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Date: 11th November 2015

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If you have any queries please contact the Interim Deputy Monitoring Officer and Head of Democratic Services by email pricea4@caerphilly.gov.uk or telephone 01443 863150

Dear Sir/Madam,

A meeting of **Council** will be held in the **Council Chamber, Penallta House, Tredomen, Ystrad Mynach** on **Tuesday, 17th November, 2015** at **5.00 pm** to consider the matters contained in the following agenda.

Yours faithfully,

A handwritten signature in blue ink that reads 'Chris Burns'.

Chris Burns
INTERIM CHIEF EXECUTIVE

A G E N D A

- 1 To receive apologies for absence.
- 2 Mayor's Announcements.
- 3 Presentation of Awards.

Pages

A greener place Man gwyrddach



- 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 29th September 2015 (minute nos. 1 - 8). 1 - 4
- 6 Council held on 6th October 2015 (minute nos. 1 - 16). 5 - 16
- 7 Special Council held on 28th October 2015 (minute nos. 1 - 5). 17 - 20

To receive and consider the following report from the meeting of Cabinet.

- 8 Corporate Safeguarding Children and Vulnerable Adults Policy - 14th October 2015. 21 - 60
- 9 Proposed Changes to the CCBC CIL Regulation 123 List of Infrastructure - 11th November 2015. 61 - 82

To receive and consider the following reports: -

- 10 Licensing Act 2013 - Review of Statement of Licensing Policy - Licensing Committee - 24th September 2015. 83 - 170
- 11 Gambling Act 2005 - Review of Statement of Licensing Policy - Licensing Committee - 24th September 2015. 171 - 224
- 12 Members' Planning Site Visits - Planning Committee - 4th November 2015. 225 - 238
- 13 Standards Committee - Appointment of Independent Member. 239 - 242
- 14 Annual Letter from Public Services Ombudsman for Wales 2014 - 2015 - Standards Committee - 4th November 2015. 243 - 272

To receive and to answer questions received under Rule of Procedure 10(2) submitted after the preparation of the agenda.

Circulation:

All Members and Appropriate Officers



SPECIAL MEETING OF COUNCIL

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON TUESDAY 29TH SEPTEMBER 2015 AT 5.00PM

PRESENT:

Councillor L. Gardiner - Mayor
Councillor Mrs D. Price - Deputy Mayor

Councillors:

Miss L. Ackerman, M. Adams, Mrs E.M. Aldworth, Mrs K.R. Baker, J. Bevan, P.J. Bevan, L. Binding, D.G. Carter, C.J. Cuss, H.W. David, W. David, H.R. Davies, D.T. Davies, K. Dawson, N. Dix, C. Elsbury, M. Evans, Mrs C. Forehead, Miss E. Forehead, N. George, C.J. Gordon, D. Havard, C. Hawker, A.G. Higgs, G.J. Hughes, K. James, G. Johnston, Mrs B.A. Jones, Ms J.G. Jones, Miss L. Jones, S. Kent, G. Kirby, Ms P. Leonard, A. Lewis, K. Lloyd, C.P. Mann, S. Morgan, Mrs. G. Oliver, Mrs R. Passmore, D.W.R. Preece, M.J. Prew, J. Pritchard, A. Rees, D. Rees, K.V. Reynolds, R. Saralis, Mrs M.E. Sargent, S. Skivens, J. Simmonds, Mrs E. Stenner, L.G. Whittle, T.J. Williams, R. Woodyatt

Together with:-

C. Burns (Interim Chief Executive), D. Street (Director of Social Services), N. Scammell (Acting Director of Corporate Services), C. Harry (Corporate Director - Education and Community Services), S. Harris (Acting Head of Corporate Finance), G. Williams (Interim Head of Legal Services and Monitoring Officer), A. Southcombe (Finance Manager (Corporate Finance)), J. Morgan (Trading Standards and Licensing Manager), M. McSherry (Licensing Manager), H. Morgan (Senior 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 publically available in live and archive form via the Council's website. He advised that decisions would be made by show of hands.

2. **WELCOME**

Members welcomed newly elected members Mark Evans (New Tredegar Ward), Julian Simmonds (Crosskeys Ward) and Lisa Jones (Bedwas, Trethomas and Machen Ward) to their first meeting of Council.

3. **COUNCILLOR MRS GINA BEVAN**

In noting that Councillor Mrs Bevan was currently in hospital, Members asked that their best wishes be sent to her.

4. APOLOGIES

Apologies for absence were received from Councillors H.A. Andrews, A.P. Angel, Mrs. G. Bevan, Mrs A. Blackman, D. Bolter, J.E. Fussell, Mrs J. Gale, R.W. Gough, Mrs P. Griffiths, D.T. Hardacre, M.P. James, D.V. Poole, J.A. Pritchard, J.E. Roberts, Mrs J. Summers and J. Taylor.

5. DECLARATIONS OF INTEREST

The Interim Chief Executive advised that as the interest would be personal and not prejudicial, there would be no requirement for those who are Members of Trade Unions to declare an interest in the item that relates to the Notice of Motion -Trade Union Bill 2015.

Councillor D.T. Davies declared an interest in the item relating to Amendments to Taxi Licencing Fees 2015 - 16. Details are minutes with the respective item.

REPORTS OF OFFICERS

Consideration was given to the following reports.

6. AMENDMENT TO TAXI LICENSING FEES 2015/16

Councillor D.T. Davies declared a personal interest in this item (as having a family member in the licensing trade).

Consideration was given to report which proposed amendments to the Licensing fees in respect of Private Hire Vehicle Operators, Hackney Carriage and Private Hire Vehicle Drivers following changes to legislation introduced by the Deregulation Act 2015. It was noted that licensing fees are usually reviewed annually to recover reasonable costs of providing the licensing service. The Deregulation Act 2015 places an obligation on the Council to extend the licence periods in respect of Private Hire Vehicle Operators, Hackney Carriage and Private Hire Vehicle Drivers. The report recommends revised fees as appropriate.

Members were advised that the report had been considered by the Licensing Committee on 24th September 2015 when it had been agreed to support the recommendations and refer them to Council for adoption.

It was moved and seconded that the recommendations in the report be approved. By show of hands this was unanimously agreed.

RESOLVED that:-

- (i) the fees in respect of Hackney Carriage and Private Hire Vehicle Drivers, as outlined in the report, be approved and implemented with effect from 1st October 2015 and be valid until 31st March 2017;
- (ii) the proposed fees for Private Hire Vehicle Operator Licences be advertised and the Licensing Committee be given delegated powers to consider any objections received, to determine the fees to be charged and the date they come into force.

7. NOTICE OF MOTION - TRADE UNION BILL 2105

Consideration was given to the report which detailed the following Notice of Motion received from Councillors K .V. Reynolds, Mrs B. Jones and D.V. Poole.

'We the undersigned ask that this Council opposes the introduction of the Trade Union Bill 2015.

We ask this Council write to urge the Conservative Government to abandon this Bill and make a commitment to work in partnership with the Trade Union movement to achieve a fairer society.'

Members considered the reasons for the Motion and, following due debate, it was moved and seconded that its content be supported. By show of hands this was unanimously agreed.

RESOLVED that a letter be sent to urge the Conservative Government to abandon this Bill and make a commitment to work in partnership with the Trade Union movement to achieve a fairer society.

8. FINANCIAL ACCOUNTS 2014/15

Consideration was given to the report which detailed the 2014/15 Statement of Accounts and the uncorrected misstatements as reported by the Council's External Auditor (PricewaterhouseCoopers (PwC)) in their ISA 260 Report to the Audit Committee on the 9th September 2015. The report also provided details of a further uncorrected misstatement arising from subsequent ongoing audit work.

Mrs Scammell referred Members to the uncorrected misstatements highlighted in the report of PWC (as detailed in paragraphs 4.2 and 4.3 of the report) and they considered the recommendations in relation to the items raised (aftercare costs of the Trehir Landfill Site (the Authority's provision for both revenue and one-off costs is considered adequate to meet future and ongoing requirements), the share of the assets and liabilities and the financial results in joint operations (as many of these arrangements are ongoing the Authority does not have access to these reserves in the short-term), minor works assets (the adjustments are not considered necessary on the grounds of materiality), certain valuation movements in year (the adjustments are not considered necessary on the grounds of materiality).

It was noted that a further misstatement of £162k was identified after the issue of the ISA 260 report in relation to the treatment of non-enhancing capital expenditure included within the Authority's fixed assets in the Balance Sheet. This adjustment is not considered material to the 2014/15 accounts but will be corrected in the 2015/16 financial year.

Members were advised that the Council cannot realistically change anything in the Financial Accounts, as any changes need the approval of the Auditor.

A query was raised in relation to response times to Freedom of Information (FOI) and Environmental Information Regulations (EIR) requests and an assurance was sought that this is being achieved. The Interim Chief Executive advised that an increasing number of requests are being received and, as some maybe complex, a response within the statutory 20 working day period is challenging. A number of measures have been taken to improve performance, including a reminder to all Managers of the importance of prompt responses, and the situation is continually monitored.

It was moved and seconded that the recommendations in the report be approved. By show of hands this was unanimously agreed.

RESOLVED that:-

- (i) the content of the report be noted and the recommendations made by the Acting Director of Corporate Services and Section 151 Officer in relation to the uncorrected misstatements detailed in paragraphs 4.2 and 4.3 of the report be approved;
- (ii) the final audited 2014/15 Statement of Accounts be approved.

Members wished to place on record their appreciation to all those involved in the preparation of the accounts.

The meeting closed at 5.35pm

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 17th November 2015 they were signed by the Mayor.

MAYOR



COUNCIL

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON TUESDAY, 6TH OCTOBER 2015 AT 5.00 PM

PRESENT:

Councillor L. Gardiner - Mayor
Councillor Mrs D. Price - Deputy Mayor

Councillors:

M. Adams, Mrs E.M. Aldworth, A.P. Angel, Mrs K.R. Baker, J. Bevan, P.J. Bevan, L. Binding, Mrs A. Blackman, D. Bolter, D.G. Carter, Mrs P. Cook, C.J. Cuss, H.W. David, W. David, C. Durham, C. Elsbury, M. Evans, Mrs C. Forehead, Miss E. Forehead, J.E. Fussell, Ms J. Gale, N. George, C.J. Gordon, R.W. Gough, Mrs P. Griffiths, D.T. Hardacre, D. Havard, C. Hawker, A.G. Higgs, G.J. Hughes, K. James, M.P. James, G. Johnston, Mrs B.A. Jones, Ms J.G. Jones, Miss L. Jones, S. Kent, Ms P. Leonard, A. Lewis, K. Lloyd, C.P. Mann, S. Morgan, Mrs G. Oliver, Mrs R. Passmore, D.V. Poole, D.W.R. Preece, M.J. Prew, J.A. Pritchard, K.V. Reynolds, J.E. Roberts, R. Saralis, Mrs M.E. Sargent, J. Simmonds, S. Skivens, Mrs J. Summers, J. Taylor, T.J. Williams, R. Woodyatt

Together with:-

C. Burns (Interim Chief Executive), C. HARRY (Corporate Director – Communities), D. Street (Corporate Director of Social Services), N. Scammell (Acting Director of Corporate Services and Section 151 Officer), P. Elliott (Head of Regeneration and Planning), G. Williams (Interim Head of Legal Services/Monitoring Officer), C. Jones (Head of Performance and Policy), R. Kyte (Team Leader - Strategic and Development Planning), P. Martin (Conservation and Design Officer), A. Price (Interim Deputy Monitoring Officer), R. Roberts (Performance Manager) and R. Barrett (Committee Services Officer)

Also present:-

Non Jenkins and Sara-Jayne Byrne (Wales Audit Office)

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. He advised that decisions would be made by a show of hands.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors H.A. Andrews, Mrs G. Bevan, D.T. Davies, K. Dawson, G. Kirby, D. Rees, Mrs E. Stenner and L.G. Whittle.

3. BEREAVEMENT – COMMUNITY COUNCILLOR J.R. DAVIES

The Mayor referred to the recent death of Community Councillor J.R. Davies, who was widely known amongst the Bedwas, Trethomas and Machen community as “Ray the Coal”. All present stood for a moment of silence as a mark of respect.

4. MAYOR'S ANNOUNCEMENTS

The Mayor referred to the many events and visits that he and the Deputy Mayor have undertaken since the last meeting. He also made reference to the recent MacMillan Coffee Morning fundraiser hosted by Council staff across a number of corporate offices and thanked all staff involved for the significant amounts raised for his charity appeal.

5. PRESENTATION OF AWARDS

Young Enterprise Awards – Lewis Girls School

Members were informed that the Young Enterprise Team from Lewis Girls School were named ‘Best Company’ at the Young Enterprise Area Awards earlier this year.

This competition involves teams from different schools who must create a company from scratch and then design a product to sell. The company set up by the Lewis Girls School pupils, called Liberty, devised the innovative idea to design, create and sell wall-hangings in a range of different themes and styles. The product was a huge success and is testament to the hard work and commitment of its creators.

Poppy Miller, Alice Donegani, Hannah Santos, Bethan Jones, Sophie Bolter, Sophie Gwylim and Jenna Taylor came forward to receive the award from the Mayor.

Royal Welsh

Members were reminded that in September 2010 the Council granted the Freedom of the County Borough to the Royal Welsh. This was a memorable day, with thousands of people lining the streets of Caerphilly and Blackwood to cheer the troops and celebrate this special occasion.

It was thought fitting to show the Council’s respect and appreciation to the Royal Welsh by commissioning the ceremonial belt for the Drum Major of the 3rd Battalion of the Royal Welsh. Embroidered on the belt is the Regimental Crest and some of the many battle honours which the Regiment has won over the last 325 years. On the shoulder of the belt are the armorial arms of Caerphilly Council, which will be proudly displayed whenever the Royal Welsh’s Band and Drums performs throughout Wales over the next 25 years. The Royal Welsh have expressed their gratitude for the support given by the Council to the Regiment over the years.

Captain Ben Phillips, Lieutenant Colonel (Retd), Chris Kilmister and Drum Major Andrew Jones came forward to receive the ceremonial belt from the Mayor.

6. PETITION – REQUEST FOR A ZEBRA CROSSING, CROESPENMAEN

The Mayor received a petition presented by Councillor K. Lloyd on behalf of local residents of Croespenmaen, which requested that a zebra crossing be placed on the road outside Croespenmaen Baptist Church. The Mayor indicated that it would be referred to the appropriate directorate for attention.

7. DECLARATIONS OF INTEREST

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

8. COUNCIL – 21ST JULY 2015

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

Council held on 21st July 2015 (minute nos. 1 - 9).

9. ANNUAL IMPROVEMENT REPORT – WALES AUDIT OFFICE

The report informed Members of the content of the Annual Improvement Report, which is a summary by the Welsh Audit Office (WAO) of the Council's performance against their statutory duty for 2014/2015. The report outlined how the Council monitors and tracks proposals that are made for improvement by WAO so that Members can have assurance that a robust process is in place for following up on the suggested improvements.

Non Jenkins was welcomed to the meeting and introduced her colleague Sara-Jayne Byrne, who is already known to Members via her work with internal auditors and has recently joined the Wales Audit Office.

Ms Jenkins gave an overview of the content of the Annual Improvement Report (AIR), which is a public document summarising other reports made throughout the year. It was explained that any recommendations for improvement made previously are already known and have already been reported to the Council's Corporate Management Team and Audit Committee.

Members were advised that based on the work of the Wales Audit Office and relevant regulators, the findings of the Auditor General are that the Council is likely to comply with the requirements of the Local Government Measure during 2015-16. Ms Jenkins outlined the areas where the Council had met key requirements in respect of accounts, governance and performance, together with areas where further improvement is needed. The full findings were detailed within the Annual Improvement Report, a copy of which was appended to the Officer's report.

Ms Jenkins explained that despite the uncertainty faced by the Council as a result of ongoing legal proceedings as outlined within the Report in The Public Interest (March 2013), the Council has demonstrated resilience in continuing to deal with normal business and has responded to increasing financial challenges. In closing, Ms Jenkins acknowledged the good working relationship between the Council and the Wales Audit Office and thanked all those involved for their valued co-operation over the past two years.

Members were pleased to note the overall positive findings of the report and acknowledged the amount of work involved in its production. Clarification was sought on the contents of the Annual Audit Letter for 2013-14, which referred to significant adjustments of £74m made to the statement of accounts in respect of the valuation of property, plant and equipment, together with a number of matters being considered by the Appointed Auditor. Members were advised that the letter related to the 2013-14 accounts, during which time auditors had made a number of adjustment to these accounts. This had subsequently been identified as an area for improvement, with it recognised by the auditors in September 2015 that the situation had improved and that the number of adjustments made in respect of the valuation of assets had significantly reduced. Officers also advised the matters being considered by the Appointed Auditor also referred to the previous financial year and there remained no issues outstanding.

Reference was made to the AIR finding that owing to cuts in resources, the Council will find it difficult to fulfil new statutory duties to protect the public and the environment in the future, and concerns were expressed that a previous proposal to delete an Environmental Health Officer post as part of Medium Term Financial Plan (MTFP) savings is due to be re-submitted as a potential future saving. Officers confirmed that there are proposals moving forward in respect of this matter and these will be subject to the same level of scrutiny as all other proposals within the MTFP process.

A Member sought clarification on the AIR finding in respect of the Council's Discretionary Housing Payments (DHP) allocation and whether those in the greatest need are receiving help. Officers explained that in order to move forward in respect of this area, a review had recently been undertaken of Discretionary Housing Payments, which had resulted in a revision to the eligibility criteria and the adoption of a more consistent approach to allocations to target those most in need.

Following consideration and discussion, it was moved and seconded that the Annual Improvement Report be endorsed and the process for the routine monitoring of any outstanding proposals be noted. By a show of hands this was unanimously agreed.

RESOLVED that the Annual Improvement Report be endorsed and the process for the routine monitoring of any outstanding proposals be noted.

REPORTS REFERRED FROM CABINET

Consideration was given to the following reports referred from Cabinet.

10. LOCAL DEVELOPMENT PLAN 2015 – ANNUAL MONITORING REPORT

In that Officers had recently received a number of representations from Members on this item which required further information, it was moved and seconded that consideration of the report be deferred to a future point in time. By a show of hands this was unanimously agreed.

11. BUTE TOWN CONSERVATION AREA APPRAISAL AND CONSERVATION AREA MANAGEMENT ACTION PLAN (CAA AND CAMP) FINAL DRAFT 2015

The report, which was considered by the Regeneration and Environment Scrutiny Committee on 15th September 2015 and Cabinet on 30th September 2015, sought approval on proposals to adopt the Bute Town Conservation Area Appraisal and Conservation Area Management Plan 2015 (CAA and CAMP) as supplementary planning guidance to the Caerphilly County Borough Local Development Plan up to 2021 (LDP), prior to consideration by Council.

Members were advised that Bute Town was first designated a Conservation Area on 20th October 1972. An Article 4 Direction for Bute Town has also been in place since 23rd April 1979. As a consequence of work associated with the bid for Heritage Lottery Funding for Bute Town, the Conservation Area has been reassessed, and on 11th February 2015 the Planning Committee resolved to extend and re-align the Conservation Area. They further resolved to replace the Article 4 Direction with a new, extended Article 4(2) Direction boundary, for the proper and sustainable management of the historic environment.

A Conservation Area Appraisal and Management Plan (CAA and CAMP) for Bute Town has now been produced which reflects the updated Conservation Area Boundary, and approval was sought to adopt this as supplementary planning guidance to the Caerphilly County Borough Local Development Plan up to 2021 (LDP). As this will supersede existing guidance, approval was also sought for the current 'Bute Town Conservation Area Design Guide' and 'Bute Town Conservation Area Enhancement Plan (August 2005)' to be consequently cancelled. A copy of the Conservation Area Appraisal and Management Plan was appended to the report.

During the course of the ensuing debate, Members requested that their thanks and appreciation to all staff involved in the development of this conservation document be placed on record. Reference was also made to the negative visual impact of a lean-to structure within Bute Town, and Officers advised that this could possibly be screened off with trees/hedging as an interim measure, with a number of other development options possible should further funding bids be successful.

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

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

- (i) the Bute Town Conservation Area Appraisal and Conservation Area Management Plan 2015 (CAA and CAMP) be formally adopted as supplementary planning guidance to the Caerphilly County Borough Local Development Plan up to 2021 (LDP);
- (ii) the 'Bute Town Conservation Area Design Guide' and 'Bute Town Conservation Area Enhancement Plan (August 2005)' be consequently cancelled.

12. ANNUAL PERFORMANCE REPORT 2014/15

Cabinet considered this report on 30th September 2015 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.

In addition, the report highlighted how the Council performed against the Improvement Objectives it set itself for 2014/2015. Members noted that although the report referred to 5 Improvement Objectives, there are 6 Improvement Objectives set by the Authority, of which, 4 have been successful and 2 have been partially successful, with only 1 being carried forward to 2015/16. Overall, it was noted that there is a mixed picture of performance across the Local Authority and against All Wales data, with some areas performing exceptionally well and others in need of further improvement. Full details of the Council's performance in relation to Wales across all 43 indicators were included in the Annual Performance Report appended to

the Officer's report.

Discussion took place in respect of a number of the performance indicators outlined in the report and their respective all-Wales ranking. Reference was made to the indicator in respect of the percentage of municipal waste recycling and its lowered performance against the previous year. Officers explained that although the Council were meeting the statutory target for recycling, there were a number of reasons for the drop in performance, including new legislation on permitted recycling materials, and that a number of options were being considered in conjunction with Welsh Government to improve performance in this area.

Reference was made to a perceived lack of improvement against the previous year's all-Wales rankings in respect of those indicators relating to Education. Officers explained that although the 3-year trend shows improvement against all indicators and the Council have aspirations to improve their all-Wales performance, there are many reasons why improvements are not reflected in the all-Wales rankings, including that of socio-economic issues within the county borough.

Officers also explained that they are working in partnership with the Education Achievement Service (EAS) who have undertaken the role of challenging all secondary schools to improve performance, which includes ensuring that all pupils leave with a approved external qualification. Members suggested that EAS representatives could attend Council to outline their contribution to school performance. In addition to it being confirmed that EAS staff attend Scrutiny Committee meetings, Members were also informed that reports detailing the performance of all schools in the county borough are regularly presented to the Education for Life Scrutiny Committee.

During the course of the debate Members asked that their appreciation for the hard work of teaching staff within the Authority be placed on record.

Members noted a decrease in the all-Wales ranking in respect of the percentage of reported fly-tipping incidents cleared within 5 working days and queried whether this was due to the recent waste disposal changes implemented within civic amenity sites. It was explained there had been a technical reason for the delays in clearing up after incidents of fly-tipping and it did not mean that there was an increase in fly tipping incidents across the Authority. It was emphasised to Members that fly tipping is a nationwide issue and that the Council undertake stringent enforcement action against those involved in such incidents.

Clarification was sought on the reasons for the lowered performance of some Social Services indicators against the previous year's targets and whether there was a relationship with the under spend for 2014/15. Officers explained that consideration had been given to the results of the performance indicators and a change of approach implemented across some service areas as a result. It was emphasised to Members that in the case of some lower-performing indicators, it is more appropriate to effectively understand and meet the needs of vulnerable service users than to reach a solution in the quickest way. It was noted that a report is due to be presented to the Health, Social Care and Wellbeing Scrutiny Committee in the near future which will further address the performance results contained within the Annual Performance Report. Officers also explained that the projected under spend simply reflected the demand for services at the given time.

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

Following consideration and discussion, it was moved and seconded that the recommendation from Cabinet as outlined in the report be endorsed. By a show of hands this was unanimously agreed.

RESOLVED for the reasons set in the report, the Annual Performance Report 2014/15

as appended to the Officer's report be accepted.

REPORTS OF OFFICERS

Consideration was given to the following reports.

13. SCRUTINY REVIEW 2015

The report, which outlined the findings and recommendations identified from a review of scrutiny arrangements carried out to identify improvement to the operation of scrutiny following recommendations from the Wales Audit Office, was considered by the Democratic Services Committee on 16th September 2015.

The report identified the issues for improvement contained in the WAO report and identified by workshop groups attended by Members and Officers. The outcome of the workshops highlighted issues in relation to agendas, forward work programmes and witnesses, information and reports, task and finish groups, scrutiny support, the role of Cabinet and scrutiny members at committee, meeting organisation and chairing skills, and finally the external scrutiny role of local authorities.

Members were advised that the Project Group has developed its recommendations based on the issues raised by both Members and Officers and considers that these will address the issues raised by Wales Audit Office.

Members' attention was directed to recommendation (iv) of the covering report, (whereby scrutiny committees will discuss their forward work programmes at each meeting). At the Democratic Services Committee meeting of 16th September 2015, an amendment to this recommendation was moved and seconded and unanimously agreed, in that scrutiny chairs be allowed to accept the addition of urgent items to scrutiny committee agendas.

Officers also highlighted recommendations (vi) and (vii) of the covering report, which proposed that non-statutory co-opted members from scrutiny committees be replaced by a list of stakeholders and external witnesses for use when required, and that an expert witness protocol be developed to ensure witnesses are fully briefed and deliver balanced and fair evidence.

During the course of the ensuing debate, Members referenced the valued contributions of the non-statutory co-opted members who sit on the Health, Social Care and Wellbeing Scrutiny Committee and the Education for Life Scrutiny Committee, and stated that their removal would be a detrimental loss to the scrutiny committees. Members also extended their thanks to those Officers involved in the review of scrutiny arrangements and discussed the housekeeping arrangements in and around scrutiny committee meetings.

An amendment to recommendation (vi) was moved and seconded, in that the proposal to remove the non-statutory co-opted members from the scrutiny committees be deleted from the recommendation. By a show of hands, this was unanimously agreed.

Subject to the agreed amendment to recommendation (vi), it was moved and seconded that the recommendations in the Officer's covering report be approved, and by a show of hands, this was unanimously agreed.

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

- (i) A limit of no more than 4 items be placed on scrutiny committee agendas;

- (ii) there be a limit placed on the number of special scrutiny meetings held per scrutiny committee, of two additional meetings per annum, with priority for the Medium Term Financial Plan;
- (iii) Cabinet and scrutiny committee forward work programmes include a brief narrative on key issues to be covered in the reports;
- (iv) scrutiny committees discuss their forward work programmes at each meeting and confirm the 4 items to be discussed at the following meeting. The Chair of the relevant committee will decide whether any additional items are to be added to the agenda if presented urgently before the next meeting, subject to the limit of 4 items per agenda and acknowledging a special meeting can be arranged if necessary;
- (v) Scrutiny Leadership Group recommend whether referrals of individual Ombudsman reports from Standards Committee should be referred to scrutiny committee (and if so which committee);
- (vi) a list of stakeholders and external witnesses be developed for each scrutiny committee (maintained and agreed by Scrutiny Leadership Group). These can be called upon for specific agenda items to give evidence;
- (vii) an expert witness protocol be developed to ensure that witnesses are fully briefed and, in accordance with good practice, to ensure that evidence provided to the scrutiny committee is balanced and fair;
- (viii) information items be removed from scrutiny committee agendas and instead be placed on the Members Portal in consultation with Democratic Services Committee;
- (ix) a prioritisation matrix be developed for requests for reports from Members and the public;
- (x) comments from the workshops about report content be fed back to the relevant Directors. The quality of reports will be reviewed and monitored by Scrutiny Leadership Group for 6 months from the implementation of the new arrangements;
- (xi) a protocol be developed for Task and Finish Groups and agreed by Democratic Services Committee, with a limit of two Task and Finish Groups to run at a time, to ensure that the burden on limited resources is managed appropriately;
- (xii) the members training programme be further developed to incorporate relevant comments from the workshops including developing Cabinet Members' roles and be monitored by the Democratic Services Committee and Cabinet Member with responsibility for HR, Governance and Business;
- (xiii) guidance on the format and content of the Cabinet Members written statement be developed. A new protocol will be developed to provide that the statement is shared ahead of the relevant meeting with scrutiny committee members and placed on the Members Portal, in advance of the scrutiny meeting. The protocol will give advice on the type of information to be included in the statement;
- (xiv) good practice for pre-meetings be shared amongst Scrutiny Leadership Group including peer observations;
- (xv) the possibility of joint scrutiny committees be explored and the minutes of joint

committees and other information about relevant outside bodies be published on the Members Portal;

- (xvi) a dedicated performance management meeting be held for each scrutiny committee once per annum;
- (xvii) the protocol for External Audit, Inspection and Regulatory Bodies interface with scrutiny be presented to Council for consideration and adoption once it is completed;
- (xxiii) the terms of reference and membership of the Scrutiny Leadership Group be reviewed to take into account any changes required as a result of the scrutiny review;
- (xix) a self-evaluation of scrutiny arrangements be carried out within 12 months of the changes being agreed;
- (xx) the Monitoring Officer be authorised to amend the constitution in line with the above recommendations.

14. WELSH GOVERNMENT CONSULTATION ON DRAFT DIRECTIONS TO THE LOCAL GOVERNMENT BOUNDARY COMMISSION FOR WALES

Consideration was given to the report, which detailed the proposals contained in the Welsh Government Draft Directions to the Local Government Boundary Commission for Wales (LGBC) consultation report and sought Members views to enable the Council to respond to the consultation exercise. The LGBC report, which was appended to the agenda papers, proposes changes to the total number of county borough councillors to be elected at future elections.

The WLGA are currently preparing a response to the LGBC consultation report and early feedback suggests that in addition to the issues of the potential size of some new wards and the number of councillors in some councils, there is a particular concern about the implication of the Direction stating that new wards should be based on a grouping of 2 or more existing wards. This proposed grouping presents a number of challenges, as some existing wards may already have the appropriate 1:4,000 ratio, but the Direction appears to preclude them from continuing in their current form.

Merging 2 or more existing wards will mean it will be difficult for LGBC to achieve its main statutory aim (as per the current Local Government Bill) of achieving consistency/parity of councillor: elector ratios across a new principal council area. Merging 2 or more existing wards in an arbitrary approach may run counter to the main direction that LGBC should follow which is to take into account the 'particular characteristics of an area' when creating new wards.

Members' attention was directed to information from the WLGA contained in the report, which showed the current and proposed Councillor numbers across merging Local Authorities in South-East Wales. The proposal would give the current Caerphilly County Borough Council area approximately 32 Councillors for 132,157 electors, which is a substantial reduction from the current 73 Members, and some of the challenges outlined in respect of the proposed grouping of 2 or more wards would apply in this area.

Officers outlined the challenging timescale for the mergers and initial reviews as set out in the report. Following consideration of any consultation responses, which also allow for the submission of individual responses from Members, Welsh Government will issue the Directions.

Members expressed concern at the proposals to decrease Councillor numbers across the county borough and outlined the difficulties in properly representing a ward of increased population size. It was noted that the timetable for the mergers and initial reviews as set out in the report could be subject to change.

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

RESOLVED for the reasons set in the report, the ongoing Welsh Government Draft Directions to the Local Government Boundary Commission for Wales consultation be noted.

15. CITY DEAL – CARDIFF CAPITAL REGION

The report advised Members of the latest developments in the emerging “City Deal” for the Cardiff Capital region and the 10 local authorities in the south-east Wales region.

