 2022 Candidate Packs.
Report Author:	Huw Evans
Finance Officer:	Ben Smith
Legal Officer:	Tracey Meredith
Access to Services Officer:	Rhian Millar

1. Introduction

- 1.1 At its meeting on 29 January 2019, the Democratic Services Committee considered the “Personal Safety for Councillors” report. This was circulated to Councillors at that time.
- 1.2 Following the tragic murder of Sir David Amess MP on 15 October 2021, that report together with a list of additional online resources directed at a Councillors Personal Safety and Online Abuse was circulated via email to Councillors.
- 1.3 The Council report of 29 January 2019 included a section on Lone Working. The report may be viewed at:
- <https://democracy.swansea.gov.uk/documents/s53371/Personal%20Safety%20for%20Cllrs.pdf?LLL=0>
- 1.4 The additional resources may be viewed at:
- i) [Councillors' guide to handling intimidation | Local Government Association \(Welsh version\)](#).
 - ii) [Personal safety | Local Government Association \(Welsh version\)](#).
 - iii) ‘Rules of engagement’ [infographic](#) for Councillors to use on social media to give all users a clear ‘code’ by which they should operate (also in [Welsh](#)).
 - iv) ‘Rules of engagement’ [infographic](#) for Candidates to use on social media to give all users a clear ‘code’ by which they should operate (also in [Welsh](#)).
 - v) ‘Handling online abuse’ [infographic](#) - a quick reference guide for Councillors with steps they can take to protect themselves online and seek support where needed. (also in [Welsh](#)).
 - vi) [Improving digital citizenship: A practical guide for councillors | Local Government Association \(Welsh version\)](#).
 - vii) [Research and Good Practice Improving digital citizenship: Research and good practice | Local Government Association \(Welsh version\)](#).
- 1.5 Additionally, the Welsh Local Government Association (WLGA) will be writing a letter on behalf of the WLGA to Police and Crime Commissioners and Chief Constables to ensure that they also consider the risks, abuse and threats Councillors, particularly senior Councillors, face.

2. Independent Remuneration Panel for Wales’ Determinations

- 2.1 The Independent Remuneration Panel for Wales’ Annual Report states that the Authority must support the work of its Councillors and Statutory Co-opted Members to enable them to carry out their duties.
- 2.2 To support their work, the Council provides access to e-mail, telephone, data, ICT etc. However, the Authority must also support the safety of Councillors.

2.3 The following in *italics* is an extract from the IRPW Annual Report:
“As a result of their legitimate actions as a Councillor and elected Members personal security may become significantly, adversely affected. In keeping with their existing responsibilities, it is the duty of the Democratic Services Committee to fund or provide support necessary to enable a Councillor to discharge their role reasonably and safely. This may require the funding of appropriate security measures to protect Councillors from personal risk or significant threat. Risk assessment and liaison with relevant bodies such as the Police and Security Services would normally inform the selection of required provision”.

2.4 In light of recent events, the Committee need to consider how such support should be provided.

3. Responsibility of the Democratic Services Committee

3.1 Whilst the Democratic Services Committee is under a duty to fund and provide the support necessary to enable councillors to discharge their roles reasonably and safely it is not practicable to bring individual requests to the Committee, particularly as some requests may be urgent.

3.2 It is proposed that the Head of Democratic Services and Chief Finance Officer be delegated authority to consider any requests to provide funding for appropriate security measures by Councillors.

3.3 Any such request will be considered on its merits but there will be an expectation that security measures have been advised by the police or security services. The relevant bodies would normally inform the required provision of support and any funding would be reasonable and proportionate.

4. Democratic Services Committee – 8 November 2021

4.1 The Democratic Services Committee held on 8 November 2021, considered the report and recommended to Council that:

- i) Where a Councillor is at personal risk or significant threat of harm in carrying out their role that consideration is given to funding appropriate security measures.
- ii) Authority be delegated to the Head of Democratic Services and the Chief Finance Officer to consider and determine any request for such funding.

