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For all enquiries relating to this agenda please contact Emma Sullivan
(Tel: 01443 864420 Email: sullie@caerphilly.gov.uk)

Date: 5th December 2018

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Dear Sir/Madam,

A meeting of Council will be held in the Council Chamber - Penallta House, Tredomen, Ystrad Mynach on Thursday, 13th December, 2018 at 5.00 pm to consider the matters contained in the following agenda.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Chrissy Harrhy'.

Christina Harrhy
INTERIM CHIEF EXECUTIVE

AGENDA

Pages

- 1 To receive apologies for absence.
- 2 Mayor's Announcements.

A greener place Man gwyrddach



3 Presentation of Awards.

4 Declarations of Interest.

Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.

To approve and sign the following minutes: -

5	Special Council held on the 31st July 2018.	1 - 4
6	Council held on the 9th October 2018.	5 - 16
7	To receive Petitions.	
8	Notice of Motion - 20's Plenty Campaign.	17 - 20
9	Notice of Motion - Caerphilly Police Station.	21 - 24

To receive and consider the following reports: -

10	Public Services Ombudsman for Wales Annual Letter 2017/18.	25 - 34
11	Proposed Changes to the Constitution.	35 - 44
12	Review of Political Balance.	45 - 48
13	Gambling Act 2005 - Review of Statement of Licensing Policy.	49 - 108
14	Internal Investigation of Senior Officer - Additional Financial Provision.	109 - 114

To note the following minutes: -

15	Standards Committee held on the 2nd November 2018.	115 - 120
16	Statement from the Leader of Council.	
17	To receive and to answer questions received under Rule of Procedure 10(2).	121 - 122

Circulation:

All Members And Appropriate Officers

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Agenda Item 5



SPECIAL MEETING OF COUNCIL

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON
TUESDAY, 31ST JULY 2018 AT 5.00 PM

PRESENT:

Councillor M. Adams – Mayor
Councillor J. Simmonds – Deputy Mayor

Councillors:

Mrs E.M. Aldworth, C. Andrews, J. Bevan, C. Bezzina, L. Binding, A. Collis, S. Cook, D. Cushing, C. Cuss, W. David, D.T. Davies, M. Davies, K. Dawson, C. Elsbury, K. Etheridge, M. Evans, A. Farina-Childs, Mrs C. Forehead, Miss E. Forehead, J.E. Fussell, A. Gair, Ms J. Gale, N. George, C. Gordon, R.W. Gough, D.T. Hardacre, L. Harding, D. Harse, A. Higgs, A. Hussey, M.P. James, V. James, L. Jeremiah, G. Johnston, Mrs B.A. Jones, G. Kirby, Mrs P. Marsden, Mrs G.D. Oliver, B. Owen, T. Parry, Mrs L. Phipps, D.V. Poole, D.W.R. Preece, Mrs D. Price, J.E. Roberts, Mrs M.E. Sargent, G. Simmonds, Mrs E. Stenner, J. Taylor, A. Whitcombe, R. Whiting, L.G. Whittle, W. Williams, B. Zaplatynski

Together with:

C. Harrhy (Interim Chief Executive), R. Edmunds (Corporate Director for Education and Corporate Services), N. Scammell (Head of Corporate Finance and Section 151 Officer), S. Harris (Interim Head of Corporate Finance), A. Southcombe (Finance Manager - Corporate Finance), L. Lane (Interim Monitoring Officer) and R. Barrett (Committee Services Officer)

1. WEB-CASTING FILMING AND VOTING ARRANGEMENTS

The Interim Chief Executive reminded those present that the meeting was being filmed and would be made publicly available in live and archive form via the Council's website. She advised that decisions on the evening's agenda would be made by way of the electronic voting system.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A. Angel, P.J. Bevan, N. Dix, D. Havard, S. Kent, Mrs A. Leonard, Ms P. Leonard, C.P. Mann, B. Miles, S. Morgan, J. Pritchard, J. Ridgewell, R. Saralis, J. Scriven, S. Skivens, C. Thomas and T.J. Williams.

3. SOUTH WALES FIRE AND RESCUE SERVICE

The Mayor called upon Councillor D.T. Davies to address Council, who highlighted the recent spate of grass and mountain fires across the county borough and the heightened workload for

the South Wales Fire and Rescue Service (SWFRS). Councillor Davies praised fire staff for their dedication and professionalism in dealing with these recent incidents, and he also referred to the overwhelming public response and community spirit which saw large collections of food and drink supplies being donated to the firefighting crews on site. He requested that a letter of thanks be sent to the Chief Fire Officer at SWFRS on behalf of the Council to thank staff for their efforts.

Members echoed these sentiments and expressed their thanks for the relentless work of SWFRS staff in these very difficult conditions given the recent heatwave. Members expressed the importance of education in promoting the dangers of deliberate fire-starting and suggested that the relevant Officers could liaise with SWFRS on this matter.

Following due debate, it was unanimously agreed that a letter of thanks be sent to the South Wales Fire and Rescue Service in order to convey the Council's gratitude to all staff for their efforts in dealing with the recent fires.

4. DECLARATIONS OF INTEREST

There were no declarations of interest received at the commencement or during the course of the meeting.

REPORTS OF OFFICERS

Consideration was given to the following report.

5. FINANCIAL STATEMENTS FOR 2017/18

Consideration was given to the report, which sought Council approval of the audited 2017/18 Financial Statements, to ensure that the accounts could be signed-off by the Wales Audit Office by the statutory deadline of 30th September 2018. Members were advised that the Council cannot realistically change anything in the Financial Statements, as any changes require the approval of the External Auditor.

Steve Harris (Interim Head of Corporate Finance) informed Members that at its meeting on 24th July 2018, the Audit Committee was presented with the External Auditor's ISA 260 Report on the audit of the 2017/18 Financial Statements. The Auditor's report (as attached at Appendix 1) stated that it was the Auditor General's intention to issue an unqualified audit opinion on the 2017/18 Financial Statements based on the audit work completed to date.

Mr Harris referred Members to Appendix 3 of the Auditor's Report which provides details of misstatements identified during the audit process that have subsequently been corrected by management. He confirmed that these adjustments have no impact on cash or General Fund balances. The 2017/18 Financial Statements attached at Appendix 2, which were endorsed by the Audit Committee at their meeting on 24th July 2018, incorporate all of the corrected misstatements, and Appendix 4 of the Auditor's Report details recommendations arising from the 2017/18 financial audit work, along with the management responses.

Members were also advised that at its meeting on 27th June 2018, Cabinet was presented with a report on the Provisional Outturn for 2017/18, which included details of movements on the General Fund balance from the 1st April 2017 to the 31st March 2018 along with agreed commitments for 2018/19. The forecast General Fund balance as reported to Council on 22nd February 2018 was £10m, and the updated position is a projected balance of £11.8m (an increase of £1.8m). It was noted that the Section 151 Officer normally recommends a

minimum General Fund balance of £10m (circa 3% of the net revenue budget).

Council were reminded that anticipated savings of circa £34m will be required for the four-year period 2019/20 to 2022/23, which is clearly extremely challenging and it is inevitable that some very difficult decisions will need to be made. With this in mind, Cabinet supported a recommendation to Council to transfer £1.8m from the General Fund into an Earmarked Reserve to provide funding for one-off costs associated with delivering savings to support the Medium-Term Financial Plan (MTFP).

Clarification was sought on the specifics of the one-off costs to be funded by the transfer of funds. Officers explained that this will include some one-off support for part-year savings, Invest To Save proposals to support service changes that will deliver recurring savings, and vacancy management costs. In response to a query on the main financial challenges for 2019/20 and the services that could potentially be rationalised, Members were advised that it is becoming increasingly challenging to deliver all services in view of the level of savings required for 2019/20 and that some hard decisions will need to be made regarding the provision of discretionary services. It was emphasised that all service budgets and expenditure is being thoroughly examined to determine where potential savings can be made. During the course of the debate, Members also expressed the need for caution when considering the reduction or removal of discretionary services and made reference to the potential impact this could have for residents and the knock on effect this could have on statutory services.

Reference was made to the Audit Committee meeting of 24th July 2018 and Council were asked to note that the Committee had supported the approval of the Financial Statements for 2017/18. A query was raised in relation to the Council's pension liabilities and the Member asked for a response on the matter to be provided to him following the meeting. Reference was made to borrowing associated with the Housing Revenue Account and in a response to a query on the level of compound interest and if these charges had been included in the business plan accepted by Cabinet, it was confirmed that was the case and that this had been included as HRA expenditure and related to the costs associated with the WHQS programme.

In response to a query on an increase in earmarked reserves during the past year, Members were reminded that the Policy and Resources Scrutiny Committee receive an annual update report on reserves which allows the balances to be scrutinised. It was explained that further information on all reserves that the Council holds will be shared at the Members' MTFP Seminar in November 2018 and will allow for Members to ask further questions in this regard. All reserves are being reviewed in detail and any that can be identified as potentially being open to release for one-spend i.e. capital will be included in the budget report being presented to Council in February 2019.

In referring to the proposed transfer of funds from the General Fund into an Earmarked Reserve, a Member asked if there are sufficient funds remaining to meet any further financial provision that may be required for the ongoing Senior Officer investigation. Officers explained that this is funded from reserves other than the General Fund (such as the Corporate Services Retained Underspend Reserve) and that there are no concerns in regards to meeting any further costs. It was also emphasised to Members that reserves cannot be used to fill gaps in budgets, in that they can only be used to assist in one-off costs and spends, and cannot be used to offset savings proposals or plug the gap for recurring revenue savings.

Following consideration of the report, it was moved and seconded that the recommendations in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the report:-

- (i) the final audited 2017/18 Financial Statements be approved;

- (ii) the transfer of £1.8m from the General Fund into an Earmarked Reserve to provide funding for one-off costs associated with delivering savings to support the MTFP be approved.

Members placed on record their appreciation to all those involved in the preparation of the 2017/18 Financial Statements and requested that a letter of thanks be sent to Council staff in this regard.

The meeting closed at 5.35 p.m.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 9th October 2018, they were signed by the Mayor.

MAYOR

Agenda Item 6



COUNCIL

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON TUESDAY, 9TH OCTOBER 2018 AT 5.00 PM

PRESENT:

Councillor M. Adams - Mayor

Councillors:

Mrs E.M. Aldworth, C. Andrews, A. Angel, L. Binding, A. Collis, S. Cook, D. Cushing, C. Cuss, W. David, D.T. Davies, M. Davies, K. Dawson, N. Dix, C. Elsbury, K. Etheridge, M. Evans, A. Farina-Childs, Miss E. Forehead, J.E. Fussell, A. Gair, Ms J. Gale, N. George, C. Gordon, R.W. Gough, D.T. Hardacre, L. Harding, D. Harse, D. Havard, A. Higgs, A. Hussey, M.P. James, L. Jeremiah, Mrs B.A. Jones, S. Kent, Mrs A. Leonard, Ms P. Leonard, C.P. Mann, Mrs P. Marsden, B. Miles, S. Morgan, T. Parry, Mrs L. Phipps, D.V. Poole, D.W.R. Preece, J. Pritchard, J. Ridgewell, J.E. Roberts, R. Saralis, Mrs M.E. Sargent, S. Skivens, Mrs E. Stenner, J. Taylor, C. Thomas, A. Whitcombe, R. Whiting, L.G. Whittle, T.J. Williams, W. Williams, B. Zaplatynski

Together with:

C. Harrhy (Interim Chief Executive), R. Edmunds (Corporate Director - Education and Corporate Services), D. Street (Corporate Director - Social Services and Housing), M.S. Williams (Interim Corporate Director - Communities), K. Cole (Chief Education Officer), S. Harris (Interim Head of Business Improvement Services), R. Kyte (Head of Regeneration and Planning), S. Richards (Head of Education, Planning & Strategy), K. Peters (Corporate Policy Manager), D. Lucas (Team Leader Strategic and Development Planning), R. Tranter (Head of Legal Services and Monitoring Officer) and R. Barrett (Committee Services Officer)

1. WEB-CASTING FILMING AND VOTING ARRANGEMENTS

The Mayor reminded Members that under the Council's Constitution, they should stand when addressing the Mayor unless dispensation has been given for them to remain seated. It was noted that Officers currently sit when speaking due to the current webcasting camera configuration but that this protocol will be examined for future meetings.

The Interim Chief Executive reminded those present that the meeting was being filmed and would be made publicly available in live and archive form via the Council's website. She advised that decisions would be made by way of the electronic voting system for items on the agenda.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J. Bevan, P.J. Bevan, C. Bezzina,

Mrs C. Forehead, V. James, G. Johnston, G. Kirby, Mrs G.D. Oliver, B. Owen, Mrs D. Price, J. Scriven, G. Simmonds and J. Simmonds (Deputy Mayor).

3. MAYOR'S ANNOUNCEMENTS

The Mayor referred to the many events and visits and the Deputy Mayor have undertaken since the last meeting. Occasions of note included the Goldwing Motorcycle Club event at Caerphilly RFC, two 100th birthday celebrations in Bedwas, the opening of the Gilberts Maze and Dragons Den in Caerphilly Castle, a dedication service at Markham Congregational Church, the recent Aber Valley Arts Festival, and the launch of the Healthy Schools celebration event.

The Mayor was pleased to report on the success of his first Mayor's Charity Concert for the year, and announced that entries for the Mayor's Christmas Card competition are now open. Members were invited to let the Mayor know of any forthcoming events that may be of interest.

During the course of the meeting, and on behalf of Llanbradach and Pwllypant Community Council, the Mayor was also presented with a £150 cheque for his Mayor's Charity, which he received with grateful thanks.

4. PETITIONS

The Mayor received the following petitions presented by Members on behalf of local residents and indicated they would be referred to the appropriate directorate for attention:

- (i) Enforcement action regarding unauthorised speeding and parking of vehicles in and around Blackwood Primary School - Councillor K. Etheridge;
- (ii) Action against possible closure of Cefn Fforest and Pontllanfraith Leisure Centres - Councillor K. Etheridge;
- (iii) Speeding vehicles through Wingfield Crescent, Llanbradach - Councillor R. Gough.

5. PRESENTATION OF AWARDS

Insport Development Bronze Award

Members were informed that the Council's Sport and Leisure Services department was recently awarded the Insport Development Bronze Award. The Insport Development programme aims to support the sport, leisure and physical activity sectors delivering inclusivity to disabled people. Sport and Leisure Services staff have shown a high level of dedication and commitment in the aims covered by this award, which included the delivery of service, workforce development and the provision of facilities.

Lawrence Conway (Chair of Sport Wales) together with Jared Lougher and Paul Taylor (Sport and Leisure Services) came forward in order to be congratulated by Members on their achievement.

UK Asbestos Training Association (UKATA) Workforce Development Award

Members were informed that the Council's Asbestos Health and Safety Training Team

recently received the 2018 UKATA Workforce Development Award.

The Council's asbestos awareness and training programme provides training to thousands of staff and contractors who assist with the maintenance of nearly 12,000 council houses and corporate buildings, as well as staff who work in numerous other areas. The training team is passionate about improving the skills and awareness of people coming into contact with asbestos, and help to ensure they and the people around them are kept safe.

Ali Rees-Evans and Helen Hill from the Council's Asbestos Health and Safety Training Team came forward in order to be congratulated by Members on their achievement.

6. DECLARATIONS OF INTEREST

There were no declarations received at the commencement or during the course of the meeting.

7. COUNCIL - 5TH JUNE 2018

RESOLVED that the following minutes be approved as a correct record and signed by the Mayor.

Council held on 5th June 2018 (minute nos. 1-13).

8. COUNCIL - 17TH JULY 2018

RESOLVED that the following minutes be approved as a correct record and signed by the Mayor.

Council held on 17th July 2018 (minute nos. 1-16).

REPORTS REFERRED FROM CABINET

Consideration was given to the following report referred from Cabinet.

9. ANNUAL PERFORMANCE REPORT 2017/18

Cabinet considered this report on 3rd October 2018 and in endorsing its content recommended its acceptance by Council.

The Performance Report is a statutory requirement under the Local Government (Wales) Measure 2009 and an important part of the Council's Performance Framework. The Council is required to assess its own performance and provide the public with a balanced picture of that performance. The report must also show how the Council performed against the Well-being Objectives it set itself for 2017/18, and must be published by 30th October 2018.

It was noted that the Council has been successful in delivering 2 of the 5 Well-being Objectives in 2017/18 and the other 3 have been judged as partly successful. The Annual Performance Report also compares the Council's performance against 20 public accountability measures (PAMs) along with the ranking positions over 3 years. 18 of these measures were used as a comparison to create a national picture across Wales. For

Caerphilly CBC, 8 of the 18 indicators are in the upper quartiles and 10 are in the lower quartiles when compared to the rest of Wales. In summary, 30% (6) improved on performance year on year, 40% (8) deteriorated year on year and 30% (6) could not be compared with the year before because they were new measures.

Members were asked to note that at its meeting on 3rd October 2018, Cabinet recommended that Council accept the Annual Performance Report for 2017/18, subject to the inclusion of two amendments at page 14 of the Report, namely that the icon for all pupils who leave compulsory education, training or work-based learning without an external qualification should state that a 'lower' number is preferred, and that the indicator at the bottom of the page should relate to pupils in local authority care only and should reflect that the indicator improved with a reduction from 18.8% to 8%. Since the publication of the agenda papers, further amendments were being required at page 28 of the report due to data validation in housing, namely that the percentage of housing stock up to the WHQS standard should be 73% (not 72%), that the satisfaction rate for internal works should be 80.6% (not 89%) and that the Council has a housing stock of 10,801 homes (not 10,785).

Council were therefore asked to accept the Annual Performance Report subject to the inclusion of the amendments agreed by Cabinet and the further amendments required in respect of housing data.

The Cabinet Member for Education and Achievement also presented a position statement in respect of educational attainment and GCSE examination results for the 2017/18 academic year. Members were reminded of the continuing challenges faced by Education across Wales and of the continued drive to raise standards and reduce attainment gaps. Members were urged to be cautious when comparing year on year performance and drawing conclusions from GCSE results and to bear in mind the long term nature of implementing these improvements. They were advised that extensive assessment work is being undertaken by the Council and Education Achievement Service (EAS) to improve performance, ensure the right level of support is in place, and assist every pupil in fulfilling their potential. This work will include a range of tailored action plans which will be shared with Members later in the autumn.

Discussion took place regarding performance across a number of the public accountability measures. Members expressed a need to improve performance across the lower-performing measures and referenced the Council's low placing in these areas, given the parity of austerity cuts and their impact on services across all 22 local authorities in Wales. Particular mention was made to the performance measures outlining the working days lost through sickness absence by local authority employees, pupil attendance and the condition of 'A' roads across the county borough.

Council were advised that in regards to sickness absence levels, and as reported to the Policy and Resources Scrutiny Committee, the Cabinet Member for Corporate Services and Head of People Services will be holding quarterly meetings with all Heads of Service to identify emerging issues, plan remedial actions, and examine whether the current policies in place are robust enough to challenge the current level of performance. Members were given assurances that sickness absence levels are being increasingly scrutinised and the policy will also come under review, and so improvements are to be expected moving forward. It was emphasised to Members that the Council takes the matter of sickness absence levels very seriously, and that additionally it should be noted that 75% of staff take no time off through sickness absence. A Member sought further information regarding the number of working days lost by staff through sickness last year and the number relating to stress, and it was confirmed that this information is contained in the reports presented to the Policy and Resources Scrutiny Committee but would be forwarded to the Member following the meeting.

With regards to pupil attendance, a number of managing attendance changes have been implemented, including changes to the Education Welfare Officer service. Further arrangements planned for the new academic year, and improvements are expected in this area. Across 'A' roads, Council was reminded that both heavy usage and severe winter weather conditions continue to adversely contribute to the overall condition of these roads.

Reference was made to the PAM013 measure (the percentage of private sector dwellings vacant for more than 6 months (11%)). A Member highlighted the ambiguity of the wording used against this measure and Officers confirmed that they would seek clarification that the correct wording has been used and respond to the Member following the meeting. Members commented on the length of the re-let periods across private sector dwellings and the satisfaction rate for external works (70%). Officers gave assurances that the Council is striving to make improvements in respect of the satisfaction rate and outlined the many mitigating factors that may impact on the level of performance. Members were also reminded of the many achievements across the Housing service, including the shortlisting of Caerphilly Homes for the 2017 APSE Annual Services Awards, and the continuing good performance across many elements of the WHQS programme. Assurances were also given that Housing performance is regularly scrutinised by the Policy and Resources Scrutiny Committee

Members thanked the Officer for the comprehensive report and noted the contribution of all staff involved in the development of the Annual Performance Report.

It was moved and seconded that subject to the inclusion of the amendments as agreed by Cabinet and the further amendments highlighted to Council, the recommendation in the Officer's report be approved. By way of the electronic voting system this was unanimously agreed.

RESOLVED for the reasons contained in the report and subject to the foregoing amendments, the Annual Performance Report 2017/18 as appended to the Officer's report be accepted.

REPORTS OF OFFICERS

Consideration was given to the following reports.