Members were reminded of a presentation made to Council in March 2015 regarding the Cardiff Capital Region. It is anticipated that the future shape of this project, together with the the Board which oversees the project, will be the subject of a Ministerial announcement in the near future. This project was initiated by the Minister for Economy, Science and Transport to develop plans for a City Region approach to economic development and regeneration in South East Wales. Similar approaches have been undertaken in the Swansea City Region and North Wales.

More recently, plans have been under development for a ‘City Deal’ covering the 10 local authorities in the South East Wales region. Though separate to the Capital Region Board project, this is a related initiative as a means to give effect to and implement some of the vision developed by the Board. It will be important that the two operate in tandem.

All 10 authorities have been participating in the development of this City Deal which promises to be an exciting opportunity to drive development, economic growth and job creation at a faster pace than that seen for a long time. There have been a number of similar ‘City Deal’ initiatives in England and one to date in Scotland. It would be a tripartite agreement between the 10 local authorities, UK Government and Welsh Government to collaborate on investment in infrastructure, business development skills, training and related areas over a 10 – 15 year period. Officers explained that full details of the City Deal have yet to be confirmed but further progress reports will be brought back to Council pending further developments.

Members welcomed news of the latest development and outlined the many positive benefits that the project could bring to the county borough. A need for funding to be allocated proportionally to local authorities was expressed by Members, together with a call for investment to be centred on the development of local communities. A number of Members urged a cautious approach to the proposals and expressed concerns that the development of transport links into major city centres might have a detrimental impact on the local economy in terms of tourism and everyday spending.

Officers explained that the development was still in the very early stages and referenced a number of successful City Deals set up throughout the UK. The key challenges, the processes involved and the options to be considered in the development of the project were outlined to Members. These will become clearer once discussions over priorities and funding between UK, Welsh and local government develop and mature throughout 2015 and into 2016.

It was also confirmed that to date, the Council has contributed towards the initial planning and preparation of the emerging City Deal proposal. No other formal commitment of funds is

required at this time, and any further financial contribution from the Authority will be the subject of further reports before any firm commitment is made.

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

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

- (i) the progress to date and future plans for developing the City Deal be noted;
- (ii) the Council's willingness to develop this concept be confirmed, subject to further reports at an appropriate time as to any additional funding implications and the type of investment likely to be generated.

16. QUESTIONS UNDER RULE OF PROCEDURE 10(2)

There were no questions submitted under Rule of Procedure 10(2).

The meeting closed at 6.58 pm

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 17th November 2015, they were signed by the Mayor.

MAYOR

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SPECIAL MEETING OF COUNCIL

MINUTES OF THE SPECIAL MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON WEDNESDAY 28TH OCTOBER 2015 AT 5.00PM

PRESENT:

Councillor L. Gardiner - Mayor
Councillor Mrs D. Price - Deputy Mayor

Councillors:-

M. Adams, Mrs E.M. Aldworth, H.A. Andrews, L. Binding, Mrs A. Blackman, Mrs. P. Cook, C.J. Cuss, H.W. David, H.R. Davies, N. Dix, C. Elsbury, M. Evans, Mrs C. Forehead, Miss E. Forehead, Mrs J. Gale, N. George, C.J. Gordon, R.W. Gough, D.T. Hardacre, D. Havard, C. Hawker, A.G. Higgs, K. James, G. Johnston, Ms J.G. Jones, Miss L. Jones, S. Kent, G. Kirby, A. Lewis, K. Lloyd, C.P. Mann, S. Morgan, Mrs. G. Oliver, D.V. Poole, D.W.R. Preece, M.J. Prew, J. Pritchard, J.A. Pritchard, D. Rees, K.V. Reynolds, R. Saralis, S. Skivens, Mrs E. Stenner, Mrs J. Summers, J. Taylor, L.G. Whittle, T.J. Williams, R. Woodyatt

Together with:-

C. Burns (Interim Chief Executive), N. Scammell (Acting Director of Corporate Services), C. Harry (Corporate Director - Communities), G. Williams (Interim Head of Legal Services and Monitoring Officer), P. Elliott (Head of Regeneration and Planning), R. Kyte (Team Leader - Strategic and Development Plans), A. Price (Interim Deputy Monitoring Officer), H. Morgan (Senior 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 publically available in live and archive form via the Council's website. He advised that decisions would be made by show of hands.

2. APOLOGIES

Apologies for absence were received from Councillors Miss L. Ackerman, A.P. Angel, Mrs K.R. Baker, J. Bevan, P.J. Bevan, D. Bolter, D.G. Carter, W. David, D.T. Davies, K. Dawson, C. Durham, J.E. Fussell, Mrs P. Griffiths, G.J. Hughes, Mrs B.A. Jones, Mrs R. Passmore, A. Rees, J.E. Roberts, Mrs M.E. Sargent, J. Simmonds and D. Street (Director of Social Services).

3. BEREAVEMENT - COUNCILLOR GINA BEVAN

The Mayor referred to the recent death of Councillor Mrs Gina Bevan and all present stood in silence as a mark of respect and extended their condolences to the bereaved family. Several Members referred to the late members long and distinguished career in local government with Caerphilly County Borough and paid tribute to the manner in which she had carried out her duties during her years of office and to the high esteem in which she had been held by Members, Officers and the community she represented.

4. DECLARATIONS OF INTEREST

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

5. REPORT REFERRED FROM CABINET

LOCAL DEVELOPMENT PLAN 2015 - ANNUAL MONITORING REPORT

Consideration was given to the report which has been considered by the Regeneration Scrutiny Committee on 15th September 2015 and Cabinet on 30th September 2015 and, as there had been a number of representations made by Members which required further information, had been deferred at Council 6th October 2015.

R. Kyte (Team Leader - Strategic and Development Plans) gave an overview of the Local Development Plan monitoring data for the 2015 AMR which provides an insight into the implementation of the LDP over the monitoring period. She advised that the Council formally adopted the current LDP in November 2010 and there is a statutory obligation on the Council to produce an annual monitoring report every year which is required to be submitted to Welsh Government by the 31st October 2015. Members were advised that this is the fourth AMR for the Local Development Plan. The 2013 AMR triggered the review of the plan and progress has been made on the review to date. Notwithstanding the fact that the plan is being reviewed, there is still a requirement to produce an annual monitoring report. The 2015 AMR once again looks at progress and concludes that substantial progress has been made in implementing the adopted Local Development Plan up to 2021.

It was noted that there are a number of issues that remain of serious concern, the most notable one of which is the lack of 5 year housing land supply. Members were reminded that the Council is required to maintain a 5 year housing land supply, and at present, there is only a 1.9 years land supply identified.

R. Kyte then made reference to the recommendations outlined in the annual monitoring report:-

Recommendation 1 - The 2015 AMR has indicated that substantial progress has been made over the planned period in implementing the Caerphilly County Borough Local Development Plan up to 2021.

Recommendation 2 - The 2015 AMR has indicated that there is a continuing need to release limited greenfield sites in the short term to address the lack of a 5 year housing land supply.

It was moved and seconded that recommendation 1 be accepted and that recommendation 2 be amended to read 'The 2015 AMR has indicated that there is a continuing need to address the lack of a 5 year housing land supply'.

It was requested that an additional recommendation be included - *Recommendation 3 - 'That the Council endeavours to prepare the replacement Local Development Plan in a timely manner and in doing so undertakes full consultation with the residents of the County Borough'*. The mover of the motion agreed to incorporate this additional recommendation within his motion and this was subsequently seconded and agreed.

Discussion then ensued on the content of the report and Members were reminded that the preparation of the annual report is a statutory requirement. Queries were raised in relation to concerns in the local community of building on green field sites, the impact of house building on a community, the effects on the infrastructure, the proposals of Welsh Government for extra homes in Wales over the next 10 years, the potential of using brownfield sites rather than greenfield sites and to the withdrawal of land reclamation scheme grants. With regards to the latter it was suggested that the South East Wales region make representations to the Welsh Government that incentives are given towards the reclamation of brownfield sites. It was noted that this has been raised on many occasions and will continue to be so.

R. Kyte advised that the report relates to the AMR and that many of the issues raised require debate as part of the review of the LDP which will be presented to Members in the new year. She advised that there have been 200 sites submitted for consideration as part of the review process and that all have to be assessed against the assessment criteria whether they are greenfield or brownfield sites. Officers are minded to allocate brownfield sites where they are available and this will be enshrined in the plan going forward. However, there are insufficient brownfield sites and the release of greenfield sites will need to be considered. With regards to planning applications, it is not possible to prevent anyone submitting an application on any piece of land. The authority is duty bound to consider such applications in accordance with the development plan and taking into account all other planning material considerations.

Members were assured that the review of the LDP will be an inclusive and open process and that any sites proposed by speculators and developers for consideration will be subject to stringent consultation and only those considered viable and acceptable will be taken forward as part of the LDP consultation process. As such, all residents will be requested to express their views as part of the consultation process which will take place in the new year.

After due deliberation the motion was put in that recommendation 1 of the AMR be accepted, recommendation 2 be amended to read *'The 2015 AMR has indicated that there is a continuing need to address the lack of a 5 year housing land supply and an additional recommendation be included - That the Council endeavours to prepare the replacement Local Development Plan in a timely manner and in doing so and it takes full consultation with the residents of the county borough'*. By show of hands this was unanimously agreed.

RESOLVED that:-

- (i) the findings of the 2015 Annual Monitoring report and the implications of recommendation 1, amended recommendation 2 and additional recommendation 3 as follows be noted:-

R1 The 2015 Annual Monitoring Plan has indicated that substantial progress has been made over the plan period in implementing the Caerphilly County Borough Local Development Plan up to 2021.

R2 The 2015 Annual Monitoring Report has indicated that there is a continuing need to address the lack of a five year land supply.

R3 The Council endeavours to prepare the replacement LDP in a timely manner and in doing so undertake full consultation with residents of the county borough.

- (ii) subject to the foregoing, the 2015 Annual Monitoring Plan be approved;
- (iii) the 2015 Annual Monitoring Plan be submitted to Welsh Government before the deadline of 31st October 2015.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 17th November 2015 they were signed by the Mayor.

MAYOR



COUNCIL - 17TH NOVEMBER 2015

SUBJECT: CORPORATE SAFEGUARDING CHILDREN AND VULNERABLE ADULTS POLICY

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND S.151 OFFICER

- 1.1 The report, which was considered by Cabinet on 14th October 2015 outlines the final draft of the Corporate Safeguarding Policy and is referred to Council for determination.
- 1.2 In the period March to May 2014 the Welsh Audit Office (WAO) completed a review of Caerphilly County Borough Council's (the Council) assurance and accountability arrangements for ensuring that safeguarding policies and procedures were in place and being adhered to.
- 1.3 The findings of the Review were published in October 2014 and reported to Cabinet on 10th December 2014, where it was agreed that a cross Directorate group of key Officers would be established to implement the recommendations made by WAO. The report provided Cabinet with an update on the actions taken to meet the WAO requirements through the production of an overarching Corporate Safeguarding Policy.
- 1.4 Members noted that following the review, WAO identified 5 key areas for improvement, mainly around Governance, which included updating the Safeguarding Policy, accountability and reporting and including Safeguarding within the Internal Audit work programme.
- 1.5 Cabinet discussed the item and it was noted that there have been some amendments to the Policy since the time of printing, including; the inclusion of the Corporate Safeguarding Policy in the mandatory induction programme for all Elected Members following election, safeguarding training for all Elected members nominated to join the Corporate Safeguarding Group and the inclusion of names of the Designated Safeguarding Officers for service areas with direct interface with the public. In addition, the proposal to develop a Corporate Safeguarding portal on the Council's intranet site was noted. Cabinet agreed the changes and that Councillor R. Woodyatt be named Lead Cabinet Member for Safeguarding.
- 1.6 Following consideration and discussion, and subject to the foregoing it was moved and seconded that the recommendation in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that: -

- (1) the Chief Executive be given delegated authority to make minor amendments to detail within the policy as indicated during the meeting and that it be RECOMMENDED to Council that for the reasons contained in the Officers report, the draft Corporate Safeguarding Children and Vulnerable Adults Policy be approved, as amended.
 - (2) Councillor R. Woodyatt be nominated Lead Cabinet Member for Safeguarding.
- 1.7 Members are asked to consider the amended draft Corporate Safeguarding Children and Vulnerable Adults Policy as appended to the report.

Author: C.A Evans, Committee Services Officer
Ext. 4210

Appendix:
Report to Cabinet dated 14th October 2015.



CABINET – 14TH OCTOBER 2015

SUBJECT: CORPORATE SAFEGUARDING CHILDREN AND VULNERABLE ADULTS POLICY

REPORT BY: CORPORATE DIRECTOR, SOCIAL SERVICES

1. PURPOSE OF REPORT

- 1.1 To present the final draft Corporate Safeguarding Policy (attached at Appendix 1) to Cabinet for comment, decision and endorsement.

2. SUMMARY

- 2.1 In the period March to May 2014 the Welsh Audit Office (WAO) completed a review of Caerphilly County Borough Council's (the Council) assurance and accountability arrangements for ensuring that safeguarding policies and procedures were in place and being adhered to.
- 2.2 The findings of the Review were published in October 2014 and reported to Cabinet on 10th December 2014 where it was agreed that a cross Directorate group of key Officers would be established to implement the recommendations made by WAO. This report serves to update Cabinet on the actions taken to meet the WAO requirements through the production of an overarching Corporate Safeguarding Policy.

3. LINKS TO STRATEGY

- 3.1 Safeguarding children, young people and vulnerable adults is a key statutory duty of the Council.

4. THE REPORT

- 4.1 The WAO Review concluded that,
- The governance, accountability and management arrangements for overseeing whether the Council is meeting its safeguarding responsibilities to children had some weaknesses which the Council is addressing.
 - The Council's arrangements for monitoring and evaluating its safeguarding responsibilities to children had some weaknesses which the Council must address.
 - The Council's approach to identifying and acting on improvements in its safeguarding arrangements had some weaknesses which the Council is addressing.

- 4.3 It is important to note that the Review did not identify any weaknesses in the operational, day to day safeguarding arrangements for children and young people in Caerphilly. The recommendations relate to the corporate governance of those arrangements.
- 4.4 Following on from the conclusions, the Review made five proposals for improvement. These were:
- To develop a Corporate Safeguarding Policy that clearly specifies roles, responsibilities and procedures for safeguarding.
 - The Council should clarify who designated officers with responsibility for safeguarding are.
 - Improve the range, quality and coverage of safeguarding performance reporting to Members to provide adequate assurance that corporate arrangements are working effectively.
 - Ensure all Elected Members and staff who come into contact with children on a regular basis receive training on safeguarding and child protection issues and the Council's corporate policy on safeguarding. This should also include volunteers and contractors commissioned by the Council.
 - To identify and agree an appropriate internal audit programme of work for safeguarding.
- 4.5 Corporate Management Team and Cabinet agreed that the Assistant Director for Children's Services should lead on the establishment of a cross Directorate Corporate Safeguarding Group to develop and implement an action plan to address the recommendations of the Review. For information, membership of the Group is detailed in Appendix 2.
- 4.6 Between February and July 2015, the Corporate Safeguarding Group worked to develop a draft policy to meet the five recommendations detailed at 4.4. The draft policy was presented to CMT on 17th September and minor amendments were made.
- 4.7 Cabinet will see that the draft policy has been structured to provide relevant detailed information in a series of appendices. This will allow individual sections to be updated and reissued as and when changes are required without having to reissue the whole document.
- 4.8 Cabinet are asked to consider and agree the following:
- That the current Corporate Induction process is reviewed and strengthened to include reference to the Safeguarding Policy and that this is progressed by the HR Strategy Group.
 - For specific reference to be made to the Safeguarding Policy in the mandatory Induction process for new Elected Members following elections.
 - The appointment of a Lead Cabinet Member for Safeguarding. The Lead Cabinet Member will chair the Corporate Safeguarding Group.
 - The nomination of Elected Member representation from each of the Political Party Groups to join the Corporate Safeguarding Group
 - Awareness raising sessions for the Lead Cabinet Member and those Elected Members nominated to join the Corporate Safeguarding Group should be made mandatory.
 - The proposed governance arrangements as outlined in Section 5 (p12) are agreed.
 - The development of a Safeguarding Portal on the Intranet is supported.

5. EQUALITIES IMPLICATIONS

- 5.1 This report requires no specific equalities impact assessment.

6. FINANCIAL IMPLICATIONS

- 6.1 There is likely to be demand for additional training to be provided for identified staff groups. This may incur additional costs and will be continually reviewed as the work progresses.

7. PERSONNEL IMPLICATIONS

- 7.1 There are no direct personnel implications associated with this report however, a review of HR policies to ensure they address safeguarding issues will be a priority for the HR Strategy Group and the Corporate Safeguarding Group.

8. CONSULTATIONS

- 8.1 Please refer to Consultees listed below.

9. RECOMMENDATIONS

- 9.1 That Cabinet endorses the draft Policy and recommends approval by Council.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 Compliance with the recommendations from the Wales Audit Office Review will further strengthen the authority's arrangements for the safeguarding of children, young people and vulnerable adults.

11. STATUTORY POWER

- 11.1 Local Government Act 2000.

Author: Gareth Jenkins, Assistant Director Children's Services
Consultees to date: Corporate Management Team
Statutory Director of Social Services
Social Services Senior Management Team
Cabinet Member for Social Services
Corporate Safeguarding Group

Appendix 1: Caerphilly County Borough Council, Safeguarding Children and Vulnerable Adults Corporate Policy.

Appendix 2: Corporate Safeguarding Group Membership

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Caerphilly County Borough Council

**Safeguarding Children and
Vulnerable Adults**

CORPORATE POLICY

Contents:

	Page
1. Corporate Policy Statement	3
2. What is safeguarding?	4
3. Responsibilities:	
Council	6
All employees	7
4. Functions of key Officers and Elected Members	9
5. Corporate Governance arrangements	13
6. <u>Appendices:</u>	14
1. Professional conduct / safe working practice	15
2. Recognition: signs and symptoms of abuse	17
3. Designated Safeguarding Officers role	24
4. Designated Safeguarding Officers contact details	25
5. How to make a referral	27
6. Support and resources	29
7. Corporate Safeguarding Group Terms of Reference	30
8. Performance Indicators	32
9. Model Directorate/Divisional Policy template	34

1. Corporate Policy Statement:

- 1.1 Caerphilly County Borough Council is committed to ensuring that everyone living within the Borough is safe and protected and that our statutory responsibilities to safeguard and protect children, young people and vulnerable adults are effectively met.
- 1.2 Safeguarding children and adults from abuse is everybody's business. We all share a responsibility, both corporately and individually, to ensure that all children and adults are treated with respect and protected from others who may abuse them. All Council employees, Elected Members, volunteers and contractors who come into contact with children or vulnerable adults in the course of their duties are expected to understand their responsibility and wherever necessary, to take action to safeguard and promote their welfare.
- 1.3 As part of the Council's commitment to safeguarding, we work proactively with our partners under the auspices of the South East Wales Safeguarding Children Board (SEWSCB) and the Gwent Wide Adult Safeguarding Board (GWASB) to ensure that statutory guidance is followed, awareness and good practice is promoted and the children and adult's workforce practices safely and effectively. Helpful guidance on professional conduct and safe working practice can be found in Appendix 1 (page 15).

Scope:

- 1.4 This policy covers all Council employees, Elected Members, volunteers and contractors.
- 1.5 While employees, Elected Members, volunteers and contractors are likely to have varied levels of contact with children, young people and vulnerable adults as part of their duties, everyone should be aware of the potential indicators of abuse and neglect and be clear about what to do if they have concerns. Responsibilities are limited and it is important to remember that:

IT IS NOT the responsibility of any Council employee, Elected Member, volunteer or contractor to determine whether abuse or neglect is actually taking place.

HOWEVER,

IT IS the responsibility of the employee, Elected Member, volunteer or contractor to take the actions set out in this policy if they are concerned that abuse or neglect may be taking place.

2. What is safeguarding?

2.1 Safeguarding means protecting individual's health, well being and human rights and enabling them to live free from harm, abuse and neglect (Care Quality Commission, 2014)

2.2 The Social Services and Well Being (Wales) Act 2014 defines abuse and neglect as:

'Abuse' means physical, sexual, psychological, emotional or financial abuse and includes abuse taking place in any setting, whether in a private dwelling, an institution or any other place. 'Financial abuse' includes:

- Having money or other property stolen;
- Being defrauded;
- Being put under pressure in relation to money or property;
- Having money or other property misused.

'Neglect' means a failure to meet a person's basic physical, emotional, social or psychological needs which is likely to result in an impairment of the person's well being for example, an impairment of the person's health or, in the case of a child, an impairment of the child's development.

Safeguarding Children and Young People

2.3 For the purposes of this policy, a child is defined as anyone who has not yet reached their eighteenth birthday. 'Children' therefore means 'children and young people' throughout this document. The fact that a child has reached 16 years of age, is living independently or is in further education, is a member of the armed forces, is in hospital or in custody in the secure estate does not change his or her status or entitlement to services or protection under current legislation.

Safeguarding Vulnerable Adults at Risk

2.4 For the purposes of this policy, an adult is defined as being over eighteen years of age. A vulnerable adult becomes an adult at risk when they:

- a) are experiencing or are at risk of abuse or neglect;
- b) have the need for care and support (whether or not the authority is meeting any of those needs); and
- c) as a result of those needs is unable to protect him/herself against the abuse or neglect or the risk of it.

(Social Services and Well Being (Wales) Act 2014)

Violence Against Women, Domestic Abuse and Sexual Violence (VAWDA&SV)

- 2.5 The Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 aims to improve arrangements for the prevention of gender based violence, abuse and sexual violence. The protection of victims and support for people affected is underpinned by the 'Ask and Act' duty placed on public service staff to ask potential victims about the possibility that they may be experiencing VAWDASV and act so as to reduce suffering and harm.

Counter-terrorism and risk of radicalisation

- 2.6 Local authorities have a duty to identify vulnerable individuals and families at risk of radicalisation from all forms of extremism. The Counter Terrorism and Security Act 2015 and its guidance, identifies that children and adults may be vulnerable to ideologies that place them, their families and the general public in danger should they be enticed to act upon extremist beliefs. Identifying individuals at risk and determining what action is necessary to support them is complemented by the 'Channel' multi-agency intervention process which deters continued involvement.

Modern Day Slavery

- 2.7 Modern day slavery encompasses slavery, sexual exploitation, human trafficking, forced labour and domestic servitude. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individual's into a life of abuse, servitude and inhumane treatment. In March 2015, the Modern Day Slavery Bill consolidated and simplified existing offences into a single Act ensuring that perpetrators can receive suitably severe punishments. The Bill also introduces new powers for the courts to place restrictions on individuals to protect people from the harm caused by modern day slavery.
- 2.8 Modern day slavery is a hidden, pervasive crime targeted towards those individuals most vulnerable. The Council and BAWSO are first responding organisations to cases of slavery. Contact details for BAWSO are included in Appendix 6.

Recognition of abuse or concerns

- 2.9 Guidance in respect of possible signs and symptoms of each form of abuse can be found at Appendix 2 (from page 16). This Appendix details generic factors and those factors as they relate to Children and Adults for each category of abuse.

3. Responsibilities for Safeguarding:

Caerphilly County Borough Council

- 3.1 Caerphilly County Borough Council has a duty to safeguard and promote the welfare of children and adults who may be at risk of harm.
- 3.2 The Council ensures that everyone working with or on behalf of children and vulnerable adults are competent to do so.
- 3.3 The Council promotes safer recruitment policy and practice and Disclosure and Barring Service (DBS) checks are undertaken for employees in accordance with statutory and regulatory requirements and provisions contained within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. Checks are also undertaken to ensure that staff are registered with relevant professional and other bodies wherever appropriate eg. Social Workers and Teachers.
- 3.4 Safeguarding responsibilities for all employees are emphasised from the point of recruitment and throughout their employment. There are clear lines of accountability, responsibility and support regarding safeguarding throughout the authority and these are achieved via relevant staff guidance, code of conduct (including disciplinary procedures) and specific policies and procedures which all staff must adhere to.
- 3.5 The Council has a range of policies and procedures available to promote and support staff to raise concerns about the safety and welfare of children and adults. These include the Whistle Blowing Policy which provides guidance for staff to report concerns or suspicions about other employees or contractors.
- 3.6 The Council also hosts safeguarding information pages on the Council website in order to provide information to the general public. The Council intranet site has direct links to the regional Children's and Adults Safeguarding Boards (SEWSCB and GWASB).
- 3.7 All employees will be made aware of their safeguarding responsibilities as part of their induction to their employment. More specialist single agency and multi agency training opportunities are available for staff who routinely work with children or vulnerable adults at levels appropriate to their role and responsibilities.
- 3.8 Elected Members have a responsibility to be aware of and support the Council's safeguarding responsibilities and to scrutinise how these are carried out in the planning and delivery of services.

- 3.9 The Council undertakes to ensure that through procurement processes, services commissioned and contracted on its behalf have safeguarding responsibilities built into contracts and that appropriate policies and staff training are in place. This includes an expectation that any person or organisation using Council resources or premises adhere to the Council's safeguarding standards.

All Employees of the Council

- 3.10 The Council expects all employees to take all reasonable steps to ensure the safety of any child or adult involved in any activity or interaction for which they are responsible. Guidance on professional conduct and safe working practice can be found in Appendix 1 (page 15). Helpful guidance on possible signs and symptoms of abuse can be found in Appendix 2 (from page 17).
- 3.11 Any person responsible for, or working with, children or vulnerable adults in any capacity, whether paid or unpaid, is considered both legally and morally, to owe them a duty of care. This includes a duty to behave in a manner that does not threaten, harm or put people at risk of harm from others.
- 3.12 All employees have a responsibility to conduct themselves in their private lives in a manner that does not compromise their position in the workplace or call into question their suitability to work with children or vulnerable adults.
- 3.13 All employees should:
- Be alert to the possibility of harm, abuse and neglect
 - Participate in relevant safeguarding training and multi agency working to safeguard children and vulnerable adults
 - Be familiar with local procedures and protocols for safeguarding children and vulnerable adults and follow the Council's Code of Conduct and any other Professional Codes
 - Report any concerns about the safety or welfare of a child or vulnerable adult. Please refer to Appendix 5 (page 26); 'How to make a referral'
- 3.14 All employees working for or on behalf of the Council have a duty to report any concerns they may have for the welfare and/or protection of children and vulnerable adults. The duty to report is a legal requirement and may have serious consequences for the employee who fails to report appropriately. The process to follow to make referrals is contained in Appendix 5 (page 26).
- 3.15 Each service area where there is direct contact with the public, has a Designated Safeguarding Officer (DSO) responsible for safeguarding. The DSO provides advice and guidance and is responsible for ensuring procedures are followed regarding safeguarding concerns about a child or

vulnerable adult including allegations against members of staff. The DSO responsibilities and their contact details are listed in Appendices 3 & 4 (from page 24).

- 3.16 Professional advice can also be sought from and referrals made to the Social Services Information, Advice and Assistance Service. Contact details are contained in Appendix 6 (page 28).

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4. Functions of key Officers and Elected Members

The Chief Executive

- 4.1 The Chief Executive has overall responsibility for ensuring arrangements for safeguarding of children and adults are effective across the Council. The Chief Executive is responsible for developing effective governance arrangements and ensuring there is an effective safeguarding policy in place.
- 4.2 Through one to one meetings with the Corporate Director of Social Services, the Chief Executive is kept informed of relevant safeguarding issues.
- 4.3 In addition, any exceptional matters relating to safeguarding could be reported to the G7 meeting by the Chief Executive. The G7 is a strategic meeting of the Chief Executives of the five Gwent Local Authorities, the Police and the Health Board.

Lead Cabinet Member for Safeguarding (Cabinet Member for Social Services)

- 4.4 The Lead Cabinet Member for Safeguarding is responsible for providing political scrutiny to ensure the Council fulfils its duties and responsibilities for safeguarding. The Lead Member will chair the Corporate Safeguarding Group and support Elected Members to scrutinise and appropriately challenge the safeguarding performance of the Council.
- 4.5 The Lead Member will be briefed on any sensitive cases that may be considered for Child or Adult Practice Reviews or may otherwise become a matter of public interest. The Lead Member will periodically visit front line services to meet with staff and managers.

Elected Members

- 4.6 All Elected Members must familiarise themselves with this Policy and seek advice from the Statutory Director of Social Services or Assistant Directors if they are unclear about their responsibility for safeguarding. The Corporate Safeguarding Policy will be referred to in the mandatory Induction Programme for all new Elected Members following election.
- 4.7 Each Political Party Group will nominate an Elected Member and a Deputy to attend the Corporate Safeguarding Group. Elected Members joining the Group will receive appropriate training and support to undertake their role.
- 4.8 If any Elected Member has concerns regarding the safety of a child, young person or adult then they should contact the Social Services Information, Advice and Assistance Service immediately. The contact details can be found in Appendix 6 (page 28).

Statutory Director of Social Services

- 4.9 The Statutory Director of Social Services has final and ultimate responsibility for ensuring the Council has appropriate safeguarding measures in place to protect children, young people and vulnerable adults. The Statutory Director is responsible for reporting the effectiveness of these arrangements on a corporate level to the Chief Executive, Corporate Management Team and to Elected Members.
- 4.10 The Statutory Director is the point of contact for all other Corporate Directors to report serious safeguarding concerns which may occur in their own service areas. The Statutory Director is responsible for ensuring appropriate action is taken including reporting to the Chief Executive and the Lead Cabinet Member as necessary.
- 4.11 The Director delegates the lead responsibility for operational and strategic safeguarding to the Assistant Directors for Adult Services and Children's Services. The Assistant Directors ensure the Director is kept informed of safeguarding issues through one to one meetings and as the need may arise outside these meetings.
- 4.12 The Director is responsible for providing an Annual Report to the Council and CSSIW on the progress and performance of Social Services which includes the effectiveness of safeguarding arrangements.

Corporate Directors

- 4.13 Corporate Directors are responsible for reporting any serious safeguarding concerns that may arise in their service area to the Statutory Director of Social Services. Corporate Directors will brief their respective Cabinet Members on any safeguarding issues and on the general effectiveness of safeguarding arrangements.
- 4.14 Corporate Directors are responsible for ensuring staff within their Directorates are appropriately trained to identify and respond to safeguarding concerns.
- 4.15 Corporate Directors will ensure Designated Safeguarding Officers (DSO) are nominated for any service area where there is direct contact with the public.

Assistant Directors – Adult Services and Children's Services

- 4.16 The Assistant Directors ensure the Statutory Director of Social Services is informed of safeguarding issues in their one to one meetings and ensure that any serious concerns are raised immediately.
- 4.17 The Assistant Directors represent the Council on the South East Wales Safeguarding Children Board (SEWSCB) and the Gwent Wide Adult Safeguarding Board (GWASB) and are responsible for ensuring appropriate

representation on the respective Sub Groups Group. The Assistant Directors brief the Director on any issues arising from Child or Adult Practice Reviews and the resultant action plans.

- 4.18 The Assistant Director for Children's Services has operational and strategic management responsibility for the Cross Directorate Safeguarding Unit within Social Services.