5. Financial implications

5.1 It is difficult to outline the financial implications; however, any payment would be reasonable and proportionate and be based on a risk assessment and liaison with police/security services. The monies would be found within existing budget where possible.

6. Legal Implications

- 6.1 The Local Government (Democracy) (Wales) Act 2013 amended the Local Government Measure 2011 to provide that Democratic Services Committees may review any matter relevant to the support and advice available to members of that Authority. The IRPW clearly view considerations for safety and funding of security measures to be within the remit of the Committee.

7. Integrated Assessment Implications

- 7.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
 - Deliver better outcomes for those people who experience socio-economic disadvantage
 - Consider opportunities for people to use the Welsh language
 - Treat the Welsh language no less favourably than English.
 - Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 7.2 The Well-being of Future Generations (Wales) Act 2005 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.
- 7.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.
- 7.4 An IIA screening has been undertaken and no adverse implications have been noted.

Background Papers: None

Appendices: None



Council – 2 December 2021

Councillors' Questions

Part A – Supplementaries

1 Councillors Will Thomas & Myles Langstone

A recent planning application that has been granted to develop the former Oyster Lounge in Mumbles from a bar to flats saw only three properties consulted on the application. This application will have a big impact both during the building period and after construction with enormous strain on the already very limited parking in the area. I feel many more properties should have been informed about this application. Could you please explain how you calculate who should receive a planning notification letter. Would you also consider a review of this.

Please see below the reply on how the calculation for parking provision was made on this application. This might fit nicely into a policy but in the real world living in a fishing village with very little parking this does not (also there is no way the old Oyster Lounge ever generated 45 visitors by car) I would ask the Cabinet Member to kindly review the planning procedures for flats and parking provision (on residential and change of use) as this is clearly not a one size fits all. Would the Cabinet Member please commit to this.

Supporting extract from officer reply:

The Authority's Parking Standards SPG advises that C3 properties should have a minimum of 1 parking space per bedroom for up to a maximum of 3 per property, with an additional space per bedroom above this and 1 visitor space per 5 flats. The development would therefore generate demand for 9 parking spaces for future occupants, with an additional space for visitors, and 10 in total. This can be potentially reduced to one space per flat in highly accessible locations. However as per the SPG the existing social club use creates a demand for 1 commercial space, 1 space per 3 staff and 1 space per 5sqm of public area including servery. The existing useable public area within the club measures approximately 220sqm. This would result in an existing use parking requirement in excess of 45 off street parking spaces, with additional required for a currently unknown number of staff. Furthermore the existing ancillary 3 bedroom residential flat to the second floor generates a demand for at least 1 space, in this accessible location.

Response of the Cabinet Members for Delivery & Operations and Environment Enhancement & Infrastructure Management

The requirement to publicise planning applications is set out by Welsh Government in Article 12 of the Town and Country Planning (Development Management Procedure) (Wales) (Order) 2012. The Council publicises applications in line with this legislation.

In the case of the application referred to, the legislation required the application to be publicised either:

(a) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or

(b) by serving the notice on any adjoining owner or occupier.

The Authority not only displayed a site notice but also notified adjoining owner/occupiers. The publicity for the application therefore exceeded the statutory requirement. In addition to this, all planning application are included on the weekly list of applications received and are available to view on the Council website.

In terms of the parking standards SPG, we are currently looking at the City Centre core area. Rather than new SPG, we are looking at applying the existing sustainability criteria to remap the defined city centre core as an area with high accessibility.

Once this is complete we are intending to apply the same rationale to other district centres, which have good active travel, public transport penetration and local services.

In terms of the parking requirements for an existing use, this fallback position is a material consideration and if the Council refuses a planning application on these grounds, Inspectors at appeal will give significant weight to the car parking requirements of an existing use when assessing the car parking requirements and impacts from a proposed use.