10. NOTICE OF MOTION – THE PHASE OUT OF PLASTIC PRODUCTS

Consideration was given to the report, which detailed the following Notice of Motion received from Councillor C.P. Mann and supported by Councillors T. Parry, J. Roberts and J. Scriven. In accordance with Rule 11 (3) of the Constitution, the Mayor had agreed to allow the motion to be dealt with at Council, without being first discussed at an overview and scrutiny committee.

Councillor Mann requested in his Notice of Motion that:-

- (i) Council notes the huge problem posed by plastic pollution on a world scale – materials which will remain intact for hundreds if not thousands of years;
- (ii) Council further notes the huge amount of plastic items being ordered on a regular basis by the authority – 116,000 over a recent four-month period;
- (iii) Council resolves to re-visit its procurement practices with a view to phasing out

plastics where a sustainable alternative is available. These substitute products should be brought in over a maximum timescale of five years.

Members considered the reasons for the Motion, and the information provided in relation to the Motion, and following due debate, it was moved and seconded that its content be supported. By way of the electronic voting system this was unanimously agreed.

RESOLVED that for the reasons contained in the report, the Notice of Motion be supported.

11. ANNUAL REPORT OF THE DIRECTOR OF SOCIAL SERVICES 2017/18

Dave Street, Corporate Director for Social Services and Housing, presented the report, which had been considered and endorsed by the Health, Social Care and Scrutiny Committee at its meeting on 11th September 2018. The report detailed the key messages that had been identified in the preparation of the Annual Report for the Director of Social Services for 2017/18, and sought Council's endorsement of its content, prior to submission to the Care Inspectorate for Wales (CIW).

Members noted that this is the ninth such report for the Directorate and is written in a format that is in line with the requirements of the Social Services and Wellbeing (Wales) Act 2014 (SSWBA). The report is an opportunity for the Statutory Director of Social Services to provide a summary of how effectively the Council delivers Social Services to its citizens.

Members noted that the report places a significant emphasis on well-being, highlights the challenges faced during 2017/18 and highlights some of the priorities for 2018/19. Progress against these priorities will be a significant part of the annual report for 2018/19. The report highlights the increasing pressure on social care services in the county borough, both from a financial perspective and in terms of the complexity of need. Challenges include the increasing cost of care, the need for some people to have multiple carers, and the recruitment difficulties faced by the Council in an increasingly competitive market. Costs have also significantly increased across Children's Services due to the significant increase in the number of children brought into care. The report also evidences the emphasis on collaboration, including the establishment of the Greater Gwent Regional Partnership Board and a Population Needs Assessment which will inform Area Plans.

It was explained that subject to Council endorsement, the report would be submitted to Welsh Government and the CIW and published on the Council's website, and would be made available to members of the public, partners and stakeholders. It was noted that the Council would also be visited by Care Inspectorate Wales but would not be receiving any formal feedback this year due to restructuring priorities for the agency.

During the course of the debate, Members thanked the Corporate Director of Social Services for the comprehensive report and placed on record their appreciation to health and social services staff, carers and communities for the professional way in which they deliver these services across the Authority.

Reference was made to the requirement by WG for all local authorities to survey 25-30% of their citizens in receipt of a Care and Support Plan as of September 2017 and clarification was sought on the number of respondents. It was confirmed that approximately 2000 surveys had been sent out and circa 460 responses had been received. A Member enquired as to Officer confidence that the priorities outlined in the report can be achieved, together with details of the most challenging priorities, if there are resources in place to deliver these priorities, if a multi-agency approach is in place, and if the local health board are on board regarding timescales and delivery. Mr Street reiterated that they are striving

to be ambitious in what they achieve and that the report presents a unique opportunity to progress this aim. Safeguarding vulnerable children, young people and adults will continue to be the number one priority for the Council. Managing sufficient resources remains challenging with the loss of 134 posts in the last 5 years and therefore strong partnership working links are of the utmost importance. Mr Street highlighted the Council's good relationship with the Aneurin Bevan University Health board and outlined the emphasis that the SSWBA places on seamless working across local authorities, which the Council continues to strive to meet.

Following consideration and discussion, it was moved and seconded that the recommendation in the report be approved. By way of the electronic voting system this was unanimously agreed.

RESOLVED that for the reasons contained in the report, the contents of the Annual Report of the Director of Social Services for 2017/18 as appended to the Officer's report be endorsed.

12. CAERPHILLY COUNTY BOROUGH LOCAL DEVELOPMENT PLAN UP TO 2021 – ANNUAL MONITORING REPORT 2018 (INCLUDING THE 4TH ANNUAL COMMUNITY INFRASTRUCTURE LEVY REPORT)

Consideration was given to the report, which outlined the findings of the Caerphilly County Borough Local Development Plan 2018 Annual Monitoring Report and the implications of the recommendations contained therein.

This is the seventh Annual Monitoring report (AMR) to be prepared for the Caerphilly County Borough Local Development Plan (LDP) up to 2021 which monitors the period from 1st April 2017 to 31st March 2018. The Council is required to submit the 2018 AMR (including the 4th Annual Community Infrastructure Levy Report) to Welsh Government (WG) by 31st October 2018 in order to satisfy the Council's statutory requirements.

The 2018 Report concluded and recommended that substantial progress should continue to be made in the delivery of the majority of the Adopted Development Plan, that Council should continue to work towards securing the preparation of the Strategic Development Plan for the Cardiff Capital Region at the earliest opportunity, and that Council continue to address the shortfall in the 5-year housing land supply through proactive action. The report also highlighted the dis-application of paragraph 6.2 of TAN 1 (the need for local authorities to take steps to increase the supply of housing land in cases where the supply is less than 5 years) from 18th July 2018 which will have implications for the consideration of planning applications moving forward. Further details of the findings and recommendations were detailed in the Officer's report.

During the course of the ensuing debate, reference was made to the continuing significant shortfall in respect of housing supply and a Member queried if this factor would take precedence over the dis-application of TAN 1 if the Council receives development applications for greenfield sites. Officers explained that although local authorities will still need to take into account material considerations when determining planning applications, the weight that is to be attributed to the lack of a 5-year land supply will be for decision makers to determine, and future applications will therefore be considered on their merits. It was noted that there has been a slight increase in the housing land supply to 2.3 years.

It was moved and seconded that the recommendations in the report be approved. By way of the electronic voting system (and in noting there was 1 against with 1 abstention) this was agreed by the majority present.

RESOLVED that for the reasons set out in the report:-

- (i) the findings of the 2018 Annual Monitoring Report and the implications of the recommendations contained therein be noted;
- (ii) the 2018 Annual Monitoring Report (Including the 4th Annual CIL Report) be submitted to Welsh Government before the deadline of 31st October 2018.

13. REVIEW OF COMMUNITY COUNCIL BOUNDARIES AND ELECTORAL ARRANGEMENTS

Consideration was given to the report, which had been presented to the Democratic Services Committee on 23rd July 2018, and asked Members to consider if the Council should undertake a formal review of its communities in accordance with Section 22 of the Local Government (Democracy) (Wales) Act 2013.

Members were advised that a Commission is looking into the town and community council sector as a whole and will be reporting their findings and making recommendations to Welsh Government. Depending on which recommendations Welsh Government takes forward, it may materially affect a community review, and therefore it may be prudent to wait until after then to start a review. The views of the Local Government Boundary Commission for Wales have been sought and it is their preference that any review takes place after their review of the Council's divisions and electoral arrangements. The last review of communities in the county borough was carried out in 2009.

At their meeting on 23rd July 2018, the Democratic Services Committee recommended to Council that a full community review of the Council's arrangements be carried out following the Commission's review of community councils, which would likely be following the next local elections scheduled in 2022. Council's approval was therefore sought to delay the community review until after the conclusion of the Commission's review.

During the course of the debate, and in referring to community council boundaries, a Member queried the meeting arrangements in respect of one community council, and indicated that he would follow up the matter with the relevant Officers following the meeting.

It was moved and seconded that the recommendation in the report be approved. By way of the electronic voting system this was unanimously agreed.

RESOLVED that for the reasons set out in the report, a full community review of this Council's arrangements be carried out following the conclusion of the Commission's review of Community Councils, which is likely to be following the next local elections scheduled in 2022.

14. PROPOSED MEMBERSHIP INCREASE – CAERPHILLY STANDING ADVISORY COUNCIL ON RELIGIOUS EDUCATION (SACRE)

Consideration was given to the report, which asked Council to consider recommendations from Caerphilly SACRE to increase its membership within Committee A (faith groups) and Committee B (professional teaching associations).

At its Summer Term meeting on 13th June 2018, Caerphilly Standing Advisory Council on Religious Education (SACRE) discussed its membership in light of new guidance from Welsh Government and a number of membership requests received, and were of the view that there is scope to extend the number of places across some of its committee groupings.

Further details of the reasons and background membership details were set out in the Officer's report and the appendices.

As the composition of SACRE membership is a matter for full Council, SACRE therefore recommended to Council that Committee A (faith groups) membership of SACRE be increased by **two** places (to comprise one place for a non-Christian faith group/religion and one place for a group who hold secular or non religious beliefs), and that Committee B (professional teaching associations) membership of SACRE be increased by **one** place and allocated to the NASUWT teaching union.

During the course of the debate, a query was received regarding youth representation on SACRE. It was explained that legislation prescribes the 3 main committee groupings (faith, teacher and councillor representatives) and that there is no provision for any other type of representative to serve on the committee. The same Member expressed a need for youth representation on SACRE and it was indicated that the observation would be noted and a response provided to the Member following the meeting.

It was moved and seconded that the recommendations in the report be approved. By way of the electronic voting system this was unanimously agreed.

RESOLVED that for the reasons set out in the report:-

- (i) Committee A (faith groups) membership of SACRE be increased by two places (to comprise one place for a non-Christian faith group/religion and one place for a group who hold secular or non religious beliefs);
- (ii) Committee B (professional teaching associations) membership of SACRE be increased by one place and allocated to the NASUWT teaching union.

15. QUESTIONS RECEIVED UNDER RULE OF PROCEDURE 10(2)

Consideration was given to the following Questions received under Rule of Procedure 10(2). In accordance with the revisions to the constitution, the answers are also provided.

1. LEISURE PROVISION

To the Cabinet Member for Education and Achievement from Councillor Kevin Etheridge.

- (1) To ask the Cabinet Member for Education to confirm if Leisure Officers have had any discussions with Governors over providing services from Pontllanfraith Leisure Centre to Islwyn High School in the last 12 months and prior to the consultation over the Leisure and Sports strategy which ended on 21st September 2018.
- (2) To ask the Cabinet Member for Education to define the content of any discussions with the governors and any provisional agreements on funding of current services from Pontllanfraith Leisure Centre to Islwyn High School, and if any discussion and votes have been taken by governors in this respect, and if a "memorandum of understanding " between Council and the School has been discussed and the results of these discussions.

RESPONSE FROM COUNCILLOR PHILIPPA MARSDEN, CABINET MEMBER FOR EDUCATION AND ACHIEVEMENT

LEISURE PROVISION

1.	To ask the Cabinet Member for Education to confirm if Leisure Officers have had any discussions with Governors over providing services from Pont Leisure Centre to Islwyn High School in the last 12 months and prior to the consultation over the Leisure and Sports strategy which ended on 21/9/18.	Yes.
2.	To ask the Cabinet Member for Education to define the content of any discussions with the governors and any provisional agreements on funding of current services from Pont Leisure Centre to Islwyn High School, and if any discussion and votes have been taken by governors in this respect, and if a "memorandum of understanding " between Council and the School has been discussed and the results of these discussions.	The potential for the transfer of club bookings from Pontllanfraith Leisure Centre to Islwyn High has been discussed. Officers offered to make a member of staff available on a temporary basis to assist in any transition. I am not aware of any votes being taken in relation to this. The school facilities are intended for school and community use and during the discussion the need for clarity over who was responsible for what, perhaps through a memorandum of understanding, was raised. The content of the discussion has focussed on two aspects of relocating users from Pontllanfraith Leisure Centre – the Sports Hall and 3G pitch. The Governing body of Islwyn High has confirmed in writing that it is content for the school's sports facilities to be made available for community use. These facilities, combined with the new 3G pitch being developed at Blackwood Comprehensive School represent higher quality provision than that currently available at Pontllanfraith in terms of sports hall and 3G facilities.

2. HIGHWAY MATTERS

To the Deputy Leader and Cabinet Member for Economy, Infrastructure and Sustainability from Councillor Kevin Etheridge.

To ask the Deputy Leader and Cabinet Member to confirm in regard the Sirhowy Bridge Blackwood :

1. Confirm it is a Private Finance Contract and the term left on the contract
2. Confirm all cost of repairs will fall to the private sector
3. Details of the penalty clauses and confirmation no cost will fall to the ratepayers of the County Borough, and the details of the cost so far incurred
4. The works are on track to be completed and the bridge opened end of October.

RESPONSE FROM COUNCILLOR SEAN MORGAN, DEPUTY LEADER AND CABINET MEMBER FOR ECONOMY, INFRASTRUCTURE AND SUSTAINABILITY

HIGHWAYS MATTERS

1.	To ask the Deputy Leader and Cabinet Member to confirm in regard the Sirhowy Bridge Blackwood.	I would like to confirm that the answers to the questions raised by the member are generally already available to the local members via the fortnightly updates that they receive from SEW Ltd or in information previously supplied.
2.	Confirm it is a Private Finance Contract and the term left on the contract.	Yes it is a PFI scheme and it ends January 2034.
3.	Confirm all cost of repairs will fall to the private sector.	To date all costs have been incurred by the private sector and there are no indications that any costs will be attributable to CCBC.
4.	Details of the penalty clauses and confirmation no cost will fall to the ratepayers of the County Borough, and the details of the cost so far incurred.	The penalty clauses you refer to are lane availability charges, these are hourly lane availability charges incurred by the contractor if the road is unavailable. There are varying charge amounts depending on each day and time of day the road is closed. Therefore, the monthly charges do differ each month. As a guide the lane availability charges are approximately £50k per month and to date none of these costs have been payable by the ratepayer.
5.	The works are on track to be completed and the bridge opened end of October.	Latest information posted on our website from the contractor is that works will be completed by the end of October. If the completion date changes all parties involved will be notified through the appropriate channels.

The meeting closed at 6.46 p.m.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 13th December 2018, they were signed by the Mayor.

MAYOR

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COUNCIL – 13TH DECEMBER 2018

SUBJECT: NOTICE OF MOTION – 20'S PLENTY CAMPAIGN

REPORT BY: CORPORATE DIRECTOR EDUCATION AND CORPORATE SERVICES

1. PURPOSE OF REPORT

- 1.1 Council is asked to consider the Notice of Motion as set out in Paragraph 4.1 of the report, and make an appropriate recommendation. In accordance with Rule 11 (3) of the Constitution, the Mayor has agreed to allow the motion to be dealt with at Council, without being first discussed at an overview and scrutiny committee.

2. SUMMARY

- 2.1 A Notice of Motion has been received from Councillor S. Morgan and is supported by Councillors D.V. Poole, B. Jones, C. Cuss, C. Gordon, L. Phipps, N. George, P. Marsden and E. Stenner.
- 2.2 The Notice of Motion meets the criteria set out in the Council's Constitution and in accordance with the Council's Rules of Procedure is referred to Council for consideration.

3. LINKS TO STRATEGY

- 3.1 The procedural rules regarding a Notice of Motion are contained within Council's Constitution as adopted in May 2002. The Council's Constitution sets out the framework for the decision making roles and responsibilities which will impact on future generations.

4. REPORT

- 4.1 Councillor S. Morgan requests in his Notice of Motion that Council:-
- (i) supports the 20's Plenty campaign and calls on the Welsh Government to lead with a 20mph default for built up areas. This can be done on most streets without the need for any physical calming and we accept that on some streets it may be appropriate to have the higher 30 mph limit, but any limit above 20mph should be a considered decision based on local circumstances.'
 - (ii) To support this call we also ask Welsh Government to explore all the evidence for and against this initiative, especially, but not limited to....

Reducing costs to the health service through reductions in, and severity of, accidents. The large increase in local support of 20mph after implementation.

That 20mph limits are popular and effective at reducing road danger and fear, therefore increasing and supporting active travel initiatives which is a cost-effective way to raise public health and exercise levels.

This initiative is supported by National Institute for Clinical Excellence, World Health Organisation, Public Health Wales and The Institute of Welsh Affairs and also recognises that Scotland has a bill going through its parliament to set a national 20mph default limit.

Reasons for the Motion

4.2 In the interests of public safety.

5. WELL-BEING OF FUTURE GENERATIONS

5.1 The Notice of Motion is consistent with the five ways of working as defined within the act as it complies with the rules and regulations of the Council's Constitution which sets out a clear framework for how the Council operates in particular decision making responsibilities which will consider the positive and negative impacts on future generations, long term resilience, economic, environmental and social capital.

6. EQUALITIES IMPLICATIONS

6.1 There are no specific equalities implications that directly affect the Council arising from the report.

7. FINANCIAL IMPLICATIONS

7.1 There are no financial implications associated with this report.

8. PERSONNEL IMPLICATIONS

8.1 There are no personnel implications associated with this report.

9. CONSULTATIONS

9.1 There has been no consultation undertaken.

10. RECOMMENDATIONS

10.1 Council is asked to consider the Notice of Motion outlined in paragraph 4.1 above and make an appropriate recommendation.

11. REASONS FOR THE RECOMMENDATION

11.1 In accordance with the Council's Constitution.

Author: Emma Sullivan, Senior Committee Services Officer

Appendix 1 Signed copy of Notice of Motion

NOTICE OF MOTION

To consider the undermentioned Notice of Motion standing in the name of County Borough Councillor Sean Morgan supported by Councillor D. Poole, Councillor B. Jones, Councillor E. Stenner, Councillor C. Cuss, Councillor P. Marsden, Councillor L. Phipps, Councillor C. Gordon and Councillor L. Phipps and the undersigned.

'Council supports the 20's Plenty campaign and calls on the Welsh Government to lead with a 20mph default for built up areas. This can be done on most streets without the need for any physical calming and we accept that on some streets it may be appropriate to have the higher 30 mph limit, but any limit above 20mph should be a considered decision based on local circumstances.'

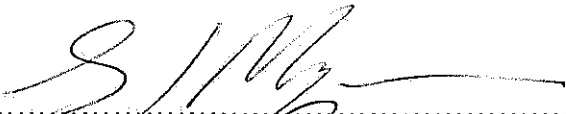
To support this call we also ask Welsh Government to explore all the evidence for and against this initiative, especially, but not limited to....


Reducing costs to the health service through reductions in, and severity of, accidents.

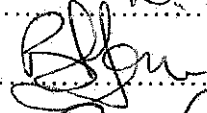
The large increase in local support of 20mph after implementation.

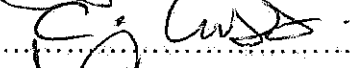
That 20mph limits are popular and effective at reducing road danger and fear, therefore increasing and supporting active travel initiatives which is a cost-effective way to raise public health and exercise levels.

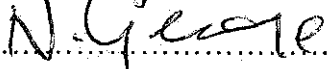
This initiative is supported by National Institute for Clinical Excellence, World Health Organisation, Public Health Wales and The Institute of Welsh Affairs and also recognises that Scotland has a bill going through its parliament to set a national 20mph default limit.

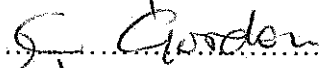
Councillor Sean Morgan 

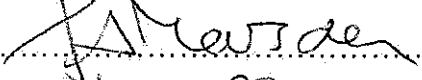
Councillor David Poole 


Councillor Barbara Jones 

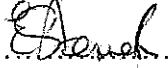
Councillor C. Cuss 

Councillor N. George 

Councillor C. Gordon 

Councillor P. Marsden 

Councillor L. Phipps 

Councillor E. Stenner 

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COUNCIL – 13TH DECEMBER 2018

SUBJECT: NOTICE OF MOTION – CAERPHILLY POLICE STATION

REPORT BY: CORPORATE DIRECTOR EDUCATION AND CORPORATE SERVICES

1. PURPOSE OF REPORT

- 1.1 Council is asked to consider the Notice of Motion as set out in Paragraph 4.1 of the report, and make an appropriate recommendation. In accordance with Rule 11 (3) of the Constitution, the Mayor has agreed to allow the motion to be dealt with at Council, without being first discussed at an overview and scrutiny committee.

2. SUMMARY

- 2.1 A Notice of Motion has been received from Councillor J. Pritchard and is supported by Councillors D.V. Poole, B. Jones, S. Morgan, C. Mann and P. Bevan.
- 2.2 The Notice of Motion meets the criteria set out in the Council's Constitution and in accordance with the Council's Rules of Procedure is referred to Council for consideration.

3. LINKS TO STRATEGY

- 3.1 The procedural rules regarding a Notice of Motion are contained within Council's Constitution as adopted in May 2002. The Council's Constitution sets out the framework for the decision making roles and responsibilities which will impact on future generations.