Heads of Service / Chief Officers

- 4.19 All Heads of Service / Chief Officers are responsible, through their Management Teams, for ensuring all staff are aware of the Corporate Safeguarding Policy and for key staff to receive training at a level appropriate to their role and responsibility.
- 4.20 All Heads of Service / Chief Officers must ensure that safe recruitment practices are adopted particularly in relation to reference checks and where relevant, checks through the Disclosure and Barring Service (DBS).
- 4.21 All Heads of Service / Chief Officers must report any safeguarding concerns to their responsible Corporate Director and must support the identification of DSO's in their respective service areas as appropriate.

Education Safeguarding Lead

- 4.22 This lead role is held by the Service Manager for Social Inclusion who is responsible for providing professional advice and support to Education staff, Head Teachers, Governing Bodies and DSO's within Education.
- 4.23 The Education Safeguarding Lead will keep the Head of Service/Chief Education Officer informed of safeguarding issues through their one to one meetings and will report any immediate concerns immediately.
- 4.24 The Education Safeguarding Lead will represent Caerphilly on the SEWSCB and relevant Sub Groups of the Board.
- 4.25 The Education Safeguarding Lead is responsible for supporting schools to respond to relevant statutory regulations and requirements to ensure they meet their safeguarding responsibilities.
- 4.26 The Education Safeguarding Lead will provide the day to day support for Schools to discuss and offer advice on safeguarding concerns.

Designated Safeguarding Officers (DSO)

- 4.27 Service areas where there is a direct interface with members of the public will identify a DSO to provide safeguarding advice and support to other staff within their service area. Please see Appendices 3 & 4 (from page 24).

- 4.28 Each DSO will be familiar with the Corporate Safeguarding Policy and relevant statutory procedures in order to provide appropriate advice and support. The DSO will ensure there are clear internal procedures to deal with concerns raised and will work closely with the Safeguarding Managers within Social Services to ensure effective communication.
- 4.29 They will attend relevant training and be members of the Corporate Safeguarding Group / DSO Practice Development Group which will be facilitated by Social Services.
- 4.30 The DSO will support the Head of Service / Chief Officer in ensuring that staff within their service areas are trained to levels appropriate to their roles and responsibilities.

Line Managers and Supervisors

- 4.31 Every line manager / supervisor is responsible for ensuring that the staff for whom they are responsible (including Agency staff and volunteers) receive the training they need, proportionate to their role and responsibilities.
- 4.32 Every line manager / supervisor must know who the Designated Safeguarding Officer is within their service area.

Contractors, Sub Contractors or other organisations funded by the Council

- 4.33 All contractors, sub contractors or other organisations funded by the Council are responsible for arranging checks through the Disclosure and Barring Service (DBS) and the Independent Safeguarding Authority and for ensuring that staff comply with regulatory and contractual arrangements relating to safeguarding responsibilities. All contractors, sub contractors and other organisations are responsible for informing relevant managers of the Council about any concerns they may have and to refer safeguarding concerns.

Agency Workers

- 4.34 The Local Authority expects all Employment Agencies to undertake the relevant checks and references on any staff members offered for employment placements within the Council. However, it is the responsibility of the Local Authority Line Manager to draw the Agency Worker's attention to the Corporate Safeguarding Policy.

5. Corporate Governance Arrangements

- 5.1 On a Corporate level, the responsibility for monitoring the effectiveness of safeguarding arrangements across the Council has been delegated to the Corporate Safeguarding Group by Cabinet.
- 5.2 The Corporate Safeguarding Group will act on a strategic level to:
- Assure the Council that procedures for managing safeguarding concerns are robust
 - Support the functions and duties of the Statutory Director of Social Services
 - Ensure inter departmental working and corporate communication is effective
 - Resolve any potential barriers that could prevent having effective procedures in place
 - Identify any gaps in Corporate policies, procedures and guidance and ensure they are addressed
 - Ensure that appropriate training is available for staff and Elected Members
 - Receive and consider agreed performance information
 - Receive and consider recommendations and learning from Child/Adult Practice Reviews that may be relevant
 - Produce an Annual Report for CMT, Cabinet and relevant Scrutiny Committee
 - Respond to any requests for information/reports from CMT or Cabinet as they arise
 - Periodically review the Corporate Safeguarding Policy
- 5.3 Terms of reference for the Group are attached for information at Appendix 7 (page 29).

Reporting and Monitoring

- 5.4 The Corporate Safeguarding Group will produce an Annual Report for Corporate Management Team and Cabinet which will provide an overview of the Council's performance in complying with the Corporate Policy. The Annual Report will assist the regional Safeguarding Boards with completion of their respective self assessments and annual reports as required under Part 7 of the SS&WB (Wales) Act 2014, section 135.
- 5.5 Key activity data will be reported to the Corporate Safeguarding Group and can be found at Appendix 8 (page 31).
- 5.6 It is anticipated that this dataset will evolve over time to better capture the breadth of safeguarding activity across the Council.

6. Appendices:

Appendix		Page
1	Professional conduct / safe working practice	15
2	Recognition: signs and symptoms of abuse	17
3	Designated Safeguarding Officers – roles and responsibilities	24
4	Designated Safeguarding Officers contact details	25
5	How to make a referral	26
6	Support and resources	28
7	Corporate Safeguarding Group Terms of Reference	29
8	Key Activity Data	31
9	Model Directorate/Divisional Policy template	33

Caerphilly County Borough Council
Corporate Safeguarding Policy
Professional Conduct and Safe Working Practice

This document provides a description of the professional standards of practice that are required from all Council staff, Elected Members, volunteers and contractors when undertaking their day to day duties. For Elected Members and officers, it must be read in conjunction with the Council's 'Code of Conduct for Employees' and the 'Social Media Policy'.

Any breach of the following conditions will result in an investigation and possible disciplinary action which could, if serious, result in dismissal and the possibility of criminal investigation if there is evidence of illegal activity.

Exceptions: Staff employed in identified roles within Education, the Youth Service, Customer Care, Housing and Social Care will be required to meet with individuals alone as part of the role and function. In such cases, due regard must be given to all information available in relation to the individual to ensure adequate risk assessments can be completed.

You MUST:

Set a good example in terms of behaviour to ensure that children and adults are safeguarded and protected.

Keep yourself safe through adherence to any agreed plan of intervention/care plan where applicable, through relevant risk assessments including Health & Safety and checking the Employee Protection Register database and through compliance with the Council's Policy for Lone Working.

Be open and transparent when meeting and/or working with children and vulnerable adults and where not required to do so as part of your role and function, you should try to avoid any situation where you may be alone with a child or vulnerable adult out of sight or sound of another officer or colleague.

Respect an individual's rights to privacy, equality and dignity and a safe and positive environment.

Prioritise the welfare and safety of the child or vulnerable adult before concerns about performance and service delivery.

Ensure you are familiar with the Corporate Safeguarding Policy.

Take responsibility to identify the Designated Safeguarding Officer (DSO) for your respective Service area.

Ensure you access the appropriate safeguarding training relevant to your role and responsibility.

Respond in an appropriate and timely manner to any concerns you may have in respect of a child or vulnerable adult.

Follow the required process for reporting incidents and concerns.

Advise line managers of any issues in your private life that may have safeguarding implications in your work.

You MUST NOT:

Use force, threats or inappropriate language.

Make suggestive sexual comments or behave in a sexualised manner.

Touch inappropriately or allow inappropriate touching in any way.

Use any behaviour control methods that are not authorised by Council policy and procedure.

Ignore allegations made by a child or adult. All allegations must be reported to Social Services or the Police.

Undertake tasks of a personal nature for a child or adult which they could do for themselves.

Invite a child or vulnerable adult to be alone with you where this is not part of your role and function.

Enter areas that have been specifically designated for use by another sex/gender.

Use the internet, electronic devices or phones to access inappropriate sites including inappropriate use of social media.

Breach confidentiality or share sensitive information relating to an individual inappropriately.

NB: this is by no means an exhaustive list and all actions must be determined by application of professional judgement and decision making.

Caerphilly County Borough Council
Corporate Safeguarding Policy
Possible Signs and Symptoms

Please Note: the following lists are not exhaustive and one sign or symptom in isolation does not automatically signify a safeguarding concern. Any concerns you may have must be discussed with your Designated Safeguarding Officer as a matter of priority. You can also seek advice from Social Services.

NEGLECT	
GENERIC	
<ul style="list-style-type: none"> • Lack of personal care • General deterioration of health • Excessive dirt or other health hazards in the living environment • Poor standard of living accommodation eg cold, dirty, beds, bedding • Unsuitable clothing for weather conditions • Dishevelled / unkempt / dirty appearance • Untreated medical condition • Poor personal hygiene • Rashes, sores, lice • Loss of weight • Malnutrition • Dehydration • Lack of supervision, either at home or during activities which hold danger for them 	
CHILDREN	ADULTS
<ul style="list-style-type: none"> • Constant hunger • Constant tiredness • Frequent lateness / non attendance at school • Low self esteem • Inappropriate care • No social relationships • Running away • Compulsive stealing or scavenging 	<ul style="list-style-type: none"> • Lack of management of continence • Misuse of medication • Failure to obtain/ facilitate use of necessary prosthetic devices dentures, glasses, hearing aids, or durable surgical equipment • Pressure sores

PHYSICAL ABUSE	
GENERIC	
<ul style="list-style-type: none"> • Injury incompatible with explanation • Accounts of injury by carer varying over time or inconsistent with the nature of the injury • Injury which has not been properly cared for (injuries are sometimes hidden on areas of the body normally covered by clothes) • Refusal to discuss injuries • Cuts / scratches / lacerations • Bruising / wounds (particularly on parts of the body which do not normally sustain such injuries) • Sprains and bruises • Weal marks • Bite marks, fingertip and pinching marks • Burns and scalds, including friction burns and carpet burns • Signs of hair pulling / bald patches • Poor skin condition / hygiene / discolouration • Flinches at physical contact • Fearfulness • Low self esteem 	
CHILDREN	ADULTS
<ul style="list-style-type: none"> • Unexplained recurrent injuries • Admission of punishment which appears excessive • Withdrawal from physical contact • Arms and legs covered in hot weather • Fear of returning home • Fear of medical help • Self harming tendencies • Aggression towards others 	<ul style="list-style-type: none"> • Untreated pressure sores, ulcers, bedsores, and being left in wet clothing • Dehydration and/or malnutrition without illness related cause, and when not living alone • Significant weight loss • Hypothermia • Uncharacteristic behaviour • Confusion / insomnia • Asks not "to be hurt" • Unexplained paranoia • Excessive repeated prescriptions /under use /over use of medication • Excessive drowsiness • Mobile person not being able to get up from bed or chair for various reasons eg. being tied in • Use of furniture or special chairs to prevent movement, removal of walking aid or specialist equipment • Global or specific deterioration in health without obvious cause • Increasing immobility

SEXUAL ABUSE	
GENERIC	
<ul style="list-style-type: none"> • Emotional distress • Difficulty in walking or sitting • Pain or itching in genital area • Recurring urinary tract infections • Over-affectionate displays • Incestuous relationships • Love bites • Fear of medical examinations • Carer unreasonably refuses examination. • Withdrawal from social situations • Depression and isolation • Sleep disturbances or nightmares • Phobias and panic attacks • Unexplained pregnancy 	
CHILDREN	ADULTS
<ul style="list-style-type: none"> • Sudden changes in behaviour or school performance • Displays of affection in a sexual way inappropriate to age • Tendency to cling or need constant reassurance • Tendency to cry easily • Regression to younger behaviour • Distrust of familiar adults • Anxiety about being left with carer • Unexplained gifts or money • Apparent secrecy • Wetting, day or night • Fear of undressing eg for PE • Also refer to CSE below 	<ul style="list-style-type: none"> • Torn, stained or bloody underclothing • Bruises or bleeding in external genitalia, vagina or anal area • Bruising on the inner thighs • Semen staining on clothing • Torn penile fraenum • Tissue tearing • Mood changes • Change in usual behaviour • Feeling of guilt or shame • Untypical changes, ie, bedwetting, aggressiveness, self injury • Overt sexual behaviour/language by the person

CHILD SEXUAL EXPLOITATION (CSE)

Key facts about CSE:

Sexual exploitation often starts around the age of 10 years old. Girls are usually targeted from age 10 and boys from age 8.

It affects both girls and boys and can happen in all communities.

Any person can be targeted but there are some particularly vulnerable groups: Looked After Children, young people Leaving Care and disabled children.

Victims of CSE may also be trafficked (locally, nationally and internationally).

Over 70% of adults involved in prostitution were sexually exploited as children or teenagers.

Sexual violence or abuse against children affects approximately 16% of children under the age of 16 years.

Possible signs:

- going missing for periods of time or regularly returning home late
- skipping school or being disruptive in class
- appearing with unexplained gifts or possessions that can't be accounted for
- experiencing health problems that may indicate a sexually transmitted infection
- having mood swings and changes in temperament
- using drugs and alcohol
- displaying inappropriate sexualised behaviours, such as over familiarity with strangers, dressing in a sexualised manner or sending sexualised images by mobile phone ("sexting")
- they may also show signs of unexplained physical harm such as bruising and cigarette burns

EMOTIONAL / PSYCHOLOGICAL ABUSE	
GENERIC	
<ul style="list-style-type: none"> • High levels of anxiety/stress especially in response to certain individuals or circumstances • Extremes of passivity or aggression • Fear • Inappropriate emotional responses to situations • Self harming behaviour • Recoiling from the physical approach of carers • Excessive and inappropriate craving for affection • Running away or not wanting to return to carers • Overly overtly subservient or anxious to please • Feelings of worthlessness 	
CHILDREN	ADULTS
<ul style="list-style-type: none"> • Physical and emotional developmental delay • Admission of punishment which appears excessive • Over reaction to simple mistakes • Continual self deprecation • Sudden speech disorders • Fear of new situations • Neurotic behaviour eg rocking, hair twisting, thumb sucking • Fear of parents being contacted • Substance misuse 	<ul style="list-style-type: none"> • Confusion • Resignation • Signs of depression, such as suicidal ideation • Sleep disturbances • Changes in appetite • Loss of interest in pursuing social contact • An air of silence in the home when the alleged abuser is present • Cowering • Helplessness • Isolation in a room in a house • Inappropriately or improperly dressed • Denial

DOMESTIC ABUSE

GENERIC

Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 years and over who are, or have been intimate partners or family members regardless of gender or sexuality.

This can be observed as signs and symptoms of the following types of abuse:

- psychological
- physical
- sexual
- financial
- emotional

Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

FINANCIAL ABUSE

ADULTS

- Unexplained withdrawals / unusual activity in the bank accounts
- Unpaid bills
- Unexplained shortage of money
- Withholding or reluctance on the part of the person with responsibility for the funds to provide basic food and clothes etc.
- Fraud
- Theft
- Basic needs not being met.
- Unexplained sudden inability to pay bills or maintain lifestyle
- Lasting Power of Attorney or Enduring Power of Attorney obtained when vulnerable adult is unable to comprehend and give consent
- Recent change of deeds or title of property
- Unusual interest shown by family or others in the vulnerable adult's assets
- Person managing financial affairs is evasive or not co-operative.
- Creation of a Will when the person is incapable of making such decisions
- The individual requires residential/nursing care but is prevented by relatives from entering a residential/nursing home because the client owns their own property and there are concerns about the inevitable depletion of their estate
- Deliberate isolation by carer (informal/formal of a vulnerable adult) from friends or family resulting in carers having total control
- Unexplained disappearance of financial documents, e.g. building society books, and bank statements, payments or order books.
- Signatures on cheques which do not resemble the vulnerable adult's signature or signed when this person cannot write
- Unusual concern by carer that an excessive amount of money is being expended on the care of the vulnerable adult
- Lack of amenities such as TV, appropriate clothing, personal grooming items that the vulnerable adult can well afford
- Missing personal belongings such as silverware, jewellery, or other valuable items
- Lax financial recording/monitoring in a care setting.

Caerphilly County Borough Council
Corporate Safeguarding Policy
Designated Safeguarding Officer – role and responsibilities

Every Service within the Council is required to nominate a Designated Safeguarding Officer (DSO).

The DSO is responsible for:

- Acting as the principal source of advice and support for other staff within their Service area on all safeguarding issues.
- Ensuring robust arrangements are in place for staff to access day to day practice advice and support from their line managers.
- Support staff / or take the lead to refer safeguarding concerns to Social Services as appropriate.
- Being familiar with the Corporate Safeguarding Policy and the All Wales Procedures as they relate to Children's and Adult Safeguarding.
- Ensuring the Service Safeguarding Policy is compliant with legislation and statutory guidance and is issued to all staff.
- Representing their Service on the Corporate Safeguarding Group.
- Ensuring compliance with policies and guidance within their Service and reporting this to the Corporate Safeguarding Group.
- Attending relevant training.
- Contribute to the ongoing professional development of DSO's across the Council.
- Ensuring staff within their Service attend training at levels appropriate to their roles and functions and maintain management information in relation to attendance on training.
- Ensuring all staff within their Service know who the DSO is and how to contact them.
- Ensuring safeguarding responsibilities are highlighted through staff induction processes, team meetings, supervision sessions and staff briefings.

Caerphilly County Borough Council		
Corporate Safeguarding Policy		
Designated Safeguarding Officers (DSO's)		
Names and contact details		
Service area:	DSO: Name and position:	Contact:
Procurement	Liz Lucas, Head of Service	01443 863160 LUCASEJ@CAERPHILLY.GOV.UK
Community & Leisure Services	Jeff Reynolds, Sports & Leisure Facilities Manager	01495 235225 REYNOJ@CAERPHILLY.GOV.UK
Human Resources		
Housing Services & WHQS	Fiona Wilkins, Public Sector Housing Manager	01495 235296 WILKFE@CAERPHILLY.GOV.UK
ICT & Customer Services	David Titley, Customer Service Manager	01443 866548 TITLED@CAERPHILLY.GOV.UK
Performance & Property	Ros Roberts, Performance Manager	01443 864238 ROBERR@CAERPHILLY.GOV.UK
	Mark Faulkner, Facilities Manager	01443 864128 FAULKM@CAERPHILLY.GOV.UK
Education & Lifelong Learning	Jackie Garland Service Manager, Inclusion	01443 866651 GARLAJ@CAERPHILLY.GOV.UK
	Helen West Team Manager, Inclusion	01443 XX WESTHE@CAERPHILLY.GOV.UK
	Steve Hawkins, Community Centres Service Manager	01443 863348 HAWKISW@CAERPHILLY.GOV.UK
	Gareth Evans, Senior Manager - Libraries	01443 864033 EVANSG1@CAERPHILLY.GOV.UK
Public Protection	Kath Peters Community Safety Manager	01443 xx PETERK@CAERPHILLY.GOV.UK
Adult Services	tbc POVA Team Manager	01443 xx @CAERPHILLY.GOV.UK
Children's Services	Kay Jenkins Child Protection Co- ordinator	01443 864526 JENKIK@CAERPHILLY.GOV.UK

Key Officers and Elected Members:		
Role:	Name:	Contact:
Chief Executive Officer	Chris Burns	01443 864410 BURNSC1@CAERPHILLY.GOV.UK
Director of Social Services	Dave Street	01443 864560 STREED@CAERPHILLY.GOV.UK
Lead Member – Safeguarding	Cllr Robin Woodyatt	01443 815259 WOODYR@CAERPHILLY.GOV.UK

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Caerphilly County Borough Council
Corporate Safeguarding Policy
How to make a referral
LISTEN, SHARE, RECORD

LISTEN

If you are concerned because of something a child or vulnerable adult is saying, you should not attempt to take any action directly but **you should**:

- Stay calm
- Listen carefully, do not directly question him or her, instead use open questions; what, where, when, who?
- Never stop them talking if they are freely recalling significant events
- Tell them what you will do next and who you will inform (see below)
- Never promise to keep what you have been told secret or confidential
- Make a note of the discussion, taking care to record what was said, when and where it happened and who else was present

SHARE

Any safeguarding concerns should be discussed with the Designated Safeguarding Officer (DSO) in the respective Service area. With the support of the DSO the decision to refer a concern to Social Services will be made and responsibility for referring will be agreed ie the staff member or the DSO will make the referral.

Should the concerns relate to a professional, the same procedure will apply.

Referrals in relation to a concern about a child, young person or adult should be made to Social Services as soon as possible and certainly **within 24 hours**.

Social Services Information, Advice and Assistance Service can be contacted on: **0808 100 1727**

Outside office hours, referrals should be made to the South East Wales Emergency Duty Team or if there is immediate risk, to the Police.

The Emergency Duty Team can be contacted on: **0800 328 4432**

Elected Members, employees, volunteers and contractors should be aware that they **cannot remain anonymous** when making a referral.

The Duty Worker taking the referral should be given as much information as possible if it is available to the referrer. This will include the following:

- Full name of the subject of the concern
- Their date of birth or age
- Their address
- The nature of the concern
- Who may be responsible
- Their name and relationship (if any)
- What happened
- When and where
- What has been done in response
- Whether or not the Police have been informed
- The names and relationship of those with caring responsibility
- The names and ages of any other adults living in the household
- The names of any professionals known to be involved eg school, GP
- Any information affecting the potential safety of staff
- The allocated social worker or team if known/if applicable

RECORD

All telephone referrals should be confirmed in writing within two working days. For Children, a Multi Agency Referral Form (MARF) should be used [insert hyperlink](#) and for an Adult referral a POVA Advice/Adult Protection Referral Form (APRF) [insert hyperlink](#) should be used.

LISTEN, SHARE, RECORD

Caerphilly County Borough Council
Corporate Safeguarding Policy
Useful Resources:

Social Services Information, Advice and Assistance Service: Tel: **0808 100 1727**

For a concern in relation to a child or young person:

- [C&R Team contact page](#)
- [Contacting children's social services](#)

For a concern in relation to an adult:

- [ASDIT contact page](#)
- [Getting help and support from adult social services](#)

All Wales Procedures:

- [All Wales Child Protection Procedures](#)
- [All Wales Adult Protection Procedures](#)

Regional Safeguarding Boards:

Children:

- [SEWSCB](#)

Adults:

- [GWASB](#)

Services for people from Black and Ethnic Minority (BME) backgrounds:

- [BAWSO](#)

Domestic Abuse:

- [Domestic Abuse links](#)

Caerphilly County Borough Council Policies and Statutory Guidance:

- [Caerphilly Safer Recruitment Policies](#)
- [SS&WB \(Wales\) Act 2014](#)
- [Employee Code of Conduct](#)
- [Social Media Policy](#)

PLEASE REFER TO THE PORTAL ON THE INTRANET FOR THE MOST ACCURATE AND UP TO DATE INFORMATION.

Caerphilly County Borough Council
Corporate Safeguarding Group
Terms of Reference

Purpose:

The responsibility for maintaining an overview of safeguarding arrangements across the Council has been delegated to the Corporate Safeguarding Group by Cabinet.

The Main responsibilities of the Group are to ensure that robust arrangements for safeguarding children and adults are in place within and across the Council.

Membership of the Group:

- Lead Member for Corporate Safeguarding (Chair)
- The Designated Safeguarding Officers from each Service area
- Assistant Director – Children’s Services
- Education Safeguarding Lead
- Service Manager – Safeguarding, Social Services
- Workforce Development Manager
- Legal Services
- Other Officers will be co-opted as required and agreed by the Group

Key responsibilities of the Group will be to:

- Assure Cabinet that the Council’s procedures for safeguarding children and adults are robust.
- Ensure cross Directorate / interdepartmental working and corporate communication in relation to safeguarding is effective.
- Support the functions and duties of the Statutory Director for Social Services.
- Approve policies and guidelines for safeguarding for each Service area of the council and receive information about their respective performance management arrangements in relation to their safeguarding responsibilities to ensure compliance with relevant legislation and statutory guidance.
- Ensure the Designated Safeguarding Officers are supported to collaborate and share information and to identify any gaps in the Council’s safeguarding policies and procedures.

- Identify and resolve any barriers that could prevent the implementation of effective safeguarding procedures.
- Identify any gaps in Corporate policies and guidelines and ensure they are addressed.
- Ensure effective working relationships are maintained with the Regional Safeguarding Boards (Children's and Adults) and the Business Unit.
- Ensure appropriate training is available for Officers and Elected Members.
- Receive and consider corporate safeguarding performance information and identify any actions required.
- Receive and consider information about trends in relation to allegations of professional abuse and adopt action plans to respond to any issues should the need arise.
- Consider the implications of any Child or Adult Practice Review or Domestic Homicide Review and ensure that the Council responds effectively to recommendations as they may apply to the Council.
- Periodically review and update the Corporate Safeguarding Policy and the content of the Intranet Portal.
- Produce an Annual Report for Corporate Management Team, Cabinet and the relevant Scrutiny Committees.

Meeting conduct:

The meetings will be held six monthly.

The meetings will be chaired by the Lead Member for Corporate Safeguarding.

The meetings will be administered by Children's Services Business Support.

All members are able to submit items for consideration.

Agenda, minutes and relevant papers will be circulated ahead of the meetings.

Membership and Terms of Reference for the Group will be reviewed annually / or as required.

Caerphilly County Borough Council
Corporate Safeguarding Group
Key Activity Data:

It is anticipated that this dataset will be reviewed annually and amended as necessary to ensure robust and effective monitoring of performance.

In addition, it is acknowledged that Service areas may have existing performance reporting mechanisms for safeguarding in place and these may be relevant to report to the Corporate Safeguarding Group for inclusion in the Annual Report.

Key Activity Data:
Number of POVA contacts
Number of POVA enquiries
Number of POVA referrals
% of adult protection referrals completed where the risk has been managed
Number of contacts received by Adult Services (ASDIT)
Number of contacts received by Children Services (CRT)
Number of cases of Child Sexual Exploitation (CSE) referrals
Number of Professional strategy meetings - Part 4 CS regulations
Number of Professional strategy meetings – POVA
Number of Professional strategy meetings – CCBC
Number of Professional strategy meetings – Other
Number of Investigations of Professionals (teachers/SW/carers)
% victims of domestic abuse who approach specialist Domestic Abuse Services who report that they feel safer after receiving support
Number of domestic abuse awareness raising sessions held
Targeted awareness raising of domestic abuse among potential victims to encourage disclosure reporting and access to specialist services

% of schools that have complied with the ESTYN inspection requirements for Safeguarding
% of employees commencing in post with a DBS check or risk assessment, where post requires it (schools)
% of employees commencing in post with a DBS check or risk assessment, where post requires it (non schools)
% of employees completing the Corporate Induction within appropriate timescales
Number of staff that have completed Safeguarding training in accordance with their post
% of Elected members that have completed the Corporate Safeguarding training
Proportion of referrals where the risk has been removed or reduced for the alleged victim
Children classified as in need / looked after by category of need
Percentage of Flying Start children aged 0 - 47 months who have an open case with social services as Child in Need

DRAFT

Caerphilly County Borough Council
Corporate Safeguarding Policy
Model Directorate/Service Policy Template

Every Directorate and Service area is required to adopt and implement the Corporate Safeguarding Policy.

In addition, Service areas may require a service specific Safeguarding Policy to reflect the needs of that individual service area.

If this is deemed appropriate, full reference must be made to the Corporate Safeguarding Policy and to the All Wales Procedures for Children and Adult Safeguarding.

The following areas must be included in each Service / Directorate Policy as a minimum:

- Purpose and Aims
- Service Safeguarding Principles
- Service specific procedures (as appropriate)
- Identification of the Designated Safeguarding Officer
- Safeguarding responsibilities of all staff members
- Safeguarding responsibilities of all line managers



COUNCIL – 17TH NOVEMBER 2015

SUBJECT: PROPOSED CHANGES TO THE CCBC CIL REGULATION 123 LIST OF INFRASTRUCTURE

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES

- 1.1 The attached report was considered by the Cabinet on 11th November 2015. The recommendations of Cabinet will be reported verbally to Council on 17th November 2015.
- 1.2 Members will be asked to consider the recommendations of Cabinet.

Author: Helen Morgan, Senior Committee Services Officer

Appendix - Report to Cabinet 11th November 2015

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CABINET – 11TH NOVEMBER 2015

SUBJECT: PROPOSED CHANGE TO THE CAERPHILLY COUNTY BOROUGH COUNCIL CIL REGULATION 123 LIST OF INFRASTRUCTURE

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

- 1.1 The attached report was considered by the Regeneration and Environment Scrutiny Committee on 27th October 2015, prior to its presentation to Cabinet and thereafter Council. The report, which presented the findings of the public consultation exercise undertaken in respect of the proposed changes to the Regulation 123 List, sought Members' approval on the publication of the Replacement Regulation 123 List in accordance with the implementation of Community Infrastructure Levy (CIL).
- 1.2 Members were advised that Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended) sets out the requirement for the CIL Charging Authority to publish a list of the infrastructure that can be funded through CIL. It is proposed to make some changes to this list which will enable school provision to be sought on-site in line with the aspirations of the adopted LDP. The proposed changes to the Regulation 123 List (as appended to the report) will have a minimal impact on the viability evidence that was considered by the CIL Examiner in that it will only impact on two specific sites (namely Waterloo Works and Bedwas Colliery).
- 1.3 It was noted that two representations had been received in response to consultation on the Replacement Regulation 123 List, and a summary of these, together with an officer response to each of the points raised, were contained within the report appendices.
- 1.4 Discussion took place regarding the impact of the proposed changes on the use of Section 106 agreements, and Officers also responded to a number of queries in respect of the CIL Charging Schedule.
- 1.5 Following consideration and discussion of the report, the Regeneration and Environment Scrutiny Committee unanimously recommended to Cabinet (and thereafter Council) that for the reasons contained therein:-
 - (i) the findings of the public consultation exercise undertaken in August/September 2015 in respect of the proposed changes to the Regulation 123 List be considered and noted;
 - (ii) the Replacement Regulation 123 List be approved for publication in accordance with the implementation of Community Infrastructure Levy.
- 1.6 Members are asked to consider the recommendations.

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

Appendices:

Appendix 1 Report to Regeneration and Environment Scrutiny Committee on 27th October 2015 – Agenda Item 7

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REGENERATION AND ENVIRONMENT SCRUTINY COMMITTEE 27TH OCTOBER 2015

**SUBJECT: PROPOSED CHANGE TO THE CAERPHILLY COUNTY BOROUGH
COUNCIL CIL REGULATION 123 LIST OF INFRASTRUCTURE**

REPORT BY: CORPORATE DIRECTOR - COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 To consider and note the findings of the of the public consultation exercise undertaken in August/September 2015 in respect of the proposed changes to the Regulation 123 List.
- 1.2 To recommend that the Replacement Regulation 123 List be referred to Cabinet and Council for consideration.
- 1.3 To recommend to Cabinet and thereafter Council that the Replacement Regulation 123 List be approved for publication in accordance with the implementation of CIL.