2 **Councillors Chris Holley, Mary Jones & Jeff Jones**

We have been informed that death certificates are currently only being issued electronically. Does the Cabinet Member think this is the way this council should be working as some bereaved relatives are finding this process difficult and upsetting. Can he comment why we cannot provide this as a face-to-face service when other service providers can take necessary steps to protect their staff but still meet with the public.

Response of the Cabinet Member for Delivery & Operations

Civil Registration is a Statutory role undertaken by the Local Authority via the Superintendent Registrar on behalf of the General Register Office (GRO), therefore direction is taken on how the service operates from the Register General.

Supplementary information on this is provided below.

Following governments measures to manage the Coronavirus outbreak, on the 24th March 2020 Andrew Dent the Deputy Registrar General issued guidance to all English and Welsh Registration services advising of the move away from face to face death registrations for England and Wales.

Swansea Registration Services implemented that change immediately and continue to work in accordance with that guidance.

Exceptions in accordance with our risk assessment will of course be made for any individuals / informants whom are unable to exchange information remotely / electronically or wish to give notice face to face.

Supplementary Information:

The provisions for registering a birth and death are contained in the Birth and Death Registration Act 1953.

The Coronavirus Act 2020 amended the Act to put easements in place for the registration of deaths. An emergency bill was passed through the house of commons 23rd March 2020 and allowed for paper based processes to be carried out electronically. This facilitated the move away from face to face death registrations.

Changes to the Births and Deaths (Electronic communications and electronic storage) order coming into force on the 1st December 2021 will allow for the continuation of associated documentation to be transferred electronically.

This will not only enable the easements contained in the Coronavirus Act 2020, in relation to the electronic transmission of documents for death registrations, to continue but it will also extend the provision to include births and still-births in the future.

These measures will see a change from the traditional face to face Civil Registration processes, which might not have changed if it wasn't for the Covid Pandemic but as stated above exceptions will be made should the request be made.

It is understood that there may be some informants that may be upset from the lack of face to face contact but our experience is that in the majority of cases avoiding face to face contact whilst exchanging extremely upsetting information is very much preferred.

Apart from the health protection benefits to staff and the general public from less face to face interaction due to Covid, there are business / service benefits from the quicker transfer of information electronically, allowing for more registrations to be undertaken on a daily basis. This does reflect a general direction of travel by the GRO towards a digital first model for registrations.

3 Councillors Cyril Anderson, Bev Hopkins, Mike Lewis & June Burtonshaw

In the light of a number of alarming media stories about drink spiking and other forms of violence and abuse in Swansea and across the UK, can the Cabinet Member outline the work which is being done by the Council and in partnership with others to keep residents safe.

Response of the Cabinet Member for Supporting Communities

The council departments are working with other agencies and South Wales Police as well as a co-ordinated response through the Safer Swansea Partnership and the Evening and Night Time Economy groups.

Some of the key areas of work include:

- Establishment of weekly engagement sessions at the three main city centre student accommodations (Roost, Coppergate and Fusion). These sessions are also attended by Community Safety officers, South Wales Police and University Liaison staff.
- Spiking is discussed at the multi partnership Evening & Night Time Economy meetings (ENTE). Local businesses alongside Police, Local authority services (licensing, trading standards, community safety), health are in attendance along with other stakeholders