4. REPORT

- 4.1 Councillor J. Pritchard requests in his Notice of Motion that Council:-
- i) notes Gwent Police' Gwent – wide review of Police front desk services and how frequently the public use them. The decisions to retain or remove front desk services in Gwent rests with the Chief Constable for Gwent.
 - (ii) further notes that face to face contact between members of the public and the Police in a safe and secure environment is important to ensure effective reporting of crime is undertaken.
 - (iii) is concerned with continued real - terms funding reductions for Gwent Police and the 21,000 Police officer cuts since 2010. Council calls on the UK Conservative Government to reverse cuts to police budgets.
 - (iv) Council opposes the removal front desk services at Caerphilly Police Station and invites Gwent Police to collaborate with Caerphilly County Borough to maximise desk

provision in Caerphilly Library to increase face to face contact with members of the public.

Reasons for the Motion

4.2 In order to retain and protect front desk services provided by Gwent Police.

5. WELL-BEING OF FUTURE GENERATIONS

5.1 The Notice of Motion is consistent with the five ways of working as defined within the act as it complies with the rules and regulations of the Council's Constitution which sets out a clear framework for how the Council operates in particular decision making responsibilities which will consider the positive and negative impacts on future generations, long term resilience, economic, environmental and social capital.

6. EQUALITIES IMPLICATIONS

6.1 There are no specific equalities implications that directly affect the Council arising from the report.

7. FINANCIAL IMPLICATIONS

7.1 There are no financial implications associated with this report.

8. PERSONNEL IMPLICATIONS

8.1 There are no personnel implications associated with this report.

9. CONSULTATIONS

9.1 There has been no consultation undertaken.

10. RECOMMENDATIONS

10.1 Council is asked to consider the Notice of Motion outlined in paragraph 4.1 above and make an appropriate recommendation.

11. REASONS FOR THE RECOMMENDATION

11.1 In accordance with the Council's Constitution.

Author: Emma Sullivan, Senior Committee Services Officer

Appendix 1 Signed copy of Notice of Motion

NOTICE OF MOTION

To consider the undermentioned Notice of Motion standing in the name of County Borough Councillor James Pritchard supported by the undersigned.

- (i) Council notes Gwent Police' Gwent – wide review of Police front desk services and how frequently the public use them. The decisions to retain or remove front desk services in Gwent rests with the Chief Constable for Gwent.
- (ii) Council further notes that face to face contact between members of the public and the Police in a safe and secure environment is important to ensure effective reporting of crime is undertaken.
- (iii) Council is concerned with continued real - terms funding reductions for Gwent Police and the 21,000 Police officer cuts since 2010. Council calls on the UK Conservative Government to reverse cuts to police budgets.
- (iv) Council opposes the removal front desk services at Caerphilly Police Station and invites Gwent Police to collaborate with Caerphilly County Borough to maximise desk provision in Caerphilly Library to increase face to face contact with members of the public.

Councillor James Pritchard

Councillor David Poole

Councillor Barbara Jones.....

Councillor Sean Morgan

" PHIL BEVAN

" COLIN MANN

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COUNCIL – 13TH DECEMBER 2018

**SUBJECT: PUBLIC SERVICES OMBUDSMAN FOR WALES ANNUAL LETTER
2017/18**

REPORT BY: HEAD OF LEGAL SERVICES AND MONITORING OFFICER

1. PURPOSE OF REPORT

- 1.1 To inform Council of the Public Services Ombudsman for Wales Annual Letter (2017/18) regarding complaints received and investigated by the Public Services Ombudsman for Wales.

2. SUMMARY

- 2.1 To advise Council of the Public Services Ombudsman for Wales Annual Letter (2017/18).

3. LINKS TO STRATEGY

- 3.1 The function of overseeing complaints received and investigated by the Ombudsman contributes to the following Well-being goals within the Well-being of Future Generations Act (Wales) 2015 as it supports the provision of higher quality and more effective services to the public across all service areas

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

4. THE REPORT

- 4.1 The Annual Letter which sets out a clear and concise breakdown of all complaints received and investigated by the Public Services Ombudsman for Wales during 2017/18 for Caerphilly was received on 15th October 2018. A copy of the Annual Letter is attached at Appendix 1 to this report.
- 4.2 Members will note that the fact sheet attached to the Annual Letter gives a detailed breakdown of complaints data relating to Caerphilly. This includes statistics regarding Ombudsman's interventions which includes all cases upheld as well as early resolutions and voluntary settlements.

- 4.3 The data is self-explanatory and therefore no further comment is offered other than to ask Council to note the following:-
- 4.3.1 In relation to Caerphilly the number of complaints received by the Ombudsman has reduced in the past year by 26% from 54 to 40.
- 4.3.2 Complaints relating to Housing have dropped this year from 12 to 8 as well as complaints concerning Adult Social Services which have dropped from 8 to 5.
- 4.3.3 However Planning and Building Control complaints have been noted as remaining high at 10; this is compared to 9 complaints received last year. This data has been analysed and it has been noted two complaints were referred to the Ombudsman on 3 and 2 separate occasions respectively which accounts for 5 out of the 10 complaints. The remaining 5 complaints included one premature referral i.e. had been referred to the Ombudsman before exhausting the Council's Corporate Complaints Procedure.

4.4 Code of Conduct Complaints

Members will note that in respect of Caerphilly County Borough Councillors 4 complaints were received all of which were closed after initial consideration. In respect of Town and Community Councils one complaint was received which was also closed after initial consideration.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This report contributes to the Well-being Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act in that the overseeing of the complaints received and investigated by the Ombudsman enables departments to focus on areas of concern, to improve services and to monitor performance to ensure that any issues raised are identified and dealt with so as to be avoided in future.

6. EQUALITIES IMPLICATIONS

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

7. FINANCIAL IMPLICATIONS

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

8. PERSONNEL IMPLICATIONS

- 8.1 There are no personnel implications associated with this report.

9. CONSULTATIONS

- 9.1 This Report reflects the contents of the Annual Letter and therefore there has been no formal consultation on the content of the Report. A copy of the Report has been provided to the consultees below.

10. RECOMMENDATIONS

- 10.1 It is recommended that Council note the content of the report.

11. REASONS FOR THE RECOMMENDATIONS

11.1 To satisfy the Council's statutory duties under the Public Services Ombudsman (Wales) Act 2005.

12. STATUTORY POWER

12.1 Public Services Ombudsman (Wales) Act 2005.

Author: Robert Tranter, Head of Legal Services and Monitoring Officer
Consultees: Christina Harry, Interim Chief Executive
Dave Street, Corporate Director of Social Services and Housing
Mark S Williams, Interim Director of Communities
Ed Edmunds, Corporate Director for Education and Corporate Services
Lisa Lane, Interim Deputy Monitoring Officer

Appendices:
Appendix 1 Annual Letter of the Public Services Ombudsman for Wales 2017/18

Our Ref: NB/CW/MA



Catrin.wallace@ombudsman-wales.org.uk

Matthew.aplin@ombudsman-wales.org.uk

15 October 2018

Councillor Dave Poole

Sent by email: davidpoole@caerphilly.gov.uk

Annual Letter 2017/18

Following the recent publication of my Annual Report, I am delighted to provide you with the Annual Letter (2017/18) for **Caerphilly County Borough Council**.

Despite a challenging complaints context, I am delighted to be able to report positive progress in the activities of the office over the past year.

Four public interest reports have been published in the past year, but none related to local authorities.

A new Public Services Ombudsman Bill has been introduced to the National Assembly and is currently at the second stage in the legislative process. This means that Members have agreed the general principles of the Bill and a Financial Resolution was agreed on 17 July 2018. This new legislation will help drive up public service standards as it is important that Wales continues to adopt best practices in complaints handling and public service improvement. If the Bill progresses I will be engaging with public bodies in Wales in preparation for the introduction of the new powers within the Bill.

Overview of complaints

Overall the number of complaints and enquiries received by my office has increased by 5% this year, this is attributed to an 8% rise in enquiries.

This year my office saw a 4% decrease in public body complaints. Despite complaints against NHS bodies increasing by 7%, we have seen a 10% reduction in complaints against councils.

After Health, which comprises 41% of all complaints, housing (11%), social services (9%) and planning and building control (8%) remain significant areas of complaint.

The number of Code of Conduct complaints increased by 14% in the past year, this is attributed to a 33% increase in Code of Conduct complaints involving Community Councils. Many of these complaints have arisen following changes in the membership of councils.

42% of Code of Conduct complaints received were with regards to the promotion of equality and respect, 19% were with regards to disclosure and registration of interests and 16% were with regards to integrity.

We are pleased to report that the number of complaints received by the Ombudsman concerning Caerphilly has reduced in the past year by 26% from 54 to 40. We are pleased to see that complaints regarding Housing have dropped this year from 12 to 8 as well as complaints concerning Adult Social Services which have dropped from 8 to 5. However, we would like to draw your attention to Planning and Building Control which still remains high with 10 complaints.

You will find below a factsheet giving a breakdown of complaints data relating to your Local Authority. This year we have included a new set of statistics regarding Ombudsman interventions. These include all cases upheld by my office as well as early resolutions and voluntary settlements.

Please would you present my annual letter to the Cabinet to assist Members in their review of the Council's performance.

This correspondence has been copied to the Chief Executive of the Council and to your Contact Officer within your organisation. I would again reiterate the importance of this role. Finally, a copy of all annual letters will be published on my website.

Yours sincerely,

Nick Bennett

Public Services Ombudsman for Wales

CC: Christina Harray, Interim Chief Executive
Andrea Jones, Contact Officer

Factsheet

A. Complaints Received and Investigated with Local Authority average adjusted by population

Local Authority	Complaints Received	Average	Complaints Investigated	Average
Blaenau Gwent County Borough Council	10	17	0	0
Bridgend County Borough Council	40	36	1	1
Caerphilly County Borough Council	40	45	1	1
Cardiff Council	109	90	5	3
Carmarthenshire County Council	25	46	3	1
Ceredigion County Council	35	18	5	1
City and County of Swansea	62	61	1	2
Conwy County Borough Council	36	29	3	1
Denbighshire County Council	20	24	3	1
Flintshire County Council	50	39	6	1
Gwynedd Council	29	31	2	1
Isle of Anglesey County Council	29	17	2	0
Merthyr Tydfil County Borough Council	13	15	2	0
Monmouthshire County Council	16	23	0	1
Neath Port Talbot County Borough Council	35	35	2	1
Newport City Council	37	37	2	1
Pembrokeshire County Council	34	31	0	1
Powys County Council	39	33	3	1
Rhondda Cynon Taf County Borough Council	36	60	0	2
Torfaen County Borough Council	15	23	0	1
Vale of Glamorgan Council	30	32	4	1
Wrexham County Borough Council	41	34	3	1

B. Complaints Received by Subject

Caerphilly County Borough Council	Complaints Received
Adult Social Services	5
Children s Social Services	6
Community Facilities. Recreation and Leisure	2
Complaints Handling	1
Education	1
Environment and Environmental Health	3
Health	1
Housing	8
Planning and Building Control	10
Various Other	3

C. Comparison of complaint outcomes with average outcomes for Local Authorities, adjusted for population distribution

County/County Borough Councils	Out of Jurisdiction	Premature	Other cases closed after initial consideration	Early Resolution/Voluntary settlement	Discontinued	Other Report - Not upheld	Other Report Upheld - in whole or in part	Public Interest Report	Total Cases closed
Caerphilly	6	7	22	2	0	1	1	0	39
Caerphilly (adjusted)	8	13	16	6	0	1	1	0	45

D. Number of cases with PSOW intervention

	No. of complaints with PSOW intervention	Total number of closed complaints	% of complaints with PSOW interventions
Local Authority			
Blaenau Gwent County Borough Council	3	11	27
Bridgend County Borough Council	5	39	13
Caerphilly County Borough Council	3	39	8
Cardiff Council	37	123	30
Carmarthenshire County Council	1	24	4
Ceredigion County Council	4	35	11
City and County of Swansea	11	62	18
Conwy County Borough Council	4	32	13
Denbighshire County Council	1	15	7
Flintshire County Council	11	47	23
Gwynedd Council	1	26	4
Isle of Anglesey County Council	2	26	8
Merthyr Tydfil County Borough Council	3	13	23
Monmouthshire County Council	1	14	7
Neath Port Talbot County Borough Council	4	31	13
Newport City Council	8	34	24
Pembrokeshire County Council	3	32	9
Powys County Council	6	38	16
Rhondda Cynon Taf County Borough Council	6	36	17
Torfaen County Borough Council	1	16	6
Vale of Glamorgan Council	3	32	9
Wrexham County Borough Council	8	41	20

E. Code of Conduct Complaints Closed

County/County Borough Councils	Closed after initial consideration	Discontinued	No evidence of breach	No action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total
Caerphilly	4							4

F. Town / Community council Code of Conduct Complaints

Town/Community Council	Closed after initial consideration	Discontinued	No evidence of breach	No action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total
Caerphilly TC	1							1

Appendix

Explanatory Notes

Section A compares the number of complaints against the Local Authority which were received and investigated by my office during 2017/18, with the Local Authority average (adjusted for population distribution) during the same period.

Section B provides a breakdown of the number of complaints about the Local Authority which were received by my office during 2017/18. The figures are broken down into subject categories.

Section C compares the complaint outcomes for the Local Authority during 2017/18, with the average outcome (adjusted for population distribution) during the same period.

Section D provides the numbers and percentages of cases received by the PSOW in which an intervention has occurred. This includes all upheld complaints, early resolutions and voluntary settlements.

Section E provides a breakdown of all Code of Conduct complaint outcomes against Councillors during 2017/18.

Section F provides a breakdown of all Code of Conduct complaint outcomes against town or community councils.

Feedback

We welcome your feedback on the enclosed information, including suggestions for any information to be enclosed in future annual summaries. Any feedback or queries should be sent to catrin.wallace@ombudsman-wales.org.uk or matthew.aplin@ombudsman-wales.org.uk.



COUNCIL – 13TH DECEMBER 2018

SUBJECT: PROPOSED CHANGES TO THE CONSTITUTION

REPORT BY: HEAD OF LEGAL SERVICES AND MONITORING OFFICER

1. PURPOSE OF REPORT

- 1.1 To ask Council to note and endorse the proposed changes to Part 4, Rules of Procedure with regard to Questions by Members as attached at Appendix 1.
- 1.2 To note and endorse the changes to the Report Template at Appendix 2.
- 1.3 To ask Council to delegate authority to the -Head of Legal Services and Monitoring Officer to make the necessary changes to the council's Constitution to give effect to the changes referred to in the Report.

2. SUMMARY

- 2.1 This report proposed changes to the Constitution at Part 4 – Rules of Procedure in terms of Questions by Members and changes to the Report Template which is also set out in Part 4 within the Executive Procedure Rules.

3. LINKS TO STRATEGY

- 3.1 The requirement to establish and maintain the Council's Constitution is set out in the Local Government Act 2000 and contributes the following Well-Being Goals within the Well-Being of Future Generations Act (Wales) 2015 as it sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. It sets the framework for the decision making roles and responsibilities which will impact on future generations.
 - A prosperous Wales
 - A resilient Wales
 - A healthier Wales
 - A more equal Wales
 - A globally responsible Wales
 - A Wales of cohesive communities
 - A Wales of vibrant culture and thriving Welsh language

4.0 BACKGROUND

- 4.1 The Council's Constitution was initially formally adopted by the Council in May 2002. It sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that the decision making processes are efficient, transparent and available

to local people. The Constitution is a 'living document' in that it is constantly being updated and revised to reflect new government legislation and improvements and changes in procedures gained in light of experience.

5.0 THE REPORT

5.1 CHANGES TO QUESTIONS BY MEMBERS

The main proposed changes to the process which allows members to ask questions of the cabinet members and the Leader is that council will be allowed to ask cabinet members and the Leader 3 questions each: 3 for the cabinet members and 3 for the Leader; in respect of questions to the Leader, the questioner will be able to ask a supplementary question; a member from each political group will be able to ask the cabinet member and the Leader one question each, up to a maximum of 6 questions each council meeting, and the questions will be asked and answered at the council meeting rather than the written response tabled at the meeting. It is felt that with the council meetings being webcast, viewers from home will be better informed by seeing and hearing the question being asked and answered.

5.2 CHANGES TO THE REPORT TEMPLATE

5,3 Members will recall that at its Annual Meeting in May this year, Council endorsed changes proposed to the Report Template to include reference to the Corporate Plan within the section headed "Links to Strategy". In conjunction with this change Council noted that officers would develop guidance to sit alongside the new paragraphs with the intention of trialling the new report for a period of three months prior to full implementation. In addition a conclusion paragraph would also be incorporated into the template.

5.4 In the intervening period further consideration has been given to the structure and format of the Report Template with the Leadership Group which has resulted in further changes being proposed to complement the introduction of the relevant cabinet member introducing reports at cabinet and council and moving the recommendation(s) set out in the report. The changes include the recommendations section of the report appearing on the first page of the report at section 3; and changes to the guidance on Well-being of Future Generations (Wales) Act 2015 in section 7 and the equalities implications in section 8.

5.5 Members are asked to endorse the changes to the Report Template at Appendix 2 and to delegate authority to the Head of Legal Services and Monitoring Officer to amend the Council's Constitution accordingly.

6. WELL-BEING OF FUTURE GENERATIONS

6.1 This report contributes to the Well-Being Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act in that the Constitution sets out a clear framework for how the Council operates in particular the decision making responsibilities which will consider the positive and negative impacts on future generations, long term resilience, economic, environmental and social capital.

7. EQUALITIES IMPLICATIONS

7.1 There are no equalities impacts arising from the contents of the Report.

8. FINANCIAL IMPLICATIONS

8.1 There are none arising from the contents of the Report.

9. PERSONNEL IMPLICATIONS

9.1 None arising from the content of this Report.

10. RECOMMENDATIONS

Council is asked to:-

10.1 Endorse the changes to Questions by Members as set out in Appendix 1 to this report and authorise the Head of Legal Services and Monitoring Officer to make the necessary changes to the Constitution

10.1 Endorse the changes to the Report Template as set out in Appendix 2 and to authorise the Head of Legal Services and Monitoring Officer to make the necessary changes to the Constitution.

11. REASONS FOR THE RECOMMENDATIONS

11.1 To review and revise the Council's constitution.

12. STATUTORY POWERS

Local Government Act 2000

Author: Robert Tranter, Head of Legal Services and Monitoring Officer

Consultees: Christina HARRY, Interim Chief Executive
Dave Street, Director of Social Services
Mark S. Williams, Interim Director of Communities
Ed Edmunds, Corporate Director for Education and Corporate Services
Lisa Lane, Interim Deputy Monitoring Officer

Appendices:

Appendix 1 Questions by Members
Appendix 2 Updated Report Template

Background Papers Report to the AGM 10th May 2018 – Constitutional Matters
The Constitution is available on the Council's website

10. QUESTIONS BY MEMBERS

- (1) A member of the Council may ask the Leader or the appropriate Cabinet member any question upon an item of the report of a committee when that item is under consideration by Council.
- (2) A member of the Council may ask **the Leader** any question on any matter in relation to which the Council has powers or duties or which affects the area of the council or any part of it or the inhabitants of the area or any part of it if at least five clear working days' notice in writing of the question has been given to the Chief Executive.
- (3) One member of each political group will be entitled to ask the Leader one question at a meeting of Council with those members not part of a political group being deemed part of the Independent Group for the purpose of this rule.
- (4) A member of the Council may ask **a Cabinet member** any question on any matter within their portfolio if at least five clear working days' notice in writing of the question has been given to the Chief Executive.
- (5) One member of each political group will be entitled to ask a Cabinet member one question at a meeting of Council with those members not part of a political group being deemed part of the Independent Group for the purpose of this rule.
- (6) With the permission of the Mayor, a member of the Council may put to the Leader or a member of the Cabinet any question relating to urgent business of which such notice in writing of the question has been given to the Chief Executive not later than 9.00 am on the day of the meeting.
- (7) The Chief Executive in consultation with the Monitoring Officer may reject a question if:-
 - (a) it does not meet the criteria set out in 10(2) or 10(4).
 - (b) it is defamatory frivolous or offensive.
 - (c) it repeats a question which has been put at a meeting of the Council in the past six months.
 - (d) it requires the disclosure of confidential or exempt information.
 - (e) it relates to a matter which is the subject of legal or enforcement proceedings or an appeal to a court or tribunal or to a Government Minister or the Welsh Assembly or an ongoing investigation by the Public Services Ombudsman for Wales or relates to a decision which has been made by the Council in exercise of its regulatory functions in respect of which there are legal rights of redress.
 - (f) it relates to the personal circumstances or conduct of an officer or Councillor or to the conditions of service of individual employees.
 - (g) it seeks to promote a political party or organisation.

- (h) it is a statement and not a genuine enquiry.
- (i) the preparation of the answer would require the expenditure of a disproportionate amount of time, public money or effort.
- (j) it relates to information that is readily available in a report submitted to Council, Cabinet or Scrutiny Committee previously in which case the Member will be advised of the date of the relevant Report.

The decision of the Chief Executive in the above matter shall be final and the reasons for rejection will be provided to the relevant Member, in writing.