2. SUMMARY

- 2.1 The Community Infrastructure Levy (CIL) is a system of charges that local authorities can choose to levy against new development in their areas. Different rates of charge are identified for different types of development, dependent upon how viable each type of development is. The revenue generated from CIL is then used to fund infrastructure that will support future planned development in the county borough. Once introduced it is a mandatory charge that is levied against all new qualifying development.
- 2.2 Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended) sets out the requirement for the CIL Charging Authority to publish a list of the infrastructure that can be funded through CIL.
- 2.3 It is proposed that the approved Regulation 123 list be modified to amend the first social infrastructure item i.e. "Education Provision (Schools)" to read "off-site education provision (schools)". With a subsequent change to paragraph 5.5 to refer to "on-site education provision (schools)" The proposed change to the Regulation 123 list would enable school provision to be sought on-site in line with the aspirations of the adopted LDP.
- 2.4 It is considered that the proposed change to the Regulation 123 List will have a minimal impact on the viability evidence that was considered by the Examiner as it will only impact on two specific sites, namely HG1.57 Waterloo and HG1.60 Bedwas Colliery.
- 2.5 The Replacement Regulation 123 List was subject of appropriate consultation from 5 August 2015 to 9 September 2015 in line with guidance contained in Planning Practice Guidance (as amended June 2015) at which time the reasoned justification for the change to the list was outlined.

- 2.6 Two representations have been submitted for consideration, one from the Home Builders Federation and one from Savills (UK) Ltd, Chartered Surveyors, representing Machen Land Limited (MLL) i.e. the land-owner and promoter of the Waterloo Works site. Appendix 1 outlines a summary of the representations received together with an officer response to each of the points raised.
- 2.7 This Report invites elected members to: 1) consider and note the findings of the of the public consultation exercise undertaken in August/September 2015 in respect of the proposed changes to the Regulation 123 List; 2) recommend that the Replacement Regulation 123 List be referred to Cabinet and Council for consideration; and 3) recommend to Cabinet and thereafter Council that the Replacement Regulation 123 List be approved for publication in accordance with the implementation of CIL.

GLOSSARY OF ACRONYMS, ABBREVIATIONS AND TERMS

CIL	Community Infrastructure Levy
LDP	Caerphilly County Borough Local Development Plan up to 2021
s.106	Section 106 of the Town and Country Planning Act 1990
IAR	Infrastructure Assessment Report
Charging Schedule	Caerphilly Community Infrastructure Levy Charging Schedule
Regulation 123 List ...	Regulation 123 List of Infrastructure, which sets out the infrastructure that CIL can be used to fund.

3. LINKS TO STRATEGY

- 3.1 The CIL will directly assist in the delivery of the Council's land use objectives as set out in the Caerphilly County Borough Local Development Plan up to 2021 (LDP). CIL will expand upon LDP Policy SP7 Planning Obligations, which sets out the strategic policy basis for securing Planning Obligations (s.106 Obligations) where they are necessary to remove obstacles to planned development.
- 3.2 CIL will be one of the mechanisms for making direct contributions toward the provision of many of the allocations set out in the Adopted LDP. Overall CIL will be a significant tool for the delivery of the Council's aspirations in terms of infrastructure that cannot be funded through other means and for which no alternative funding mechanisms are available.
- 3.3 As such, CIL will also support the Council in achieving the aims of Caerphilly Delivers, the LSB Single Integrated Plan, particularly the Prosperous, Greener and Safer themes.

4. THE REPORT

- 4.1 The Community Infrastructure Levy (CIL) is a system of charges that local authorities can choose to levy against new development in their areas. Different rates of charge are identified for different types of development, dependent upon how viable each type of development is. The revenue generated from CIL is then used to fund infrastructure that will support future planned development in the county borough. It is a mandatory charge that is levied against all new qualifying development.
- 4.2 Caerphilly County Borough Council resolved to approve the CIL Charging Schedule at a meeting of the Full Council held on 10 June 2014, with an implementation date of 1 July 2014.
- 4.3 Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended) sets out the requirement for the CIL Charging Authority to publish a list of the infrastructure that can be funded through CIL. To this end, the Caerphilly County Borough Council Regulation 123 List of Infrastructure (the Regulation 123 List), was approved by Council in tandem with

the CIL Charging Schedule on the 10 June 2014.

4.4 Further to the implementation and monitoring of the CIL, officers are of the view that there is a need to amend the approved Regulation 123 List in respect of on-site education provision to allow s.106 funding to be sought. Where a site is sufficiently large to generate the need for on-site provision and this is identified in the adopted LDP, it is within the spirit of the legislation that such provision should properly be made through a s.106 obligation. In such cases the provision of this critical infrastructure clearly meets the statutory tests laid down for s.106 obligations in that it is:

- Necessary to make the development acceptable in planning terms;
- Directly related to the proposed development; and
- Fairly and reasonably related in scale and kind to the development in question.

Relationship between s.106 Obligations and CIL

4.5 There is a need therefore to amend the Regulation 123 List in order to ensure that planning obligations and the CIL can operate in a complementary way in this regard. Moreover it is important to ensure that the local use of the CIL and planning obligations do not overlap; and that there is no potential for a developer to pay twice for the same piece of infrastructure.

4.6 It is therefore proposed that the approved Regulation 123 List be modified to remove on-site education from the list so that this essential infrastructure can be funded via s.106 obligation where the provision can meet the statutory tests above. It is further proposed that off-site education provision continues to be funded through CIL in line with the approved Regulation 123 List. To this end it is proposed that the Regulation 123 list be modified to amend the first social infrastructure item i.e. "Education Provision (Schools)" to read "off-site education provision (schools)". With a subsequent change to paragraph 5.5 to refer to "on-site education provision (schools)"

Site Specific Impact of Proposed Change

4.7 Only three housing sites within the adopted LDP are required to make on-site provision for education, namely:

- HG1.33 Penallta Colliery (Cwm Calon) Ystrad Mynach - provision has been made via s.106 and the school is now developed.
- HG1.57 Waterloo Works, Waterloo - planning permission has been granted subject to the signing of a s.106, which includes the provision of a school. The s.106 was not signed prior to the introduction of CIL and is therefore no longer capable of implementation. A report outlining the current position is likely to be considered by Planning Committee later this year.
- HG1.60 Bedwas Colliery, Bedwas.- the site has not progressed to planning application stage.

CIL Examination and Viability

4.8 The proposed change to the Regulation 123 list would enable school provision to be sought on-site in line with the aspirations of the adopted LDP.

4.9 This approach would also be consistent with the evidence that was considered at the CIL Examination where the Infrastructure Assessment Report (IAR) assumed that in all of the above cases the on-site education provision would be delivered through a combination of the Council's Capital Budget and via s.106 obligations. The IAR assumed a developer contribution of circa £5m for on site-education provision for each of the sites in question.

- 4.10 The Economic Viability Study that was considered by the Examiner made no specific allowance for residual s.106 obligations relating to site-specific infrastructure; however he concluded that the CIL had been set appropriately to accommodate the variable s.106 element of development costs.
- 4.11 When charging authorities wish to revise their regulation 123 list, they should ensure that these changes are clearly explained and subject to appropriate consultation. However, where a change to the regulation 123 list would have a very significant impact on the viability evidence that supported examination of the charging schedule, this should be made as part of a review of the charging schedule.
- 4.12 It is considered that the proposed change to the Regulation 123 List will have a minimal impact on the viability evidence that was considered by the Examiner as it will only impact on two specific sites, namely HG1.57 Waterloo and HG1.60 Bedwas Colliery.
- 4.13 It is important to note in this context that site viability is very scheme and site specific. Further, viability is a material consideration in the determination of planning applications and detailed viability assessments are routinely submitted for consideration as part of the planning application process. If viability is shown to be marginal on a specific scheme, the Council has the ability to be flexible and negotiate with the applicant in terms of those contributions that are to be sought through s.106 obligations. Conversely, the CIL rates for a proposal are set and are non-negotiable.
- 4.14 The Replacement Regulation 123 List was subject of appropriate consultation from 5 August 2015 to 9 September 2015 in line with guidance contained in Planning Practice Guidance (as amended June 2015) at which time the reasoned justification for the change to the list was outlined. The consultation was targeted at: respondents that have previously expressed an interest in CIL, the development industry, County Borough Councillors, Community Councils, and neighbouring Local Planning Authorities. In addition, a notice was placed in the Caerphilly Observer on the 31 July and the 6 August 2015 and information was placed on the Council's web page in order to alert any other interested people of the consultation exercise.
- 4.15 Two representations have been submitted for consideration, one from the Home Builders Federation (HBF) and one from Savills (UK) Ltd, Chartered Surveyors, representing Machen Land Limited (MLL) i.e. the land-owner and promoter of the Waterloo Works site. Appendix 1 outlines a summary of the representations received together with an officer response to each of the points raised.
- 4.16 Officers consider that there is an immediate need to amend the Regulation 123 List to ensure that the provision of critical on-site education infrastructure that is necessary to make development acceptable in planning terms at both Waterloo and Bedwas Colliery can be sought through s.106 obligations.
- 4.17 Finally, members should be aware that as an integral part of the preparation of the Replacement Deposit Local Development Plan up to 2031, the viability evidence underpinning the CIL Charging Schedule and the affordable housing policy will need to be reviewed in full. This work is presently underway and the HBF and other key stakeholders are involved in the viability testing associated with this work. A new Charging Schedule and Regulation 123 List will be prepared in tandem with the Replacement Deposit LDP and will be subject to Council consideration and full public consultation in due course. On completion of this work all of the current CIL documentation will be superseded.

5. EQUALITIES IMPLICATIONS

- 5.1 There are no direct implications associated with this report, however the consultation with the public was undertaken in line with the Council's Public Engagement Strategy and the Equalities Consultation and Monitoring Guidance, ensuring that all minority groups in the community had the opportunity to take part in the consultation exercise.

6. FINANCIAL IMPLICATIONS

- 6.1 The proposed change to the Regulation 123 List will enable the Local Planning Authority to seek to negotiate s.106 obligations for the provision of on-site education, negating the need for the Education Authority to bear the cost of that total provision. Clearly this is subject to the Council prioritising on-site school provision over other types of development such as affordable housing.

7. PERSONNEL IMPLICATIONS

- 7.1 There are no direct personnel implications as a consequence of this report

8. CONSULTATIONS

- 8.1 All comments have been incorporated into the report

9. RECOMMENDATIONS

- 9.1 To consider and note the findings of the of the public consultation exercise undertaken in August/September 2015 in respect of the proposed changes to the Regulation 123 List.
- 9.2 To recommend that the Replacement Regulation 123 List be referred to Cabinet and Council for consideration.
- 9.3 To recommend to Cabinet and thereafter Council that the Replacement Regulation 123 List be approved for publication in accordance with the implementation of CIL.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 In order to consider the representations made to the public consultation exercise undertaken in August/September 2015 in respect of the proposed changes to the Regulation 123 List.
- 10.2 In order to assist in the implementation and understanding of the CIL charge.
- 10.3 In order to secure s106 obligations for on-site education provision to make planned development acceptable in planning terms.

11. STATUTORY POWER

- 11.1 The council, as local planning authority, is empowered under the provisions of Part 11 of the Planning Act 2008 to undertake preparation and implementation of CIL

Author: Rhian Kyte, Strategic & Development Plans, kyter@caerphilly.gov.uk

Consultees: Cllr K James	Cabinet Member for Regeneration, Planning and Sustainable Development
Cllr D T Davies	Chair of Regeneration and Environment Scrutiny Committee
Chris Burns	Interim Chief Executive
Nicole Scammell	Acting Director of Corporate Services & S151
Christina HARRY	Corporate Director
Bleddyn Hopkins	Assistant Director, Education
Pauline Elliott	Head of Regeneration and Planning
Tim Stephens	Development Manager

Gail Williams
David Thomas
Mike Eedy

Interim Head of Legal Services/Monitoring Officer
Senior Policy Officer (Equalities and Welsh Language)
Finance Manager

Background Papers: Community Infrastructure Levy (CIL) - Approval and Implementation of
Caerphilly County Borough CIL Charging Schedule – Council Report 10 June 2014.

Appendices:

- Appendix 1 Comments received in respect of the Proposed Change to the Caerphilly County
Borough Council CIL Regulation 123 List of Infrastructure
- Appendix 2 Caerphilly County Borough Council Community Infrastructure Levy Replacement
Regulation 123 List of Infrastructure

COMMENTS RECEIVED IN RESPECT OF THE PROPOSED CHANGE TO THE CAERPHILLY COUNTY BOROUGH COUNCIL CIL REGULATION 123 LIST OF INFRASTRUCTURE

Home Builders Federation - Representation 1

The Council notes in their consultation document that:

“Regulation 123 Lists are not subject to the same procedural requirements that have been set out for the CIL Charging Schedule. Currently Regulation 123 only requires that the Regulation 123 Lists be published. It does not convey any requirement for consultation or set out any formal procedures. Consequently the council may change its Regulation 123 List as it sees fit.”

The HBF would advise that guidance on changes to the Regulation 123 list was incorporated within the Planning Practice Guidance (PPG) on 12th June 2015. It states that:

“When charging authorities wish to revise their regulation 123 list, they should ensure that these changes are clearly explained and subject to appropriate consultation. Charging authorities should not remove an item from the regulation 123 list just so that they can fund this item through a new section 106 agreement. Authorities may amend the regulation 123 list without revising their charging schedule, subject to appropriate consultation. However, where a change to the regulation 123 list would have a very significant impact on the viability evidence that supported examination of the charging schedule, this should be made as part of a review of the charging schedule”

The HBF note that the Council have consulted on the changes, however we are concerned (see comments below) about whether the Council have met the other criteria in the statement above. Accordingly the HBF would suggest that the Council need to evidence whether or not the proposed change does or doesn't have a 'significant impact on the viability evidence'.

Officer Response

The Council acknowledges and is aware of the changes to the Planning Practice Guidance introduced in June 2015 and has undertaken the appropriate consultation as required. Paragraph 2 of the Replacement Regulation 123 List will be amended accordingly.

The proposed change to the Regulation 123 List will have a minimal impact on the viability evidence that was considered by the Examiner as it will only impact on two specific sites, namely HG1.57 Waterloo and HG1.60 Bedwas Colliery and will not effect the wider viability evidence that was considered.

Viability is a material consideration in the determination of planning applications and detailed viability assessments are routinely submitted for consideration as part of the planning application process. If viability is shown to be marginal on either of these specific schemes effected by the proposed change, the Council has the ability to be

flexible and negotiate with the applicant in terms of those contributions that are to be sought through s.106 obligations.

Where a developer considers that the level of obligation sought may affect the viability of a development to an unacceptable degree the Council will require the developer to provide sufficient evidence to support this position as part of the planning obligation negotiation process in line with Policy SP7 of the adopted LDP.

Home Builders Federation - Representation 2

The Consultation document states the following:

“Planning Officers remain of the view that off-site education provision should be retained on the 123 List and thus funded through CIL. However the Assistant Director for Education remains of the view that education provision should be removed from the 123 List entirely and should be funded through s106 Obligations.”

The HBF suggest that further evidence is required to explain, based on this internal disagreement, why the decision has been made to amend the 123 List, and any such evidence should demonstrate why this is a good idea and what impact it has on viability.

Officer Response

There is a need to amend the approved Regulation 123 List in respect of on-site education provision to make the proposed development of Waterloo and Bedwas Colliery acceptable in planning terms. This change only effects two undeveloped housing sites both of which are sufficiently large to generate the need for on-site education provision and this is identified in the adopted LDP. It is within the spirit of the legislation that such provision should properly be made through a s.106 obligation and that provision must meet the statutory tests laid down for a s.106 obligation in that it is:

- Necessary to make the development acceptable in planning terms;
- Directly related to the proposed development; and
- Fairly and reasonably related in scale and kind to the development in question.

In both cases the provision can meet the statutory tests.

It is also important to ensure that the local use of the CIL and planning obligations do not overlap; and that there is no potential for a developer to pay twice for the same piece of infrastructure.

Off-site education provision is likely to be in the form of incremental extensions to existing schools (due to development increasing school place requirements over existing school capacities), whilst new on-site school provision is required to make the development acceptable in planning terms. Off-site education infrastructure requirements will have to vie for funding against other infrastructure in the Reg. 123 List, i.e. the CIL finance is not ring fenced for a specific use or a specific piece of infrastructure. Conversely the on-site s.106 contribution will be ring fenced for the reason they are sought, i.e. the s.106 revenue will be dedicated to providing the education infrastructure on site at Waterloo and Bedwas.

There is merit in continuing to include off-site education provision within CIL as its inclusion improves the predictability and certainty for developers as to what they will be asked to contribute towards in terms of planning obligations. It will also increase fairness by broadening the range of developments asked to contribute, allowing the cumulative impact of small developments, which can be significant in terms of local school provision, to be accounted for.

Home Builders Federation - Representation 3

The Consultation document further states the following:

The proposed change to the regulation 123 list is consistent with the evidence that was considered at the CIL Examination in that:

- the Infrastructure Assessment Report assumed on-site education provision to be made via s.106 obligations;
- the Economic Viability Study that was considered by the Examiner made no specific allowance for residual S.106 obligations relating to site specific infrastructure
- the Examiner concluded that there was sufficient headroom in the CIL rate setting to accommodate the variable s.106 element of development costs.

The HBF believe that this is misleading:

Firstly the Infrastructure Assessment Report was prepared in June 2012, prior to consultation on the Preliminary Draft Charging Schedule. At that stage only the following education provisions were due to be funded through CIL: Welsh Medium Secondary Education Provision.

As part of Savills representations, this was amended in the Draft Charging Schedule so that all Education was to be funded through CIL. The Examiner was aware of this as a result of the Draft Charging Schedule.

Secondly, whilst the second and third bullet points are correct, it was anticipated that on site provision of education would be funded through CIL, not S106 in accordance with the Draft Charging Schedule. The position therefore proposed in the Draft Regulation 123 list has now been changed to a significant extent in respect of sites requiring on-site education provision that it is unclear how CIL and Section 106 obligations will be operated in tandem and avoid the potential that developers will pay twice for education as part of the current CIL charge and as part of the proposed S106 charge. It also fundamentally undermines the viability evidence upon which the proposed CIL charging rates were established and tested at the Examination, which would suggest the need for a fuller review.

Officer Response

On site education provision is only likely to be sought on two sites, namely Waterloo and Bedwas Colliery. The proposed change to the Regulation 123 List will therefore have a minimal impact on the viability evidence that was considered by the Examiner and will not effect the wider viability evidence that was considered at Examination.

It is also important to ensure that the local use of the CIL and planning obligations do not overlap; and that there is no potential for a developer to pay twice for the same piece of infrastructure.

Off-site education provision is likely to be in the form of incremental extensions to existing schools (due to development increasing school place requirements over existing school capacities), whilst new on-site school provision is required to make the development acceptable in planning terms. Off-site education infrastructure requirements will have to vie for funding against other infrastructure in the Reg. 123 List, i.e. the CIL finance is not ring fenced for a specific use or a specific piece of infrastructure. Conversely the on-site s.106 contribution will be ring fenced for the reason they are sought, i.e. the s.106 revenue will be dedicated to providing the education infrastructure on site at Waterloo and Bedwas.

Home Builders Federation - Representation 4

The HBF believe that for these larger or (strategic) sites where much greater provision of on-site or site specific mitigation is necessary (including the provision of schools), the Council should consider zero rating these specific sites (an approach generally supported by the HBF), as part of a full review of the charging schedule as set out in the guidance.

Officer Response

The Caerphilly County Borough Local Development Plan up to 2021 (LDP) does not identify strategic sites. However the Council is in the process of preparing a Replacement plan to supersede the LDP (the anticipated adoption date is 2017). As an integral part of the preparation of the Replacement Deposit Local Development Plan, the viability evidence underpinning the CIL Charging Schedule and the affordable housing policy will be reviewed in full. This work is presently underway and the HBF and other key stakeholders are involved in the viability testing associated with this work. Officers are presently of the view that the Strategic Sites identified within the Replacement LDP should be zero rated (subject to the viability assessment supporting this position). A new Charging Schedule and Regulation 123 List will be prepared in tandem with the Replacement Deposit LDP and this will be subject to Council consideration and full public consultation in due course.

Savills (UK) Ltd, Chartered Surveyors (representing Machen Land Limited (MLL). MLL is the land owner and promoter of the Waterloo Works site

Savills- Representation 1

The changes will have significant implications for the Waterloo Works site, as one of two allocated sites in the LDP which are expected to deliver schools on-site and do not have an extant planning permission (the other being Bedwas Colliery). Should the changes to the Regulation 123 List be adopted, the developers will still be required to pay CIL, in addition to the additional Section 106 payment to fund a primary school on site - and therefore significantly increasing the overall level of developer contributions required

For the Waterloo Works site, based on the scheme which benefits from a resolution to grant planning permission, the developer will be required to pay approximately **£2.6m more** in financial contributions as a result of the proposed changes to the Regulation 123 list. Given it is a brownfield site which requires considerable remediation (of which the land owner has already, and continues to, invest significant

money in such remediation works), and a site where viability is already recognised to be challenging, there is a concern that the ability to deliver a policy compliant Section 106 package will be jeopardised by the changes proposed

Officer Response

Planning application P/06/0037: Planning Committee resolved in June 2007 to grant permission in outline for 545 residential units and for a primary school at former Waterloo Works, Machen subject to the applicant entering into a s.106 agreement that required the following:

- £2,953,335 as a contribution towards strategic highway improvements in the Caerphilly Basin area;
- £2,500,000 for a primary school building, and to provide an agreed site totalling 2.5 acres on which the school would be constructed; and
- 16 affordable housing units

The s106 has not been signed, the decision has not been issued, and so the application has not been formally determined. Further the s.106 was not signed prior to the introduction of CIL and is no longer capable of implementation. The s106 will therefore have to be renegotiated and reported back to planning committee in due course.

Viability is a material consideration in the determination of planning applications and detailed viability assessments are routinely submitted for consideration as part of the planning application process. Viability is extremely site and scheme specific and can vary considerably between greenfield and brownfield sites. If viability is shown to be marginal on Waterloo as a consequence of the proposed change, the Council has the ability to be flexible and negotiate with the applicant in terms of those contributions that are to be sought through s.106 obligations. However where necessary infrastructure is fundamental in terms of making a scheme acceptable in planning terms, its provision is essential to enable the development to proceed.

Where a developer considers that the level of obligation sought may affect the viability of a development to an unacceptable degree the Council will require the developer to provide sufficient evidence to support this position as part of the planning obligation negotiation process in line with Policy SP7 of the adopted LDP.

Savills - Representation 2

It is surprising that the proposed amendments are not supported by any viability evidence demonstrating the impact on viability of increasing Section 106 obligations on sites in the County Borough required to now provide contributions to on-site education, in addition to CIL: either at a County Borough wide nor site specific level. The changes proposed to the Regulation 123 List could potentially have a very significant impact on development viability – and therefore require careful consideration as part of this consultation process. On the wider basis, there is a risk that any changes at this stage could undermine the Examination process and the credibility of the evidence base upon which the CIL charging rates were formulated

Officer Response

The proposed change to the Regulation 123 List will have a minimal impact on the viability evidence that was considered by the Examiner as it will only impact on two specific sites, namely HG1.57 Waterloo and HG1.60 Bedwas Colliery and will not effect the wider viability evidence that was considered at Examination.

Savills - Representation 3

Whilst we appreciate the Assistant Director for Education's view that all education should be removed from the Regulation 123 list entirely, it is concerning that the report to Committee, indicates that Planning Officers are at odds with this view, and are pursuing the changes anyway regardless of this uncertainty. For the Waterloo Works site, the changes essentially indicate the Council's corporate objective and priority to deliver a new primary school on this site, irrespective of what this could mean for the overall delivery of other requirements on the site, in particular the amount of affordable housing that the development can support (in light of the LDP's target for 40% affordable housing). We would therefore reiterate that any decision to make this change is carefully considered with a clear understanding of the impact this will have on the overall package of developer contributions the affected developments can deliver when various requirements, including CIL payments, are considered cumulatively.

Officer Response

Viability is a material consideration in the determination of planning applications and detailed viability assessments are routinely submitted for consideration as part of the planning application process. Viability is extremely site and scheme specific and can vary considerably between greenfield and brownfield sites. If viability is shown to be marginal on Waterloo as a consequence of the proposed change, the Council has the ability to be flexible and negotiate with the applicant in terms of those contributions that are to be sought through s.106 obligations in order to meet the Council's corporate objectives. Notwithstanding this, where infrastructure is fundamental in terms of making a scheme acceptable in planning terms, its provision is essential to enable the development to proceed.

**Caerphilly County Borough Council
Community Infrastructure Levy**

**Replacement Regulation 123 List of Infrastructure
November 2015**

Takes Effect From 18 November 2015

1 Introduction

- 1.1 Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended) sets out the requirement for CIL Charging Authorities to publish a list of the infrastructure that can be funded through CIL. After 6 April 2015, or upon implementation of the council's CIL Charging Schedule (whichever is the earliest), all infrastructure not included within the council's published Regulation 123 List Of Infrastructure (Regulation 123 List) cannot be funded through CIL contributions, and can only be funded via Section 106 agreements, which will be subject to rigorous application of the statutory tests for obligations.

2 Preparation of The Replacement Regulation 123 List.

- 2.1 When charging authorities wish to revise their regulation 123 list, they should ensure that these changes are clearly explained and subject to appropriate consultation. In this context the Replacement Regulation 123 List was subject of appropriate consultation from 5 August 2015 to 9 September 2015 at which time the reasoned justification for the change to the list was outlined. The representations made to the consultation were considered by a full meeting of Council on 17 November 2015 and the proposed amendment to the 123 List was approved.

3 What will the Regulation 123 List Include?

- 3.1 The Replacement Regulation 123 List sets out the infrastructure that will be eligible to be funded through CIL. The Infrastructure can be generic types of infrastructure, e.g. strategic Highway improvements, or projects or specific infrastructure items, e.g. Park and Ride facility at Llanbradach. The Replacement Regulation 123 List draws heavily upon the infrastructure requirements set out in the Adopted Caerphilly Local Development Plan up to 2021 (LDP) and reflect the infrastructure requirements necessary to bring forward development identified in the LDP.
- 3.2 The Replacement Regulation 123 List also sets out those known, site-specific, matters where section 106 contributions are likely to be the funding mechanism. The principal purpose is to provide transparency on what the Council intends to fund through the levy, in whole or in part, and those matters where section 106 contributions will continue to be sought.

4 The Regulation 123 List

- 4.1 The list of infrastructure set out below defines the infrastructure types that are eligible to be funded through CIL, which then cannot be funded via planning obligations. It should also be noted that it is highly unlikely that CIL could ever realise sufficient levels to provide the entire range of infrastructure included in the List. Consequently, the fact that a specific infrastructure scheme falls within the infrastructure on the List does not mean that the infrastructure will be funded by CIL. The List sets out what is eligible for CIL funding and decisions on what infrastructure will be delivered through CIL rests with the council and will be influenced by its own priorities and the amount of CIL available.
- 4.2 The infrastructure listed below will be eligible to be funded through the Community Infrastructure Levy.

The Caerphilly County Borough Council Regulation 123 List of Infrastructure

Physical Infrastructure

- *Policy TR5 Transport Improvement Schemes- Northern Connections Corridor.*
- *Policy TR6 Transport Improvement Schemes – Caerphilly Basin.*
- *Policy TR9 Highway Corridor Safeguarding – Caerphilly South East Bypass.*
- *Policy TR8.1 Regeneration Led Highway Improvements – Heads of the Valleys Area.*
- *Strategic public transport infrastructure (excluding site-specific links to the strategic network, for example a short length of cyclepath to link a site to a local or national route, a new bus stop within a new development to make it accessible).*
- *Waste transfer / recycling bulking infrastructure.*
- *Upgrade of existing Civic Amenity Sites.*
- *Strategic Drainage Network.*
- *Air Quality Action Plan Schemes (excluding air monitoring stations).*
- *Network Connections – Superfast Broadband.*

Social Infrastructure

- *Off-Site Education Provision (Schools).*
- *Youth and Community Facility Provision & Upgrade to existing facilities.*
- *Cemetery Provision.*
- *Leisure Centre Provision & Upgrade to existing facilities.*

Green Infrastructure

- *Off-Site Formal Leisure Facilities (Playing pitches and associated changing facilities, Multi-use games areas, Neighbourhood Equipped Areas for Play)*

5 Relationship with S106 Developer Contributions

- 5.1 In order to ensure that planning obligations and the CIL can operate in a complementary way, the CIL Regulations scale-back the way planning obligations operate. Limitations are therefore placed on the use of planning obligations in three respects:

- putting the policy tests on the use of planning obligations (set out in Wales in Circular 13/97, *Planning Obligations*) on a statutory basis for developments which are capable of being charged the CIL;
- ensuring the local use of the CIL and planning obligations do not overlap; and
- limiting pooled contributions from planning obligations towards infrastructure, which may be funded by the CIL.

5.2 The CIL regulations place into law the policy tests on the use of planning obligations. The statutory tests are intended to clarify the purpose of planning obligations in light of the CIL.

5.3 From 6 April 2010 Regulation 122 has made it unlawful for a planning obligation to be taken into account when determining a planning application for a development that is capable of being charged the levy, whether there is a local levy in operation or not, if the obligation does not meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the proposed development; and
- fairly and reasonably related in scale and kind to the development.

5.4 Conversely, the CIL is intended to provide infrastructure to support the development of an area, rather than to make individual planning applications acceptable in planning terms. As a result, there is likely to be site-specific impact mitigation requirements without which a development should not be granted planning permission. Some of these needs may be provided for through the CIL but others may not, particularly if they are very local in their impact. There is therefore still a legitimate role for development-specific planning obligations to enable the Council to be confident that the specific consequences of a development can be mitigated.

5.5 The Council will therefore continue to secure Planning Obligations where they are necessary to remove obstacles to planned development and are therefore critical to the delivery of the site, for example to provide direct site access, flood protection and wildlife protection measures and for on-site leisure provision such as open space, local areas for play (LAPs), local equipped areas for play (LEAPs) and on-site education provision (schools). Further, s106 contributions may still be sought for infrastructure, where:

- 1) it can meet the above tests; and
- 2) the Council has indicated that this type of infrastructure item will not be funded through CIL.

5.6 **Affordable housing** will continue to be funded through S106 Obligations. The Charging Schedule has set CIL at a level that has been assessed as viable with the provision of affordable housing and it is, therefore, expected that on-site provision of affordable housing will be achievable.

6 Implications on Development Plan Policy

6.1 It is envisaged that as a consequence of the introduction of CIL, the following policies in the Adopted Local Development Plan will need revision at the first review of the plan:

Planning Obligations

SP7 The Council will seek to secure Planning Obligations (S106 Agreements) where they are necessary to remove obstacles to planned development, meet local needs and make development more sustainable. Such obligations will include:

- A Infrastructure for walking, cycling, public transport, parking**
- B Schools and ancillary facilities**
- C Community Facilities**
- D Strategic highway improvements in the Northern and Southern Connections Corridors**
- E Flood defence measures required to mitigate the risk of flooding**
- F Formal and informal open and leisure space**
- G Affordable housing and**
- H Other facilities and services considered necessary**

(Key Components Met: 1, 3, 6 & 7)

- 1.66 New development has the potential to increase pressure on existing community infrastructure and facilities such as transportation networks, schools, lifelong learning facilities, open space and other facilities. The provision of adequate infrastructure and services are a prerequisite of development taking place, as it is crucial for the environmental, social and economic sustainability of the County Borough. Where appropriate, the Council will seek obligations to mitigate against the effect of development. In line with national guidance the Council will negotiate obligations where these are necessary, relevant to planning, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects.
- 1.67 In the case of previously used land, the Council will take into consideration abnormal costs associated with the redevelopment of a site when negotiating the level of planning obligation to be sought. Where a developer considers that the level of obligation sought may affect the viability of a development proposal to an unacceptable degree the Council will require the developer to provide sufficient evidence to support this position as part of the planning obligation negotiation process.