	<ul style="list-style-type: none"> • Swansea Bay University Health Board collating information and producing a report on the local spiking picture – numbers, admissions, welfare advice and support. • Spike awareness posters are being delivered to all ENTE venues and Universities (accommodation & campus). • Swansea licensees meeting is agreeing upon a coordinated approach from all of our ENTE venues. • Attendance by team members and Presentation at recent student meetings as part of a broader discussion on safety matters. • Promotion of White Ribbon day throughout Swansea. • Work is ongoing to target night time economy staff for increased awareness raising and training on all forms of Violence against Women, domestic abuse and sexual violence and identifying predatory behaviours in bars and clubs. A Safer Swansea partnership bid was submitted in September to secure funds for a large scale training rollout for bar and door staff, additional policing and working towards developing 'Safe Spaces' for anyone feeling vulnerable or that they have been a victim of spiking or other forms of harassment or abuse. The 'Ask for Angela' campaign is also being considered where bars and clubs display a poster encouraging people to 'Ask for Angela' if they have any concerns about their safety while at a bar, club or restaurant.
4	<p>Councillors Will Thomas & Linda Tyler-Lloyd</p> <p>At the last meeting of full council the leader announced additional funding for skate parks in Swansea. What if any of these funds are going to be made available towards the Mumbles MCC skate park project.</p> <p>Response of the Leader/ Cabinet Member for Investment, Regeneration & Tourism</p> <p>The additional funding has been made available to improve the Council's skate facilities across the city/county and potentially provide new facilities in areas of high demand, not adequately served. There are no plans to use the funding to resource existing projects or facilities led by third parties including Community Councils, or which are assumed to already be resourced.</p>
5	<p>Councillors Wendy Fitzgerald, Kevin Griffiths & Chris Holley</p> <p>Does the Leader support the view that reusing existing buildings has a key role to play in making our built environment greener and more sustainable.</p> <p>Does he also consider that demolition can be a wasteful and often unnecessary process. If so, should the Council be playing a more active role in encouraging the repurposing of existing buildings rather than countenancing total demolition.</p> <p>Response of the Leader</p> <p>The regeneration & development process is complex and site specific. In some cases, for development viability reasons, it makes sense to demolish redundant buildings and rebuild with new, modern structures, that are functional and energy efficient, and which meet the needs of future occupiers and investors. However, in other situations, the reuse of an existing building is far more appropriate, depending on the context and planning restrictions that may apply. We recognise that each regeneration project is therefore unique, and the case for demolition, or retention & reuse, or in some cases a mix of both, is subject to a detailed assessment of the</p>

	<p>various constraints, aspirations and viability. The Council considers all of these issues when identifying potential regeneration scenarios to find the optimum solution that maximises the economic, social and environmental well-being of Swansea.</p>
6	<p>Councillors Peter Black, Mike Day & Graham Thomas</p> <p>What is the council's attitude to electronic and online petitions.</p> <p>Response of the Cabinet Member for Delivery & Operations</p> <p>Section 42 of the Local Government & Elections (Wales) Act 2021 places a duty on each principal Council to publish a Petitions Scheme setting out how the Council intends to handle and respond to Petitions and ePetitions. This duty will be enacted in May 2022 following the Local Government Elections on 5 May 2022.</p> <p>The Head of Democratic Services is actively working with other Authorities throughout Wales in relation to the parameters of a Petitions Scheme and a report will be presented to Council in due course. The software allowing the Authority to carry out ePetitions is scheduled for installation in December 2021.</p> <p>In specific response to the question, the Council is in favour of public participation and engagement and supportive of the legislative requirement.</p>
7	<p>Councillors Wendy Fitzgerald, Gareth Sullivan & Cheryl Philpott</p> <p>The LDP acknowledges that Green Wedges are required to safeguard the openness of land and to prevent settlement coalescence. Nonetheless, some Green Wedges have been reconfigured and reduced in order to accommodate large scale housing developments which are also being widely constructed in other Greenfield locations. Given the appalling state of biodiversity within the UK, which is in the bottom 10% globally and the lowest of all the G7 group of countries, does the Cabinet Member consider that an urgent rethink should be carried out to ensure that the perceived housing need is met by building only on Brownfield sites rather than destroying more of our Greenfield legacy.</p> <p>Response of the Cabinet Member for Delivery & Operations</p> <p>The adopted Swansea LDP incorporates a growth strategy that seeks to maximise development on the County's available brownfield land, where such sites are viable. It also acknowledges that a significant element of future growth will need to be delivered on greenfield sites having regard to the evidence that illustrates a deficit of suitable previously developed land. There are a range of detailed LDP policies that ensure development on greenfield sites is carried out in a sustainable manner, with an emphasis on maximising the retention of greenspace, in order to meet key Council objectives relating to biodiversity, climate change and health and wellbeing. The Council has also adopted Supplementary Planning Guidance (SPG) that provide further detail on how planning applications will be determined having regard to the need to maintain and enhance biodiversity, and deliver sustainable healthy places in accordance with placemaking principles.</p> <p>LDP Policy ER 3 'Green Wedges' identifies the land that meets the policy objectives set out in PPW (section 3), namely to maintain openness and provide a buffer between the settlement edge and statutory designations, and to safeguard important views. The identification of ecological or community value lies outside the scope of Policy ER3 designations. The Green Wedges identified in the LDP were formulated</p>