- (8) Questions of which notice has been given under 10(2) and/or 10(4) will be listed on the agenda in the order received by the Chief Executive. A maximum of 3 questions to the Leader will be considered at each meeting of Council. In addition a maximum of 3 questions to members of the Cabinet will be considered at each meeting of Council.
- (9) Every question shall be put and answered without discussion.
- (10) A Member asking a question under 10(2) may ask one supplementary question without notice to the Leader. The supplementary question must arise directly out of the original question or the reply.
- (11) The Leader or Cabinet member in answering each question may speak for no longer than three minutes.
- (12) An answer may take the form of:
 - (a) a direct oral answer; or
 - (b) where the desired information is contained in a publication of the Council, a reference to that publication; or
 - (c) where the reply to the question cannot conveniently be given orally a written answer circulated to members of the Council.
- (13) The questions and answers to questions will be incorporated within the minutes of the meeting.



NAME OF COMMITTEE – DATE – ARIAL 15

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH OF PART 4,
SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972

Above paragraph to be included if report is to be exempt

PAGE SET UP 0.7 TOP, BOTTOM, LEFT AND RIGHT

FONT FOR REPORT - ARIEL 11

SUBJECT: ARIEL 12

REPORT BY: ARIEL 12

1. PURPOSE OF REPORT - HEADINGS ARIEL 11

- 1.1 This section should contain a brief statement as to the purpose of the report (e.g. to recommend to Members that they decide to). If this is a report for a scrutiny committee that is to be referred to Cabinet for decision, there must be included within this section a sentence which explains that the report is seeking the views of Members prior to its presentation to Cabinet.

2. SUMMARY

- 2.1 All reports **must** include a short summary of the report. With the expectation the relevant cabinet member will present the report at cabinet or council, the cabinet member will use this section to explain the report.

3. RECOMMENDATIONS

- 3.1 This section would set out the recommendations of the Director concerned.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 The minutes record the reasons for making any decisions reached. It is therefore essential that reports set out clear "reasons" for making the decision as recommended.

5. THE REPORT

5.1 The precise nature of this part of the report will vary from one issue to another and according to the background info which needs to be provided. The section should set out what options are available to the decision maker and why the option recommended for approval has been chosen.

5.2 Conclusion

Pulls together any themes running through the report/rounding up the issues referenced in the main body of the report section and which option is recommended for approval.

6 LINKS TO RELEVANT COUNCIL POLICIES

6.1 Set out here which of the council's policies are relevant to the decision being requested.

6.2 Corporate Plan 2018-2023.

This section shows how the report content (project, proposal, information or decision) contributes towards or impacts the Corporate Well-being Objectives, which are:

Objective 1 - Improve education opportunities for all

Objective 2 - Enabling employment

Objective 3 - Address the availability, condition and sustainability of homes throughout the county borough and provide advice, assistance or support to help improve people's well-being

Objective 4 - Promote a modern, integrated and sustainable transport system that increases opportunity, promotes prosperity and minimises the adverse impacts on the environment

Objective 5 - Creating a county borough that supports a healthy lifestyle in accordance with the sustainable Development Principle within the Wellbeing of Future Generations (Wales) Act 2015,

Objective 6 - Support citizens to remain independent and improve their well-being

The objectives are high level themes and each have several outcomes that sit underneath them, (36 in total) so it may benefit the author to look at the outcomes within the plan to understand the cross-cutting nature of the Council's priorities with regard to any impact the report may have on the Corporate Plan.

The Corporate Plan can be found on the intranet on the Policy portal, within the performance management section. See link below

<http://sc-aptken1/KENTICO/getattachment/ab780120-3a2b-47f9-bff0-f383462fbb98/Corporate-Plan-2018-23.aspx>

7. WELL-BEING OF FUTURE GENERATIONS

7.1 This section should explain how the report contributes to the Well-being Goals which are:-

- A prosperous Wales*
- A resilient Wales*
- A healthier Wales*
- A more equal Wales*
- A Wales of cohesive communities*

- A Wales of vibrant culture and thriving Welsh Language*
- A globally responsible Wales*

**delete as appropriate*

The report should also state how it is consistent with the five ways of working as defined within the sustainable development principle in the Act. The five ways of working of the sustainable development principle, listed in the Act are:

- Long Term – The importance of balancing short-term needs with the need to safeguard the ability of future generations to meet their long-term needs
- Prevention - How acting to prevent problems occurring, or getting worse, may help public bodies meet their objectives
- Integration – Considering how the public body’s well-being objectives may impact upon each of the well-being goals, on their other objectives, or on the objectives of other public bodies
- Collaboration – Acting in collaboration with any other person (or different parts of the body itself) that could help the body to meet its well-being objectives
- Involvement – The importance of involving people with an interest in achieving the well-being goals, and ensuring that those people reflect the diversity of the area which the body serves.

The Well-being of Future Generations (Wales) Act became law in April 2015. The Act is about improving the social, economic, environmental and cultural well-being of Wales. It makes public bodies listed in the Act think more about the long term, work better with people and communities and each other, look to prevent problems and take a more joined-up approach. It has a significant impact on all Council policies and priorities and has the potential to significantly affect the way we plan and deliver services and how we engage with individuals and communities within the Caerphilly county borough.

This section should highlight how the recommended course of action contributes to meeting the seven well-being goals (listed above) within the Well-being of Future Generations Act (Wales) 2015. Although you may look at each goal in turn, the well-being goals must be considered as an integrated set of seven. This ensures that the fundamental relationship between improving the economic, social, environmental and cultural well-being is recognised.

The report needs to consider the long term outcome of the decision and account for the positive and negative impacts on future generations, long term community resilience and economic, environmental and social capital.

This section needs to consider how the five ways of working have been addressed in applying the sustainable development principle, this needs to be challenging and **considered at the outset of a project/proposal and not a tick box exercise concluded at the end.**

For more information about the Well-being of Future Generations (Wales) 2015 Act, the seven well-being goals and the five ways of working, please see the Corporate Policy Unit Portal [Guidance for Well-being of Future Generations](#) and/ or visit the [CCBC Well-being of Future Generations website](#) and/ or the [Public Services Board website](#).

8. EQUALITIES IMPLICATIONS

- 8.1 In this section, outline any potential equalities implications of the report and its recommendations on groups or individuals who fall under the categories identified in Section 6 of the [Council's Strategic Equality Plan](#). These equalities implications should have been identified during the consultation stage and/or by undertaking an equality impact assessment **early in the development process**. These implications can be positive as well as negative.

Note: The Equalities Implications in Committee Reports Guidance (Section 3) will help you to determine whether a full Equality Impact Assessment **is** required. If it is established that a full Equality Impact Assessment is required, then an Equality Impact Assessment Form must be completed.

If there are no equalities implications in the report you can use the relevant standard paragraph provided in the guidance, however this would have to be evidenced if challenged during the internal approval process, or during any legal challenge at a later date.

If you require advice please contact Anwen Cullinane, Ext. 4404 or email equalities@caerphilly.gov.uk.

9. FINANCIAL IMPLICATIONS

- 9.1 There must be a section outlining the financial implications of the report/recommendations and a clear statement as to how these implications (immediate and long term) will be funded – the Head of Corporate Finance/Section 151 Officer must be consulted. Where there are no financial implications the report can simply state that there are none. If there are assumptions being made about funding, then they need to be stated here.

10. PERSONNEL IMPLICATIONS

- 10.1 There must be a section outlining any personnel implications of the report. The Head of People Services must be consulted. If there are no implications the report can state that there are none.
- 10.2 If the subject of the report relates to a restructure of a Service Area, a Welsh Assessment on the vacant posts, after any ring fencing exercise has been undertaken, will be required. Guidance on undertaking a Welsh Assessment can be found in Guidance On Assessing The Welsh Needs Within Posts.

11. CONSULTATIONS

- 11.1 If any consultee expresses views which differ from the recommendations, the author must include them in this section and as part of the main body of the report state whether the author is of the view that they have been addressed satisfactorily in the report, whether they can/should be incorporated in the recommendation and if not incorporated into the recommendation then why not.

12. STATUTORY POWER

- 12.1 This is to identify the enabling statutory power(s) for the decision under consideration. It should also state whether the power(s) are the responsibility of full Council or Cabinet and if it has been delegated to officers. If you have any queries on powers, please consult the Monitoring Officer/Head of Legal Services.

13. URGENCY (CABINET ITEMS ONLY)

- 13.1 All Cabinet decisions will be subject to a “call-in” procedure whereby the relevant Scrutiny Committee can ask for the implementation of the decision to be delayed until it has considered the matter and, if the Scrutiny Committee is so inclined, to ask Cabinet to reconsider its decision. The only exceptions will be items where the call-in request is not in accordance with the call-in procedure or the decision needs to be implemented urgently. If this is the case the report should state that this is so, and explain why. The Chairman of the

Council must agree both that the decision proposed is reasonable in all circumstances and to it being treated as a matter of urgency.

Author: name, title and email address

Consultees: Insert names and titles and email address, one under the other. Consultees will be the Chief Executive, , relevant Directors, Head of Legal Services and Monitoring Officer, Head of People Services, Head of Corporate Finance/s.151 officer, other relevant Heads of Service, Cabinet Member(s), Chairman and Vice Chairman of the relevant Scrutiny Committee and local ward Members. Any consultee comments should be incorporated in the report with the view of the officer whether the comments are accepted or not.

Background Papers:

This section should set out a list of the background papers available for inspection which disclose any facts or matters on which, in the opinion of the report author, the report or an important part of the report is based and have in his/her opinion been relied on to a material extent in preparing the report but do not include published works. A telephone number of a person to contact if you wish to inspect those papers should be included. In the case of exempt background papers a sentence to the effect that "Background papers are exempt" is sufficient.

Appendices:

Appendix 1 Title of Appendix 1 if used
Appendix 2 Title of Appendix 2 if used
Appendix 3 Title of Appendix 3 if used



COUNCIL – 13TH DECEMBER 2018

SUBJECT: REVIEW OF POLITICAL BALANCE

REPORT BY: CORPORATE DIRECTOR FOR EDUCATION AND CORPORATE SERVICES

1. PURPOSE OF REPORT

- 1.1 To carry out a review of political balance across the authority and the allocation of seats to political groups following a change of membership in accordance with section 15 of the Local Government and Housing Act 1989.

2. SUMMARY

- 2.1 This report gives the political balance of the authority following a change in membership within the Labour political group

3. LINKS TO STRATEGY

- 3.1 The Council is under a statutory duty to review the political balance of the authority and to comply with relevant legislation regarding the governance arrangements for local authorities .
- 3.2 The recommended course of action contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2016:
- *A more equal Wales*

4. THE REPORT

- 4.1 The Council is required to review its political balance with any change of membership and apply the following principles to that review: -
- (a) Not all the seats on the body are allocated to the same political group;
 - (b) That the majority of seats on the body are allocated to a particular political group if the number of people belonging to that group represents a majority of the council's membership;
 - (c) Subject to those earlier rules the number of seats on the ordinary committees of the council allocated to each group bear the same proportion to the total of all seats allocated as is borne by the number of members of that group to the membership of the authority.

4.3 The Council has always applied the legislation to mean that so far as is practicable the allocation of seats is the same as the overall percentage that a party has of the total seats of the authority. However it is impossible to obtain a perfect percentage balance on each and every committee and there are therefore two principles:-

- (i) The majority group must have the majority on any committee;
- (ii) That the overall allocation of seats is as close as possible to the overall percentage that a party holds on the council.

4.4 The membership of the current political groupings has been calculated and is detailed below:

Group	Membership	Percentage
Labour	49	67%
Plaid Cymru	18	24.7%
Independents	4	5.5%
Independent Councillor	1	1.4%
Independent Councillor	1	1.4%

4.5 A single Independent Member cannot form a group therefore a percentage of 1.4% would be applied and the individual Member only entitled to a seat on full Council.

4.6 Appendix 1 to this report sets out the political balance and allocation of seats for Committees calculated in accordance with the relevant guidance.

4.7 Members will note that there is no change to the present allocation of seats as detailed below:

- Audit Committee – 12 Members (8-3-1)
- *Appeals Committee – 3 Members (1-1-1)
- Appointments Committee – 9 Members (6-2-1)
- Democratic Services Committee – 16 Members (11-4-1)
- Licensing Committee – 15 Members (10-4-1)
- Planning Committee – 20 Members (14-5-1)
- Education for Life Scrutiny Committee – 16 Members (11-4-1)
- Health, Social Care and Well-Being Scrutiny - 16 Members (11-4-1)
- Policy and Resources/Partnerships Scrutiny Committee – 16 Members (11-4-1)
- Regeneration and Environment Scrutiny Committee – 16 Members (11-4-1)

Total Number of Seats Available	139
Labour	93 (67%)
Plaid Cymru	35 (25%)
Independents Group	10 (8%)

*The Appeals Panel has a Committee Membership of 3 which under the current political balance would be an allocation of 2 seats Labour and 1 Plaid Cymru, but is comprised of equal representation from the 3 main political groups, this increases the percentage share of the main Independents Group.

5. WELL-BEING OF FUTURE GENERATIONS

5.1 This report contributes to the Well-being Goals as set out in Links to Strategy above. It is

consistent with the five ways of working as defined within the sustainable development principle in the Act in that the importance of ensuring that representation on committees reflect the political balance of the local authority thereby involving people with an interest in achieving the well-being goals.

6. EQUALITIES IMPLICATIONS

- 6.1 The Council is under a statutory duty to review the political balance of the authority and apply that balance to the allocation of seats on committees.

7. FINANCIAL IMPLICATIONS

- 7.1 There are no financial implications which have not been included in this report.

8. PERSONNEL IMPLICATIONS

- 8.1 There are no personnel implications which have not been included in this report.

9. CONSULTATIONS

- 9.1 There are no consultations that have not been included in the report.

10. RECOMMENDATIONS

- 10.1 That the Council notes the political balance as outlined in Appendix 1 and that there has been no change to the general allocation of seats to the Committees in accordance with the political balance.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 In order to comply with statutory requirements to keep the political balance of the authority under review and to allocate seats on committees in accordance with that balance.

12. STATUTORY POWER

- 12.1 Local Government and Housing Act 1989 and regulations made under the Act and Local Government (Wales) Measure 2011.

Author: Emma Sullivan – Senior Committee Services Officer
Consultees: Christina HARRY, Interim Chief Executive
Robert Tranter, Head of Legal Services and Monitoring Officer
Lisa Lane, Interim Deputy Monitoring Officer
Cath Forbes-Thompson Interim, Head of Democratic Services
Richard Edmunds, Corporate Director Education and Corporate Services
Councillor D.V. Poole, Leader of Council
Councillor C.P. Mann, Leader of Plaid Cymru Group
Councillor K. Etheridge, Leader of Independents Group

Appendices:
Appendix 1 Political Balance

Caerphilly County Borough Council
 Political balance as at: - 22nd October 2018

APPENDIX 1

Seats	No	%
Total	73	100.0
Labour	49	67
Plaid Cymru	18	24.7
Independent 1	4	5.5
Independent 2	1	1.4
Independent 3	1	1.4

Seats allocated to particular committee sizes

Committee Size	Labour			Plaid Cymru			Independent			Independent 2			Independent 3		
	Calculated	Actual	%	Calculated	Actual	%	Calculated	Actual	%	Calculated	Actual	%	Calculated	Actual	%
2	1.3	1	50.0	0.5	1	50.0	0.1	0	0.0	0.0	0	0.0	0.0	0	0.0
3	2.0	2	66.7	0.7	1	33.3	0.2	0	0.0	0.0	0	0.0	0.0	0	0.0
4	2.7	3	75.0	1.0	1	25.0	0.2	0	0.0	0.1	0	0.0	0.1	0	0.0
5	3.4	3	60.0	1.2	1	20.0	0.3	0	0.0	0.1	0	0.0	0.1	0	0.0
6	4.0	4	66.7	1.5	2	33.3	0.3	0	0.0	0.1	0	0.0	0.1	0	0.0
7	4.7	5	71.4	1.7	2	28.6	0.4	1	14.3	0.1	0	0.0	0.1	0	0.0
8	5.4	5	62.5	2.0	2	25.0	0.4	1	12.5	0.1	0	0.0	0.1	0	0.0
9	6.0	6	66.7	2.2	2	22.2	0.5	1	11.1	0.1	0	0.0	0.1	0	0.0
10	6.7	7	70.0	2.5	2	20.0	0.5	1	10.0	0.1	0	0.0	0.1	0	0.0
11	7.4	7	63.6	2.7	3	27.3	0.6	1	9.1	0.2	0	0.0	0.2	0	0.0
12	8.1	8	66.7	3.0	3	25.0	0.7	1	8.3	0.2	0	0.0	0.2	0	0.0
13	8.7	9	69.2	3.2	4	30.8	0.7	1	7.7	0.2	0	0.0	0.2	0	0.0
14	9.4	9	64.3	3.5	4	28.6	0.8	1	7.1	0.2	0	0.0	0.2	0	0.0
15	10.1	10	66.7	3.7	4	26.7	0.8	1	6.7	0.2	0	0.0	0.2	0	0.0
16	10.7	11	68.8	3.9	4	25.0	0.9	1	6.3	0.2	0	0.0	0.2	0	0.0
17	11.4	11	64.7	4.2	5	29.4	0.9	1	5.9	0.2	0	0.0	0.2	0	0.0
18	12.1	12	66.7	4.4	5	27.8	1.0	1	5.6	0.2	0	0.0	0.2	0	0.0
19	12.8	13	68.4	4.7	5	26.3	1.0	1	5.3	0.3	0	0.0	0.3	0	0.0
20	13.4	14	70.0	4.9	5	25.0	1.1	1	5.0	0.3	0	0.0	0.3	0	0.0
73	49.0	49	67.1	18.0	18	24.7	4.0	4	5.5	1.0	1	1.4	1.0	1	1.4
AVERAGE %:			66.3			27.7			6.0			0.1			0.1



COUNCIL – 13TH DECEMBER 2018

SUBJECT: GAMBLING ACT 2005 – REVIEW OF STATEMENT OF LICENSING POLICY

REPORT BY: CORPORATE DIRECTOR FOR EDUCATION AND CORPORATE SERVICES

-
- 1.1 The attached report, which was presented to the Licensing and Gambling Committee on 29th November 2018, informed Members of the result of consultation carried out to review the Statement of Licensing Policy and sought the views of Members on the proposed amendments to the Policy, prior to its presentation to Council for approval.
 - 1.2 Members were advised that in accordance with the Gambling Act 2005, the Licensing Authority must prepare, consult upon and approve a Statement of Licensing Policy that must be published every three years. The current Policy was approved by Council and published in January 2016. The revised Policy must be published by 1st January 2019 in order to come into effect on 31st January 2019.
 - 1.3 It was noted that the Policy has been reviewed and a consultation exercise undertaken with relevant bodies, individuals, residents and businesses throughout the borough between 25th July and 31st August 2019. 4 responses were received and were summarised in Section 4.3 of the report. Officers also outlined the main amendments proposed for the Policy as set out in Section 4.4 of the report, which provide greater clarity on types of gambling premises and the types of conditions that could be imposed on a license, place an onus on applicants/licence holders to carry out DBS staff checks where necessary, provide increased guidance on small society lotteries, and provide advice to applicants/licence holders on conditions and codes of practice concerning local risk assessments.
 - 1.4 The Committee were asked to note some minor typographical corrections required to policy references set out in the report (in that paragraph 4.4.2 of the report should refer to Sections 2.11 and 2.12 of the Policy, and paragraph 4.4.3 should refer to Section 2.9 of the Policy) and to the Policy itself (in that Section 2.7.2 should refer to point 2.16 and page 21, whilst Section 2.17 should refer to Annex 4 and not Appendix C).
 - 1.5 During the course of the ensuing debate, it was queried whether the wording at Section 2.10 of the Policy (potential requirements for premises to have a door supervisor) should be amended to state “will require” instead of “may require” as a condition of licence for those premises that may attract disorder. Officers explained that there has been no need to impose a condition in this regard to date but that all premises are examined on their own merits and that this section of the Policy will be kept under review.
 - 1.6 Discussion took place regarding the undertaking of risk assessments by gambling operators as set out in Section 6 of the Policy, and it was also queried if the document should set out minimum proximity distances between the premises and locations of groups vulnerable to problematic gambling. Officers confirmed that they undertake regular visits to gambling

premises to ascertain that all requirements are being complied with, and explained that these inspections are often undertaken in conjunction with representatives from the Gambling Commission. Regarding proximity to other locations, it was explained that it is difficult to specify exact distances within the Policy but that this is an area that will be kept under review. It was also confirmed that the Council's enforcement team undertakes risk assessed inspections to premises on a 12-24 month cycle and will conduct additional non-routine inspections if any concerns regarding a premises are raised.

- 1.6 A query was raised in regards to lone working and whether a condition could be placed on all gambling establishments to ensure there is more than one staff member present at all times. Officers explained that the majority of premises are owned by large national chains who recognise the importance of adhering to licence requirements but that if concerns are raised, then the Council could seek to apply a condition to a particular premises in this regard.
- 1.7 Discussion took place regarding the proximity of ATM machines to gambling premises in view of player protection controls and Officers explained that the Council is aware of the issue but unable to regulate this area. Members were advised that premises should have their own player protection controls in place and Officers also highlighted some of the agencies that can assist with problem gambling. In response to Members' queries, clarification was given on the restrictions placed on children entering gambling premises and it was explained that test purchases are carried out by the Council's enforcement team in this regard. A Member queried the Council's position in the event of any liability challenge brought about as a result of problem gambling and it was explained that the Council is fully compliant with its responsibilities as set out in the Gambling Act 2005 and is meeting its obligations via the production of the Statement of Licensing Policy. In regards to enforcement obligations, it was explained that the Council offers advice and carries out regular inspections but it is the responsibility of the gambling premises to ensure they are adhering to legislative requirements and the Policy.
- 1.8 Following consideration of the report, the Licensing and Gambling Committee unanimously recommended to Council that the revised Statement of Licensing Policy as appended to the report be approved.
- 1.9 Members are asked to consider the report and the above recommendation.