Transport Improvement Schemes – Northern Connections Corridor

TR5 The following strategic network improvements have been identified in respect of a Northern Connections Corridor Obligation:

TR5.1 A467 Newbridge to Crosskeys

TR5.2 A467 Newbridge to Crumlin

TR5.3 A472 Ystrad Mynach to Nelson

TR5.4 Newbridge Interchange

TR5.5 A472 Crown Roundabout to Cwm Du Roundabout

3.107 The LDP will accommodate an increase in population during the Plan period and has allocated sites to cater for the housing, employment and other needs accordingly. This development will realise significant increases in traffic on the transport network of the County Borough, which will result in increased congestion. As a result general areas of improvement to the strategic network, which will seek to alleviate the cumulative impact of these developments, have been identified. Further work will be undertaken to consider the environmental, social and economic impacts of development in the area and appropriate schemes will be progressed as part of the development of a Northern Connections Corridor Obligation.

Transport Improvement Schemes – Caerphilly Basin

TR6 The following strategic network improvements have been identified in respect of the Caerphilly Basin Obligation:

TR6.1 Tafwys Walk

TR6.2 Trecenydd Roundabout

TR6.3 Pwllypant Roundabout

TR6.4 Bedwas Bridge Roundabout

TR6.5 Piccadilly Gyrotory

TR6.6 Penrhos to Pwllypant

TR6.7 Pwllypant to Bedwas

3.195 The LDP will accommodate an increase in population during the Plan period and has allocated sites to cater for the housing need accordingly. This housing development will lead to significant increases in traffic on the transport network of the County Borough, which will result in increased congestion. As a result, specific improvements to the strategic network in the Southern Connections Corridor have been identified, which will alleviate the cumulative impact of the housing development. These schemes will be realised through a planning obligation levied against all residential developments.



COUNCIL – 17TH NOVEMBER 2015

SUBJECT: LICENSING ACT 2003 – REVIEW OF STATEMENT OF LICENSING POLICY

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

-
- 1.1 The attached report, which informs Members of the necessity to review the Statement of Licensing Policy and the result of consultations carried out, was considered by the Licensing Committee on 24th September 2015, prior to its presentation to Council.
 - 1.2 The Licensing Act 2003 requires the Authority to publish a Statement of Licensing Policy to determine how applications are considered. The Authority is required to review the statement every five years, with the current Policy published in January 2011 and a revised Policy required for publication in January 2016.
 - 1.3 In reviewing the Policy, the Authority has consulted with relevant bodies and invited comments from residents and businesses throughout the county borough. Regard has been given to the Guidance issued by the Home Office and reflected in the revised Policy (as appended to the report) and there have also been a number of legislative changes that have a direct effect on the Policy. A number of statutory controls, which have an effect on the Licensing function, are set out in the revised policy, together with the inclusion of relevant data from the Local Health Board (recently added as a responsible authority by the Police Reform and Social Responsibility Act 2014).
 - 1.4 As conditions applied to licences or club premises certificates should be tailored to individual premises and standard/blanket conditions may not be applied, Licensing Officers have developed a Pool of Conditions to assist applicants and Responsible Authorities when drawing up and considering applications for premises licences, which are included in the revised Policy.
 - 1.5 Following consideration of the report, the Licensing Committee unanimously recommended to Council that for the reasons contained therein, the revised Statement of Licensing Policy be approved.
 - 1.6 Members are asked to consider the recommendation.

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

Appendices:

Appendix 1 Report to Licensing Committee on 24th September 2015 – Agenda Item 5

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LICENSING COMMITTEE – 24TH SEPTEMBER 2015

SUBJECT: LICENSING ACT 2003 – REVIEW OF STATEMENT OF LICENSING POLICY

REPORT BY: CORPORATE DIRECTOR, SOCIAL SERVICES

1. PURPOSE OF REPORT

- 1.1 To inform Members of the necessity to review the Statement of Licensing Policy and the result of consultations carried out. The report is seeking the views of Members prior to its presentation to Council.

2. SUMMARY

- 2.1 The Licensing Act came into force on 7 February 2005, and requires the Authority to publish a Statement of Licensing Policy to determine how applications would be considered. The Authority is required to review the statement every five years.
- 2.2 The current Policy was published in January 2011. The Council must, therefore, review the current Policy and, based upon the results of consultation undertaken, approve a revised Policy for publication in January 2016.

3. LINKS TO STRATEGY

- 3.1 The Statement of Licensing Policy contributes to the Prosperous, Healthier, and Safer Caerphilly Priorities within the Caerphilly Local Service Board single integrated plan, Caerphilly Delivers and also contributes to a number Objectives under the Council's Strategic Equality Plan 2012.

4. THE REPORT

The Licensing Act 2003

- 4.1 In accordance with the above Act, the Council, as Licensing Authority, is responsible for issuing licences and certificates for the supply of alcohol, entertainment, late night food and other licensable activities. The Council has a duty to prepare and publish a Statement of Licensing Policy, having firstly consulted a wide range of bodies and individuals and to review it every five years.
- 4.2 The Authority has conducted a review of the Policy and consulted with relevant bodies. In addition, residents and businesses throughout the Caerphilly Borough have been invited to comment by means of public advertisements placed in local newspapers and by accessing the Council's website.

- 4.3 When preparing the revised Statement of Licensing Policy, the Council, in accordance with Section 182 of the Act, must have regard to the Guidance issued by the Home Office who hold responsibility for the Licensing Act 2003. Revised Guidance was issued in March 2015 and, where appropriate, this has been reflected in the Council's revised Policy. There have also been a number of legislative changes that have a direct effect on the Policy.
- 4.4 The format of the Statement of Policy has been reviewed and rearranged to improve ease of reference and provide greater continuity. The context of the Policy remains unchanged other than those amendments changes arising from legislative changes, additional information and the inclusion of a reference document with regard to conditions.
- 4.4.1 The relevant section of the policy which addresses Equalities issues has been updated to reflect the introduction of the Welsh Language (Wales) Measures 2011.
- 4.4.2 Legislative changes and the effect on the Licensing Act 2003 are set out in Annex 5 (page 40) to the policy. The Deregulation Act 2015 introduces a change in respect of the number of temporary events that may be held in a year from 12 to 15 with effect from 1 January 2016.
- 4.4.3 Integrating Strategies. A number of statutory controls, which have an effect on the Licensing function, are set out in the revised policy at point 4.1.1 to 4.1.5. Attention is drawn to point 4.1.2 as the Anti-Social Behaviour, Crime and Policing Act 2014 has been implemented since the current policy was published. The Act provides powers to the Police and Local Authority to immediately close licensed premises, which are a source of anti-social behaviour in the community. This power has recently been exercised by Gwent Police.
- 4.4.4 Welsh Health Survey 2014. The Police Reform and Social Responsibility Act 2011 added Primary Care trusts and local Health Boards as a responsible authority and as such they were consulted. Information was provided on 'Indicators of Public Health' and relevant data in respect of alcohol misuse at points 13.11 to 13.13 of the revised policy.
- 4.4.5 Pools of Conditions. Conditions attached to licences or club premises certificates should be tailored to individual premises and standard or blanket conditions may not be applied. As a consequence the Licensing Officers developed a pool of conditions to assist applicants and Responsible Authorities when drawing up and considering applications for premises licences. Use of the pools of conditions assists in attaching enforceable and consistent conditions, the conditions are attached as Annex 6 to the revised policy. At the time of writing this report the Institute of Licensing are consulting Local Authorities and leading Licensing Experts on proposed nationally agreed pools of conditions.
- 4.5 The revised policy does not include references to the following issues addressed in the current policy:
- 4.5.1 Vicinity. Prior to September 2011 representations from residents or businesses could only be taken into account if the resident or business was in the vicinity of the application venue. The Police Reform and Social Responsibility Act 2011 removed this consideration when determining the relevancy of representations.
- 4.5.2 Implementing the Determination of the Magistrates Court has not been addressed in the revised policy as such determinations cannot be affected or altered by policy.
- 4.6 Attached as Appendix 1 to this report is the revised Statement of Licensing Policy. The Policy will also be presented to Council in November, with a view to the document being finally approved in readiness for publishing in January 2016.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications.

6. PERSONNEL IMPLICATIONS

6.1 There are no personnel implications.

7. CONSULTATIONS

- 7.1 Details of consultees on the amended policy are listed on page 33 of the attached policy document. Comments received from the bodies or individuals consulted, in particular the Responsible Authorities have been considered and, where necessary, amendments or inclusions have been made. No responses have been received from external consultees as a result of the formal consultation process.
- 7.2 This report has been sent to the Consultees listed below and all comments received are reflected in this report.

8. RECOMMENDATIONS

8.1 That Members review the revised Statement of Licensing Policy offering appropriate comments prior to presentation of this Report to Council for approval.

9. REASONS FOR THE RECOMMENDATIONS

9.1 In order to give effect to the statutory obligations imposed by the Licensing Act 2003 and in Regulations made under the Act.

10. STATUTORY POWER

10.1 Licensing Act 2003 and any Regulations made under the Act. The decision is the responsibility of the full Council.

Author: Myra McSherry, Licensing Manager
Consultees: Councillor J Bevan, Chair, Licensing and Appeals Committee
Councillor D Preece, Vice Chair, Licensing and Appeals Committee
Councillor Nigel George, Cabinet Member for Community and Leisure Services
Dave Street, Corporate Director, Social Services
Rob Hartshorn, Head of Public Protection
Jacqui Morgan, Trading Standards and Licensing Manager
Gail Williams, Interim Head of Legal Services and Monitoring Officer
Mike Eedy, Finance Manager
Trish Reardon, Employee Service Centre Manager.
David Thomas, Senior Policy Officer (Equalities and Welsh Language)

Background Papers:

Current Licensing Policy

http://www.caerphilly.gov.uk/CaerphillyDocs/Public-protection/licensing_policy.aspx

Licensing Act 2003. Guidance issued under Section 182 of the Licensing Act 2003. Legislation as set out in Appendix 5 of the policy

Appendices:

Appendix 1 Revised Statement of Licensing Policy

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STATEMENT OF LICENSING POLICY LICENSING ACT 2003

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

CONTENTS

Ref	Issue	Page
1.	Introduction	4
2.	Profile of Caerphilly County Borough Council	5
3.	Equalities and Human Rights	6
4.	Integrating Strategies	6
5.	Purpose and Scope	7
The Policy		
6.	Consultation on Policy	8
7.	Licensable Activities	8
8.	Fundamental Principles	10
9.	Relationship with Planning	11
10.	Licensing Objectives	11
11.	Operating Schedule	12
12.	Promotion of Licensing Objectives	12
13.	Prevention of Crime and Disorder (Alcohol harm and Drugs Misuse)	13 (14)
14.	Prevention of Public Nuisance	16
15.	Public Safety	17
16.	Protection of Children From Harm	18
17.	Activities of an Adult or Sexual Nature	21
18.	Representations	21
19.	Responsible Authorities	22
20.	Review of Premises Licence or Club Premises Certificate	22
21.	Closure Orders	24
22.	Commercial Demand	24
23.	Trading Hours	24
24.	Conditions	26
25.	Cumulative Impact Policy	27
26.	Late Night Levy	27
27.	Early Morning Restriction Order (EMRO)	28
28.	Personal Licences	28
29.	Temporary Event Notices	29

Ref	Issue	Page
30.	Enforcement	30
31.	Administration	30
32.	Giving Reasons For Decisions	31
33.	Appeals	31

Annex	Content	Page
Annex 1.	Policy consultees	32
Annex 2.	Definitions	33
Annex 3.	Schedule of delegations of licensing functions	35
Annex 4.	Responsible Authority contact details	37
Annex 5.	Legislative changes	39
Annex 6.	Caerphilly County Borough Council pool of conditions	44

1. INTRODUCTION

- 1.1 The Licensing Act 2003 requires the Council, in fulfilling its role as the Licensing Authority, to publish a “Licensing Policy” that sets how the council will promote the licensing objectives when making decisions on applications made under the Act. This is that statement of policy prepared in accordance with the provisions of the 2003 Act and the latest version of Home Office Guidance issued under section 182 of the Act.
- 1.2 Caerphilly County Borough Council (“the Council”) is the Licensing Authority under the Licensing Act 2003 and is responsible for granting premises licences, club premises certificates, and personal licences in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment. Throughout the document, the Council will be referred to as the Licensing Authority, where appropriate to prevent confusion between this role and the other functions carried out by the Council.
- 1.3 This policy sets out how applications for licences, which are required by the Licensing Act 2003, will be considered by the Licensing Authority. In developing this licensing policy, the advice of bodies such as Local Government Association (LGA), the [Welsh] Local Government Association ([W]LGA) and various trade associations have been considered wherever possible. Where appropriate, the Policies of other Gwent authorities have also been taken into account, in order to achieve uniformity wherever possible and to help ensure the integration of the various policies over a wider geographical area.
- 1.4 Caerphilly County Borough Council has a legal obligation to comply with all legislation that promotes equality and has a policy in place to promote equality to all. The Council has set out its Strategic Equality Plan 2012 – 2016 which is available for inspection via the website at www.caerphilly.gov.uk. Licensing of persons and premises under the Licensing Act 2003 will actively promote equality of service and enforcement to all members of the community.
- 1.5 The Licensing Authority 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.
- 1.6 The licensing policy will not seek to regulate matters which are provided for in any other legislation but will seek to complement such regimes e.g. planning, health and safety, employment rights, fire safety, etc.
- 1.7 The Licensing Authority wishes to encourage licensees to provide a wide range of entertainment activities in Caerphilly throughout their opening hours and to promote live music, dance, theatre, etc. for the wider cultural benefit of the community.

- 1.8 This Licensing Authority will update and publish a new Licensing Policy whenever necessary but in any case within five years of the date of this Policy, and will fully consult with partners, trade associations and residents groups as appropriate at that time, any representations received will be considered at that time. However where updates are required due to changes in national legislation, statutory guidance or contact details the council reserves the right to amend this policy without consultation where it is necessary to ensure the policy reflects national legislation or statutory guidance.
- 1.9 This policy revision will take into account the following matters in its re-drafting. The amendments to the Licensing Act 2003 made by:
- The Police Reform and Social Responsibility Act 2011
 - The Live Music Act 2011
 - Statutory instruments laid under the above legislation
 - Revised Guidance issued under S182 of the Licensing Act 2003

2. PROFILE OF CAERPHILLY COUNTY BOROUGH

- 2.1 The County Borough has a population in excess of 178,800 and is semi-rural in character covering a total area of 69,160 acres. 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.
- 2.2 There are many major concentrations of premises in the County Borough providing regulated entertainment and /or retail sale of alcohol. There are also many private clubs, several nightclubs, theatres and premises for the exhibition of films. Local venues such as village, community and school halls, sports clubs, etc provide additional locations for cultural activities.
- 2.3 During the summer months, several open-air events provide for the larger cultural audiences and many local carnivals, fetes etc are organised in smaller communities.
- 2.4 There are many public houses in the County Borough outside of the main towns, many of these in smaller villages. These provide focal points for community life. In other cases this may be provided by small stores, shops and supermarkets that sell alcohol.
- 2.5 Premises and events which are licensed under the Licensing Act 2003 can provide a contribution to the local economy through tourism, cultural development and maximising night time trade.
- 2.6 The Local Authority may, in appropriate circumstances, consider seeking from the Licensing Authority premises licences in its own name for its own public spaces within the community. This may assist with the promotion of broader cultural activities and entertainments.

3. EQUALITIES AND HUMAN RIGHTS

- 3.1 The Equalities Act 2010 introduced measures to tackle discrimination encountered by disabled people in certain areas including employment, and access to goods, facilities and services. 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.
- 3.2 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.
- 3.3 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.
- 3.4 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, BSL and other languages, nationality, responsibility for any dependants or any other reason which cannot be shown to be justified.
- 3.5 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.
- 3.6 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.

4. INTEGRATING STRATEGIES

- 4.1 There are a range of strategic influences and statutory controls which affect the licensing system in terms of policy formulation, administration and enforcement activities, when carrying out its functions the Local Authority has duties, responsibilities and considerations under other legislation and strategies, for example:
 - 4.1.1 Crime and Disorder Act 1998, the Council has a duty under section 17 to exercise its various functions with due regard to the likely effect of the exercise on those functions and the need to do all it reasonably can to prevent

crime and disorder. The Council discharges this duty through the Safer Caerphilly Delivery Group.

- 4.1.2 Anti-Social Behaviour, Crime and Policing Act 2014 – in particular the powers available to designate restricted areas by Public Space Protection Orders to control activity affecting the community including controlling the consumption of alcohol. In addition the powers to immediately close licensed premises which are the source of anti-social behaviour in the community.
- 4.1.3 Violent Crime Reduction Act 2006. This Act has amended the Licensing Act 2003, introducing new offences of persistently selling alcohol to children; providing the instant closure by the Police of premises associated with serious crime and disorder; a fast track process to review a premises licence and powers to the Licensing Authority to take interim steps pending a full review.
- 4.1.4 Health And Safety at Work Act 1974. Licensing objectives which overlap with health and safety requirements would be covered by the duties imposed by the relevant legislation; e.g. risk assessment under the Management of Health and Safety at Work Regulations 1999.
- 4.1.5 Clean Neighbourhoods and Environment Act 2005 (including powers for the Local Authority to issue fixed penalty notices to licensed premises emitting noise that exceeds the permitted level between 11pm and 7am);
- 4.2 The premises operators are normally responsible for compliance with any other statutory requirements which may apply for example the Regulatory Reform (Fire Safety) Order 2005.
- 4.3 The Licensing Authority will as far as possible seek to avoid duplication with other regulatory regimes when dealing with the licensing function. Once the discretion of the Licensing Authority is engaged, additional and supplementary conditions to promote the licensing objectives may be attached to a licence.

5. PURPOSE AND SCOPE

- 5.1 This statement of policy sets out how Caerphilly will exercise the licensing functions as 'The Licensing Authority', through a Licensing Committee which is directly responsible for most of the licensing functions which include the following 'licensable activities'.
 - 5.1.1 The retail sale of alcohol: including licensing of individuals (Personal Licences) and premises (Premises Licences), including wholesale of alcohol to members of the public either directly or indirectly via the internet or mail order.
 - 5.1.2 The supply of alcohol to members of registered clubs (Club Premises Certificates)
 - 5.1.3 The provisions of regulated entertainment: Includes film exhibitions, performances of a play, boxing or wrestling events; provision of live or recorded music, and performances of dance. Exemptions exist in respect of

certain aspects of regulated entertainment dependant on audience numbers, times of provision and status of premises. The provision of regulated entertainment has been the subject of a number of amendments to the circumstances as to when they require to be licensed. The details of the amendments are listed in the Annex 5 'Legislative Changes'.

- 5.1.4 The provisions of late night refreshment: which covers the supply of hot food or drink from a premises between 23.00 hours and 05.00 hours the following day.
- 5.2 Licences, certificates, temporary event notices and any other permission covered by the Act are referred to throughout this statement of policy as 'authorisations'.

THE POLICY

The Act further requires the Council to publish this "Statement of Licensing Policy" that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

6. CONSULTATION ON POLICY

- 6.1 All references to 'The Licensing Committee' in this document mean the committees established under section 6 of the Act, including the sub committees and officers who are authorised by that committee to exercise licensing functions.
- 6.2 The Act requires the Council to actively seek the views of the following persons upon the proposals contained in this policy, namely
- The Chief Officer of Police
 - The Fire Authority
 - Such persons as the licensing authority considers to be representatives of holders of premises licences, club premises certificates and personal licences issued by that authority;
 - Such persons as the licensing authority considers to be representative of businesses and residents in Caerphilly.
- 6.3 The Act also requires the Council to consult representatives of those persons who have a special interest in the licensing policy (sometimes referred to as 'stakeholders'). A full list of all those who were consulted is set out in the relevant annex.

7. LICENSABLE ACTIVITIES

- 7.1 The types of regulated entertainment that are required to be licensed under the 2003 Act are listed below:
- film exhibitions
 - performance of a play
 - indoor sporting events
 - a boxing or wrestling entertainment

- a contest, exhibition or display which combines boxing or wrestling with one or more martial arts (“combined fighting sports”)
- live music performances
- playing of recorded music
- performance of dance
- entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.

7.2 There are a number of exemptions to the licensing requirements set out in the Act which includes amendments made by the Live Music Act 2012 and Licensing Act 2003 (Description of Entertainment) (Amendment) Order 2013. Full details of the amendments are set out in the Annex on ‘Legislative Changes’.

7.3 The following list summarises the exemptions in place at the time of the policy being implemented:

- Film exhibitions for the purposes of advertisement, information, education etc.
- Film exhibitions that form part of an exhibit put on show for any purposes of a museum or art gallery.
- Music whether live or recorded, which is incidental to other activities which do not require a licence.
- Live music as follows:
 - amplified live music between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises;
 - amplified live music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment); and
 - Unamplified live music between 8am and 11pm in all venues
- Use of television or radio receivers for the simultaneous reception and playing of a programme.
- Any entertainment or entertainment facilities at a place of public religious worship.
- Entertainment at garden fetes or similar functions unless there is an element of private gain.
- Morris dancing or any dancing of a similar nature or a performance of unamplified live music as a part of such a performance.
- Entertainment on road vehicles in motion.
- performance of a play in front of an audience of 500 persons or less between 8:00 and 23:00
- performance of dance in front of an audience of 500 persons or less (unless it is relevant entertainment within the meaning of Schedule 3 para 2A Local Government (Miscellaneous Provisions) Act 1982 - i.e. certain forms of sexual entertainment); between 8:00 and 23:00
- indoor sporting events in front of an audience of 1,000 persons or less between 8:00 and 23:00.

7.4 There are many other exemptions in respect of regulated entertainment and applicants are advised to contact their legal advisor or the Licensing Team before submitting an application for a licence.

8. FUNDAMENTAL PRINCIPLES

8.1 The Licensing Authority recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues that can occur away from the licensed premises, including:

- Ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other Council departments;
- Regular liaison and co-operation with police on law enforcement issues regarding disorder and anti social behaviour, including the issue of penalty notices for disorder, prosecution of those selling alcohol to people who are drunk, confiscation of alcohol from adults and children in restricted areas and the potential to immediately close licensed premises or temporary events on the grounds of nuisance or disorder, or likelihood of nuisance or disorder occurring;
- The power of the responsible authorities, other relevant person (such as a member of the public or person representing a business) to seek a review of the licence or certificate where it is alleged that the licensing objectives are being undermined.

8.2 The licensing regime places a great responsibility on applicants themselves to actively engage in the application process. It also places responsibilities on defined consultees to make relevant representations (either positive or negative) relating to applications within the prescribed timescales. Where representations are not received within the timescales an authorisation may be granted with only those conditions that are in line with an applicant's operating schedule. Operating schedule conditions can only be modified where relevant representations are received and where they need to be modified to promote the licensing objectives.

8.3 The following fundamental principles will apply:

- The right of any individual or body to apply for a variety of permissions is not undermined and that each application will be determined on its merits;
- The statutory rights of any person to make appropriate representations in respect of any application or to seek a review of any premises / club premises certificate.
- The statutory function of licensing is primarily concerned with the regulation of persons, premises and temporary events within the legislation and that any conditions that may be attached to licences and certificates will focus on:
 - Matters within the control of premises licence/club premises certificate holders and others who are granted relevant permissions;

- The premises and places being used for licensable activities and their immediate vicinity; and
- The direct impact of the activities taking place at the relevant premises on members of the public living, working or otherwise engaged in normal activity in the area concerned.

8.4 Each application will be considered on its individual merits, and in the light of this Policy.

9. RELATIONSHIP WITH PLANNING PROCESS

9.1 The Licensing Authority and the Local Planning Authority have responsibility for the consideration of common permitted activities, however they will be considering them from different aspects. The Local Planning Authority are a responsible authority for licensing matters and as such may raise issues that are related to the licensing objectives.

9.2 Applications for licences may be made before any relevant planning permission has been sought or granted by the Local Planning Authority. However, it is strongly recommended that prospective licence applicants contact the Local Planning Authority in order to check, or seek advice on, any planning consents or any conditions relevant to the use of the premises.

9.3 A material alteration to licensed premises would not relieve a licence/certificate holder of the need to apply for planning permission or building control consent where appropriate.

10. LICENSING OBJECTIVES

10.1 The Licensing Authority has a duty under the Act to carry out its functions with a view to promoting the licensing objectives. The licensing objectives (of which each one is of equal importance) are:

- The prevention of crime and disorder;
- The prevention of public nuisance;
- The promotion of public safety
- The protection of children from harm.

10.2 Promotion of the licensing objectives is achieved by way of this policy and where appropriate the imposition of conditions to cover such matters that are within the control of individual licensees/certificate holders.

10.3 It is expected that holders of any authorisation will ensure compliance at all times with any conditions or obligations attached to authorisations. The Licensing Authority has developed pools of conditions which seek to promote the licensing objectives. Pools of conditions are attached in an annex to assist applicants in determining those steps that they consider are appropriate for the promotion of the licensing objectives in relation to their specific premises. The pools of conditions may be amended from time to time and as such applicants should refer to the Council's website at www.caerphilly.gov.uk or contact the Licensing Office to obtain the latest version.

- 10.4 The Licensing Act sets out mandatory conditions that are imposed on licences and certificates dependant on the authorised licensable activities. These conditions cover such areas as door stewarding, exhibition of films and unacceptable drinks promotions. A comprehensive list of mandatory conditions is set out in the relevant annex.
- 10.5 The Licensing Authority will monitor premises to ensure that all conditions are adhered to by authorisation holders.

11. OPERATING SCHEDULE

- 11.1 Operating Schedules for licensed premises are the key to ensuring compliance with the four licensing objectives. The Council require individual applicants to address the licensing objectives in the prescribed application form which essentially forms the operating schedule and will provide the basis for the Council to determine the application. Any breach of conditions is an offence and may result in enforcement action, it is therefore vital that applicants only include measures that they are able to control or comply with. The Council will endeavour to work in full co-operation with premises licence/club premises certificate holders and applicants to minimise the number of disputes that may otherwise arise in this area.
- 11.2 The following examples of control measures are given to assist applicants and are considered to be amongst the most important to be taken into account in an Operating Schedule, having regard to their particular type of premises and/or activities:
- Effective and responsible management and supervision of premises and associated open areas;
 - Appropriate instruction, training and supervision of those employed or engaged.
 - Control of opening hours including times for all or part (e.g. garden areas) of the premises (including other times where deliveries take place).
 - Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises;
 - Liaison with public transport providers;
 - Siting of external lighting, including security lighting;

12. PROMOTION OF LICENSING OBJECTIVES

- 12.1 Applicants are required by law to set out in their operating schedules the steps they intend to take to promote the licensing objectives. Responsible applicants will give proper regard in the schedules to the location, character and condition of the premises, the nature and extent of the proposed use, the demography of the area and the person likely to be attracted to the premises.
- 12.2 The Council is supportive of those campaigns which address issues of violence and encourages the promotion of such campaigns within the licensed trade. An example of such a campaign is the White Ribbon scheme which targets violence against women. Other initiatives and strategies include Safer Caerphilly After Dark which draws together premises, Security Industry

Authority (SIA licence door stewards) operators, taxi trade, CCTV, Townsafe and the voluntary sector such as Street Pastors. In addition the Council facilitates regular meetings with representatives of all Responsible Authorities to discuss a range of issues but in particular those licensed premises that are of concern where the licensing objectives are not being promoted.

- 12.3 The Licensing Authority recognises that, although public health is not a licensing objective, health bodies may hold information which other responsible authorities do not, but which would assist the Licensing Authority in exercising its functions. For example, drunkenness can lead to accidents and injuries from violence, resulting in attendances at emergency departments and the use of ambulance services. Some of these incidents will be reported to the police, but many will not. Such information might be relevant to the public safety objective and in some cases the crime and disorder objective.

13. PREVENTION OF CRIME AND DISORDER

- 13.1 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.
- 13.2 The Licensing Authority will expect operating schedules to satisfactorily address these issues from the design of the premises through to the day-to-day operation of the business. Applicants are recommended to seek advice from the Licensing Authority's licensing officers and the police, as well as taking into account, as appropriate, local planning and transport policies, tourism, cultural and crime prevention strategies, when preparing their plans and operating schedules.
- 13.3 It is expected that authorisation holders will take steps to control excessive consumption and drunkenness on their premises. Proper management will reduce the risk of anti-social behaviour occurring both on the premises and outside after customers have left. They must also demonstrate a general duty of care to customers using their premises and others that may be affected by the activities.
- 13.4 Measures that applicants, responsible authorities and the licensing authority could consider in this regard include:
- a) Use of toughened glass drinking vessels
 - b) Use of polycarbonate or plastic drinking vessels.
 - c) Preventing the sale of drinks in bottles for consumption on the premises
 - d) Reduction of Alcohol Strength Schemes.
 - e) Controlling consumption in external areas of the premises

Sale And Supply of Alcohol

- 13.5 Shops, stores and supermarkets should generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. However, in the case of individual premises, which are known to be a focus or cause of disorder and disturbance then, subject to

representations from the police, a limitation on licensing hours may be appropriate.

- 13.6 Licensed premises authorised under the Act for the sale and/or supply of alcohol must consider their responsibilities with regard to who they supply with alcoholic drinks, in particular:
- The sale to persons under the age of 18 years
 - The sale to persons who are delivering to persons under the age of 18 years
 - The sale to persons who are drunk
- 13.7 The Licensing Authority actively encourages that the sale or supply of alcohol should terminate at least thirty minutes before the closing time of the premises. This provides a suitable 'wind down' period and a slower dispersal of customers.
- 13.8 The council recommend that any licensed premises that is authorised to sell or supply alcohol have a policy that sets out how the sale or supply is controlled and must include staff training requirements. Records should be kept of all training provided and any incidents e.g. a refusal to sell and reasons.

Alcohol Harm and Drugs Misuse

- 13.9 In June 2007 "Safe, Sensible, Social – The next steps in the National Alcohol Strategy" was published. This strategy covered England but was prepared in discussion with the Welsh Assembly and reflects the common themes within Welsh policies aimed at tackling the harm caused by alcohol misuse.
- 13.10 This Council is fully supportive of the Welsh Assembly's strategy 'Working Together to Reduce Harm' for tackling harms associated with the misuse of drugs, alcohol or other substances 2008 – 2018. The strategy sets out four action areas including preventing harm, support for substance misusers to improve their health and aid and maintain recovery, supporting and protecting families; and tackling availability and protecting individuals and communities via enforcement action.
- 13.11 Three of the indicators of population health used to monitor alcohol misuse trends are;
- Percentage of individuals 'drinking' over recommended levels on the heaviest drinking day in the past week
 - Percentage of individuals 'heavy drinking' (binge – males over 8 units, females over 6 units) on the heaviest drinking day in the past week
 - Percentage of individuals 'very heavy drinking' (heavy binge – males over 12 units, females over 9 units) on the heaviest drinking day in the past week.