	<p>as part of the statutory LDP preparation process, with regard to the associated supporting evidence and stakeholder consultation. All relevant assessment documents and consultation reports are available on the planning web pages of the Council's website. The process carried out to define the Green Wedge boundaries for the LDP included a review of land previously designated as green wedge in the now superseded UDP. In a number of cases, it was concluded that UDP green wedges were not serving the required policy objectives and were therefore removed to ensure the designations complied with national policy.</p> <p>A review of the LDP growth strategy, including housing requirements and associated available land supply will be carried out as part of the Statutory Plan Review process. This would also include, where appropriate, a review of Green wedge designations.</p>
	Part B – No Supplementaries
8	<p>Councillors Mike Day, Jeff Jones & Cheryl Philpott</p> <p>Can the Cabinet Member tell Council the reason for the barriers being placed across the cycle paths on Mayals Road. Can he tell us when the paths on Mayals Road will be fully operational.</p> <p>Response of the Cabinet Member for Environment Enhancement & Infrastructure Management</p> <p>Weather permitting, work to construct the new Active Travel route along Mayals Road will be completed by the end of November. The final element of work will involve the provision of new road markings which are subject to dry weather. The barriers that are currently installed on site will be removed once the works are complete.</p>
9	<p>Councillors Mike Day, Cheryl Philpott & Mary Jones</p> <p>We welcome the consultation on the extension of the Shared Use Paths and providing drop-in sessions. Can the Cabinet Member tell Council:</p> <ol style="list-style-type: none"> In addition to the website and media releases, was a leaflet drop to residents organised. If so, what streets were included. <p>Response of the Cabinet Member for Environment Enhancement & Infrastructure Management</p> <p>I assume the question is referring to the consultation exercise associated with the revised Integrated Network Map (INM), rather than the specific community engagement associated with the delivery of one of the number of Active Travel schemes being developed this year. The INM covers the entire authority and as such it would not be feasible to letter drop every resident. Extensive effort has been made to ensure that all members of the community are provided with opportunity to be part of the consultation process for the new network map. This has included consultation via the options listed below:</p>