Author: R. Barrett, Committee Services Officer, Ext. 4245

Appendices:

Appendix Report to Licensing and Gambling Committee on 29th November 2018



LICENSING AND GAMBLING COMMITTEE – 29TH NOVEMBER 2018

SUBJECT: GAMBLING ACT 2005 – REVIEW OF STATEMENT OF LICENSING POLICY

REPORT BY: INTERIM CORPORATE DIRECTOR - COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 To inform Members of the result of consultation carried out to review the Statement of Gambling Licensing Policy. The report is seeking the views of Members prior to its presentation to Council on 13th December 2018.

2. SUMMARY

- 2.1 In accordance with the Gambling Act 2005, the Licensing Authority must prepare, consult upon and approve a Statement of Licensing Policy that must be reviewed every three years. The current Policy was approved by Council and published in January 2016. The policy must contain objectives regarding the following:-

- 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 conducted in a fair and open way, and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

3. LINKS TO STRATEGY

- 3.1 The review of Statement of Gambling Licensing policy contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:
- A prosperous Wales
 - A resilient Wales
 - A more equal Wales
 - A globally responsive Wales.

4. THE REPORT

- 4.1 In accordance with the above Act, the Licensing Authority has a duty to publish a Policy which sets out the principles that it will apply when dealing with gambling premises, gaming permits, lottery registrations, and other gambling notices associated with gaming.

The Policy has been reviewed and a consultation exercise undertaken with relevant bodies, individuals, residents and businesses throughout the Borough who have been invited to comment. The consultation period commenced on 25th July 2018 and ran until the 31st August 2018.

- 4.2 When preparing the revised Statement, the Authority must have regard to legislative changes and the Guidance issued by the Gambling Commission. In addition the revised policy has been developed following collaboration with neighbouring authorities comprising the Gwent Licensing Forum, i.e. Torfaen, Monmouthshire, Blaenau Gwent and Newport. The collaboration addressed common themes affecting all authorities but did not address local issues or considerations particular to each authority.
- 4.3 Four responses have been received during the consultation period, one related to advertising of Gambling and possible pressure to be brought on Central Government to prohibit all gambling advertisements, which is outside the remit of the policy. Another response queried whether premises could be required to be Dementia Friendly, whilst this is something which could not be conditioned, the principles of the scheme could be outlined during officer compliance visits. The third response requested that the Licensing Authority note the change of address of one of the agencies consulted. The fourth response was received from the Gwent Licensing Forum Chair to incorporate the comments of Aneurin Bevan Gwent Public Health team, who made reference to the location or clustering of gambling premises, the proximity of premises where groups vulnerable to problematic gambling may congregate. Furthermore consideration of location of alcohol premises in relation to Gambling premises and awareness of where to signpost customers at risk of harm.
- 4.4 The revised Statement of Licensing Policy is attached as Appendix 1 and the main amendments to the policy are as follows:
- 4.4.1 **Define the types of Gambling Premises more clearly.**
Section 2.1 of the policy now confirms the type of premises authorised under the Gambling Act e.g. Bingo Premises, Betting Premises including race tracks, Adult Gaming and Family Entertainment Centres.
- 4.4.2 **Requirement for applicants / licence holders to carry out necessary checks of staff members where children and vulnerable people have access.**
Sections 2.11 & 2.13 of the policy place the onus on applicants/licensees of Family Entertainment Centres to provide evidence that suitable Disclosure and Barring Service checks have been conducted on staff in their employment. Furthermore to put sufficient measures in place to ensure children do not have access to adult only gaming machines, through segregation of machines, supervision of these areas, the location of such machines and the display of prominent notices.
- 4.4.3 **Details the type of conditions that could be imposed on a licence.**
Whilst decisions upon individual conditions will be made on a case by case basis section 2.8 details conditions which the council could impose on a licence, examples provided have particular reference to security, anti- social behaviour concerns, underage access and player protection controls.
- 4.4.4 **Increased guidance on small society lotteries.**
Section 4 sets out the qualifying criteria for Societies, the content of applications and supporting information required and the Licensing Authority's ability to refuse an application.
- 4.4.5 **Provides advice to applicants / licence holders on conditions and codes of practice concerning local risk assessments.**
Section 6 of the policy explains the Licensing Authority's requirements concerning the Gambling Commission's Licence Conditions and Codes of Practice. This will require new applicants and existing licensees to undertake or update their local risk assessment demonstrating a local regard for the area when submitting a new premises' licence, or variation. These should take into account significant changes in the local area or when there are significant changes within their premises that may affect the existing risk assessment. In effect the applicant / licensee will be required to assess local risks and determine appropriate mitigation to reduce those risks.
- 4.5 Following consideration by this Committee, the Policy will be presented to Council for final approval. The revised policy must be published by the 1st January 2019 to come into effect for the 31st January 2019.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This report and review of the Statement of Gambling Policy contributes to the Well-being Goals as set out in Links to Strategy above. They are consistent with the five ways of working as defined within the sustainable development principle in the Act. There is an emphasis on prevention as the licensing process ensures that a number of checks and safeguards are in place before a licence is granted. There is also involvement particularly through the consultation process for applications allowing other agencies and the community to input into the decision making process.

6. EQUALITIES IMPLICATIONS

- 6.1 The Policy is required to be reviewed every three years. There are no potential equalities implications of this report and the amended policy on groups or individuals who fall under the category identified in Section 6 of the Council's Strategic Equality Plan. There is no requirement for an Equalities Impact Assessment Questionnaire to be completed for this report. The Council ensures that it treats all individuals who are renewing or making new applications for licenses, with equal respect in line with the Council's Strategic Equality Plan 2016 to 2020. The review of the Gambling policy was subject to public consultation which included a media release and the authority's corporate website.

7. FINANCIAL IMPLICATIONS

- 7.1 There are no financial implications.

8. PERSONNEL IMPLICATIONS

- 8.1 There are no personnel implications.

9. CONSULTATIONS

- 9.1 Details of consultees on the amended policy are listed in Annex 1 of the attached policy document. Four responses were received as a result of the public consultation process and are detailed in paragraph 4.3 and where appropriate have been included in the amended policy.
- 9.2 This report has been sent to the consultees listed below and all comments received are reflected in this report.

10. RECOMMENDATIONS

- 10.1 That the Committee consider and offer any comment to Council on the revised Statement of Licensing Policy, prior to submission to Full Council on 13th December 2018.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 In order to give effect to the statutory obligations imposed by the Gambling Act 2005 and any Regulations made under the Act.

12. STATUTORY POWER

- 12.1 Gambling Act 2005. The decision is the responsibility of the full Council.

Author: Lee Morgan, Licensing Manager
Consultees: Councillor D Preece, Chair, Licensing Committee
Councillor J Simmonds Vice Chair, Licensing Committee
Mark S Williams, Interim Corporate Director, Communities.
Rob Hartshorn, Head of Public Protection, Community and Leisure Services
Jacqui Morgan, Trading Standards, Licensing and Registrars Manager
Rob Tranter, Head of Legal Services and Monitoring Officer
James Williams, Solicitor, Legal Services
Anwen Cullinane Senior Policy Officer (Equalities and Welsh Language)
Mike Eedy, Finance Manager
Shaun Watkins, HR Manager

Background Papers:

The current Gambling policy: <http://www.caerphilly.gov.uk/CaerphillyDocs/Licensing/Statement-of-Licensing-Policy-Gambling-Act.aspx>

The Gambling Act 2005 and associated Regulations.

Gambling Commission Licensing Conditions and Codes of Practice.

Appendices:

Appendix 1 Revised Statement of Licensing Policy



CAERPHILLY COUNTY BOROUGH COUNCIL

GAMBLING ACT 2005

STATEMENT OF LICENSING POLICY

Approved: ***DATE**** 2018

Commencement: ****DATE***** 2019

Licensing Section
Caerphilly County Borough Council
Ty Penallta
Tredomen Park
Ystrad Mynach
CF82 7PG

Email: licensing@caerphilly.gov.uk

Further copies may be obtained from
the above address or from the website:

<http://www.caerphilly.gov.uk>

This publication is available in Welsh. It is available in other languages
and formats on request.

Mae'r cyhoeddiad hwn ar gael yn Gymraeg ac mewn ieithoedd neu
fformatau eraill ar gais.

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1. STATEMENT OF LICENSING POLICY

1.1 Introduction

The Gambling Act 2005 requires the Council to prepare and publish a “Statement of Licensing Policy” that sets out the principles the Council proposes to apply in exercising its licensing functions when dealing with applications for Premises Licences, as required by the Act. Definitions of the terms used in this policy are attached as Annex 6.

This Policy Statement takes effect on 31st January 2019. This Licensing Authority will update and publish a new Licensing Policy whenever necessary but in any case within 3 years of the date of this Policy (or such period as may be determined by legislation), and will fully consult with partners, trade associations and residents groups as appropriate, any representations received will be considered at that time.

The Council reserves the right to amend this policy without consultation where it is necessary to ensure the policy reflects changes to national legislation or statutory guidance.

In producing the final Policy Statement the Council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, any codes of practice and any responses from those consulted on the Policy Statement.

The council acknowledges that it may need to depart from this Policy and from the guidance issued under the Act 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.

1.2 Equalities and Human Rights

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The characteristics that are protected by the Equality Act 2010 are age, disability, gender reassignment, marriage or civil partnership (in employment only), pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The applicant shall have regard to this legislation. However, the Licensing Authority will not use licensing to pursue such issues, other than where supported by legislation and accepted good practice.

The Welsh Language (Wales) Measure 2011 makes both Welsh and English the official languages of Wales, and the Licensing Authority will ensure that it provides its services in accordance with the Council’s current policies on Welsh language service provision and production of bilingual material.

The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with such a right. The Licensing Authority will have regard to the Human Rights Act when considering any licensing issues, and particularly in respect of the way in which applications are considered and enforcement activities are carried out.

The Council expects that in granting an authorisation the holder of that authorisation will take all reasonable and practical steps to prevent and eliminate unlawful discrimination and to promote equality of opportunity and good relations within and between staff, customers and visitors. This is irrespective of a person's ethnic origin, sex, age, marital status, sexual orientation, disability, gender reassignment, religious beliefs or non beliefs, use of Welsh language, British Sign Language and other languages, nationality, responsibility for any dependants or any other reason which cannot be shown to be justified.

The Council ensures that it treats all individuals and organisations who are renewing or making new applications for licenses, with equal respect both when corresponding with those individuals and organisations, and during the licensing approval process and will do so in the language or format of their choice, in line with the Council's Strategic Equality Objectives.

The Council is satisfied that this policy satisfies the statutory requirements and where there are restrictions, they satisfy the provisions on proportionality and balance of competing rights.

1.3 Profile of Caerphilly County Borough

The County Borough of Caerphilly stretches from Cardiff and the M4 in the South to the Heads of the Valleys and the Brecon Beacons in the North, a distance of some 40 kilometres and covering a total area of 69,160 acres. It has a population in excess of **180,453** and is semi-rural in character. There are seven main town centres servicing the area, (Caerphilly, Blackwood, Bargoed, Ystrad Mynach, Newbridge, Risca and Rhymney) along with numerous villages, each with their own individual character. The authority is comprised of 33 wards.

Gambling premises are predominantly sited within the seven main towns, with a greyhound race track based in Ystrad Mynach.

1.4 Purpose

In exercising most of its functions under the Gambling Act 2005 the Council, as the Licensing Authority, must have regard to the following licensing objectives:

- **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 conducted in a fair and open way;**
- **Protecting children and other vulnerable persons from being harmed or exploited by gambling.**

It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

Section 153 of the Act requires that the Council when making decisions about premises licences and temporary use notices should aim to permit the use of premises for gambling insofar as 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;
- In accordance with the Council’s Statement of Licensing Policy.

1.5 The Licensing Authority Functions

The Council is 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 via 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 notification from alcohol licensed premises (under the Licensing Act 2003) of 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 monetary 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 (see section below on information exchange);
- Maintain registers of the permits and licences that are issued under these functions.

It should be noted that local licensing authorities are not involved in licensing remote gambling, which is regulated by the Gambling Commission via Operator Licences.

The Council recognises that the licensing function is only one means of promoting delivery of the three objectives and should not therefore be seen as a means for solving any or all problems associated with gambling within the community. The Council will therefore continue to work in partnership with neighbouring authorities, Heddlu Gwent Police, Public Health, the Safer Caerphilly County Borough Community Safety Partnership, local businesses, local people and those involved in child protection to promote the licensing objectives as outlined. In addition, the Council recognises its duty under Section 17 of the Crime and Disorder Act 1998, with regard to the prevention of crime and disorder.

1.6 Consultation

The Council has consulted widely upon this Statement before finalising and publishing. Consultation on this policy has been conducted in line with the Act and the Gambling Commission's Guidance (hereafter referred to as Guidance). A list of those persons consulted is attached as Annex 1, further details, together with a list of comments made and the consideration by the Council of those comments is available on request. Consultation took place between 25th July 2018 and 31st August 2018.

This policy was approved at a meeting of the Full Council on *****DATE***** and was published on the ******Date ****** 2019, as well as being available at www.caerphilly.gov.uk

1.7 Responsible Authorities

In exercising the Council's powers under Section 157(h) of the Act, to designate, in writing, a body that is competent to advise the Council about the protection of children from harm, the following principles have been applied:

- The need for the body to be responsible for an area covering the whole of the Council's area;
- The need for the body to include senior and responsible representatives of appropriate public bodies in the county borough area, who have as a principal duty, responsibility for the protection of children from harm

In accordance with the Guidance this Council designates the Child Protection Co-ordinator (On behalf of the Local Safeguarding Children Board) for this purpose. Details of the bodies and contact details identified under the Act that are to be treated as Responsible Authorities are listed in annex 2. of this policy.

1.8 Interested Parties

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 1.3 of this Policy Statement.

An Interested Party is someone who:-

- (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

Represents persons in either of the two groups above.

The principles the Council will apply to determine whether a person is an Interested Party are:

A) This Council will not apply rigid rules to its determination and will consider the examples of considerations provided in the Guidance. It will also consider the Guidance that “business interests” should be given the widest possible interpretation and include partnerships, charities, faith groups, medical practices and Local Health Board.

B) Interested Parties can be persons who are democratically elected, such as Councillors and MP’s. No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP is sufficiently close to, lives or represents those likely to be affected. Likewise, Community Councils likely to be affected will be considered as interested parties. Other than these, however, this Council will generally require written evidence that a person, body (e.g. an advocate/relative) ‘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. Correspondence from one of these persons, requesting the representation is sufficient.

In the event that a Councillor is requested to represent the views of an individual, the Councillor would not be permitted to take part in the determination of that application by the Licensing and Gambling Sub-Committee, or in any other way have a personal interest that would preclude them from participating in a hearing. If there is any doubt the Councillor will be recommended to contact the Council’s Monitoring Officer.

1.9 Exchange of Information

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

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.

1.10 Enforcement

The Council will be guided by the Gambling Commission's Guidance to local authorities, the Regulators Code and the council's enforcement policy and will endeavour to be:

- Proportionate: regulators should only intervene when necessary, remedies should be appropriate to the risk posed,
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must not be contradictory and implemented fairly;
- Transparent: regulators should be open, ensure that regulations can be easily understood and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

In accordance with the Guidance the Council will endeavour to avoid duplication with other regulatory regimes as far as is possible.

The Council adopt a risk-based inspection programme, based on:

- The licensing objectives;
- Relevant codes of practice;
- Guidance issued by the Gambling Commission;
- The principles set out in this Statement of Licensing Policy.
- The council's enforcement policy.

The main enforcement and compliance role for this Council in terms of the Gambling Act 2005 is to ensure compliance with the Premises Licences and other permissions, which it authorises. The Gambling Commission is the enforcement body for the Operator and Personal Licences. Concerns about manufacture, supply or repair of gaming machines are dealt with by the Council but should be notified to the Gambling Commission.

The council will take account of the Guidance document 'Approach to Test Purchasing' when considering making test purchases at gambling premises. The council will also follow its own policies and procedures regarding the use of underage test purchasers and the Better Regulation Delivery Office's (BRDO) Code of Practice on Age Restricted Products.

1.11 Fundamental Rights

Under the terms of the Act any individual/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 a 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.

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

1.12 Integrating Strategies and Avoiding Duplication

By consulting widely prior to this Policy Statement being published, the Council 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.

When considering any application, the Council will avoid duplication with other regulatory regimes so far as possible. Therefore, the Council will not attach conditions to a licence unless they are considered necessary, reasonable and proportionate to the use of premises for gambling, and are consistent with the licensing objectives.

1.13 Sustainable Development Community Strategy

The Local Government Act 2000 requires all local authorities to produce a community strategy within the framework of the UK Sustainable Development Strategy – “A better Quality of Life” and relevant regional strategies. The Wellbeing and Future Generations (Wales) Act 2015 requires all Welsh local authorities to think about the long-term impact of their decisions, to work better with people, communities and each other, and to prevent persistent problems such as poverty, health inequalities and climate change.

Community strategies provide a focal point for the identification of local issues and aspirations on social inclusion, environmental protection, employment and economic development.

Local strategic partnerships, typically involving the police, local authorities, local health boards, and representatives from education, business and the voluntary sector organisations, are responsible for the achievement of locally set objectives. These are set out in the Caerphilly We Want Well-Being Plan and can be accessed via

<https://your.caerphilly.gov.uk/publicservicesboard/content/well-being-plan>

Under the Crime and Disorder Act 1998 local authorities must have regard to the likely effect of the exercise of their functions on, and do all they can to prevent crime and disorder in the area. The Council will have particular regard to the likely impact of licensing on related crime and disorder in the County Borough, particularly when considering the location, impact, operation

and management of all proposed licence/permit applications, renewals and variations of conditions.

2. PREMISES LICENCES

2.1 General Principles

Premises Licences authorise the provision of gambling facilities on the following:-

- Casino Premises;
- Bingo Premises;
- Betting Premises (including race tracks used by betting intermediaries);
- Adult Gaming Centres (AGCs);
- Family Entertainment Centres (FECs).

Except in the case of Tracks (where the occupier may not be the person offering gambling), Premises Licences will only be granted to those issued with an Operating Licence by the Gambling Commission.

Premises Licences are subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions, which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach other conditions where they are considered to be appropriate.

The Council is aware that in making decisions about Premises Licences it should aim to permit the use of premises for gambling insofar as it thinks it:-

- 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 this Policy Statement.

This Council may also consider measures to meet the licensing objectives when making such decisions, for example:

- 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.

It is appreciated that in accordance with the Guidance for local authorities “moral objections to gambling are not a valid reason to reject applications for Premises Licences” and also that unmet demand is not a criterion for consideration by the licensing authority.

The Licence Conditions and Code of Practice (LCCP) issued by the Gambling Commission places f onus on licence holders to complete a risk assessment The Council will have regard to this code when considering applications.

2.2 Definition of “Premises”:

Premises are defined in the Act as “any place”. Section 152 of the Act gives that a premises licence may not authorise the use of a premises for more than one kind of activity except for tracks. Tracks may be subject to main and subsidiary licences.

A single building could be subject to more than one premises licence, provided that they relate to different parts of the building and the different parts of the building can be reasonably 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. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Guidance states that: “In most cases the expectation is that a single building/plot will be the subject of an application for a licence. But, that does not mean that a single building plot cannot be the subject of separate premises licence, e.g. the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer.

However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example, by ropes or moveable partitions, can properly be regarded as different premises.”

The Council takes particular note of the Guidance which states that licensing authorities should 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, they should be aware of the following –

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore, 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;
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensing premises or premises with a permit;
- Customers should be able to participate in the activity named on the premises licence.

The Guidance also gives a list of factors, which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates?
- Is the Premises’ neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

2.3 Appropriate Licence Environment

The Guidance and the Licence Conditions and Codes of Practice (LCCP) sets out matters that the council should take into account when considering licence applications for premises licences.

The Guidance, prescribes restrictions on gambling activities on premises, previously known as primary gambling activity. The council will consider any application based on the provisions in these codes and guidance.

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 council 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.

The Council will consider these and any other relevant factors in making its decision, depending on all the circumstances of the case.

A summary of the Guidance for relevant access provisions for each premises type is attached as Annex 3:

2.4 Premises “ready for gambling”

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 premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there is outstanding construction or alteration works at a premises, the Council will determine applications on their merits, applying a two stage consideration process:

- First, whether the premises ought to be permitted to be used for gambling;
- Second, whether appropriate conditions can be put in 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.

Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

More detailed examples of the circumstances in which such a licence may be granted can be found in the Guidance.

2.5 Location:

The Council is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision making. In accordance with the Guidance the Council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. 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 showing how potential concerns can be overcome.