13.12 The most recent data for the Caerphilly County Borough (Welsh Health Survey, 2014) indicates that;

- 43% of adults report 'drinking' above recommended guidelines, consistent with the Welsh and County of Gwent rate of 43%
- 28.6% of adults report 'heavy drinking' (binge), higher than the Welsh average (Welsh Health Survey 2014)
- 16.9% of adults report 'very heavy drinking', higher than the national average of 14.9% (Public Health Wales 2014)

NB. These figures are self-reported and likely to be under reported as typically all national survey consumption rates vary from alcohol sale figures.

13.13 Harms from alcohol misuse are numerous and impact on individuals, families, communities and organisations. Harms can be immediate, such as crime, violence and anti-social behaviour to long term, which include family breakdown, hospital admission and ultimately death. Every week in Wales there are 29 deaths; around 1 in 20 of all deaths, as a result of alcohol (Public Health Wales 2014).

13.14 Licensing is the mechanism by which the availability of alcohol is regulated in the UK. This policy can play a key role in reducing the harms from alcohol misuse experienced by its population (individuals and families), communities and organisations.

13.15 In 2010, the Government outlined plans to overhaul the current licensing regime, in order to give more power to local authorities and police, to help them deal with alcohol-related crime and disorder, while also promoting responsible business. Rebalancing the Licensing Act - a consultation on empowering individuals, families and local communities to shape and determine local licensing" was published and resulted in additional legislation to assist regulators to control the sale and supply of alcohol and the public to make representations about licensed premises.

13.16 Where the licensing regime can impact on factors which increase the risk to safety of those taking drugs, the Licensing Authority will seek to take a leading role in addressing these matters through partnership arrangements with the police, club owners and local drug agencies.

13.17 The Licensing Authority recognises that drug misuse is not something that is relevant to all licensed premises, however it is committed to the reduction and eradication where possible of drugs from licensed premises as part of its role in promoting the crime and disorder licensing objective. The licensing authority expects all licence holders to actively support this aim in the way that they plan, manage and operate premises.

13.18 If relevant representations are received to an application for grant or variation of a licence special conditions may be imposed to support the prevention of the illegal supply or use of controlled drugs. Advice on conditions will be sought from the police or any other relevant organisation involved in the control of controlled drugs or the support and/or treatment of drug users.

13.19 The sale or use of new psychoactive substances (NPS) (formerly known as legal highs) at alcohol licensed premises will be monitored closely. The council will consider any issue with NPS in line with current legislation and government policy.

14. PREVENTION OF PUBLIC NUISANCE

14.1 Licensed premises can have significant potential to impact adversely on persons in the vicinity and further afield through public nuisances that arise from their operation.

14.2 Subject to case law the Licensing Authority interprets 'public nuisance' in its widest sense, to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in the vicinity of a licensed premises.

14.3 Applicants will be encouraged to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance.

14.4 The Licensing Authority recommends that licensees apply a high standard of control to minimise the potential for any public nuisance that may arise from their operation of the premises, particularly where:

- they are situated in a residential or noise sensitive area; or
- extended opening hours are proposed.

14.5 The Licensing Authority recognises that beyond the immediate vicinity of the premises the control that a licence-holder can exert over its patrons diminishes and individuals who engage in anti-social behaviour are accountable in their own right.

14.6 When addressing the issue of prevention of public nuisance in their operating schedule, the applicant may identify steps to show that those factors that impact on the prevention of public nuisance objective have been considered. The following issues that should be considered are set out below to assist applicants when preparing their operating schedules, having regard to their particular type of premises and/or activities. These are not exhaustive, and are not to be regarded in any way as standard requirements, but include:

- a) Demonstrate effective and responsible management of premises;
- b) Evidence appropriate staff instruction, training and supervision to prevent incidents of public nuisance;
- c) Indicate how the operating hours for the whole or parts of premises are to be controlled so as to reduce the potential noise impact on neighbouring properties. This should include control of external areas such as beer gardens and smoking areas, and such matters as deliveries, disposal of glassware and waste collections.
- d) Adoption of best practice guidance (Such as the Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by the Institute of Acoustics, Safer Clubbing the National Harm Reduction Strategy Toolkit and other industry codes of practice).

- e) Installation and effective maintenance of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;
- f) Management of people including staff and customers arriving and leaving premises (including the potential for queuing outside of the premises);
- g) Liaison with public transport / taxi and private hire service providers to encourage customers to leave the area quickly;
- h) Siting of external lighting including security lighting and consideration of the potential for light pollution nuisance;
- i) Management arrangements for collection and disposal of litter in the vicinity of the premises;
- j) Effective ventilation systems to prevent nuisance from odour;
- k) Demarcation, capacity control, supervision and monitoring of areas immediately in the vicinity of the premises, used by smokers;
- l) Dispersal policy / arrangements
- m) Adverse noise created by any ventilation or air conditioning system or other associated machinery positioned outside the building.
- n) Appropriate signage requesting patrons to respect the rights of local residents when leaving the premises.

15. PUBLIC SAFETY

- 15.1 The Council is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. Applicants will be expected to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events. Applicants are advised to seek advice from various organisations, such as the Caerphilly health and safety enforcement officers, South Wales Fire and Rescue Service etc., before preparing their plans and schedules, particularly where regulated entertainment is to be provided.
- 15.2 The Regulatory Reform (Fire Safety) Order 2005 introduced a requirement that any person responsible for the management of a premises must make a suitable and sufficient assessment of the risks to which persons may be exposed for the purpose of identifying the general fire precautions that need to be taken. Therefore no conditions may be imposed on an authorisation where it directly relates to fire safety. It is expected therefore that authorisation holders will conduct a thorough risk assessment which is regularly reviewed and updated. The risk assessment should be retained at the premises and be available upon request by any authorised officer of the Council.
- 15.3 Where an applicant identifies an issue with regard to public safety, which is not covered by existing legislation, the applicant should indicate in the operating schedule the steps which will be taken to ensure public safety. Depending on the individual style and characteristics of the premises and/or events, the following issues may be relevant:
- The number of people attending the premises/safe capacity levels (factors may include access and egress, flow around premises, comfort levels, seating provisions, dance areas, accessibility to bars etc);
 - The age, condition, design and layout of the premises, including the means of escape in case of an emergency;

- The nature of the activities to be provided, in particular the sale or supply of alcohol and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature;
- The hours of operation, differentiating between the hours of opening from the hours when the licensable activities will be provided;
- Customer profile (e.g. age, disability etc.);
- The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines etc.

15.4 The following examples of control measures are considered to be important and should be taken into account by applicants in their Operating Schedule, having regard to the particular type of premises and/or activities:

- Suitable and sufficient risk assessments;
- Effective and responsible management of premises;
- Provision of a sufficient number of people employed or engaged to secure the safety of everyone attending the premises or event;
- Appropriate instruction, training and supervision of those employed or engaged to secure the safety of everyone attending the premises;
- Adoption of best practice guidance (Assistance can be obtained by contacting such bodies as Environmental Health, Fire Safety and HSE).
- Provision of effective CCTV in and around premises;
- Implementation of crowd management measures;
- Regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety.

15.5 The authority recommends that specialists, e.g. a qualified safety officer, should be consulted to assist with an assessment of public safety issues (excluding fire safety as such a risk assessment is a mandatory requirement).

15.6 Heddlu Gwent Police promotes the use of polycarbonate drinking vessels to reduce injuries caused either deliberately or accidentally from glass drinking vessels. The council supports this initiative and would advise any applicant or authorisation holder that toughened glasses often lose their tempering through repeated use and should consider the introduction of solely polycarbonate or plastic drinking vessels. Where premises are associated with crime and disorder the Council may also advocate that open glass bottles for consumption on the premises should not be permitted and that contents are decanted before serving to customers, the purpose being to reduce any incidents where bottles may be used as weapons.

16. PROTECTION OF CHILDREN FROM HARM

16.1 The protection of children from harm includes protecting them from moral, psychological and physical harm. In relation to physical harm, this includes access to alcohol to those under the age of 18 years. In relation to the exhibition of films, videos etc. this includes their protection from exposure to strong language and sexual expletives and behaviour.

- 16.2 Nothing in this statement of policy shall limit or require access of children to premises unless there is an overriding requirement of necessity to prevent harm to children. Areas that will give rise to particular concern are highlighted elsewhere in this policy.
- 16.3 With the exception of the restrictions specified in the Act (prohibiting unaccompanied children being on premises when alcohol is being supplied) it does not prohibit children from having free access to any licensed premises. However, the Licensing Authority recognises that limitations may have to be considered where it appears necessary to protect children from harm, such as restricting the times at which children are permitted to be present in premises which are predominantly concerned with the supply of alcohol, or occasions where entertainment of an adult nature is provided, etc. Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual premises licence/club premises certificate holder.
- 16.4 When addressing the protection of children, an applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to cause concern in relation to children. Such steps as are required to deal with these identified concerns should be included within the applicant's operating schedule and these may include:
- Effective and responsible management of premises;
 - Appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm. Details of the content of any training, preferably to be maintained in a written form, along with dates and frequency of any training or instruction given. A written policy in respect of "proof of age".
 - Requiring the production of age identification documentation: Proof of Age Standards Scheme (PASS) accredited "proof of age" cards, passports/photo driving licences;
 - Measures to ensure that children do not purchase, acquire or consume alcohol;
 - Measures to ensure that adults do not purchase/acquire or supply alcohol for consumption by children;
 - Adoption of best practice guidance;
 - Provision of sufficient numbers of people employed or engaged to secure the protection of children, including child performers, from harm;
 - Limitations on the hours when children will be present in all or parts of the premises;
 - Limitations or exclusions by age when certain activities are taking place;
 - Imposition of requirements for children to be accompanied by an adult;
 - Measures to ensure that children are not exposed to incidences of violence or disorder
- 16.5 In the event that representations are received regarding the protection of children from harm the Council will judge each application on its own individual merits. Examples, which will give rise to particular concern in respect of children, include premises:

- Where entertainment of an adult or sexual nature is provided;
 - Where there is a strong element of gambling taking place;
 - With a known association in drug taking or dealing;
 - Where there has formal enforcement action taken in relation to the sale or supply of alcohol to children under the age of 18;
 - With a reputation for underage drinking;
 - Where convicted sex offenders are housed.
 - Where the supply of alcohol for consumption on the premises is the exclusive primary purpose of the services provided at the premises.
- 16.6 The Council does not intend to impose a complete ban of children attending licensed premises. Options for the limiting of children deemed necessary for the prevention of harm include:
- A limit on the hours when children may be present;
 - An age limitation (for under 18's);
 - A limitation or exclusion when certain activities are taking place;
 - The requirement to be accompanied by an adult;
 - Exclusion of people under 18 when any licensable activities are taking place.
- 16.7 The Act details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the police to ensure the appropriate enforcement of the law. Particular concern relates to the sale and supply of alcohol to children. The Council expects that premises selling or supplying alcohol will ensure that there are adequate measures in place to prevent the sale or supply of alcohol to children. Such measures may include appropriate staff training, recording incidents of sales refusals, implementation of the Challenge 25 scheme. The Council will actively enforce compliance with the legislation in respect of the sale or supply of alcohol to children.
- 16.8 In the case of premises that are used for film exhibitions conditions will be imposed restricting access only to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Council itself.
- 16.9 Where entertainment is or intended to be provided solely for persons under 18 years of age, the Council expects that steps will have been set out in operating schedules to satisfactorily address arrangements for the control and management of the premises. Examples of the issues that would be of particular concern would be the display or availability of alcohol, whether adults would be permitted to attend such events (other than as stewards or supervisors), times of the entertainment and arrangements for dispersal from the premises.
- 16.10 Where there are large numbers of children expected to attend any licensable activities, or the entertainment is specifically provided for children, and relevant representations have been received, the Council will impose such conditions as they consider appropriate. This may require the presence of stewards to control the access and egress of the children and ensure their safety within the premises. Such adults shall be over 18 years of age, have

training in the means of escape arrangements and other matters that may be of concern. The authorisation holder may also be required to ensure that such stewards have undergone Police National Computer / Disclosure and Barring Service checks, and that such persons do not have any convictions which may disbar them from working with children.

17. ACTIVITIES OF AN ADULT OR SEXUAL NATURE

- 17.1 The Policing and Crime Act 2009 introduced a requirement that premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or entertainer may be required to be licensed as a Sexual Entertainment Venue (SEV). Relevant entertainment being defined as live performance or live displays of nudity that may reasonably be assumed to be provided solely or principally for the purposes of sexually stimulating any member of the audience whether by verbal or other means. Nudity is defined as exposure of the pubic area, genitals or anus, and in the case of women nipples. Such venues as lap dancing or strip tease premises may therefore be considered as requiring an SEV licence in addition to any authorisation held under the Licensing Act 2003.
- 17.2 An exemption to the requirements for an SEV licence is based on frequency which enables relevant entertainment to be provided on 11 occasions within any period of 12 months provided that each occasion lasts no longer than 24 hours and no such occasion begins less than a month from the end of the last event.
- 17.3 Where an application is submitted for a premises licence or club premises certificate and the operating schedule indicates that it is intended to offer activities of a sexual or adult nature the Council will take into consideration the risk to the promotion of the licensing objectives, particularly in respect of the protection of children from harm and the prevention of crime and disorder. Particular consideration will also be given to the location of the premises and the extent of management and control measures offered. Where such activity is to be permitted conditions will be applied (unless offered in the operating schedule) to limit the frequency of such events unless an SEV licence is or has been applied for, and to ensure the management of such entertainment to ensure that the performance is controlled in such a manner as to uphold the licensing objectives particularly in respect of the protection of children from harm.

18. REPRESENTATIONS

- 18.1 The Licensing Authority will expect applicants to address the licensing objectives in their operating schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community, in order that those with a right to make representations or objections are able to fully assess the factors that may affect them.
- 18.2 Relevant representations may be made by a responsible authority, other persons or organisations representing them, but they should state whether they are making a representation on their own behalf or on behalf of another person.

- 18.3 Amendments to the Act have altered the category of persons who can make representations, rather than previously referring to an 'interested party' i.e. a person who lived or worked in the vicinity, the term 'other person' indicates any person who is likely to be affected by the operation of the premises.
- 18.4 Representations that are not about the likely impact on the licensing objectives may be considered as not being relevant and may be rejected.

19. RESPONSIBLE AUTHORITIES

- 19.1 The Licensing Act 2003 (as amended) specifies who are the responsible authorities that may make representations on applications or apply for the review of a premises licence or club premises certificate, they are:
- The Chief Officer of Police
 - The Fire Authority
 - The enforcing authority for Health and Safety at Work
 - The local planning authority
 - The local authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health
 - The local weights and measures authority
 - The Director of Social Services and the body representing matters relating to the protection of children from harm.
 - In relation to a vessel, a navigation authority, the Environment Agency, or the British Waterways Board
 - The Local Health Board
 - The Licensing Authority (The Council)

20. REVIEW OF PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

- 20.1 The ability to review either a premises licence or club premises certificate is seen as a key protection for the community where problems occur once an authorisation has been granted or varied. The council considers that reviews should be a last resort unless the issues are of such a serious nature that a review is the only option.
- 20.2 The Council anticipates that if authorised persons or responsible authorities are made aware of problems identified as arising from a premises, that licence or certificate holders will be given early warning of the concerns and the need for improvements or positive action to address problems. Where a holder fails to respond to early warnings the Council expects that it will lead to a decision to review.
- 20.3 A premises licence or club premises certificate can only be reviewed where it is alleged that one or more of the licensing objectives are not being promoted. Applications for review may only be lodged by a responsible authority or other relevant person (includes those persons who may be affected by the operation of the premises) and set out the grounds for their opinion that the licensing objectives are being undermined. The Council expects that applicants for a review will provide substantiated evidence of issues at the premises which demonstrates that the objectives are not being promoted.

Examples of such evidence could include, chronology of complaints, inspection visits, noise monitoring, logs of calls by residents to responsible authorities such as police in respect of anti social behaviour or Pollution control in respect of noise nuisance.

20.4 On submission of an application for review (other than from a responsible authority), the licensing authority will, in the first instance, consider whether the application is relevant, frivolous, vexatious or repetitious.

- Relevant – application clearly identifies the manner in which one or more of the licensing objectives are being undermined.
- Frivolous – application is unworthy of serious attention and is of little value
- Vexatious – submitted without sufficient grounds potentially with the intention of causing annoyance to the authorisation holder
- Repetitious – the grounds are set out in the Secretary of State's guidance to the Licensing Act but may be summarised as relating to a matter that has already been determined or issue that has previously been considered.

20.5 Where an application is determined as not being relevant, or is frivolous, vexatious or repetitious the Licensing Authority will reject the application for review.

20.6 The matters that the Council considers may trigger an application for review includes the following (the list is not exhaustive):

- Prolonged or repeated instances of public nuisance / anti social behaviour arising from the operation of a premises
- Persistent problems of non compliance with conditions attached to the authorisation
- Non co-operations with reasonable requests of responsible authorities or other agencies in respect of the management and control of the premises
- Failure to resolve issues following formal notification such as noise abatement, health and safety issues, and fire safety notifications
- Serious risk to persons under 18 years of age arising from the use and operation of premises.
- Use of premises for the sale and distribution of controlled substances and / or the laundering of the proceeds of related criminal activity
- Use of premises for the supply and distribution of illegal firearms
- Evasion of copyright in respect of pirated films and music
- Use of premises for the purposes of prostitution or the supply of unlawful pornography
- Use of premises for the purposes of unlawful gaming.
- Use of premises for the organisation and/or promotion of racist, homophobic attacks or sexual abuse.
- Use of premises for the storage and/or supply of stolen or counterfeited goods including alcohol and tobacco
- Grooming of children for sexual exploitation

20.7 Where criminal activity is identified as arising in connection with licensed premises the matter will be treated particularly seriously and the revocation of the authorisation even in the first instance will be seriously considered by the Licensing Authority. Such criminal activities include:

- The sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- The sale and distribution of illegal firearms;
- The evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- Organised groups of paedophiles to groom children;
- A base for the organisation of criminal activity, particularly by gangs;
- The organisation of racist activity or the promotion of racist attacks;
- Knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter'
- Unlawful gambling; and
- The sale or storage of smuggled tobacco and alcohol

20.8 In circumstance where it is the opinion of the Chief Officer of Police that premises are associated with serious crime or serious disorder or both an application may be made for a summary review of a premises licence (Note; a summary review cannot be submitted in respect of club premises). Summary reviews are the subject of prescribed procedures and timescales, foremost of which is a meeting of the Licensing Committee to consider whether interim steps are necessary to address the concerns raised by the police. Appropriate weight will be given to the application by the Licensing Committee.

21. CLOSURE ORDERS

21.1 The Anti-social Behaviour, Crime and Policing Act 2014 sets out a power to close either a number of premises in an area or an individual premises where there is or is likely to be, or has been, serious nuisance or disorder. The power to serve a closure notice rests with the Police (issued by a police officer of rank of inspector or above) or Local Authority (issued by the Deputy Chief Executive, a Director, or Head of Public Protection). If a closure notice is not cancelled the Magistrates may issue a closure order, in which instance, the licensing authority must review the licensing authorisation if the order was based on nuisance or disorder.

22. COMMERCIAL DEMAND

22.1 The commercial demand for additional premises licences (as distinct from cumulative impact) will not be a matter for the Licensing Authority, such matters being a specific consideration for the local planning authority taking into account the demands of the licensed trade and market demands

23. TRADING HOURS

23.1 The Licensing Act does not prescribe fixed hours for trading, applicants are required to identify the hours that they propose to operate. The Licensing Authority, through the exercise of its licensing functions shall not seek to

restrict the trading hours of any particular premises unless it is considered appropriate for the promotion of one or more of the licensing objectives. It is proposed that the Licensing committee when considering each application on its merits following receipt of relevant representations should have regard to the following factors:

- 23.1.1 Whether the licensed activities are likely to cause an adverse impact, especially on local residents, and what, if any, appropriate measures are proposed to prevent it.
- 23.1.2 Whether there will be a substantial increase in the cumulative adverse impact on any adjacent residential area.
- 23.1.3 Whether there is a suitable level of public transport accessibility to and from the premises at appropriate times;
- 23.1.4 Whether the activity will be likely to lead to a harmful and unmanageable increase in the demand for car parking in any surrounding residential streets suffering from high levels of parking stress;
- 23.1.5 Whether the premises have an authorised or lawful use for the permissions sought under the Town and Country planning legislation
- 23.2 In the absence of any specific reasons linked to the licensing objectives, the Licensing Authority will not seek to restrict licensed retail outlets ability to sell alcohol for consumption off the premises throughout their general trading hours, unless it is satisfied, following the statutory process prompted by receipt of relevant representations, that there are good reasons based on evidence for restricting those hours.
- 23.3 The Licensing Authority recognise that providing consumers with greater choice and flexibility is an important consideration and that in some circumstances flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided, which in turn can reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which can lead to crime, disorder and disturbance.
- 23.4 The Licensing Authority also acknowledges that licensing hours should not inhibit the development of thriving and safe evening and night-time local economies which are important for investment and employment locally and attractive to domestic and international tourists.
- 23.5 Where its discretion is engaged a Licensing Authority will always carefully balance the considerations against its duty to promote the licensing objectives and protect the rights of residents and businesses.
- 23.6 Where there are relevant representations in respect of an application and the Licensing Committee believes that granting the licensing hours proposed would undermine the licensing objectives, then it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

23.7 Irrespective of the hours of operation granted for a premises, under any licence under the Act, the premises operators should ensure that they comply with any limitation on hours imposed under any other relevant legislation that may be in force – particularly any restrictions attached to any planning permission.

24. CONDITIONS

24.1 Conditions (other than the statutory mandatory conditions) may only be attached to a licence or club premises certificate if relevant representations are received (except for conditions derived from the steps offered in the applicant's operating schedule).

24.2 This authority will disregard any steps offered by applicants that are unreasonable, not proportionate or unenforceable. Where an applicant has offered a specific condition the authority may reword such condition so as to ensure that it is unambiguous and enforceable. The applicant will be advised of any such changes and their agreement sought to the Councils interpretation before any action is taken. The policy does not allow for the imposition of standard 'blanket' conditions as each application must be considered on its individual merits taking account of matters raised by responsible authorities and local circumstances.

24.3 Conditions attached to licences or certificates will be tailored to the individual style and characteristics of the particular premises and events concerned. However, where considered appropriate, and necessary for the promotion of the licensing objectives, this Authority will consider attaching conditions drawn from its own pool of conditions, which are attached as an annex to this policy.

24.4 The Council recognises that licensing law is not a mechanism for the general control of antisocial behaviour by people once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned. However the Council must consider the potential detrimental impact on the surrounding areas from the operation of either individual or accumulations of premises, where the premises are the predominant cause of resultant anti social behaviour arising from drunkenness etc.

24.5 An application may be submitted in respect of community premises (i.e. church hall, chapel hall, village hall, community hall or other similar building) to remove the mandatory condition which requires a designated premises supervisor (DPS) who holds a personal licence be named on the licence. An alternative condition may be applied whereby the supply of alcohol will be made or authorised by the management committee for that venue.

24.6 Other measures are available to the Licensing Authority in respect of controlling difficult or sensitive areas such as:

- The power to designate a Cumulative Impact Area (CIA) to prevent increased saturation of that area by particular types of premises.
- Set a Late Night Levy which enables licensing authorities to charge holders of licenses which permits the sale of alcohol late at night in the

authority's area as a means of raising a contribution towards the costs of policing the late-night economy.

- Make an Early Morning Restriction Order (EMRO), which enables licensing authorities to restrict sales of alcohol in the whole or a part of their area.

There are currently no CIA or EMRO areas designated within Caerphilly County Borough and there is no Late Night Levy. Further information is set out below regarding these powers.

25. CUMULATIVE IMPACT POLICY

- 25.1 Cumulative impact is not specifically defined within the Licensing Act 2003 but is set out in the relevant guidance to the Act, as referring to the potential impact on the promotion of the licensing objectives of a significant number of licensed premises in an area. Cumulative impact is therefore an appropriate matter for the licensing authority to consider when developing this policy statement. Cumulative impact policies are not restricted to the effects of the supply of alcohol or late night entertainment but may also include late night fast food takeaways that do not necessarily supply alcohol.
- 25.2 Serious problems of disorder and nuisance may arise in those areas where there are a significant number, type and density of particular types of premises. Problems may arise in the area or even at some distance. Varied closing times can assist in a more gradual dispersal of person from an area thereby reducing the potential for detrimental cumulative impact.
- 25.3 The development of a special cumulative impact policy will be based on sound evidential factors. Relevant information may be provided by responsible authorities, community safety partnerships, crime and disorder statistics, incidences of anti-social behaviour, complaints of nuisance particularly related to litter and noise, local resident's complaints, ward members, etc. The licensing authority must be satisfied that after considering available evidence that it would be appropriate to include a special cumulative impact policy.
- 25.4 The absence of a special cumulative impact policy does not prevent any responsible authority or other person making an evidence-based relevant representation on an application for a new authorisation on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.
- 25.5 No evidence has been supplied which indicated a negative impact on the licensing objectives in the Caerphilly Council area. If evidence is provided the formulation of a special policy would be carefully considered having due regard to guidance provided in accordance with section 182 of the Act.

26. LATE NIGHT LEVIES

- 26.1 The late night levy is a power, conferred on all licensing authorities by provision in Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011. The introduction of a levy enables licensing authorities to charge persons who are licensed to sell alcohol late at night in the authority's area.

The levy is a means of raising a contribution towards the costs of policing the late-night economy.

- 26.2 The levy is payable by the holders of any premises licence or club premises certificate which authorise the sale or supply of alcohol on any days during a specific period (referred to as the late night supply period) beginning at or after midnight and ending at or before 6am.
- 26.3 The licensing authority is expected to consider the need for a levy with the chief officer of police and the police and crime commissioner for the police area in which it is proposed the levy will be introduced. Local residents can use their existing rights to make representations and other channels of communication to call for the implementation of a levy in their area. The decision to introduce a Late Night Levy sits with the Council.

27. EMRO's (Early Morning Restriction Orders)

- 27.1 EMROs are designed to address recurring problems in the whole or part of a Licensing Authority's area such as high levels of alcohol related crime and disorder, serious public nuisance and other instances of alcohol related anti-social behaviour which is not directly attributable to specific premises.
- 27.2 An EMRO is a powerful tool as it can prevent licensed premises in a specified area from supplying alcohol during the times at which the EMRO applies. Prior to any determination to recommend to full council that an EMRO is proposed, it should be satisfied that it has sufficient evidence that such a measure would be appropriate for the promotion of the licensing objectives.
- 27.3 Any requests for an EMRO will be considered on the basis of evidence (guidance indicates the types of evidence that may be relevant) however, the licensing authority will also consider evidence from local partners, responsible authorities, local Community Safety Partnerships or other party that they consider relevant in their determinations as to whether an EMRO would be an appropriate means of promoting the licensing objectives.

28. PERSONAL LICENCES

- 28.1 Premises licensed for the sale and supply of alcohol (excludes Club premises) are required by the Act to appoint a Designated Premises Supervisor (DPS) who must hold a personal licence issued under the Act. The applicant is required to pass a training course and undergo a check of their criminal record. The Police are the sole consultee in respect of applications for personal licences. Where the Police have concerns regarding the suitability of an individual to hold a person licence they may object to the Licensing Authority which would result in the matter being considered at a hearing by the committee.
- 28.2 At a hearing in respect of an objection to the granting of a personal licence, the Council will consider carefully whether the grant of the licence will be in the interests of the crime prevention objective. It will consider the seriousness and relevance of any conviction(s), the period that has elapsed since the offence(s) was/were committed and any mitigating circumstances. The

Council will only grant the application if it is satisfied that doing so will promote this objective.

29. TEMPORARY EVENTS

- 29.1 Temporary Event Notices (TENs) permit the carrying on of licensable activities at premises, which are not authorised by a premises licence or club premises certificate. No authorisation by the Council is required in respect of these events, as a TEN is a notification by the premises user to the Council.
- 29.2 There are standard or late TENS. Standard notification must be submitted to relevant authorities (Environmental Health in respect of the prevention of pollution and harm to public health and the Police) at least 10 working days prior to the event not including the day of giving notice or the day of the event. A late TENS may be given between 9 and 5 working days prior to the event, not including the day of giving notice and the day of the event. Where representations are received in respect of a TENS from the relevant authorities in respect of a standard TENS the matter will be placed before a committee of the Licensing Authority, however, representations relating to late TENS will result in the notification being rejected without recourse to a hearing before a sub-committee.
- 29.3 The Council will automatically reject any TENS which has been incorrectly completed or is not submitted within the appropriate timescales. In these circumstances the fee will not be refunded and notice givers must resubmit a TENS correctly.
- 29.4 Regulations prescribe that not more than 15 (effective 1 January 2016) TENS that may be submitted for a given premises during any year, and that the maximum number of aggregated days (i.e. total number of days or part days covered by the notices) shall not exceed a maximum of 21 days. The Council will serve a counter notice on the notice giver where these limits are exceeded.
- 29.5 The number of TENS that may be submitted by individuals is constrained by regulations. A personal licence holder may apply for up to 50 standard TENS or a combination of not more than 10 late TENS and 40 standard TENS. Persons who do not hold a personal licence may submit up to 5 standard TENS, or a combination of not more than 3 standard TENS and 2 late TENS. There are also constraints on submissions by associates of notice givers. A TENS may not be submitted by companies, groups or organisations. The Licensing Authority will automatically reject notices that are not submitted by individuals or exceed the quotas set out in respect of the number of TENS that can be submitted by individuals.
- 29.6 It is expected that notice givers will endeavour to notify the Council, Police and Environmental Health sufficiently in advance of the date of the event to enable discussions between all parties to ensure a safe and successful event. Conditions may only be attached to a notice where the TENS is in respect of a premises that has the benefit of a premises licence or club premises certificate. Only such conditions as are relevant to the proposed event may be imposed.

30. ENFORCEMENT

- 30.1 The Council has established a memorandum of understanding with the police and other enforcing authorities. The purpose of this document is to ensure efficient and effective co-operation between agencies when dealing with areas of mutual interest to secure:
- high levels of open communication;
 - clear lines of responsibility;
 - sharing intelligence
- 30.2 In general, action will only be taken in accordance with agreed enforcement principles and in line with the Council's and Responsible Authorities enforcement policies. To this end the key principles of consistency, transparency and proportionality will be maintained.