- Commonplace early engagement with the general public 22nd February to 9th April 2021, accompanied by bi-lingual social media and radio campaign to promote and signpost people to provide their views on walking and cycling in Swansea.
- Early stakeholder workshop held on 14th April 2021, with attendees from a wide and diverse range of groups / organisations. This session was followed by a number of individual meetings and communications with groups / organisations who attended.
- Formal public consultation launched 23rd August 2021 via the Swansea Council website, with draft ATNM and information on the consultation.
- An email and briefing note summarising the project was sent to stakeholder groups, community groups and ward members.
- An email inviting these groups to join a webinar / online presentation (2 dates offered – 19th October and 2nd November 2021) was sent, along with a specific offer that the project team would cater for any particular requirements.
- As part of the consultation, 5 face-to-face engagement sessions were scheduled strategically across Swansea, to allow ease of access to local venues in October and November. These sessions were organised to allow members of the public to discuss plans in further detail and gave opportunity to members of the public who may not be able to view maps online to discuss plans in person. Venues included; Mumbles (Ostremer Centre), City Centre (Civic Centre Central Library), Clydach (Forge Fach Community Centre), Gorseinon Library and Penlan Leisure Centre. All venues had disabled access.
- A bi-lingual video was posted on the consultation webpage, with audio content, explaining the ATNM process and outlining the consultation process. This approach was welcomed by access groups, and also served to provide an alternative for those not wishing to physically attend the face-to-face sessions in light of the continuing Covid-19 pandemic.
- The project team has engaged with representatives from 'Vision Impaired West Glamorgan', Guide Dogs Cymru and Sight Life Wales to determine the best means of engaging visually impaired users.
- On 28th October we will be gave a verbal presentation to the County Steering Group chaired by Vision Impaired West Glamorgan and attended by a number of disability and access organisations / groups, to discuss the ATNM process and gain feedback from their Members.
- To engage young people we have reached out to all schools in Swansea and in November will be delivering lessons to Y6-9 year groups around active travel and barriers to walking and cycling. We have also provided lesson plans to a number of schools within Swansea that will deliver sessions and provide feedback to the project team for review with the draft ATNM.
- Hands-up Surveys will also be sent to schools in Swansea for additional data on modes of travel in schools we are unable to visit and deliver sessions to.
- A further dedicated session is planned with Higher Education establishments in Swansea on the 9th November 2021, following their participation in wider stakeholder workshops.
- A range of social media posts to advertise the consultation have taken place throughout the consultation to both advertise the online survey and the face to face sessions
- Leaflet drops have been conducted to a range of businesses in the city Centre and surrounding retail parks.
- Mailchimp newsletters have been sent to both Swansea Bayways news subscribers and to news subscribers of the previous commonplace engagement page to encourage participation in the formal consultation.

	<p>The approach to community engagement when delivering specific projects following the completion of the INM stakeholder process is dictated by a number of factors; to include location, catchment, user groups and recent restrictions around covid measures. The team has used letter drops, website updates, local press and social media notices in attempt to be as inclusive as possible. The design teams have also worked closely with the respective ward members and invited suggestion as to how best to engage with the communities in which the works are being developed.</p>
10	<p>Councillor Lynda James, Jeff Jones & Susan Jones</p> <p>There appears to be difficulty in recruiting staff especially in Highways and Social Care currently. Will the Cabinet Members inform Council as to why they think there is this problem and what steps are being taken to improve the situation.</p> <p>Response of the Cabinet Members for Delivery & Operations</p> <p><u>Highways & Transportation:</u></p> <p>The construction and engineering industry is currently challenged due to a large increase in projects being delivered both within the region and across the UK.</p> <p>Increased market rates and the limited pool of talent within the market place exacerbate the situation, with some local authorities offering market supplements to try and compete for applicants. An example of the challenge is that the service recently went out to advert for technical posts within the Capital projects Team. Five posts were advertised and only two applications were received. One of which was from an individual wanting to work remotely from another part of the UK and the other was from an individual without the required level of experience.</p> <p>This type of issue has been raised nationally at County Surveyors Society (CSS Wales) meetings and is posing a challenge for the majority of authorities and consultancy's in Wales. It is widely recognised that this is a challenge across the sector.</p> <p>The authority has sought to address this growing issue by developing a regional higher apprenticeship skills programme. This is already proving a huge success, but will take time for new trained individuals to achieve the desired level of experience required. In addition to this the Place Directorate is submitting a bid to the Economic Recovery Fund to establish training posts for a three to four year period to help tackle the longer term shortage of skills.</p> <p>Longer term construction programmes such as Swansea Central and the Active Travel programme are providing continuity of funding and will support the development of new skills within the region.</p> <p>To note there is also the Talent and Skills Forum recently established as part of the City Deal which will hopefully support Swansea in finding recruitment solutions.</p> <p>Whilst officers are continuing to exploring more creative ways to get individuals on board, we envisage that appointment and retention will remain challenging for the foreseeable future.</p> <p><u>Social Services</u></p> <p>Child and Family Services</p>

Whilst there has always been challenges within front line Child Protection Social Work Teams, within the Authority, it is evident that the global pandemic has impacted further on our ability to maintain a stable workforce who are responsible for case managing our most high risk and complex cases in the service.