2.6 Planning/ Duplication with other Regulatory Regimes:

The Council seeks to avoid any duplication with other statutory/regulatory systems where possible, including planning.

The Gambling Commission Guidance to Licensing Authorities states:

- In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

The Council will not take into account irrelevant matters, in addition, the Council notes the following excerpt from the Guidance:

- When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

2.7 Licensing Objectives:

Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the Council has considered the Guidance and comments as follows:

2.7.1 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime:

The Council is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. However, it is envisaged that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime, the Council will consider carefully whether the location is suitable for gambling premises and whether conditions such as the provision of door supervisors may be appropriate.

2.7.2 Ensure that gambling is conducted in a fair and open way:

Ensuring gambling is conducted in a fair and open way, will be addressed via operating and personal licences administered by the Gambling Commission. There is a role for this Council with regard to tracks, which is explained in more detail at point 2.17 at page 23 in this policy statement.

2.7.3 **Protecting children and other vulnerable persons from being harmed or exploited by gambling:**

The Guidance states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The Council will, therefore, consider, as suggested in this Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas, etc.

The Council is also aware of the Gambling commission Codes of Practice, as regards this licensing objective, in relation to specific premises.

The term “vulnerable persons” is not defined by the Gambling Commission 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;
- people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs”.

The Council will consider this licensing objective on an application by application basis.

The Guidance sets out considerations that an operator must make in order to protect children and young people from accessing gambling premises.

The Licence Conditions and Codes of Practice (LCCP) prescribe how operators must prevent children from using age restricted gaming or gambling activities, particularly where gaming machines are licensed.

In particular operators must ensure that;

- all staff are trained,
- that all customers are supervised when on gambling premises
- there are procedures for identifying customers who are at risk of gambling related harm and also where to signpost people for support (training is available from a number of sources including Newport Citizens Advice Bureau (CAB) and Gambleaware)

The council will expect all operators to have policies and procedures in place as required by the LCCP codes on social responsibility to cover all aspects of the code, in particular staff training records and self-exclusion records

Further provisions with regard to self-exclusion and marketing are included in the social responsibility code. The council will take all conditions and codes into account when considering applications or performing enforcement activities.

See section 6 of this policy statement for further details and on the council's requirements in relation to the LCCP.

The Council will have regard to the Chief Medical Officer for Wales Annual report to support the licensing objective in order to protect children and other vulnerable persons from being harmed or exploited by gambling.

The Council would expect applicants and licence holders to carry out the necessary checks on all relevant members of staff to ensure their suitability for employment, particularly in respect of premises where children and vulnerable people have access.

2.8 Localised Information Sharing e.g. Bet-Watch:

The Council encourages and will support local operators to create and maintain an information sharing network to discuss issues of problem gamblers that are identified. This would provide an opportunity for operators to discuss issues with the licensing officers

2.9 Conditions:

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

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

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures the Council will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas, etc. Specific regard will be given to the local risk assessment for each premises when making such decisions There are specific comments made in this regard under some of the licence types below. The Council will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively. In conjunction with Mandatory conditions that are specified in the Gambling Act 2005 (Mandatory and Default Conditions)(England and Wales) Regulations 2007 (the regulations).

Conditions the Council may impose on a licence could include:-

Security conditions

- A minimum of two members of staff after 10pm;
- The premises will have an intruder alarm and panic button;
- A monitor shall be placed inside the premises above the front door showing CCTV images of customers entering the premises.

Anti-social behaviour conditions

- The licensee shall develop and agree a protocol with the police as to incident reporting, including the type and level of incident and mode of communication, so as to enable the police to monitor any issues arising at or in relation to the premises;
- The licensee shall place and maintain a sign at the entrance which states that 'only drinks purchased on the premises may be consumed on the premises';
- The licensee shall implement a policy of banning any customers who engage in crime or disorder within or outside the premises.

Underage controls

- Customers under 21 will have to provide ID;
- No machines in the Unlicensed Family Entertainment Centre to be sited within one metre of the Adult Gaming Centre entrance;
- Staff training records or certified copies should be available at the premises for inspection.

Player protection controls

- There shall be no cash point or ATM facilities on the premises;
- The licensee shall train staff on specific issues related to the local area and shall conduct periodic refresher training. Participation in the training shall be formally recorded and the records produced to the police or licensing authority upon request;
- Prominent GamCare documentation will be displayed at the premises.

This list is not exhaustive and merely gives an example of the type of conditions which may be imposed depending on the circumstances at each premises.

The Council will also consider specific measures, which may be required for buildings, which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Guidance and Code of Practice(s).

The Council will also ensure that where category C or above machines (Please see Annex 4 for machine categorisation information) are available in premises to which children are admitted:

- All such machines are located in an area of the premises which is separated 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 these machines are located;
- Access to the area where the machines are located is supervised;
- The area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- At the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises, including buildings where multiple premises licences are applicable.

This Council will consider, in accordance with the Guidance, the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

It is noted that the Council cannot attach conditions to premises licences, which are:

- Any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- Conditions relating to gaming machine categories, numbers, or method of operation;
- Conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- Conditions in relation to stakes, fees, winning or prizes.

Relevant mandatory and default conditions are attached at Appendix 5 for information

2.10 Door Supervisors:

The guidance to licensing authorities advises that if it is concerned that a premises may attract disorder, or be subject to attempts at unauthorised access (e.g. by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a condition on premises licence to this effect.

Where it is has been determined that supervision of entrances/machines is appropriate for particular cases, a consideration of whether such door stewards should be SIA licensed or not, will be necessary. It will not be automatically assumed that they need to be SIA licensed as the statutory requirements for different types of premises vary.

2.11 Adult Gaming Centre

The Council 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 Council that there will be sufficient measures to, ensure that under 18 year olds do not have access to the premises.

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 council 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.

2.12 (Licensed) Family Entertainment Centres

The Council 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 Council, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. The applicant for a Family Entertainment Centre provide evidence that a suitable criminal record check with the Disclosure and Barring Service (DBS) has been conducted on all staff in his/her employment.

Children and young persons are permitted entry to licensed FECs but are not permitted to play Category C machines. The Council expects the applicant to ensure that there will be sufficient measures in place to prevent under 18 year olds having access to the adult only gaming machine areas. The Council will expect applicants to meet the licensing objectives and comply with all mandatory conditions and Codes of Practice issued by the Gambling Commission.

There is a requirement that there must be clear segregation between the types of machine in order that children do not have access to Category C machines. All Category C machines must be located in an area of the premises which is separate from the remainder of the premises by a physical barrier, which will prevent access other than through a designated entrance. The Council will seek to ensure that:

- 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

2.13 Casinos

The Council has not passed a “no casino” resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the Council decide in the future to pass such a resolution, it will update this Policy Statement with details of that resolution. Any such decision will be made by the full Council.

Licence Considerations/Conditions:

If necessary the Council would attach conditions to casino premises licences according to the principles set out in the Guidance, bearing in mind the mandatory conditions and the Gambling Commission LCCP.

Betting Machines:

The Council will, 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 (it is an offence for those under 18 to bet) or by vulnerable people when considering the number/nature/circumstances of betting machines an operator wants to offer

2.14 Bingo Premises

Licensing Authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for excluded areas.

The holder of bingo premises licences may make available a number of category B gaming machines, not exceeding 20% of the total number of gaming machines, which are available for use on the premises

Operators may allow children and young people onto bingo premises; however, they are not permitted to participate in the bingo and if category B or C machines are made available for use, these must be separated from areas where children and young people are allowed.

Where Category C or above machines are available in the bingo premises to which children are admitted, the Council will seek to ensure that:-

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier 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 or the licence holder; and
- at the entrance to, and inside any such area, notices are prominently displayed indicating that access to the area is prohibited to persons under 18.

Where bingo is permitted in alcohol-licensed premises, this must be low turnover bingo only and applicants are expected to comply with any Codes of Practice and advice issued by the Gambling Commission. High turnover bingo will require a Bingo Operating Licence.

2.15 Betting Premises

Betting machines:

Self Service Betting Terminals (SSBTs):

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 Self Service Betting Terminals “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.

However, where a machine is made available to take bets on virtual races (that is, results and/or images generated by computer to resemble races or other events) that machine is a gaming machine and counts towards the maximum permitted number of gaming machines, and must meet the relevant category limitations for the premises.

The Council will, 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 (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

The Authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact who should be a senior individual and to whom the Authority will contact first should any compliance queries or issues arise.

2.16 Tracks

Tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. The Act allows for a main licence, and subsequent application to vary that licence allows for the issue of subsidiary licences provided that each licence relates to a specified area of the track, and that not more than one premises licence has effect in relation to any area of the track. The Council will especially consider the impact upon the third licensing objective (i.e. 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 where they are not permitted to enter.

The Council therefore expects premises licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. Children and young persons are 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 prevented from entering areas where gaming machines (other than category D machines) are provided.

2.17 Gaming Machines:

There are a number of 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. A table setting out gaming machine entitlement at each type of premises is attached at Appendix C.

There is a minimum age of 18 for all players for all category A, B and C machines, including category B3A gaming machines offering lottery style games. However there is no minimum age for players of category D machines. The holder of any permit or premises licence must comply with the codes of practice issued by the Commission on the location of and access to gaming machines by children and young persons, and the separation from category C and B machines where those are also located on the same premises.

Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, those machines (other than Category D machines) should be located in areas from which children are excluded.

Betting Machines:

The Council will, take into account the size of the premises and the ability of staff to monitor the use of machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

Applications and plans:

The Gambling Act and Regulations requires applicants to submit plans of the premises with their application, in order to ensure that the Council has the necessary information to make an informed judgement about whether the

premises are fit for gambling and will be used in planning future premises inspection activity.

Plans for tracks should be drawn to scale sufficiently detailed to include the information required by regulations.

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises are not required to be defined.

The Council appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information in order that the Council can satisfy itself that the plan indicates the main areas where betting may take place. For racecourses in particular, any betting area subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

2.18 Travelling Fairs

This Council is responsible for deciding whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The Council will also consider whether the applicant falls within the statutory definition of a travelling fair contained in the Gambling Act.

The 27-day statutory maximum for the land being used as a fair, is per calendar year, and that 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. The Council will work with its neighbouring authorities to ensure that land, which crosses boundaries, is monitored so that the statutory limits are not exceeded.

2.19 Provisional Statements

Developers may wish to apply to this Council for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a

premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

Section 204 of the Gambling Act provides for a person(s) to make an application to the Council for a provisional statement in respect of premises that they:

- expect to be constructed;
- expect to be altered; or
- expect to acquire a right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The Council will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow 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 Council may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the Council's opinion reflect a change in the operator's circumstances; or
- 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 and this Council notes that it can discuss any concerns it has with the applicant before making a decision.

3. PERMITS/TEMPORARY AND OCCASIONAL USE NOTICES

These forms of authorisations are as follows:-

- Unlicensed Family Entertainment Centres (uFEC) Permits
- Prize Gaming Permits
- Licensed Premises Gaming Machine Permits
- Club Gaming Permits
- Club Gaming Machine Permits
- Temporary Use Notices (TUNs)
- Occasional Use Notices (OUNs)

A table setting out gaming machine entitlement is attached at Annex 4.

3.1 **Unlicensed family entertainment centre Gaming Machine Permits**

Only premises that are wholly or mainly used for making gaming machines available may hold an Unlicensed Family Entertainment Centre. As a result, it is generally not permissible for such premises to correspond to an entire shopping centre, airport, motorway service station or similar. Typically, the machines will be in a designated enclosed area and clearly defined when making an application to the Council.

Where premises licence is not in place, but an operator wishes to provide category D gaming machines, application may be made to the Council for this type of permit.

It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use and would, 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.

An application for a permit may be granted only if the Council is satisfied that the premises will be used as an unlicensed Family Entertainment Centre and the Chief Officer of Police has been consulted on the application.

The Council will expect the applicant 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 each be considered on their merits. However, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.

This Council will also expect, as per Gambling Commission Guidance, that applicants demonstrate:-

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed Family Entertainment Centres;

- That the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act);
- That staff are trained to have a full understanding of the maximum stakes and prizes.

It should be noted that the Council cannot attach conditions to this type of permit.

3.2 (Alcohol) Licensed Premises Gaming Machine Permits

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The Council can 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 the condition in the Gambling Act regarding automatic entitlement to gaming machines (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.

If more than 2 machines are required, then an application must be made for a permit and the Council will consider that application based upon the licensing objectives, any guidance and codes of practice issued by the Gambling Commission, and “*such matters as the Council think relevant.*” The Council 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 Council that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the Council that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those persons under 18. Notices and signage may also be required. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

The Council can determine whether to grant an application for a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of such machines.

3.3 Prize Gaming Permits

The Council has the right to prepare a 'Statement of Principles' that it proposes to apply in exercising its functions in respect of these permits which may, in particular, specify matters that this authority propose to consider in determining the suitability of the applicant for a permit.

The Council has prepared the following 'Statement of Principles', which gives that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant can demonstrate:-

- That they understand the limits to stakes and prizes that are set out in Regulations;
- And that the gaming offered is within the law;
- Clear policies that outline the steps to be taken to protect children from harm.

In making its determination for prize gaming permits the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

It should be noted that there are conditions in the Gambling Act 2005 with which the permit holder must comply, but that the licensing authority cannot attach. The conditions in the Act are:-

- The limits on participation fees, as set out in regulations, must be complied with;
- All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- Participation in the gaming must not entitle the player to take part in any other gambling.

3.4 Club Gaming and Club Machines Permits

Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machines Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance. Members Clubs and Miners' Institutes and also Commercial Clubs

may apply for a Club Machine Permit. A Club Gaming Machine Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

The Council has to satisfy itself that the club meets the requirements of the Act to obtain a club gaming permit. In doing so it will take into account a number of matters as outlined in the Guidance. These include the constitution of the club, the frequency of gaming, and ensuring that there are more than 25 members.

The club must be conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.

The Council may only refuse an application on the grounds that:

- (a) 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;
- (b) The applicant's premises are used wholly or mainly by children and/or young persons;
- (c) An offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) A permit held by the applicant has been cancelled in the previous ten years; or
- (e) An objection has been lodged by the Commission or the police.

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003. Commercial clubs do not qualify for Club Premises Certificates under the Licensing Act 2003 and as such cannot avail themselves of the fast track procedure. Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

- (a) That the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) That in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) That a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

3.5 Temporary Use Notices

Temporary Use Notices 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 suitable for a Temporary Use Notice, would include such venues as hotels, conference centres and sporting venues.

The Council may only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement, the relevant regulations state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards temporary use notices which requires the Council to carefully consider the meaning of 'premises' or 'a set of premises' and will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the Council will look at, amongst other things, the ownership/occupation and control of the premises.

This Council expects to object 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; as recommended by the Gambling Commission's Guidance to licensing authorities.

3.6 Occasional Use Notices

Where there is betting on a track on 8 days or fewer in a calendar year, betting may be permitted by an occasional use notice (OUN) without the need for a full premises licence. The intention behind OUNs is to permit licensed betting operators with appropriate permission from the Commission, to use tracks for short periods for conducting betting, where the event upon which the betting is to take place is of a temporary, infrequent nature (the OUN dispenses with the need for a betting premises licence for the track in these circumstances).

Non-commercial, fundraising race nights can be run as betting events at sporting venues under the authority of an OUN, whether or not the sporting event on which the bets are taken is held at that venue. The sporting event on which the bets are or will be taken also need not be taking place at the same time as the betting under the OUN.

The Council has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Council will though consider the definition of a 'track' and whether the applicant is permitted to avail themselves of an occasional use notice.

4. SMALL SOCIETY LOTTERIES

The Gambling Act 2005 sets out a definition of a lottery, detailed below, and provides that promoting or facilitating a lottery is illegal, unless it falls into one of two categories of permitted lottery, namely:

- licensed lotteries – these are large society lotteries and lotteries run for the benefit of local authorities that are regulated by the Commission and require operating licences;
- exempt lotteries – there are four types of exempt lottery that are expressly permitted under Schedule 11 of the Act, including the small society lottery.

A lottery is any arrangement that satisfies all of the criteria contained within the statutory description of either a simple lottery or a complex lottery, in accordance with section 14 of the Act.

A 'society' is the society, or any separate branch of such a society, on whose behalf a lottery is to be promoted, and has been established as a non-commercial organisation. Section 19 of the Act defines a society as such if it is established and conducted:

- for charitable purposes, as defined in section 2 of the Charities Act 2006;
- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity;
- for any other non-commercial purpose other than that of private gain.

The society must have been established for one of the permitted purposes as set out in section 19 of the Act, and that the proceeds of any lottery must be devoted to those purposes. It is not permissible to establish a society whose sole purpose is to facilitate lotteries.

Local authorities are entitled to operate their own lotteries, but may only do so if licensed by the Gambling Commission. Local authorities must commit a minimum of 20% of the proceeds from such lotteries for a purpose for which they have power to incur expenditure, and must also adhere to the other relevant provisions in the Act. They may also need to hold a remote gambling operating licence, in the event that they wish to sell lottery tickets via electronic or other remote technological methods such as over the telephone, email or via the internet.

Applications for small society lottery registrations must be in the form prescribed by the Secretary of State and must be accompanied by a registration fee and a copy of the terms and conditions and the constitution to prove that they are a non-commercial society. Paragraphs 47 and 48 of Schedule 11 of the Act set out the grounds for licensing authorities to refuse a small society lottery registration application.

The Council has adopted a risk based approach towards its enforcement responsibilities for small society lotteries. The Council considers that the following list, although not exclusive, could affect the risk status of the operator:

- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- submission of incomplete or incorrect returns
- breaches of the limits for small society lotteries

Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- by, or on behalf of, a charity or for charitable purposes
- to enable participation in, or support of, sporting, athletic or cultural activities.

Charities and community groups should contact the Council on 01443 866750 or via licensing@caerphilly.gov.uk to seek further advice to register the lottery and to provide proof the collection is for charitable purposes, to support sporting, athletic or cultural activities.

5. DECISION MAKING

5.1 Administration, Exercise and Delegation of Function

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

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. The schedule setting out this Council's delegation of functions and decisions is attached as Annex 6. The Council may, nevertheless, refer any matter to the Licensing and Gambling Committee or Sub-Committee.

5.2 Appeals Procedure

Entitlements to appeal for parties aggrieved by decisions of the Council are set out in the Act. Appeals must be made to the Magistrates Court for the area in which the licensing authority, which has considered the application, is situated.

An appeal has to be commenced by giving notice of the appeal by the appellant to the local Magistrates Court, within a period of 21 days, beginning with the day on which the appellant was notified by the Council of the decision to be appealed against.

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.

5.3 Giving Reasons For Decisions

The Council will give comprehensive reasons for its decisions and 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.

5.4 Implementing the Determination of The Magistrates' Court

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

5.5 Complaints Against Licensed Premises

The Council will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.

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

This process will not override the right of any interested party to ask that the Licensing and Gambling Sub-Committee consider their valid objections, or for any licence holder to decline to participate in a conciliation meeting.

Due consideration will be given to all relevant representations unless they do not comply with the requirements as set out below.

5.6 Reviews

Requests for a review can be made by Interested Parties or Responsible Authorities. However, it is for the Council to decide whether the review is to be carried out based upon 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.

The request for the review will also be subject to the consideration by the Council as to whether it is frivolous, vexatious, or whether it is substantially the same as previous representations or requests for review.

The Council can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason, which it thinks is appropriate.

Once a valid application for a review has been received by the Council, representations can be made by responsible authorities and interested parties. Timescales are prescribed for the submission of representations, notification of application and a hearing before the relevant committee.

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

- add, remove or amend a licence condition imposed by the Council;
- 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.

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

In particular, the Council 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.

Once the review has been completed, the Council must, as soon as possible, notify its decision to:

- the licence holder;
- the applicant for review (if any);
- the Commission;
- any person who made representations;
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs.

6. LICENSING CONDITIONS AND CODES OF PRACTICE (LCCP)

The Gambling Act 2005 requires the Gambling Commission to issue one or more codes of practice about the manner in which facilities for gambling are provided. The codes may be directed at the holders of operating or personal licences, or any other person involved in providing facilities for gambling.

The Act also requires licensing authorities to take into account when exercising their functions, any relevant code of practice issued by the Commission under section 24, in this case:-

- The Commission's *Licence conditions and codes of practice* (LCCP), which apply to holders of Gambling Commission operating or personal licences;
- Other codes - these are the Commission's code of practice for equal chance gaming and its code of practice for gaming machines in clubs and premises with an alcohol licence

The LCCP contains two types of code provision:

Social responsibility code provisions

These are provisions describing arrangements which should be made by persons providing facilities for gambling for the purpose of:-

- (a) ensuring that gambling is conducted in a fair and open way;
- (b) protecting children and other vulnerable persons from being harmed or exploited by gambling; and
- (c) making assistance available to persons who are or may be affected by problems related to gambling.

Compliance with these is a condition of operator licences; therefore any breach of them by a licensed operator may lead the Commission to review the operator's licence with a view to suspension, revocation or the imposition of a financial penalty and would also expose the operator to the risk of prosecution; these provisions are in shaded boxes in the remainder of this document.