31. ADMINISTRATION

- 31.1 The council's licensing team administer all aspects of the Licensing Act 2003, including applications, representations and requests for assistance and advice. The council's website has detailed information on all of the services it offers for licensees, applicants, complainants and all other enquiries.
- 31.2 The council's website contains full information and guidance on all applications. The licensing team may be contacted for advice and guidance with an application, including pre-application advice. The council cannot assist to complete an application form; if assistance is needed applicants should contact a professional advisor, e.g. a solicitor or consultant.
- 31.3 Only complete applications that contain all of the information required by the Act will be accepted. The authority will notify applicants if the application is found to be incomplete as soon as practicable.
- 31.4 Postal or hand delivered applications will only be deemed as having been served when the application is received at the licensing office. Electronic applications will be accepted in a format which can be printed and are legible but will not be considered as served until such time as the appropriate fee has been paid. Electronic application includes transmission by facsimile machine or e-mail to the relevant addresses as stated on the application form. Application information and forms may also be made through the gov.uk website.
- 31.5 Application forms can be downloaded from the Caerphilly County Borough Council website at www.caerphilly.gov.uk for completion. Further information about the Licensing Act 2003 and the Council's licensing policy can be obtained from:

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

Tel: 01443 866750

E-mail: licensing@caerphilly.gov.uk

Information relating to the application process and the submission of electronic applications is also available via the Council's website www.caerphilly.gov.uk.

- 31.6 The Council will expect individual applicants to address the licensing objectives in their operating schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community.
- 31.7 When determining applications the Council will have regard to any guidance issued under section 182 of the Licensing Act 2003. In particular, account will be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the Council's consideration will be balanced against the wider benefits of the community.

32. GIVING REASONS FOR DECISIONS

- 32.1 Where an application for the grant, variation or review of an authorisation is considered by a committee the Council will give comprehensive reasons for its decisions. On making findings of fact in its reasons, the Council will ensure that they address the standard of proof and the burden of proof that they have adopted. The Council will also address the extent to which decisions have been made with regard to its statement of licensing policy and the Guidance issued by the Secretary under section 182.

33. APPEALS

- 33.1 Where a party (includes applicants and persons or bodies who submitted relevant representations) are aggrieved by the decision of the Council they may appeal the decision to the Magistrates Courts. Such an appeal must be lodged within 21 days of being notified of the decision. This Council considers that the date of notification is the date upon which the appellant received written notification from the Council. Any party considering lodging an appeal is advised to seek independent legal advice.

POLICY CONSULTTEES

CCBC - Elected Members
CCBC – Appropriate Directors and Heads of Service
Heddlu Gwent Police
Fire Service
Gwent Magistrates
Health and Safety Executive
Health Board
Neighbour Hood Watch (via Police CADRO)
Community and Town Councils
All Licensed Premises and Club Premises Certificate Holders
General Public - via web site and advertisement in newspaper
CCBC – Community Safety
CCBC - Equalities
CCBC – Legal
CCBC - Highways
CCBC - Environmental Health - Pollution Control
CCBC - Environmental Health - Food and Health and Safety
CCBC - Licensing Authority Responsible Authority
CCBC - Weights and Measures
CCBC – Planning

DEFINITIONS

Note: In this Policy, the following definitions are included to provide an explanation of certain terms included in the Act and therefore in the Policy. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

‘The Council’ means the Caerphilly County Borough Council, acting as the Licensing Authority as defined in the Licensing Act 2003.

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

‘Designated Premises Supervisor’ means the person (who must be a Personal Licence holder), in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence or will be the Premises Licence holder himself (who must also be a Personal Licence holder).

‘Interested Party’ means a person living in the vicinity of premises, a body representing persons who live in that vicinity, a locally elected councillor or a person involved in a business in that vicinity or a body representing those persons involved in such businesses.

‘Late Night Refreshment’ means the supply of hot food or hot drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00 pm and 5.00 am.

‘Licensable Activities’ means:

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of Regulated Entertainment
- The provision of Late Night Refreshment

‘Licensed Premises’ includes club premises and events unless the context otherwise requires.

‘Operating Schedule’ means a document containing a statement of the following matters (and any others that may be prescribed);

- The relevant Licensable Activities
- The times at which the Licensable Activities are to take place and any other times when premises are open to the public
- Information regarding the person who will be specified in the Premises Licence as the Premises Supervisor
- Where the Licensable Activities involve the supply of alcohol, whether it is for the supply on and/or off the premises
- The steps being taken to promote the Licensing Objectives.

'Premises' means any place and includes a vehicle, vessel or moveable structure.

'Regulated Entertainment' means:

- A performance of a play
- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling entertainment
- A performance of live music
- Any playing of recorded music
- A performance of dance

where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators.

'Responsible Authority' means any of the following:

- The Chief Officer of Police
- The Fire Authority
- The enforcing authority for Health and Safety at Work
- The local planning authority
- The local authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health
- The local weights and measures authority
- The Director of Social Services and the body representing matters relating to the protection of children from harm, currently the Local Safeguarding Children Board
- In relation to a vessel, a navigation authority, the Environment Agency, or the British Waterways Board

SCHEDULE OF DELEGATIONS OF LICENSING FUNCTIONS AND DECISIONS

Matter to be dealt with	Licensing Committee	Licensing and Gambling Hearings Committee	Officers
Application for personal licence		If a police objection	If no objection made
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for a minor variation			All cases
Application to disapply the requirement for a designated premises supervisor at community premises		If a police objection	If no objection made
Application for transfer of premises licence		If a police objection	All other cases
Application for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether interim		All cases	

Matter to be dealt with	Licensing Committee	Licensing and Gambling Hearings Committee	Officers
steps should be taken, following an application for an expedited review of a premises licence			
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	

RESPONSIBLE AUTHORITY CONTACT DETAILS

Responsible Authority	Contact Details
<p>Police (Chief Officer of Police for area in which premises are situated)</p>	<p>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</p>
<p>Fire And Rescue Authority (For area in which premises are situated)</p>	<p>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</p>
<p>Health and Safety (Enforcing Authority within the meaning given by section 18 of the Health and Safety etc Act 1974 for the area in which the premises are situated)</p>	<p>Senior Environmental Health Officer (Food and Health and Safety) Caerphilly County Borough Council Ty Penallta Tredomen Park Ystrad Mynach Hengoed CF82 7PG E-mail: foodhealthand_safety@caerphilly.gov.uk</p>
<p>Health and Safety Executive (for HSE enforced and Council owned properties only CCBC)</p>	<p>Health and Safety Executive Government Buildings Phase 1 Ty Glas Road Llanishen Cardiff CF14 5SH</p>
<p>Planning (Local Planning Authority for area in which premises are situated)</p>	<p>Chief Planning Officer Planning Division Caerphilly County Borough Council Ty Dyffryn Dyffryn Industrial Estate Ystrad Mynach CF82 7FP E-mail: planning@caerphilly.gov.uk</p>

<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 Ty Penallta Tredomen Park Ystrad Mynach Hengoed CF82 7PG E-mail: enviroservices@caerphilly.gov.uk</p>
<p>Weights and Measures Authority (Function of Trading Standards)</p>	<p>Senior Trading Standards Officer (Community Protection Section) Caerphilly County Borough Council Ty Penallta Tredomen Park Ystrad Mynach Hengoed CF82 7PG E-mail: tradingstandards@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 Ty Penallta Tredomen Park Ystrad Mynach CF82 7PG Tel: 01443 864744 E-mail: Planning&ChildProtectionTeam@caerphilly.gov.uk Quality,</p>
<p>Licensing Authority (Introduced by the Police Reform and Social Responsibility Act 2011)</p>	<p>Fair Trading Officer (Licensing Enforcement Officer) Caerphilly County Borough Council Ty Penallta Tredomen Park Ystrad Mynach Hengoed CF82 7PG E-mail: morgac6@caerphilly.gov.uk</p>
<p>Primary Care Trust or Local Health Board (for any area in which the premises are situated)</p>	<p>Dr G Richardson Executive Director of Public Health – Alcohol Licensing Lead Aneurin Bevan Gwent Public Health Team Victoria House 136-140 Corporation Road Newport NP19 0BH publichealth.aneurinbevan@wales.nhs.uk</p>

LEGISLATIVE CHANGES

A number of changes have been introduced which have a direct effect on the Licensing Act since the last statement of licensing policy. The changes / measures are summarised below:

Police Reform and Social Responsibility Act 2011

Introduced a number of changes to the Licensing Act with effect from September 2011 summarised as follows:

- Addition of the Licensing Authority as a Responsible Authority
- Addition of Primary Care Trusts and Local Health Boards as a Responsible Authority
- Removal of the 'vicinity test' as to who may make relevant representations
- Reducing the evidential burden on Licensing Authorities in that where the Act previously stated 'necessary' in most instances this was changed to 'appropriate'.
- The addition of those officers with responsibility for minimising or preventing the risk of pollution of the environment or of harm to human health as persons who could comment on Temporary Event Notices.
- The potential to add conditions to temporary Event Notices where the proposed event was to be held in a licensed premises. Only those conditions that were already stated on the licence and were relevant to the proposed event could be attached.
- Addition of a further category of Temporary Event Notice where the notices was served between and 9 and five working days prior to the event and referred to as 'late' as opposed to 'standard'.
- Extending the period for a temporary event notice from 96 hours to 168 hours.
- Extending the aggregated number of days covered by Temporary Event Notices from a maximum of 15 to 21 days.
- Introduced an offence of persistently selling alcohol to children
- Set out a power for Local Authorities to make Early Morning Restriction Orders, EMROs.
- Power for Local Authority to suspend premises licences or club registration certificates where there was a failure to pay the annual fee.
- Set out the power for the Secretary of State to make regulations permitting Local Authorities to determine fees in respect of licensed premises and club premises certificates. It should be noted that this has not been implemented at the time of writing the policy.
- Extended the period for revision of statements of licensing policy from three years to five years.

Legal Aid, Sentencing and Punishment of Offenders Act 2012.

With effect from the 26 March 2015 the 'cap' on fines which can be issued by the Magistrates' Court for a range of Licensing Act offences was removed. The effect is that where a fine was previously capped at £5,000 or above there is no limit on the fine that can be given by the Magistrates' Court and financial penalties are potentially unlimited.

This includes offences such as:

- Carrying on unauthorised licensable activities (previously £20,000);
- Exposing alcohol for unauthorised sale (previously £20,000);
- Allowing the sale of alcohol to children (previously £5,000);
- Persistently selling alcohol to children (previously £20,000);
- Consumption of alcohol by children (previously £5,000);
- Contravention of a closure order (previously £20,000);

Licensing Act (Descriptions of Entertainment) (Amendment) Order 2013

The order amended the definitions of entertainment as follows:

(i) That the entertainment—

- takes place in the presence of an audience, and
- is provided for the purpose, or for purposes which include the purpose, of entertaining that audience.

(ii) That in respect of performance of a play is that one or more of the following applies—

- the audience consists of more than 500 persons;
- the entertainment takes place before 8am on any day;
- the entertainment takes place after 11pm on any day.

(iii) Entertainment in respect of an indoor sporting event is that one or more of the following applies—

- the audience consists of more than 1000 persons;
- the entertainment takes place before 8am on any day;
- the entertainment takes place after 11pm on any day.

(iv) That in respect of a performance of dance is that one or more of the following applies—

- the audience consists of more than 500 persons;
- the entertainment takes place before 8am on any day;
- the entertainment takes place after 11pm on any day;
- the entertainment is relevant entertainment within the meaning of a Local Government (Miscellaneous Provisions) Act 1982 meaning “sexual entertainment venue”.

(v) Amendments were also made to the definitions of sporting event and boxing or wrestling entertainment

Live Music Act 2012 and Legislative Reform (Entertainment Licensing) Order 2014

The Live Music Act 2012 effectively exempt certain licensable activities from the requirement for a licence with effect from the 1 October 2014, summarised as follows:

- (i) Amplified live music (including karaoke) between 8.00 am and 11.00 pm in venues authorised to sell, and selling, alcohol on the premises where the venue consisted on one room with an audience not exceeding 200 persons.
- (ii) There is no limit on audience numbers where unamplified live music is provided between 8.00 am and 11.00 pm in a venue. No conditions relating to live music would have effect unless the licence had been subject to a review and conditions were imposed.
- (iii) The provision of performance of dance or theatrical performances between 8.00 am and 11.00 pm if the audience is limited to not more than 500 persons.
- (iv) Indoor sporting events between 8.00 am and 11.00 pm no longer classed as regulated entertainment if the audience is limited to not more than 1000 persons.

These changes were extended by the Legislative Reform (Entertainment Licensing) Order 2014. The additional changes were effective from the 6 April 2015 and are summarised as follows:

- (i) Recorded music deregulated between 08:00 and 23:00 in on-licensed premises provided the audience does not exceed 500
- (ii) However recorded music can become licensable if the licensing authority removes the effect of the deregulation following a licence review (“licence review mechanism”)
- (iii) Unlike live music – deregulation of recorded music does not apply to workplaces
- (iv) Live music or recorded music between 08.00 and 23.00 at the non-residential premises of a local authority provided that
 - the audience does not exceed 500, and
 - the organiser gets consent for the performance on the relevant premises from the local authority concerned
- (v) Any entertainment provided by or on behalf of a local authority on their own premises between 08:00 and 23:00
- (vi) Live music or recorded music between 08.00 and 23.00 on hospital premises provided that
 - the audience does not exceed 500, and
 - the organiser gets consent for the performance on the hospital premises from the healthcare provider concerned
- (vii) Any entertainment provided by or on behalf of a health care provider on their own hospital premises between 08:00 and 23:00

- (viii) Live music or recorded music between 08.00 and 23.00 on school premises provided that:
- the audience does not exceed 500, and
 - the organiser gets consent for the performance on the premises from the school proprietor concerned
- (ix) Any entertainment provided by or on behalf of a school proprietor on their own school premises between 08:00 and 23:00
- (x) Community premises live music or recorded music between 08.00 and 23.00 in a:
- church hall,
 - village hall,
 - community hall or other similar community premises that is not licensed to sell alcohol provided that:
 - the audience does not exceed 500, and
 - the organiser gets consent for the performance from a person who is responsible for the premises.
- (xi) Travelling circuses - Any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided:
- it takes place within a moveable structure that accommodates the audience, and
 - that the travelling circus has not been located on the same site for more than 28 consecutive days
- (xii) A contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00, provided that the audience does not exceed 1000
- (xiii) An exhibition of moving pictures if it is incidental to some other entertainment activity (referred to as incidental film):
- Depends on the facts in each case
 - Does the appearance of moving pictures within another activity, for which no licence is required undermine the promotion of the licensing objectives?

It should be noted that the following remain as licensable activity:

- (i) Any entertainment activity after 11pm at night
- (ii) Most forms of entertainment activity in the presence of an audience of more than 500 people (with a few exceptions).
- (iii) Any sexual entertainment

The Deregulation Act 2015

The Act made numerous changes to a wide range of legislative controls not exclusively the Licensing Act 2003. The main effect for licensing has been:

- a) The criteria for obtaining a personal licence includes recognised training and consideration of any criminal convictions for relevant offences as listed in the Act. As of the 1 April 2015 the requirement to renew a personal licence was removed, the licence originally expired after ten years. As a consequence of these changes a personal licence lasts indefinitely unless surrendered or revoked.
- b) The offence of selling liqueur confectionery to children under 16 was repealed with effect from 26 May 2015. After that date a person of any age could buy liqueur confectionery in England and Wales
- c) The limit on the number of temporary events that can be held at single premises was increased from 12 to 15 per calendar year with effect from 1 January 2016.
- d) The requirement to report lost or stolen licences to the police before applying for duplicates was abolished with effect from 26 May 2015.
- e) An exemption from requiring a premises licence was introduced for the exhibition of films in community premises where a 'not-for-profit' film exhibition is to be held between 08.00 and 23:00 provided that the audience does not exceed 500 and the organiser:
 - (i) gets consent to the screening from a person who is responsible for the premises; and
 - (ii) ensures that each such screening abides by age classification ratings.

CAERPHILLY COUNTY BOROUGH COUNCIL POOL OF CONDITIONS

LICENSING ACT 2003

INTRODUCTION

1. This pool of conditions covers a wide range of topics that may be of concern to applicants for premises licences and Responsible Authorities who may be considering making representations on applications. Interested parties and local residents or local businesses may also seek to propose conditions in respect of applications or as a means of addressing concern raised by the review process.
2. Applicants for club premise certificates may adapt any of the conditions listed but should replace any reference to premise licence or premises licence holder with club premise certificate.
3. Where a condition contains an instruction to insert any fact, the information must be supplied by the applicant.

AD ADVERTISING	
AD01	The premises licence holder shall take all reasonable precautions and exercise all due diligence to ensure that no licensable activity shall be advertised in a manner which contravenes the general law or cause a nuisance to the general public.
AD02	<p>In respect of promoted events, that is, any events involving the conduct of licensable activities at the premises that are organised by persons other than the premises licence holder or those under his direct control, the premises licence holder shall ensure that a register is maintained in a bound book kept for that purpose. The register shall be kept at the premises and shall be produced by the designated premises supervisor (or his nominated deputy in his absence) to an authorised officer of the Licensing Authority or a constable upon request. The register shall record the following:</p> <ul style="list-style-type: none"> (i) Date and time of event and brief description of it; (ii) Name of the promoter(s), that is, the person(s) responsible for organising the event; (iii) Where the promoter is a company, its registered number; (iv) The proper address of the promoter; (v) Contact telephone number for promoter

CA CAPACITY, CONTROL AND MANAGEMENT OF CUSTOMERS	
CA01	The total capacity for the event shall be limited to <i>(insert number)</i> persons. This limit includes performers, guests, staff and officials.
CA02	There shall be no security passes for admission other than those issued to persons working on the site and to statutory authorities.

CA03	Measures must be put in place to ensure that the capacity is not exceeded at any time.
CA04	All documentation pertaining to the proposed figure must be kept on the premises and must be available immediately on request to any authorised officer of the Licensing Authority or a constable.
CA05	Admission shall be by ticket only. When presented for admission, the ticket shall be retained by the organisers.
CA06	Admission to the event shall be through the approved entrances. The entrances shall be manned by stewards who shall allow only persons with tickets or security passes into the concert area.
CA07	Documented procedures must be implemented to ensure overcrowding (such as that which may cause injury through crushing) does not occur in any part of the premises.
CA08	<p>The licence holder shall determine the occupant capacity of the premises on the basis of documented risk assessment(s).</p> <ul style="list-style-type: none"> (i) The risk assessment(s) must take into account all relevant factors including space, means of access and egress, toilet provision, load-bearing capacity of floors, ventilation, etc and must be reviewed regularly, and if circumstances change; (ii) Where necessary separate occupancy levels must be set for different parts of the premises; (iii) The premises licence holder shall ensure that they consult the Public Health Services of Caerphilly County Council and any other relevant authority (for example the Fire Rescue Service regarding emergency evacuation limitations) as to the occupancy figure. Confirmation of the consultation and any outcomes shall form an integral part of the risk assessment on which the capacity figure is based; (iv) The capacity figure proposed by the premises licence holder shall be notified to the Licensing Authority in writing prior to the commencement of the licence; (v) Measures must be put in place to ensure that the capacity is not exceeded at any time; (vi) All documentation pertaining to the proposed figure must be kept on the premises and must be available immediately on request to any authorised officer of the Licensing Authority or a constable; (vii) The premises licence holder shall regularly review, update and amend any risk assessments particularly following any changes to the layout or operation of the venue. Such reviews etc shall be fully documented and form an integral part of the risk assessment.
CA09	Where necessary separate occupancy levels must be set for different parts of the premises. The proposed capacity figure must be notified to the Licensing Authority within <i>(insert period)</i> of the date of <i>(insert either date of hearing or date of issue of licence)</i> .

CA10	There shall be no entry or re-entry to the premises after <i>(insert terminal hour for entry)</i> hours. Appropriate signage shall be clearly displayed at each exit from the premises advising patrons that re-entry to the premises after <i>(insert terminal re-entry time)</i> hours on any morning is prohibited and that this prohibition also applies to people wishing to leave the premises to smoke.
CA11	The occupancy shall be restricted to <i>(insert number)</i> persons in the premises. <i>(limits may also be appropriate for different rooms or floors of premises)</i> /. The occupancy figure includes staff, performers and public. The Premises Licence Holder shall ensure that there are appropriate management controls to ensure that the occupancy figure is not exceeded at any time. Appropriate controls shall be put in place to ensure that the occupancy of the premises/specified areas are not exceeded at any time.
CA12	Manual and automatic electronic number control systems shall be installed, used and maintained at the premises at all times the premises is open to the public.
CA13	The premises licence holder shall support any taxi marshalling initiative that operates in the environs of the premises. This may include any fair and proportionate financial support from the premises licence holder.
CA14	The premises will operate in line with the <i>(insert name of policy e.g. Health and Safety, fire risk assessment and date submitted to the Licensing Authority)</i> or any amended version in operation from time to time. The premises licence holder shall give to the Licensing Authority not less than seven days notice of any proposed amendment to the aforesaid policy (including its deletion or its replacement) and shall provide to the Licensing Authority a copy of any amended policy prior to the change being implemented in the premises. A copy of the policy current at the time shall be provided to an authorised officer of the Licensing Authority or a constable upon request.

CC CCTV

CC01	<p>CCTV shall be in use at the premises.</p> <p>(i) Where a CCTV system is to be installed, extended or replaced, it shall be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police. Where a CCTV system is to be installed, it shall be fully operational by <i>(insert date)</i>. Where existing CCTV systems are to be replaced or extended the replacement or extension to the system shall be concluded by <i>(insert date)</i> and the system be fully operational on that date;</p> <p>(ii) The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards;</p> <p>(iii) The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority;</p> <p>(iv) The correct time and date will be generated onto both the recording and</p>
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	<p>the real time image screen;</p> <p>(v) If the CCTV equipment (including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified;</p> <p>(vi) The premise licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of any authorised officer of the Licensing Authority or a constable;</p> <p>(vii) There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during (<i>insert hours</i>) hours.</p>
CC02	A minimum of (<i>insert number</i>) head mounted mobile cameras (robo-cams) shall be in use at the premises from (<i>insert commencement hours</i>) hours until closing on each day that the premises are open to the public. One such camera shall be permanently located at the entrance and in each (<i>insert specified areas where appropriate</i>).
CC03	The CCTV system shall include all external areas of the premises.
CC04	A plan of the premises shall be annotated to show the location of all CCTV cameras within the premises, such a plan to be submitted to the Licensing Authority by the (<i>insert date</i>). Such a plan to be regularly updated in the event of any changes to the location of such cameras.
CC05	CCTV cameras shall monitor all areas used by premise patrons including any external smoking area to monitor numbers and prevent crime and disorder.
CC06	The CCTV covering any dedicated smoking area shall be fully installed and operational before the smoking area can be used.

CE CINEMATOGRAPHIC / FILM EXHIBITIONS

CE01	<p>Careful consideration should be given as the circumstances in which these conditions may be pertinent i.e. main use cinema or video juke boxes in pubs and clubs.</p> <p>No film shall be exhibited unless –</p> <p>(i) it has received a ‘U’, ‘PG’, ‘12A’, ‘15’ or ‘18’ certificate of the British Board of Film Classifications; or</p> <p>(ii) it is a current newsreel, which has not been submitted to the British Board of Film Classification;</p> <p>no film classified as R18 may be exhibited in these premises.</p>
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CE02	No person apparently under the age of eighteen years shall be admitted to any exhibition at which there is to be shown any film, which has received, a '18' certificate from the British Board of Film Classification. In such circumstances a "Challenge 25" policy should be adhered to and valid proof of age required before admittance.
CE03	No person apparently under the age of fifteen years shall be admitted to any exhibition at which there is to be shown any film which has received a '15' certificate from the British Board of Film Classification.
CE04	No person apparently under the age of twelve years shall be admitted to any exhibition at which there is to be shown any film, which has received a '12A' certificate from the British Board of Film Classification unless accompanied by an adult.
CE05	A representation or written statement of the terms of any certificate given by the British Board of Film Classification shall be shown on the screen immediately before the showing of any film to which it relates and the representation or statement shall be shown for long enough and in a form large enough for it to be read from any seat in the auditorium.
E06	There shall be prominently exhibited at each public entrance whenever the premises are open to the public a notice indicating in tabular form and in clear bold letters and figures – <ul style="list-style-type: none"> (i) The title of each film to be shown on that day, other than trailers and films of less than five minutes duration; (ii) The approximate times of commencement of each such film' (iii) Whether each such film has received a 'U', 'PG', '12A', '15' or '18' certificate from the British Board of Film Classification, and (iv) The effect of such 'U', 'PG', '12A' or '18' certificates in relation to the admission of persons under the age of eighteen years.
CE07	The notice shall be not less than 36 inches in dimensions and shall be in the form specified hereunder, the distinguishing initial letters 'U', 'PG', '12A', '15' and '18' being not less than 1½ inches in height. CATEGORY 'U': Passed for universal exhibition CATEGORY 'PG': Passed for universal exhibition but parents are advised that the film contains some scenes which may be unsuitable for young children. CATEGORY '12A': Passed as suitable only for exhibition to persons of twelve years and over. Children under 12 must be accompanied by an adult. CATEGORY '15': Passed as suitable only for exhibition to persons of fifteen years and over. CATEGORY '18': Passed as suitable only for exhibition to adults. When a programme includes an '18' film no persons under eighteen years can be admitted.
CE08	The nature of any certificate received in respect of a film from the British Board of Film Classification shall be clearly indicated by the figure 'U', 'PG', '12A', '15' or '18' in any advertisement of the film displayed at the premises.

CE09	No advertisement displayed at the premises of a film to be exhibited at the premises shall depict as a scene or incident in the film any scene or incident which is not included in the film as certified by the British Board of Film Classification or approved for exhibition by the Licensing Authority, as the case may be.
CE10	Where the Licensing Authority has given notice in writing to the licensee of the premises objecting to an advertisement on the ground that, if displayed, it would offend against good taste or decency or be likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling that advertisement shall not be displayed at the premises except with the consent in writing of the Licensing Authority.
CE11	Where the Licensing Authority has given notice in writing to the licensee of the premises prohibiting the exhibition of a film on the ground that it contains matter which, if exhibited, would offend against good taste or decency or would be likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling, that film shall not be exhibited in the premises except with the consent in writing of the Licensing Authority.
CE12	If the Licensing Authority request the licensee to exhibit to them any film shown or proposed to be shown by him, he shall do so at such time and to such persons as the Licensing Authority may direct.
CE13	No persons shall be permitted to enter or continue within the licensed premises in a state of intoxication. All persons within the premises whose conduct is deemed by the licensee to be conducive to any breach of the peace, tumult or disorder shall be forthwith removed there from. The licensee shall be responsible for the maintenance of good order and decent behaviour in the licensed premises, and he shall by himself and his servants assist to the utmost in the capture and expulsion of any offender.
CE14	There shall be fixed on each floor of the hall a special white signal light, to the approval of the Chief Constable, which shall be operated by a switch in the operator's box, and by a switch or switches fitted in an approved position in the hall. This light shall be used as a warning to attendants that an emergency exists and upon receiving the signal, attendants will take steps forthwith to control the movements of the audience and ensure the orderly and safe clearance of the hall.
<i>Conditions to be complied with when showing 'RESTRICTED' (18)' films</i>	
CE15	No films in the 'RESTRICTED (18)' category may be exhibited except in a cinema operating as a club in accordance with the conditions set out below.
CE16	No club showing films in the 'RESTRICTED (18)' category may operate in a multi-screen complex whilst persons under the age of 18 are being admitted to any performance given in that complex.
CE17	An exception may be made to the above condition only if the cinema club and all facilities adjacent thereto, including foyers, lavatories and refreshment areas, are wholly segregated and accessible only through a separate entrance and box office.

CE18	All registers of members and visitors books of their guests shall be available for immediate inspection by the Licensing Authority during any performance, or at any other reasonable time.
CE19	Tickets shall in no circumstances be sold to persons other than members.
CE20	Front of house advertising for films in the 'RESTRICTED (18)' category will specify the category in which the film has been passed for exhibition but will include no pictorial material or other information about the names of performers or the plot. Newspaper advertisements for an exhibition will be limited to the inclusion of the titles of such films in the film listings column together with the category in which the film has been passed for exhibition.
CE21	No persons under 18 years of age shall be employed in any capacity at licensed premises which are operating as cinema clubs showing films in the 'RESTRICTED (18)' category.
CE22	Except with the prior consent of the Licensing Authority in writing, no intoxicating drinks shall be consumed, supplied or sold on the premises.
CE23	<p>Membership rules for club cinemas shall include the following:</p> <ul style="list-style-type: none"> (i) only members and their guests shall attend exhibitions of moving pictures classified in the 'RESTRICTED (18)' category; (ii) Membership shall be open to persons of both sexes of not less than 18 years of age. Applications for membership, including both name and address, shall be in writing, signed by the applicant, and if deemed necessary such applications shall provide satisfactory references and proof of age; (iii) No person shall be admitted to membership until the expiration of at least 24 hours after such written application has been approved by the licensed proprietors; (iv) Members shall be entitled on any one day to bring not more than one guest to accompany the member and the name of the guest shall be entered in the visitor's book and countersigned by the member; (v) Tickets shall be sold only to members on the production of a membership card, and members shall, if required, sign an acknowledgement for the ticket or tickets issued; (vi) Membership cards shall be personal to the member and shall not be transferable to any other person; (vii) Neither membership tickets nor guest tickets shall be transferable; (viii) No member shall introduce as a guest any person under the age of 18 or any person whose application for membership has been refused; (ix) Proof of identity, or of age, or of any particulars of any guest shall be produced by any member or guest if demanded by the proprietors; (x) An annual subscription shall be fixed for the club and shall run for 12 months from the date of registration; (xi) A subscription may not entitle the club member to attend other clubs under the same management unless the prior consent of the Licensing authority has been obtained. (xii) On admission a member shall be bound by the rules of the club and by any byelaws and regulations made there-under.

CE24	For the purposes of these conditions ‘film’ means any exhibition of moving pictures produced otherwise than by the simultaneous reception and exhibition of television programmes broadcast by the British Broadcasting Corporation or the Independent Broadcasting Authority or programmes included in a cable programme service which is, or does not require to be, licensed under Section 4 of the Cable and Broadcasting Act 1984.
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CL CEILINGS	
CL01	All ceilings and ornamental plasterwork in those parts of the premises to which the public are admitted shall be inspected at least once in every five years by a qualified person appointed by, or on behalf of the occupier of the premises free of expense to the Licensing Authority, and a certificate concerning the conditions of such ceilings and plasterwork shall, after each inspection, be forwarded to the Licensing Authority. Such inspections shall be made in the presence of an authorised officer of the Licensing Authority.
CL02	The certificate required to be submitted by the previous paragraph of these conditions shall be in the following form:- “I/We hereby certify that the ceilings and ornamental plasterwork over all parts of the premises to which the public have access at (<i>insert name of premises</i>) have been inspected on (<i>insert date</i>) and these inspections indicate that such ceilings and plasterwork, so far as can be ascertained by visual or other examination, appear to be in a safe condition on this date”. Signed..... Competent Technical Advisor(s) to the Licensee(s). Date..... I/We hereby certify that I/We were present at the inspection referred to in this certificate and that the inspection was thoroughly carried out. Signed..... Technical Advisor(s) to the Licensing Authority. Date.....
CL03	It shall be competent for the Licensing Authority in any instance to require the provision of a certificate as the safe condition of the aforesaid ceilings and plasterwork at such lesser intervals than five years as the Licensing Authority deem necessary.