There have been significant issues in recruitment and retention in this specific area, this has included Newly Qualified Social Workers (NQSW) leaving the Authority to work for agencies for a considerably higher rate of pay (one of which had only been with the Authority for 6 weeks). Agencies are currently paying NQSW in excess of £30 per hour and more qualified Social Workers between £36 and £40 per hour which is a far higher rate than would have been offered pre-Covid. This is in the face of a national lack of Social Workers in frontline child protection teams. The vacancy rates in the three area social work teams is currently 30%, with this increasing by the end of the calendar year.

Staffing is now at a critical point in the area teams, and despite consistent attempts to recruit. A recent social worker advertisement attracted only 2 candidates, one was shortlisted and appointable in interview but subsequently declined the job offer (remaining in an alternative agency job). A recent senior social worker advertisement attracted no candidates

A range of solutions are being implemented over the immediate, short and medium term to alleviate the pressures in the frontline area social work teams, offers of incentives to retain and attract social work staff and provide assurances that statutory duties and regulatory requirements can be met.

Adult Services

The staffing pressures within Adult Services, as a result of the pandemic, are predominantly in Service Provision within Residential Care and Home Care.

Recruitment Drive

- 3 recruitment drives for both residential services and homecare has resulted in bolstering our workforce considerably during the pandemic. The campaigns have attracted an additional 122 front line staff.

Regional Proposal

- Across the West Glamorgan region all externally commissioned domiciliary care and supported living Providers have received an in year 10% uplift to fee rates, specifically to help resolve workforce pressures. This increase has been awarded from the beginning of October 2021 and will help to stabilise services by improving rates of pay and reducing workforce leaving care work for employment in other sectors. This increase has been paid to Providers on the basis that it must be used to increase rates of pay to at least Real Living Wage levels for all workers. This takes rates of pay to a minimum of £9.90 per hour. The precise arrangements and rates of pay has been left to individual agencies to determine given their different cost structures. Following the 10% most agencies are now paying rates which are higher than £9.90 per hour.
- Achieving a standardised uplift across the region removes problems where providers are working across borders. Further increases may be necessary in April 2022 to maintain parity with RLW and likely inflationary pressures.
- A joint recruitment campaign has commenced, led by the Health Board, to support all partners within the region, Health Board, Neath/Port Talbot and Swansea Council with the on-going problems associated with staffing in the

sector. The aim of the campaign is to recruit care workers via the Health Board and then second the individual to an authority of their choice, for 6 months, to be part of the Homecare Team.

National Work

- A national project has been developed to promote recruitment in to the Care Sector called WeCare Wales, the project lead is Social Care Wales. The WeCare web site has information about the range of job roles across the sector and videos of “real people” speaking about their jobs. This is an additional resource for Social Services to advertise and promote their vacancies.

11 Councillors Lynda James, Susan Jones & Kevin Griffiths

Will the Cabinet Member tell Council how many bikes were first purchased with the cycle hire scheme:-

- (a) how many have been purchased since that time, and at what cost and
- (b) how many bikes are there;
- (c) what is the usage rate.

Response of the Cabinet Member for Environment Enhancement & Infrastructure Management

The Santander bike share scheme in Swansea, is managed and operated by Swansea University. Initially the scheme operated with 50 bikes across the network.

Since the initial launch of the scheme, 20 more bikes have been added to the scheme, to total 70 bikes available across 6 stations. As the scheme is operated by Swansea University in collaboration with Santander and Next Bike, cost figures for purchasing additional bikes are currently unavailable.

The usage rates can be seen in the below graph showing rentals per month. There has been a significant growth in rentals per month in 2020 in comparison with initial 2018 levels of hire. Average rentals per month in 2020 (1,956) were 59% higher than average rentals per month in 2018 (1,189) and January 2021 saw a 155% growth in rentals compared to January 2020. The service was temporarily unavailable during early to mid-2020 due to the covid-19 pandemic.