Ordinary code provisions

These do not have the status of licence conditions in the case of licensed operators, but set out good practice.

Codes of practice are admissible in evidence in criminal or civil proceedings and must be taken into account in any case in which the court or tribunal think them relevant, and by the Commission in the exercise of its functions; any departure from code provisions by an operator may be taken into account by the Commission, for example on a licence review (but could not lead to imposition of a financial penalty).

However, the Commission has made it clear that licensed operators may adopt alternative approaches to those set out if they have actively taken account of the provision and can demonstrate that an alternative approach is reasonable in the particular circumstances; or that to take an alternative approach would be acting in a similarly effective manner.

Risk Assessments - Premises

The LCCP requires all existing licensees that provide gambling at their premises to assess the local risks to the licensing objectives and have policies, procedures and control measures to reduce those risks. Licensees must take into account any relevant matters identified in the licensing authorities (gambling) Statement of Policy when making their risk assessments.

A local risk assessment should also be undertaken or updated by a licensee, when applying for:-

- A new premises licence;
- When applying for a variation of an existing premises licence;
- To take into account any local significant changes in the local area;
- When there are significant changes within their premises that may affect the existing local risk assessment.

Operators are required to make the risk assessment available to licensing authorities when an application is submitted and a copy should be kept at the premises or otherwise on request, and this will form part of the Council's inspection regime or investigating complaints.

The code requires the Council to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and this council expects the following matters to be considered by operators when making their risk assessment.

- Information held by the licensee regarding self-exclusions and incidences of underage gambling,
- Gaming trends that may reflect benefit payments
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends.

- Urban setting such as proximity to schools, commercial environment, factors affecting footfall,
- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.

Betting Track Premises – The Gambling Commission states within its LCCP code that Operators are required to make a risk assessment. However, Betting Track Premises are not required to seek an Operator’s Licence with the Gambling Commission and as such are not required to conduct a risk assessment. However, in the interest of the objectives of the Gambling Act 2003, namely i) preventing gambling being a source of crime or disorder, being associated with crime or disorder or being used to support crime; ii) ensuring that gambling is conducted in a fair and open way; iii) protecting children and other vulnerable persons from being harmed or exploited by gambling, this Council would expect a Betting Track Premises to conduct a risk assessment for their premises.

The council expects the following matters to be considered by operators when making their risk assessment.

Matters relating to children and young persons, including;

- Institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas etc.;
- Any premises where children congregate including bus stops, café’s, shops, and any other place where children are attracted;
- Areas that are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti/tagging, underage drinking, etc.;
- Recorded incidents of attempted underage gambling.

Matters relating to vulnerable adults, including;

- Information held by the licensee regarding self-exclusions and incidences of underage gambling;
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments;
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends;
- Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor’s surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate, etc.

The consideration of the location of alcohol licensed premises will also be a key consideration for gambling licence applications.

Other issues that may be considered could include;

- Matters of faith, including all religious or faith denominations including proximity to churches, mosques, temples or any other place of worship.
- the economic make-up of an area;
- the surrounding night-time economy;
- children's homes and care facilities;
- the area footfall eg. residential or commercial areas;
- banks and ATM nearby;
- known anti-social behaviour issues;
- housing facilities;
- job centres;
- hostel and support services for the homeless;
- alcohol and drug support facilities;
- pawn brokers and payday loan businesses;
- other gambling premises;
- If there is an existing cluster of gambling premises;
- mental health facilities;
- community buildings;
- residential care establishments;
- transport and parking facilities eg. bus stops, taxi ranks, train stations;
- presences of rough sleepers;
- unemployment rates for area;
- types and rates of crime in the area that could impact on the premises
- areas with significant areas of children, eg parks and playgrounds.

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

Significant changes to the premises

From time to time operators will undertake a refresh of the premises' layout and décor, which is unlikely to prompt a review of the risk assessment for that premises. However, where there is a significant change at the premises that may affect the mitigation of local risks, then an operator must review its risk assessment and if necessary update it, taking into account the change and how it may affect one or more of the licensing objectives.

It is expected that gambling operators will undertake this risk assessment process as a matter of course for any premises refit, changes to layout or internal control measures. If any changes do require a review of the risk assessments for that premises gambling operators should ensure that they

have a system in place to record and action any measures identified in that review.

The gambling operator will be responsible for identifying when a significant change to the premises has occurred. In order to assist gambling operators the Council has provided the following list of examples of what could be classified as a significant change to the premises (some of which may also require a variation to the existing premises licence).

- Any building work or premises refit where gambling facilities are relocated within the premises.
- The premises licence is transferred to a new operator who will operate the premises with its own procedures and policies which are different to those of the previous licensee.
- Any change to the operator's internal policies which as a result requires additional or changes to existing control measures; and/or staff will require retraining on those policy changes.
- The entrance or entrances to the premises are changed, for example, the door materials are changed from metal with glazing to a full glass door or doors are reallocated from egress to ingress or vice versa.
- New gambling facilities are made available on the premises which were not provided previously, for example, bet in play, handheld gaming devices for customers, Self Service Betting Terminals, or a different category of gaming machine is provided.
- The premises operator makes an application for a licence at that premises to provide an activity under a different regulatory regime, for example, to permit the sale of alcohol.

As with the examples of significant changes in local circumstances, the list above is not an exhaustive list of significant changes to premises.

The Council will not, as general practice, request a copy of the reviewed risk assessment if a significant change to the licensed premises has occurred, unless the change is one that will necessitate a variation application.

Variation of the premises licence

Variations to premises licences are only those required to be made under section 187 of the Act and will not include changes of circumstances such as a change of premises' name or a change of licensee's address, etc.

The Commissions LCCP social responsibility code provision 10.1.1 requires that gambling operators must undertake a review of the local risk assessment and update it if necessary when preparing an application to vary the premises licence. Operators submitting a variation application to the Council may consider submitting a copy of the reviewed local risk assessment when submitting the application. This will then negate the need for the Council requesting to see a copy of this risk assessment and could potentially reduce the likelihood of a representation being made to the application.

If an operator wishes to vary a converted casino premises licence from one premises to another then the gambling operator should consider producing a new risk assessment for that premises. It is advisable that a copy of that assessment is submitted to the Council with the application form.

Regular review of risk assessment

As a matter of best practice the Council recommends that operators establish a regular review regime in respect of their local risk assessments. This review programme can be carried out alongside other reviews on Health and Safety risk assessments for the premises. This review programme would ensure that, regardless of whether or not any of the trigger events set out above have occurred, these risk assessments are considered at regular intervals and updated if necessary.

It will be up to the gambling operator as to the frequency of these reviews but it is recommended that no more than three years should pass before these assessments are reviewed. Operators may wish to synchronise their reviews of the local risk assessments with the publication of the Council's Statement of Licensing Principles for Gambling. This would enable gambling operators to consider the Local Area Profile, which has been published in the Council's Statement of Licensing Principles for Gambling.

Local risks and control measures

There are two specific parts to the risk assessment process:

- the assessment of the local risks
- the determination of appropriate mitigation to reduce those risks

The risks that operators must identify relate to the potential impact a gambling premises and its operation may have on the licensing objectives. Gambling operator should identify and list all of the local risks within the assessment that they have identified. The level of such risks can range from being low to very high depending on the potential impact that the gambling operator has assessed it to have on the licensing objectives. The level of any given risk will have a direct impact on the type and extent of the control measures that the gambling operators deems as being necessary to mitigate such risk.

Operators will already be assessing locations when looking for new sites or when reviewing the performance of their premises. The design of premises is also assessed to ensure that they will meet the needs of the gambling operation, will provide protection for staff and customers; and will have facilities for recording crime. Operators will also have implemented policies and procedures for the operation of premises in line with statutory and other regulatory requirements placed upon them by the Commission and other agencies.

Operators will already be familiar with identifying risks in relation to health and safety and food hygiene legislation. Risk assessments are also used for

security and crime purposes, for example for money laundering and as part of trade association best practice, such as the Safe Bet Alliance.

This local risk assessment process, although similar requires a much broader range of considerations when identifying local risk. The requirement of the Commissions LCCP social responsibility code provision 10.1.1 is that gambling operators consider the local area in which the premises are situated and the impact that the premises operation may have on the licensing objectives.

Local area risks

There are a number of factors relating to the local area that operators may consider which is independent of who the operator believes is their target market. It will be for the gambling operator to identify these risks. However, there may be occasions that the Commission or the Council will provide information on what they perceive as being a local risk. This may be specified in the Statement of Licensing Policy or in a separate guidance document, both of which will be found on the Council's website.

The local area will be different depending on the premises and the size of its operation. For example a large Bingo hall may have a wider catchment area than a neighbourhood betting shop as the Bingo hall attracts customers from further afield.

Risk Assessment

Although gambling is a legal entertainment activity it can, in some locations, have a negative impact on individuals and the wider community. The consideration of the proximity of gambling premises to locations where groups vulnerable to problematic gambling may congregate, e.g schools, alcohol services, supported housing, will be a priority for the applicant and licensing authority .Caerphilly Public Services Board has produced a Wellbeing Assessment as part of the Wellbeing of Future Generations Act. The Assessment considers Economic, Social, Environmental and Cultural Wellbeing in the county in determining the 'Caerphilly we want'.

Full details can be found on -

<https://your.caerphilly.gov.uk/publicservicesboard/content/well-being-assessment>

Crime data for local area can be obtained from www.gwent.police.uk

Gambling operational risks

The gambling operation relates to how the premises will be or is run. This will include the operator's policies and procedures which have been put in place to meet the requirements of the business, the Act and/or specific code provisions within the LCCP.

Gambling operators should identify operational risks in the local area to the licensing objectives and then consider whether there are control measures in excess of those already in place that would mitigate the risk. For example if there is a known illegal drug use in the local area the gambling operator may consider using control measures such as maglocks on the toilet doors or change the design to the toilet to deter people from using it for illegal drug use.

It is likely that the identification of risks associated with this element of the assessment will be very similar for all premises with slight variations depending on any specific factors that relate to the premises or the local area.

The control measures that operators will put in place to mitigate any risk associated with the gambling operation will be dependent on the type of gambling activities provided, how the company operates and the size of the organisation.

Premises design risks

The design of the premises is an extremely important factor when considering local risks. For example, an Adult Gaming Centre which is located within an area which has a high number of children and young people present throughout the day may identify that the doors on either side of the premises are being used by local children as a short cut to access the adjacent street. The appropriate mitigation in this case may be that the gambling operator closes off one of the doors to prevent it being used as a short cut.

As part of the design process, the layout of the premises is a major consideration as poorly conceived design may create significant risks to one or more of the licensing objectives. Gambling operators are experienced in premises design and often these considerations are made during the planning phase. It is advisable that gambling operators ensure that there is a process in place to record these key decisions at an early stage of the planning process for the premises design so that this can be included in their risk assessment.

Interior design risks

The internal design and layout will reflect the premises operation and the type of gambling facilities that it offers. For some premises the design will be subject to certain limitations due to mandatory conditions on the gambling premises licence, such as the distance between gaming tables and other gambling facilities in casinos, and restrictions on the location of ATMs.

Operators should assess the risk presented by the internal layout of the premises and the location of gambling facilities within them. For example, if a gaming machine is placed within the direct line of sight of the cashier counter then staff will be able to monitor player behaviour and undertake interventions if there is a concern over the customers' spending habits. Staff can also

monitor the use of the machines and can challenge any customers who are believed to be under the age of 18, or who damage the machines, or who appear to be attempting to launder money. By a simple assessment of the optimum location for these machines, operators can significantly reduce the risk to the licensing objectives.

Exterior design risks

The exterior of premises will be a major advertisement for the gambling operator. However, the design should be assessed based on the associated risk. Operators may identify a risk associated with the design and introduce control measures based on that perceived risk. For example, if the premises have a large amount of glass frontage in an area prone to criminal damage, operators may consider the risk of damage to the standard toughened glass to be high and introduce a control measure such as roller shutters and/or external CCTV cameras.

Control measures

Depending on the nature of the risk factors, the control measures identified to mitigate the perceived risk may be a combination of systems, design and physical measure. Control measures that relate to systems may be measures that have been put in place through policies and procedures. These can either be systems that apply to all of the operator's premises or systems that have been developed specifically for particular premises to deal with a specific local risk factor. System control measures may include staff training, security policies and procedures. They may also relate to having security personnel on entrances, implementing membership criteria and/or providing support to local vulnerable groups through financial or other means.

Design control measures are measures that are built into the design of the premises. These can include the location of gambling facilities and the design and location of cashier counters within the premises, and the exterior design of premises. For example, a control measure for the interior of the premises could involve moving a cashier counter from the rear of the premises to the front of the shop next to the main entrance. An external design control measure may involve the exterior design being tailored to address local risks, for example, more open window displays to enable staff can see out of the premises or a design to avoid attracting children to the premises.

The final control measures relate to specific physical measure that will address an identified risk factor. These physical control measures may, for example, include alarms, CCTV cameras, doors, magnetic locks, time locks on safes, spit kits, window shutters, fogging systems, UV lights in toilets.

The control measures identified to mitigate a perceived risk may involve a combination of systems, design and physical measures. For example to address the risk factors relating to children gaining access to an over 18

restricted gambling premises, the operator may identify the following control measures:

Systems: PASS card or age verification policies, challenge 21 scheme, staff training and door staff.

Design: Exterior design which will not attract children into the premises, the entrance layout will enable staff and security to watch those entering the premises and challenge them on the grounds of age.

Physical: Magnetic door locks and ID scans.

Step 1: Undertaking a local risk assessment

The risk assessment should be carried out through a step-by-step approach. Gambling operators may first assess the local area and identify the relevant risk factors, then assess the gambling operation, and finally assess the premises design, both internal and external. Once the risk factors have been identified, the control measures to mitigate the risks should be considered. These control measures will either already be in place or will need to be implemented.

- Assessors should start by identify the local risk factors surrounding the premises. The risk factors will differ from location to location so an understanding of the specific characteristics of the local area and the people who live, work or visit that area is important. Use Community wellbeing profile and local knowledge will assist.

Step 2: Gambling operation and physical design

In assessing the risk factors associated with a gambling operation the assessor should take into account the local risks which are commonly accepted by broader stakeholders and how that gambling operation may affect that risk.

The physical design of the premises is a key consideration as this could have a significant impact on the risk to the licensing objectives. In assessing the risk factors associated with the premises design and layout reference is needed to the local area risks factors already identified to ensure the design doesn't add to that risk. The design, both internal and external should be considered and specific risk factors identified and noted.

Step 3: Control measures

Once the risk factors have been identified, the assessor should seek to identify control measures that would mitigate the identified risks. Such control measures will relate to one of the three categories of control measures mentioned above (systems, design and physical). Some risk factors may require a combination of control measures to adequately mitigate the risk.

Step 4: Action Plan

Once the assessment has been carried out an action plan should be completed so that any identified actions are documented and a deadline for completing the required piece of work is set and agreed.

Completed assessment

The control measures must be implemented on the premises and, if applicable, staff on the premises should be trained in their use or trained on the new policy or procedure. The assessment must be retained and should be reviewed whenever a trigger occurs or as part of a regular review regime.

7. FURTHER INFORMATION

Further information this Statement of Licensing Policy or the application process can be obtained from:

**Licensing Section
Caerphilly County Borough Council
Penallta House
Tredomen Park
Ystrad Mynach
CF82 7PG**

Telephone: 01443 866750

Email: licensing@caerphilly.gov.uk

**Information is also available from:
The Gambling Commission
Victoria Square House
Birmingham
B2 4BP**

Telephone: 0121 230 6666

Website: www.gamblingcommission.gov.uk

**The Department for Culture, Media and Sport
2– 4 Cockspur Street
London
SW1Y 5DH**

Telephone: 020 7211 6200

Website: www.culture.gov.uk

POLICY CONSULTEES

CCBC - Elected Members
CCBC – Appropriate Directors and Heads of Service
Her Majesty’s Revenues and Customs (HMRC)
Gambling Commission
Heddlu Gwent Police
Fire Service
Health and Safety Executive
Health Board
Community and Town Councils
All Licensed Gambling Premises
All Licensed Premises and Club Premises Certificate Holders
General Public - via web site and press release
CCBC – Community Safety
CCBC – Corporate Policy Unit
CCBC – Legal Services
CCBC – Highways
CCBC - Environmental Health - Pollution Control
CCBC - Environmental Health - Food and Health and Safety
CCBC - Licensing Authority Responsible Authority
CCBC – Trading Standards
CCBC – Planning
CCBC- Child Protection Co-ordinator
Newport CAB
Gwent Licensing Forum (GLF)

RESPONSIBLE AUTHORITIES**RESPONSIBLE AUTHORITY CONTACT DETAILS**

Responsible Authority	Contact Details
Gambling Commission	Victoria Square House Victoria Square Birmingham B2 4BP Telephone: 0121 230 6666 Website: www.gamblingcommission.gov.uk
HMRC	Excise Processing Teams, (Betting and Gaming) BX9 1GL Tel: 0300 322 7072 e-mail nrubetting&gaming@hmrc.gsi.gov.uk
Police (Chief Officer of Police for area in which premises are situated)	The Chief Officer of Police FAO The Licensing Officer Heddlu Gwent Police 'C' Divisional Headquarters Blackwood Road Pontllanfraith Blackwood NP12 2XA Tel: 01495 232253/232267 E-mail: LicensingCDIV@gwent.pnn.police.uk
Fire And Rescue Authority (For area in which premises are situated)	Chief Fire Officer South Wales Fire and Rescue Service Headquarters Forest View Business Park Llantrisant CF72 8LX Tel: 01443 232713 E-mail: safety-east@SouthWales-fire.gov.uk
Planning (Local Planning Authority for area in which premises are situated)	Head of Planning and Regeneration Planning Division Caerphilly County Borough Council Tredomen House, Tredomen Park, Ystrad Mynach, Hengoed. CF82 7WF E-mail: planning@caerphilly.gov.uk

Responsible Authority	Contact Details
<p>Environmental Health (Statutory function for minimising or preventing the risk of pollution of the environment or of harm to human health.)</p>	<p>Team Leader Pollution Control Caerphilly County Borough Council Penallta House Tredomen Park Ystrad Mynach Hengoed CF82 7PG</p> <p>E-mail: enviroservices@caerphilly.gov.uk</p>
<p>Child Protection (Body which represents those who are responsible for or interested in matters relating to the protection of children from harm and is competent to advise on such matters.)</p>	<p>Child Protection Co-ordinator (On behalf of the Local Safeguarding Children Board) Caerphilly County Borough Council Penallta House Tredomen Park Ystrad Mynach CF82 7PG Tel: 01443 864744 E-mail: srt@caerphilly.gov.uk</p>

ACCESS RESTRICTIONS TO GAMBLING PREMISES

Casinos

- The principal access entrance to the premises must be from a street;
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons;
- No customer must be able to enter a casino directly from any other premises, which holds a gambling premises licence.

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises.

Betting Shops

- Access must be from a street or from another premises with a betting premises licence;
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

- **No customer should be able to access the premises directly from:**
 - a casino;
 - an adult gaming centre.

Bingo Premises

- **No customer must be able to access the premises directly from:**
 - a casino;
 - an adult gaming centre;
 - a betting premises, other than a track.

Family Entertainment Centre

- **No customer must be able to access the premises directly from:**
 - a casino;
 - an adult gaming centre;
 - a betting premises, other than a track.

Guidance contains further information on this issue, which this authority will also take into account in its decision-making.

Summary of Machine Provisions by Premises

Machine category							
Premises type	A	B1	B2	B3	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)				Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)			
Small casino (machine/table ratio of 2-1 up to maximum)				Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)			
Pre-2005 Act casino (no machine/table ratio)				Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead			
Betting premises and tracks occupied by pool betting				Maximum of 4 machines categories B2 to D (except B3A machines)			
Bingo premises ¹		Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4			No limit on category C or D machines		
Adult gaming centre ²		Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4			No limit on category C or D machines		
Licensed family entertainment centre ³				No limit on category C or D machines			
Family entertainment centre (with permit) ³				No limit on category D machines			
Clubs or miners' welfare institute (with permits) ⁴				Maximum of 3 machines in categories B3A or B4 to D			
Qualifying alcohol-licensed premises				1 or 2 machines of category C or D automatic upon notification			
Qualifying alcohol-licensed premises (with licensed premises gaming machine permit)				Number of category C-D machines as specified on permit			
Travelling fair		No limit on category D machines					

¹ Bingo premises licence are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight (The Gambling Act 2005 (Gaming Machines in Bingo Premises) Order 2009) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at bingo premises are restricted to sub-category B3 and B4 machines, but not B3A machines.

² Adult gaming centres are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Where a premises licence was granted before 13 July 2011, they are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines, but not B3A machines.

³ Only premises that are wholly or mainly used for making gaming machines available may hold an unlicensed FEC gaming machine permit or an FEC premises licence. Category C machines may only be sited within licensed FECs and where an FEC permit is in force. They must be in a separate area to ensure the segregation and supervision of machines that may only be played by adults. There is no power for the licensing authority to set a limit on the number of machines under the FEC permit.

⁴ Members' clubs and miners' welfare institutes with a club gaming permit or with a club machine permit, are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement.

⁵ Commercial clubs with club machine or gaming permits are entitled to a total of three machines in categories B4 to D.

SCHEDULE OF DELEGATION OF LICENSING FUNCTIONS AND DECISIONS

Matters to be dealt with	Full Council	Sub-Committee	Officers
Three year Gambling Policy	X		
Policy not to permit casinos	X		
Fee Setting – when appropriate		X	
Application for Premises Licence		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 representation has been 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	
Revocation of a premises licence for failure to pay annual licence fee			x
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		x	

Matters to be dealt with	Full Council	Sub-Committee	Officers
Applications for other permits		Where objections have been made and not withdrawn	Where no objections made/objections have been withdrawn
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	

DEFINITIONS

NOTE: In this Policy, the following definitions are included to provide an explanation to certain terms included in the Act and, therefore, in the Statement of Licensing Policy. In some cases they are an abbreviation of what is stated in the Gambling Act 2005 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Gambling Act 2005.

‘The Council’ means Caerphilly County Borough Council, acting as the Licensing Authority as defined by the Gambling Act 2005.

‘The Act’ means the Gambling Act 2005.

‘The County Borough’ means the county borough of Caerphilly.

‘The Licensing Authority’ the authority in whose area the premises is wholly/partly situated. The Licensing Authority (as in the issuing authority) is also a responsible authority.

‘The Gambling Commission’ a body set up by the Government as the unified regulator for gambling, replacing the Gaming Board.

‘Guidance’ means Guidance issued by the Gambling Commission

‘LCCP’ means Licensing Conditions Code of Practice issued by the Gambling Commission.

‘Responsible Authority’ means a public body that must be notified of certain applications for premises licences and permits, and are entitled to make representations on any of the licensing objectives.

‘Children’ means individuals who are less than 16 years old.

‘Young person’ means individuals who are aged less than 18 years old and are 16 years and over.

‘Mandatory Conditions’ means a specified condition provided by regulations to be attached to premises licences.

‘Default Conditions’ means a specified condition provided for by regulations to be attached to a licence unless excluded by the Council.

‘Premises’ means any place, including a vessel or moveable structure.



COUNCIL – 13TH DECEMBER 2018

SUBJECT: INTERNAL INVESTIGATION OF SENIOR OFFICER – ADDITIONAL FINANCIAL PROVISION

REPORT BY: CORPORATE DIRECTOR EDUCATION AND CORPORATE SERVICES

1. PURPOSE OF REPORT

1.1 To seek Council approval of additional financial provisions in relation to the ongoing internal investigation of a Senior Officer.

2. SUMMARY

2.1 The report sets out the need for further financial provisions to ensure that sufficient funding is set aside to meet costs associated with the ongoing internal investigation of a Senior Officer.

3. LINKS TO STRATEGY

3.1 As a part of prudent financial management the Council is required to set aside funding to meet its liabilities.

4. THE REPORT

4.1 Members will be aware of the interim arrangements previously in place within the Authority arising from the internal investigation of three Senior Officers.

4.2 At a Special Council meeting held on the 31st October 2017, settlement agreements were approved in respect of two of the Senior Officers and these settlements drew matters to a close for those two individuals. However, Council was informed that it would be necessary to engage a Designated Independent Person (DIP) in respect of the allegations that require formal investigation in respect of the remaining Senior Officer.

4.3 Council was presented with a further report on the 21st November 2017 setting out the need to establish a further financial provision to meet the costs of the ongoing investigation in respect of the remaining Senior Officer. Based on financial estimates included in the report presented to Council on the 31st October 2017, it was anticipated that the costs of undertaking the formal investigation would be as follows:-

	£000s
Designated Independent Person (DIP)	60
Legal Costs	187
Total: -	247

- 4.4 In addition to the above it was also necessary to establish a financial provision to meet the ongoing salary costs of the remaining Senior Officer during the formal investigation process. The report presented to Council on the 21st November 2017 recommended that this provision should cover the six month period from the 1st January 2018 to the 30th June 2018, totalling £93k. The salary costs of the Senior Officer for November and December 2017 were already covered by previously approved provisions.
- 4.5 These additional estimated costs totalling £340k were partially offset by a balance of £190k that remained from provisions previously approved by Council, resulting in a further provision of £150k being approved.
- 4.6 A Designated Independent Person (DIP) has been engaged to undertake the formal investigation of the senior officer.
- 4.7 A further financial provision was required in April 2018, outlined in a report to Council on 17th April 2018. This further additional provision of £193k was approved by Council. This provision included the senior officer salary costs and estimated legal costs of the investigation to 31st December 2018.
- 4.8 The (DIP) who has been engaged to undertake the formal investigation had originally indicated that their work would be complete by the end December 2018. The DIP has now indicated that it is likely to take until the end of March 2019 at the earliest to conclude the process. Following the conclusion of the DIP process there will need to be a number of internal meetings to consider the report from the DIP and establish what will need to follow. As a result, it will now be necessary to establish a further financial provision of £108k to meet the salary costs of the Senior Officer for the period to 31st July 2019. Furthermore it is anticipated that the provision in respect of legal fees will also need to increase by £134k over the same period ie to the end July 2019.
- 4.9 The total costs to date to the Authority for the senior officer investigatory process up to the end July 2019 are £4.176m. These costs are broken down in Appendix 1 attached.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 Having considered the five ways of working they will not be affected by the contents of this report.

6. EQUALITIES IMPLICATIONS

- 6.1 No equality impact assessment has been undertaken on this report as it essentially seeks approval for an extension of financial arrangements previously agreed.

7. FINANCIAL IMPLICATIONS

- 7.1 It is proposed that an additional financial provision of £242k should be established as follows:-

	£000s
Senior Officer Salary (to 31 st July 2019)	108
Legal Costs	134
Additional Provision Required: -	242

- 7.2 It is recommended that the additional provision of £242k should be funded from the projected underspend for 2018/19 in respect of Treasury management. This underspend is expected to be a minimum of £500k due in the main to deferring borrowing and better than anticipated investment returns.

7.3 The financial provision for the salary of the Senior Officer will need to be reviewed again in July 2019 if the investigation process has not been concluded at that time. Furthermore, if the costs of the DIP and/or legal costs are likely to be higher than currently anticipated in the provision outlined above then an earlier report to Council will be required. If matters are concluded at an earlier date than is currently anticipated, then any remaining financial provisions will be returned to the General Fund Reserve.

8. PERSONNEL IMPLICATIONS

8.1 The personnel implications are included in the report.

9. CONSULTATIONS

9.1 All consultation responses are included in the report.

10. RECOMMENDATIONS

10.1 It is recommended that Council approves the establishment of a further financial provision of £242k to be funded from the projected Treasury management underspend for 2018/19.

11. REASONS FOR THE RECOMMENDATIONS

11.1 To ensure that sufficient funding is set aside to meet the anticipated costs of the ongoing investigation process.

12. STATUTORY POWER

12.1 Local Government Acts 1972 and 2000.
Local Authorities (Standing Orders) (Wales) Regulations 2006.
Local Government and Housing Act 1989.

Author: Nicole Scammell, Head of Corporate Finance & S151 Officer
E-mail: scammn@caerphilly.gov.uk Tel: 01443 863130

Consultees: Christina HARRY, Interim Chief Executive
Dave Street, Corporate Director, Social Services
Ed Edmunds, Corporate Director of Education and Corporate Services
Lynne Donovan, Head of People Services
Cllr David Poole, Leader of the Council
Cllr Barbara Jones, Deputy Leader and Cabinet Member for Finance, Performance and Governance
Rob Tranter, Head of Legal services and Monitoring Officer

Background Papers:

Cabinet 23/07/13 - Provisional Outturn for 2012/13.

Council 26/02/14 - Budget Proposals 2014/15 and Medium-Term Financial Strategy 2014/2017.

Cabinet 02/04/14 – Interim Arrangements – Head of Legal Services.

Council 25/02/15 – Budget Proposals 2015/16 and Medium-Term Financial Strategy 2015/2018.

Council 09/06/15 – Contract Arrangements of Interim Chief Executive.

Council 19/07/16 – Internal Investigation of Senior Officers – Additional Financial Provision.

Council 22/11/16 – Internal Investigation of Senior Officers – Additional Financial Provision for Legal Costs.

Council 07/03/17 – Internal Investigation of Senior Officers – Additional Financial Provision.
Council 13/06/17 – Internal Investigation of Senior Officers – Additional Financial Provision.
Council 31/10/17 – Potential Settlement Agreement.
Council 21/11/17 – Internal Investigation of Senior Officer – Additional Financial Provision.
Council 17/04/18 – Internal Investigation of Senior Officer – Additional Financial Provision

Appendices:

Appendix 1 – Senior Officer Investigatory related costs to date.

Senior Officer Costs	Total Costs £'000
Chief Executive	1,109
Acting Chief Executive	766
Head of Legal Services	433
Actual Salary Sub Totals	2,308
Legal Costs	951
WAO Public Interest Report (Snr -Pay)	33
WAO Governance Review	133
Governance Support	54
Actual Legal Cost Sub Totals	1,171
Settlement	
Acting Chief Executive	171
Head of Legal Services	127
Actual Settlement Sub Total	298
Overall Actual Total Costs to 27/11/18	3,777
Forecast to 31st July 2019	
Chief Executive	123
Legal Costs	276
Estimate Costs to 31st July 2019	399
Predicted Overall Costs to 31st July 2019	4,176

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STANDARDS COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN PARK
ON FRIDAY 2ND NOVEMBER 2018 AT 10.30 A.M.

PRESENT:

Mrs D. Holdroyd - Chair
D. Lewis - Vice-Chair

P. Brunt, Mrs M. Evans

Community Councillor Mrs G. Davies

Councillors Mrs J. Gale (Substitute for Cllr D. Price) and C.P. Mann

Together with:

R. Tranter (Head of Legal Services and Monitoring Officer), L. Lane (Interim Deputy Monitoring Officer), E. Sullivan (Senior Committee Services Officer)

Also Present:

Councillors D. V. Poole and G. Simmonds

And:

Councillors C. Cuss, N. George, C. Gordon, B. Jones, P. Marsden, S. Morgan, L. Phipps and E. Stenner

APOLOGIES

An apology for absence was received from Councillor Dianne Price, it was noted that Councillor June Gale was in attendance as substitute.

1. DECLARATIONS OF INTEREST

There were no declarations of interest received at the commencement or during the course of the meeting.

2. MINUTES – 13TH SEPTEMBER 2018

RESOLVED that the minutes of the meeting held on the 13th September 2018 be approved as a correct record.

REPORT OF OFFICERS

Consideration was given to the following report: -

3. COMPLAINT BY A MEMBER UNDER THE COUNCIL'S LOCAL RESOLUTION PROTOCOL

The Chair explained the procedures for the meeting under the Local Resolution Protocol and referred Members to the Officer's report and appendices. A complaint had been made under the protocol by Councillor D. Poole against Councillor G. Simmonds in relation to remarks made by the latter in an exchange of emails between both Councillors culminating in the email of 28th July 2018 sent at 10:23am. It was noted that other Elected Members and Officers had been copied in to said exchange.

Councillor Poole was invited to make his representations to the Committee.

Councillor Poole referred to the exchange of emails commencing on the 27th July 2018 in relation to a perceived lack of funding within the Islwyn area that culminated with an email sent on the 28th July 2018 in which Councillors Simmonds made several remarks relating to Councillor Poole as Leader and his Cabinet Members.

The Standards Committee were advised that in this email Councillor Simmonds referred to the salary paid to Councillor Poole as Leader and to his Cabinet Members and their lack of performance in relation to the level salary received. The Member confirmed that the salary of all Councillors is set by the Independent Remuneration Panel, over which the individual Member has no control or influence. In relation to the inference of under performance or the shirking responsibilities there was no evidence to substantiate those claims. Councillor Poole advised that he met regularly with Senior Officers, the Chief Executive and opposition Group Leaders giving them the opportunity to challenge him on any matters relating to the Council and its operations. Furthermore there have been no notices of motion or questions to Council in relation to his leadership. Within the emails, further criticism was levelled at scrutiny and the financial management of the Council. Members were advised that Grant Thornton the Authority's accountants had raised no concerns in relation to the Council's financial operations and the Wales Audit Office's recent review of scrutiny had noted that scrutiny within Caerphilly County Borough was working well. The Wales Audit Office had also recognised that Caerphilly worked efficiently, effectively and economically when dealing with its resources. For these reasons Councillor Poole felt this criticism to be unjustified.

Councillor Poole accepted that a level of criticism is expected within the political domain but the content of the email went beyond this to a point that he considered to be bullying and to which Councillor Simmonds had copied to Directors, Senior and Junior Officers and other Elected Members and this was the reason for his complaint. In relation to the standards of conduct as referred to within the protocol for public behaviour, he felt that Councillor Simmonds had failed to show respect (2.1(a)), had made personal and abusive comments (2.1(b)), by including Officers and other Members in the email had published those insulting comments (2.1(c)), had made malicious allegations in relation to him and his Cabinet colleagues (2.1(d)) and again by including Officers and other Members in the email had published false information about him and his Cabinet Colleagues (2.1(e)). Councillor Poole advised that he had been personally offended by the comments made, comments which had no supporting evidence.

He advised the Committee that the comment 'we have a cabinet with none of the talents for the cost...' particularly offensive and could personally attest to their workload, commitment and effort since their appointment. He wished it noted that since taking office this administration had received a positive Care Standards Inspectorate for Wales report in relation to its social care provision, a positive Wales Audit Report and a positive auditors report from Grant Thornton. He provided assurances that Cabinet Members received regular performance development reviews all of which had successfully evidenced their abilities to drive their portfolio performance forward.

Councillor Poole again acknowledged that politicians expected, and rightly so, a level of criticism from the public, but he expected more from a colleague with a greater knowledge of the constraints and difficulties within which an elected representative works and to make those comments without any evidence is unjust and shows a lack of respect. He restated that under normal circumstances he would not be making a complaint of this nature and had no issue with any exchange of a political nature, but the copying in of Officers was unacceptable.

The Chair thanked Councillor Poole for his representations and sought clarification as to whether it was the copying in of the Officer's that made the difference in this case and Councillor Poole confirmed that it was.

Councillor Simmonds was invited to make his representations to the Committee.

Councillor Simmonds referenced meetings he had with Mrs Lisa Lane (Interim Deputy Monitoring Officer) during the informal stage of the local resolution process in which he had advised her that he hadn't meant any insult to the Leader or the Cabinet Members by his statements but had meant them solely as a commentary on what he considered to be a withholding of information in the wider public interest.

The Councillor then referred to comments attributed in the press to Lord Touhig in relation to the level of funding in the Islwyn area (£22m) in comparison to the Rhymney Valley area (£300m) and the disparity between the two. He then referenced requests that he had made for information on pension liability for which he had yet to receive a reply after already waiting 16 months and a wait of over 4 months for a response from Councillor Barbara Jones in relation to secondary pension payments.

The Councillor went on to outline his concerns regarding the withdrawal of the Local Development Plan and then referenced educational performance levels and pupil attainment in relation to the Welsh National Average and that Caerphilly schools continue to be in the bottom quartile. Councillor Simmonds asserted that he had been asking the same question in relation to education attainment for the last 18/19 years. He advised that he had made numerous requests for performance management reports through his membership of the the Education Improvement Board which had failed to be delivered to him dispute as he understood it, them being completed on an annual basis.

The Councillor then referred to the Sport and Active Recreation Strategy currently under consultation and made several references to the fact that the strategy was un-costed. The impact that this would have in his ward should the realignment of provision take place in terms of the multiple deprivation index was explained. In terms of leisure provision he advised the committee that he had made enquiries as to how Nofio Ysgol (Swim Wales) would operate following the service realignment and had not been provided with any information.

He expressed his disappointment in the level and quality of responses he had received when requesting information and how unacceptable he found this. All the aforementioned reasons were a contributing element to the tone and wording of the email he had used in order to express his frustration. He upheld his opinion that this Cabinet have refused to act in an open and transparent way and were by their actions failing to comply with the Nolan and Local Government Acts.

Councillor Simmonds referred again to the Sport and Active Recreation Strategy and the fact that the document presented for consultation was un-costed, he affirmed his confidence in his own calculations that it would not be delivered for less than £54m while achieving only £455,000 in savings whilst pushing his ward further into the deprivation index. The Member then went on to reference senior pay awards and ongoing disciplinary proceedings.

He expressed his regret that the Cabinet had taken his comments personally and would be willing to offer an apology for this as he had intended these to be a commentary on the performance of this authority and what he believed to be a lack of openness and transparency.

In conclusion Councillor Simmonds expressed his confidence in the Performance Management Unit of the Council and again referenced his frustration in not receiving the answers to his questions and his requests for information.

The Chair thanked Councillor Simmonds for his representations and sought clarification as to why he thought it necessary to copy in Officers to his email.

Councillor Simmonds advised that this was due to the length of time he had waited for Officer responses.

As detailed within the procedure the Chair invited Cllr Poole to make his closing remarks.

In his summing up Councillor Poole advised that it would be very tempting to discuss the many points raised by Councillor Simmonds but that was not the purpose of this meeting. The Committee were here to consider the content of the emails sent and the fact that Officers had been copied in to this correspondence. Did Councillor Simmonds make personal and insulting remarks and malicious allegation which were published? Furthermore Councillor Simmonds had been given the opportunity to apologise but did not.

Councillor Poole asked the Committee to disregard the representations made by Councillor Simmonds which bore no relevance to the matter in hand and concentrate on the comments he made within the email of the 28th July 2018.

As detailed within the procedure the Chair invited Councillor Simmonds to make his closing remarks.

In his summing up Councillor Simmonds emphasised that he had been waiting months for the information and answers he requested, he again referenced the un-costed Sport and Active Creation Strategy and this own costings, the impact that the strategy would have on the deprivation index for his ward, the inequitable funding for the Islwyn area and failures in educational attainment.

He reaffirmed that he hadn't meant to insult the Leader or Cabinet but had meant his comments as a reflection on the running of the Council and the frustration borne from his inability to receive answers to his questions.

The Chair thanked both Members for their statements and the meeting stood adjourned to allow the Committee to deliberate in private on the representations received.

The meeting was reconvened at 12.10pm.

The Chair announced the decision of the Standards Committee as follows:-

We consider that there is a basis to the complaint made by Councillor Poole against Councillor Simmonds. We feel it was unfortunate that Councillor Simmonds used the language he did in his email to the Leader of the 28th July 2018. Whilst we have heard that Councillors Simmonds did not intend to cause offence to the Leader and his Cabinet, nevertheless he did. We would advise Councillor Simmonds that he takes more care in his wording of future emails and to whom the emails are copied to. In the circumstances we feel and expect Councillor Simmonds to offer an apology to all those who received the email of the 28th July 2018 at 10.23am. We expect that the apology should be made in writing within 7 days of today's date, with a copy to the Monitoring Officer.

The meeting closed at 12.30pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the next meeting they were signed by the Chair.

CHAIR

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COUNCIL – 13TH DECEMBER 2018

SUBJECT: QUESTIONS RECEIVED UNDER RULE OF PROCEDURE 10(2)

REPORT BY: HEAD OF LEGAL SERVICES AND MONITORING OFFICER

1. PONTLLANFRAITH LEISURE CENTRE/ FORMER COMPREHENSIVE SITE

To the Cabinet Member for Neighbourhood Services from Councillor Kevin Etheridge.

To ask the Cabinet Member for Neighbourhood Services the following;

I understand there was previous expressions of interest for the above site, and a letter was despatched to contractors dated 23/4/18 explained matters were deferred until the Autumn 2018 on the Site and would companies be willing to keep offers open until 22/11/18, and now Cabinet has made a decision on the Sports & Leisure Strategy on 14/11/18;

1. What discussions and progression has been made on the whole site with contractors?
2. Details on progression to sell the whole site with a timescale, meetings and contents of discussions with officers and developers
3. Is there any plans for a resource centre on the site as discussed previously?

RESPONSE

1. The demolition contract is on hold. The letter dated 23/4/18 referred to above relates and a further letter was sent on 29/10/18 asking tenderers if they would be willing to hold their offer until the end of March 2019.
2. Sale of the site is on hold in accordance with the Cabinet decision taken on 3rd October 2018 so there is no progress to report. There have been no meetings with developers in relation to the sale of this site.
3. There have been a number of options discussed in relation to the development of a Children's centre on the lower part of the school site but to date no decision has been made.

2. CEFN FFOREST LEISURE CENTRE

To the Cabinet Member for Neighbourhood Services and the Cabinet Member for Homes and Places from Councillor Kevin Etheridge.

To ask the Cabinet Member for Neighbourhood Services and Housing what interest on this site was received from a third party and can details be provided following the Cabinets approval of the Sports and Leisure Strategy on 14/11/18 of

1. Details of discussions, timescales with officers and the third party, and the results of them discussions on the site above?

RESPONSE

1. During the consultation on the Council's Sport and Active Recreation Strategy 2019-29 contact was received from a third party. A meeting took place with Officers in September, and also a site visit, and at this time the third party confirmed their interest in taking over the running of Cefn Fforest Leisure Centre. As the future of Cefn Fforest Leisure Centre has not yet been discussed then no further discussions have taken place with the third party at this stage.