CV CHILDREN AND VULNERABLE PERSONS	
CV01	All children shall vacate the premises by (<i>insert time</i>) hours.
CV02	No person under sixteen years of age shall be in the bar of the licensed premises during the permitted hours unless one of the following applies: (i) He is the child of the holder of the premises licence; (ii) He resides in the premises, but is not employed there; (iii) He is in the bar solely for the purpose of passing to or from some part of the premises, which is not a bar, and to or from which there is no other convenient means of access or egress; (iv) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary. <i>In this condition “bar” includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual</i>

	<p><i>for it to be, and it is, set apart for the service of table meals and intoxicating liquor is only sold or supplied to persons as an ancillary to their table meals;</i></p> <p>(v) He is in the bar in the company of a person who is aged 18 years or over.</p>
CV03	All open fireplaces or stoves must be protected when in use so as to prevent injury to vulnerable members of the public such as children, such as by the use of suitable fireguards.
CV04	Children must be accompanied by a responsible adult.
CV05	Intoxicating liquor will only be sold and supplied to customers who are engaging in a sit down table meal, as an ancillary to that meal.
CV06	If the recipient of a delivery of alcohol or the collection or delivery of a takeaway meal, which includes alcohol, appears under 25 years of age, recognised photographic identification will be requested before any intoxicating liquor is handed over. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.
CV07	The premises licence holder shall ensure that suitable policies are implemented to ensure the safety of vulnerable persons, such as disabled persons, on the premises whilst the licensable activity is taking place.
CV08	The premises licence holder shall ensure that suitable measures are implemented to ensure the safety if disabled persons. Regard should be made to any particular aspect of the premises layout or nature of activities that may pose particular hazards for disabled persons.
CV09	<p>People with disabilities may be permitted, to sit in the auditorium in wheelchairs, other than petrol driven chairs, subject to the following conditions:</p> <p>(i) A section of the auditorium approved in writing by the Licensing Authority shall be set aside for the accommodation of wheelchairs;</p> <p>(ii) The section of the auditorium so set aside shall be easy and direct access to the open air through an exit door additional to any exit door provided for use by other members of the audience;</p> <p>(iii) Where a person with disabilities requires the assistance of a helper, that helper shall be seated close at hand and be able to push the wheelchair, with its occupant, out into the open air in case of emergency, without difficulty;</p> <p>(iv) Petrol driven wheelchairs shall not be permitted on the premises.</p>
CV10	The premise licence holder shall ensure that all open fireplaces or stoves must be protected when in use so as to prevent injury to vulnerable members of the public such as children, such as by the use of suitable fireguards.

CV11	The premises shall not be permitted to be used for any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children, which prohibited uses include, among other things, nudity or semi-nudity films for restricted age groups or any relevant entertainment (with the meaning of the third schedule to the Local Government (Miscellaneous Provisions) Act 1982 except where that is expressly permitted under a licence or waiver granted or given under that legislation.
CV12	There shall be no events for persons under 18 years of age
CV13	It shall be the responsibility of the premises licence holder, to ensure that an appointed person shall be in charge of the premises when regulated entertainment is taking place to ensure the safety of disabled persons on the premises.
CV14	A till prompt system shall be installed to assist staff by reminding them to challenge for ID when a sale is made.
CV15	Documented delegation of authorisations to sell alcohol shall be maintained at the premises and shall be available on request by an authorised officer of the Licensing Authority or a constable.

DA DRUG ACTION

DA01	Where there is reasonable suspicion that drugs, defined as Class A, B or C controlled substances under the Misuse of Drugs Act, or weapons are being carried, the premises licence holder shall ensure that the outer clothing, pockets and bags of those entering the premises are searched by door security personnel. In any event where controlled substances or weapons are found, the premises licence holder shall ensure that the designated premises supervisor or nominated person shall immediately inform the Police.
DA02	The premises licence holder shall ensure that a clearly visible notice will be placed on the premises advising those attending, that the Police will be informed if anyone is found in possession of controlled substances or weapons.
DA03	The premises licence holder shall ensure that documented security arrangements are implemented at the premises to discourage the sale and consumption of controlled substances. Security arrangements shall include having a member of staff regularly check toilet areas, the date and times of all checks to be recorded in a bound book kept for that purpose and to be produced upon request to an authorised officer of the Licensing Authority or a constable. Signage shall also be placed in the toilet areas advising patrons that checks are conducted regularly.
DA04	The premises licence shall ensure that, with regard to controlled substances, harm reduction information is displayed within the venue and that there are suitably experienced members of staff, or outreach workers

	from a local drugs agency, dedicated to providing harm reduction information and to dealing with drug related incidents or emergencies appropriately.
DA05	The premises licence shall ensure that rest facilities are provided when required, to the satisfaction of the Licensing Authority, which are cooler, quieter and preferably separate from the main dance area(s). These 'chill out' areas should offer adequate seating.

DC DOOR CONTROL / STEWARDING	
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DC01	Door supervisors who have been approved by the Security Industry Authority or any accreditation scheme recognised by the Licensing Authority, shall be used to vet customers and maintain public order. The vetting process must include implementation of the premises' proof of age policy. All door supervisors must ensure that identification bearing the customers photograph, date of birth and integral holographic mark or security measure is produced before allowing entry and where it is not, entry shall be refused. Suitable means of identification would include PASS approved proof of age card, photo-card driving licences and passports.
DC02	There shall be a minimum of <i>(insert number)</i> door supervisors, who have been accredited by the Security Industry Authority or any accreditation scheme recognised by the Licensing Authority, on duty from <i>(insert hours)</i> hours on each trading day and who shall remain on duty until the premises closes.
DC03	<p>[A] The premises licence holder shall ensure that the following details for each door supervisor, are contemporaneously entered into a bound register kept for that purpose:</p> <ul style="list-style-type: none"> (i) Full name; (ii) SIA Certificate number and or badge number, or registration number of any accreditation scheme recognised by the Licensing Authority (including expiry date of that registration or accreditation); (iii) The time they began their duty; (iv) The time they completed their duty. <p>This register is to be kept at the premises at all times and shall be so maintained as to enable an authorised officer of the Licensing Authority or a constable to establish the particulars of all door stewards engaged at the premises during the period of not less than 31 days prior to the request and shall be open to inspection by authorised officers of the Licensing Authority or a constable upon request.</p> <p>[B] The premises licence holder shall ensure that the following details for each door supervisor are entered into a bound register kept for that purpose to include the following details:</p> <ul style="list-style-type: none"> (i) Name (ii) Date of birth (iii) Address

	<ul style="list-style-type: none"> (iv) Contact telephone numbers (v) SIA Certificate number, or registration number of any accreditation scheme recognised by the Licensing Authority (vi) The full details of any agency through which they have been allocated to work at the premises if appropriate <p>These details should be easily accessible to any authorised officer of the Licensing Authority or a constable.</p>
DC04	<p>[A] The premises licence holder shall ensure that the following details for each door supervisor, are contemporaneously entered into a bound register kept for that purpose:</p> <ul style="list-style-type: none"> (i) Full name; (ii) SIA Certificate number and or badge number, or registration number of any accreditation scheme recognised by the Licensing Authority (including expiry date of that registration or accreditation); (iii) The time they began their duty; (iv) The time they completed their duty. <p>This register is to be kept at the premises at all times and shall be so maintained as to enable an authorised officer of the Licensing Authority or a constable to establish the particulars of all door stewards engaged at the premises during the period of not less than 31 days prior to the request and shall be open to inspection by authorised officers of the Licensing Authority or a constable upon request.</p> <p>[B] The premises licence holder shall ensure that the following details for each door supervisor are entered into a bound register kept for that purpose to include the following details:</p> <ul style="list-style-type: none"> (vii) Name (viii) Date of birth (ix) Address (x) Contact telephone numbers (xi) SIA Certificate number, or registration number of any accreditation scheme recognised by the Licensing Authority (xii) The full details of any agency through which they have been allocated to work at the premises if appropriate <p>These details should be easily accessible to any authorised officer of the Licensing Authority or a constable.</p>
DC05	<p>The premise licence holder shall require the Designated Premises Supervisor, or in his/her absence other responsible person, to keep an "Incident Report Register" in a bound book, in which full details of all incidents are recorded. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The register is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable when required.</p>

DC06	The premise licence holder shall require the designated premises supervisor, or in his/her absence other responsible person to identify by name, those persons performing duty as door security personnel to an authorised officer of the Licensing Authority or a constable.
DC07	The Door Stewards shall be responsible for preventing the admission and ensuring the departure from the premises of persons who are drunk and disorderly in such a manner as not to cause further disorder.
DC08	Door Stewards shall prevent access to the premises of any excluded individual (subject to Court bans or bans imposed by the licence holder).
DC09	Where queuing is allowed outside of a premises door steward(s) shall maintain an orderly queue of patrons.
DC10	Where there is provided in any building regulated entertainment for children, or regulated entertainment at which the majority of the persons attending are children, then, if the number of children attending the regulated entertainment exceeds one hundred, it shall be the duty of the person providing the entertainment to station and keep stationed, wherever necessary, a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the premises, or any part thereof, than the premises or part can properly accommodate, and to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and to take all reasonable precautions for the safety of the children.
DC11	In pursuit of the proper co-ordination of stewarding of the site and provision of the required level of assistance in the event of an emergency situation arising, the premises licence holder shall ensure that a suitably competent person from amongst the door supervisors/security staff is attached to the emergency services team at all appropriate times as a liaison point for stewards and security staff.
DC12	The minimum number of door supervisors provided at venues, holding regulated entertainment for less than 500 persons, shall be based on a risk assessment.
DC13	The minimum number of door supervisors provided at venues, holding regulated entertainment for more than 500 persons, shall be based on a risk assessment. The risk assessment shall follow the recommendations as laid out in the Health and Safety Executive's Event Safety Guide or any other similar guidance recognised by the Licensing Authority.
DC14	The premise licence holder shall ensure that appropriate measures are employed at the premises to verify the ages of customers obtaining alcohol. Any measures that are to be used shall be approved by the Licensing Authority in consultation with the Police.
DC15	<i>Please note that this condition is directed specifically at problem premises.</i> Door supervisors shall be provided at the premises to a ratio of 1:85 patrons. Where the premises incorporates a dedicated smoking area within

	its curtilage a minimum of <i>(insert number)</i> door supervisors shall permanently monitor the smoking area during <i>(insert appropriate hours)</i> .
DC16	A minimum of <i>(insert number)</i> door supervisors shall be permanently stationed at each entrance/exit [excluding fire exits] to the premises.
DC17	Door Supervisors shall be on duty at the premises on each trading day from <i>(insert commencement hours)</i> until <i>(insert terminal hours)</i> .
DC18	All door supervisors shall be capable of communicating instantly with one another by way of radio or other simultaneous system of communication.
DC19	<i>Please note that this condition is directed specifically at problem premises.</i> All door supervisors shall wear distinctive clothing or insignia to clearly identify them as door supervisors. Door supervisors on duty at the front door shall wear some form of 'high visibility' clothing (such as a jacket or waistcoat).
DC20	When licensable activities occur on a Sunday before a Bank Holiday, SIA registered door staff shall be employed during all trading hours.

EL ELECTRICAL FITTINGS AND INSTALLATIONS

EL01	Temporary electrical wiring and distribution systems shall not be provided without notification to the Licensing Authority at least 10 days before the commencement of works and a prior inspection by a suitably qualified electrician. A record shall be kept by the premises holder.
EL02	The fixed electrical wiring installation and any portable electrical appliances should be inspected and tested by a competent person at the appropriate frequency specified in the Regulations for the Electrical Equipment of Buildings issued by the Institution of Electrical Engineers (BS 7671 or any British Standard replacing or amending the same) for that type of premises and equipment. Records of this inspection shall be maintained by the licence holder and made available at the premises for inspection by any authorised officer of the Licensing Authority or a constable.
EL03	All temporary electrical wiring and distribution systems shall comply with the recommendations of British Standard No. 7671 or where applicable British Standard No. 7909 or any British Standard replacing or amending the same.
EL04	The premise licence holder shall ensure that a Residual Current Device protection, sensitive to tripping currents of not more than 30 milli-amperes, are fitted to all power circuits supplying sockets that may be used by entertainers / members of the public for plugging in electrical equipment. These should be regularly tested to ensure they are still functioning as required.
EL05	With regard to premises with outdoor areas, a Residual Current Device protection sensitive to tripping currents of not more than 30 milli-amperes, must be fitted to power circuits supplying outdoor sockets and also indoor sockets that might be expected, with the use of plug-in extension leads, to power outdoor circuits.

EL06	Proper means of access for maintenance of all electrical fittings or apparatus shall be provided.
EL07	<p>Electrical installation in areas used by members of the public shall be subject to the following:</p> <ul style="list-style-type: none"> (i) Any alterations made to electrical installations, including the use of temporary wiring and distribution systems, shall comply with the relevant edition of the Regulations for the Electrical Equipment of Buildings issued by the Institution of Electrical Engineers (BS 7671 or any British Standard replacing or amending the same). (ii) All electrical equipment and installations shall be subject to regular visual checks to ensure that they are safe and in good working order, as well as formal routine tests by a competent person as advised in the aforementioned BS 7671 guidance. (iii) A Residual Current Device protection sensitive to tripping currents of not more than 30 milli-amps, must be fitted to power circuits supplying outdoor sockets and also indoor sockets that might be expected, with the use of plug-in extension leads, to power outdoor circuits.

EX EXTERNAL AREAS	
EX01	The (<i>insert name of area i.e. beer garden, upper patio, etc</i>) shall only be open to customers (<i>insert days</i>) from (<i>insert commencement time</i>) until 22:00 hours. Adequate notices shall be displayed in appropriate locations to ensure that this information is brought to the attention of patrons.
EX02	All outside areas must be closed and cleared of customers by 22:00 hours. Adequate notices shall be displayed to inform patrons of this requirement.
EX03	The premises licence holder shall investigate and propose measures to enclose the garden area to a sufficient height to prevent patrons or members of the public accessing or egressing the garden areas over the existing boundary within 3 months of the date of the hearing (i.e. <i>insert date</i>). Such proposals to be implemented subject to the applicants' best endeavours to obtain planning permission. It is anticipated that the works to be completed within one year of the date of the hearing (i.e. by (<i>insert date</i>)).
EX04	A risk assessment shall be conducted and regularly reviewed to assess the numbers of persons that the outside area can safely accommodate. The premises licence holder shall ensure that there are measures in place to monitor the external area to ensure that a safe occupancy figure is not exceeded.

FA FIRST AID	
FA01	For events where it is anticipated that more than 100 persons will be in attendance or where an activity is taking place that is likely to give rise to personal injury (e.g. indoor sporting events/use of special effects/etc.), the premises licence holder shall ensure that first aid provision is available at all times that licensable activity is taking place and shall have a suitably qualified first-aider on the premises during that period.

FA02	The minimum standard of first aid provision for events of more than 500 persons shall be in accordance with a risk assessment. The risk assessment shall take into account the recommendations of the Health and Safety Executive's Event Safety Guide or any other guidance recognised by the Licensing Authority.
FA03	<p>The premises licence holder shall provide medical facilities, which are adequate for the purpose by the Ambulance Service. Details of the organisation of these services shall be provided to the Licensing Authority not less than 14 days prior to an event. The medical facilities shall include:</p> <ul style="list-style-type: none"> (i) Sufficient means of communication between the first aid post(s) and the main control point on the site and/or stewards, and an adequate standby point for ambulances; (ii) Adequate medical facilities within the pit area/backstage area; (iii) A facility within the concert area serving as the main medical facility provided by the approved contractor for medical facilities. <p>Persons wearing distinctive dress shall staff the first aid post(s), and the first aiders on site shall be available to offer assistance through the whole site.</p>
FA04	Individual toilet units, not available for general public use shall be sited adjacent to the first aid post(s).
FA05	The premises licence holder shall notify the Great Western Ambulance NHS Trust (or equivalent) of the first-aid operating on site, prior to the event and of the on site telephone contact point for the said agency. The Great Western Ambulance NHS Trust shall certify to the satisfaction of the Licensing Authority that adequate arrangements have been made with the first-aid agency operating on the site to deal with emergencies.
FA06	Adequate medical facilities shall be available on site from the time when it is first occupied by the public to the time when it is vacated. The level of provision shall be as advised by the Ambulance Service and the time at which the provision ceases shall be subject to the agreement of the Licensing Authority.

FE FIRE FIGHTING EQUIPMENT AND FIRE PRECAUTIONS

Please note that there are no conditions in this section as potential conditions have been superseded by the Regulatory Reform Order relating to Fire Safety.

GS GENERAL SAFETY AND EVACUATION

GS01	All doors and fastenings shall at all times be kept in proper working order.
GS02	Any door not usable by the public to be marked "PRIVATE", notices bearing the words "NO EXIT" or "NO WAY OUT" shall not be used.
GS03	A door or gate shall not open immediately upon a step or steps. A landing having a width of not less than 900 mm shall be provided between the door and gate and the step or steps.

GS04	Barriers for checking or controlling admission shall not be used without permission of the Licensing Authority.
GS05	Temporary barriers, other than rope barriers of a type approved by the Licensing Authority, shall not be provided. Rope barriers approved by the Licensing Authority shall be fitted with automatic catches or slip connections and shall be arranged so as not to trail on the floor when parted, and the fittings shall not project into the gangway or exit way.
GS06	Curtains shall not be hung across gangways or over staircases; where hung over doorways or across corridors they shall draw easily from the centre and slide freely and shall be clear of the floor. All hangings, curtains and temporary decorations shall be maintained in a flame retardant condition.
GS07	All curtains, hangings and temporary decorations are arranged so as not to cause any obstruction.
GS08	Any temporary decorations are not used without prior notification to the Licensing Authority.
GS09	Stairways, corridors or gangways shall not be used as cloakrooms and no pegs for hanging hats, cloaks or other articles shall be fitted therein. All escape routes shall be kept free of any obstruction. Where cloakrooms are provided, they shall be so situated that the persons using them shall not interfere with the free use of any exit route.
GS10	The public shall be permitted to leave by all exit and entrance doors after each performance, entrances being considered and treated as exits for all purposes, provided that they are not revolving doors or fitted with turnstiles.
GS11	Adequate means of escape shall be provided from all dressing rooms.
GS12	Gangways shall be of adequate width for the number of persons served, and in no case shall be less than 1.1 m wide.
GS13	There shall be no projection, which would diminish the clear width of the gangway.
GS14	No person shall be permitted to sit or stand in any gangway, unless by express permission of the Licensing Authority who shall stipulate the space allowed for standing and the number of persons permitted to stand.
GS15	Emergency exits will be kept clear of obstructions at any time when licensable activities are taking place.
GS16	A continuous handrail shall be securely fixed on each side of all staircases, steps and landings at a height of not less than 840 mm nor more than 1 metre, measured vertically from the pitch line, except that only one such handrail need be provided to such staircases, flights of steps or landings which are less than 1 m wide. Where a staircase is 1.8 metres or more in width, a central handrail shall, in addition, be provided, properly supported and secured to the steps.

GS17	The premises licence holder shall provide training for all staff to ensure that they are familiar with all means of ingress and egress and the appropriate procedures in case of any emergencies that require an immediate evacuation of the premises. A record of the training shall be maintained and shall be available upon request by an authorised officer of the Licensing Authority or a constable.
GS18	Paper decorations, not being decorations the whole surface of which is directly affixed to walls or ceilings, shall not be permitted.
GS19	Predetermined arrangements shall be made for alerting staff in the event of any emergency. These arrangements shall be of such a nature not to alarm the public.
GS20	All employees or persons involved in the organisation and control of events shall have allotted to them specified duties to be performed in the event of fire, panic or other emergency. Such duties shall aim at the avoidance of panic and the safe evacuation of the premises where necessary rather than the extinction of fire.
GS21	All exit doors shall be easily opened without the use of key, card, code or similar means.
GS22	Doors of such exits are to be regularly checked to ensure that the doors function satisfactorily and a record of the check is kept in a log book for that purpose.
GS23	Arrangements must be in place to ensure that all parts of the premises that members of the public may use, whether this be regularly or only in case of emergency are suitably illuminated during times of use (this includes internal and external areas, for example such as corridors, lobbies, emergency exits, car parks etc.)
GS24	Where the premises is part of a shared property and members of the public may require access through areas not under the direct control of the premises licence holder (such as escape routes), the premises licence holder must ensure that he has liaised with the appropriate persons and has in place such arrangements as are necessary to ensure that the safety of members of the public is not compromised by the use of these shared areas and that none of the other licensing conditions may be breached.
GS25	Where the premises, or parts of the premises may be hired out by third parties or be used by events promoters, the premises licence holder must ensure that there are appropriate arrangements in place that will ensure that as far as is possible, the third party is aware of the licensing conditions and has in place their own arrangements which will ensure that the licensing objectives are not compromised.
GS26	All traffic routes used by members of the public (including entrance ways, gangways, lobbies, corridors, passages and exit routes and all steps and stairways) should have: <ul style="list-style-type: none"> (i) Nosings of the treads of steps in a contrasting colour to the remainder of the tread. The nosings shall show up clearly under emergency lighting conditions; (ii) Any changes in level clearly visible to members of the public, such as by using contrasting colours or additional lighting; (iii) Mats more than 1 cm thick sunk to floor level unless of rubber with wide bevelled edges.

	A continuous handrail securely fixed on each side of all staircases, steps and landings which are less than 1 m wide. Where a staircase is 1.8 metres or more in width, a central handrail shall, in addition, be provided, properly supported and secured to the steps.
GS27	Heavy Fittings. Heavy fittings such as projectors, stage lights, etc., must have not less than two independent means of suspension e.g. clamp and chain.
GS28	Smoking Area. If patrons are to be allowed to use the area for smoking then the following conditions must apply: <ul style="list-style-type: none"> (i) The area must be adequately monitored by door staff and CCTV to ensure that patrons do not cause a nuisance, patrons do not obstruct access to adjoining premises and risk of crime and disorder in this area is adequately controlled; (ii) If there is a risk that patrons may acquire illegal items such as drugs or weapons whilst in this area then they must be searched before being allowed to re-enter the premises; (iii) Patrons must not be allowed to take drinks to the smoking area; (iv) The area must be provided with suitable ashtrays/bins, the use of which is monitored by door staff; (v) The area must be regularly swept to remove cigarette ends; (vi) Adequate arrangements must be made to prevent overcrowding or disorder on the (<i>insert location</i>), particularly if patrons exiting towards the smoking area whilst others are queuing for entrance in/on the (<i>insert location</i>).
GS29	All gangways, passages, staircases and exit ways must at all times be kept entirely free from chairs or any other obstructions and from any article of substance which may cause a person to slip, tip or fall.
GS30	Barriers for checking or controlling admission shall not be used save in accordance with a documented policy that includes the following: <ul style="list-style-type: none"> (i) Risk assessments; (ii) Details of type to include design, construction materials, size – e.g. height (iii) Precise location of all elements of the barrier <p>Said document having been provided to the Licensing Authority, to be kept with the licence records.</p>
GS31	The floors of all gangways, lobbies, corridors, passages and other exit routes and the tread of all steps and stairways shall be non-slippery and flat. The nosings of the treads of steps, changes of level and stairways shall be of a contrasting colour to the remainder of the tread. The nosings shall show up clearly under emergency lighting conditions. (premises may be exempt from this requirement where the premises is a listed building or similar).

GB GLASS / BOTTLES

GB01	The Licensee shall ensure that any bottles or glasses are removed from persons leaving the premises.
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GB02	No bottles containing beverages of any kind whether opened or sealed shall be given to customers on the premises for consumption by those persons on the premises whether at the bar or by staff service away from the bar.
GB03	The contents of any bottled beverage shall be decanted into a plastic / PTE / glass before service to any customer.
GB04	The premises licence holder shall ensure that all drinking glasses used within the premises are of toughened or safety glass to the appropriate safety standard, in that they shall not produce sharp shards when broken.
GB05	No customer carrying open or sealed beverage containers shall be admitted to the premises at such times as they are open to the public.
GB06	Bottles containing wine may only be sold in connection with a table meal to customers who are seated in an area of the consumption of food that is away from the main bar.
GB07	Items of glass-wear (such as glasses, bottles, etc) shall not be permitted in the outdoor area/dance-floor area [*delete as appropriate] .
GB08	Glazing. Windows and mirrors must be of safety glass or adequately protected from breakage, particularly when they are in safety critical locations. They must also be marked to make their presence obvious.
GB09	All beverages (including alcoholic and non alcoholic drinks) shall only be dispensed in polycarbonate, plastic or non-glass containers.
GB10	The contents of all glass bottles shall be decanted by bar staff into polycarbonate, plastic or non-glass containers. All glass bottles are to be retained behind the bar for safe disposal.
GB11	The premises licence holder shall ensure that any bottles or glasses are removed from persons leaving the premises.

HF LATE NIGHT REFRESHMENT [HOT FOOD]

HF01	<p>It shall not be lawful to make any charge for or in connection with the entertainment of persons in the refreshment house during the hours of late opening, whether for the supply of food or drink, for admission, for service of any description or for any other matter, except any reasonable charge for use of cloakroom or toilet facilities unless:</p> <p>(i) A tariff or charges made in the refreshment house is during those hours kept displayed in such position and in such manner that it can be conveniently read by person frequenting the refreshment house and can be so ready by any such person before entering; and</p> <p>(ii) The charge is specified for the matter in question in the tariff; and</p> <p>(iii) The charge is no more than that stated in the tariff</p>
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HF02	It shall not be lawful to seek to obtain custom for the refreshment house by means of personal solicitation outside or in the vicinity of the refreshment house.
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NP NOISE PRECAUTIONS	
NP01	<p><i>Whilst it is recognised that short-term exposure is unlikely to cause long term hearing damage, it is recognised that it may cause short-term health problems such as tinnitus, acoustic trauma or temporary threshold shift if the noise levels are excessive.</i></p> <p>The premises licence holder shall ensure that:</p> <p>(i) The speakers are not placed in positions where members of the public can stand within close proximity to them.</p> <p>(ii) Consumer-friendly signs that give advice about hearing protection shall be appropriately displayed.</p> <p>Earplugs are either available free of charge or that they are available for purchase by patrons.</p>
NP02	Amplified music shall not be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity.
NP03	Except for access and egress all doors and windows shall be kept closed during periods of entertainment associated with the Premises Licence.
NP04	No speakers for amplification of music shall be placed on the outside of the premises or on the outside of any building forming a part of the premises.
NP05	Alarms shall be fitted to (Specify location of external windows/fire doors) to alert staff when (they are) (it is) opened without authorisation.
NP06	No music or speech shall be relayed via external speakers other than for events where the prior approval of the licensing authority has been obtained.
NP07	The specification, location and orientation of all permanently fixed speakers shall be agreed with an authorised officer of the Licensing Authority.
NP08	No repositioning or replacement of speakers or any amplification equipment shall be carried out without consultation with and the agreement of an authorised officer of the Licensing Authority.
NP09	Noise from music and associated sources shall not be audible in noise sensitive premises <i>(between the hours of 23.00 and 07.00 the next day) (at any time).</i>
NP10	In order to improve the sound attenuation of the premises the <i>(doors(s)) (window(s))</i> at <i>(specify)</i> shall be fitted with <i>(double) (secondary)</i> glazing to the satisfaction of the Licensing Authority by <i>(insert date)</i> .
NP11	<i>(Doors) (Windows) (Openings) (Ventilators) (Airbricks (fans))</i> in the external fabric of the premises shall be acoustically <i>(sealed) (treated)</i> to the satisfaction of the Licensing Authority by <i>(insert date)</i> .

NP12	A (sound trap lobby/acoustic door/automatic door closer) shall be installed at (describe the location) to the satisfaction of the Licensing Authority by (insert date).
NP13	Noise limiting devices If officers of the Caerphilly County Borough Council witness noise at a level that causes unreasonable disturbance to the occupants of any properties in the vicinity then a noise-limiting device shall be used in relation to all sound amplification equipment used in conjunction with the premises.
NP14	A noise limiting device shall be used in relation to all sound amplification equipment used in conjunction with the premises licence.
NP15	The noise limiting device shall be installed and set at a level approved by the Licensing Authority (<i>in consultation with the Pollution Control Section of the Caerphilly County Borough Council</i>) within 1 month of notification, for its requirement, from either the Licensing Authority or the Pollution Control Section of the Caerphilly County Borough Council.
NP16	The noise limiting device can only be reset with the authority of an officer of the Caerphilly County Borough Council.
NP17	The noise limiting device shall be reset by an officer of the Caerphilly County Borough Council, if deemed necessary.
NP18	The noise limiting device shall be properly secured so that it can not be tampered with.
NP19	Monitoring The manager, licence holder or other competent person shall carry out observations in the vicinity of the properties at (<i>insert location</i>), on at least (<i>insert time period e.g. hourly</i>) intervals between (<i>insert start time</i>) and (<i>insert finish time</i>) whilst the Premises Licence is being exercised in order to establish whether there is a noise breakout from the premises. If the observation reveals noise breakout at a level likely to cause disturbance to the occupants of properties in the vicinity then the volume of music shall be reduced to a level that does not cause disturbance. A record of such observations shall be kept in a book for that purpose, such a book shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise breakout and any action taken to reduce noise breakout. Such book to be made available at all times upon request to an authorised officer of the Licensing Authority or a constable.
NP20	Sound Insulation Works A detailed scheme of sound insulation works shall be submitted to and approved in writing by the Licensing Authority. The approved details shall be implemented in full prior to the commencement of the premises licence.
NP21	A report shall be submitted detailing and recommending a scheme of sound insulation works for the separating structure between the licensed premises and the (<i>adjacent</i>) residential use (<i>above</i>). The report shall consider: the potential for noise breakout from the building and the volume and nature of the music likely to be

	desired by the premises. The report shall be approved in writing by Caerphilly County Borough Council. All recommended works shall be completed prior to the commencement of the premises licence.												
NP22	A report shall be submitted detailing the potential for noise from (<i>specify</i>) (<i>amplified music</i>) (<i>refrigeration</i>) (<i>ventilation</i>) (<i>air conditioning plant</i>) (<i>other</i>) at the premises from affecting neighbouring noise sensitive properties at (<i>insert address</i>). If the assessment indicates that noise from the premises is likely to affect neighbouring noise sensitive properties then the report shall include a detailed scheme of noise mitigation to show that nuisance will not be caused to the occupiers of neighbouring noise sensitive properties from the licensed premises.												
NP23	The report shall be approved in writing by Caerphilly County Borough Council and all recommended works completed prior to the commencement of the premises licence.												
NP24	All entrances are lobbied with 2 separate self-closing doors.												
NP25	All internal speakers are attached to independent wall linings and not to the ceiling.												
NP26	All speakers are mounted on speaker brackets that incorporate isolating rubber mounts.												
NP27	Any bass bins are installed within acoustic enclosures that isolate the speaker from the building structure.												
NP28	The premises licence holder shall take all reasonable steps to ensure that patrons using any outside areas (<i>such as terraces and beer gardens</i>) do so in a quiet and orderly fashion.												
NP29	Noise from premises shall not result in exceedances of the following noise levels expressed as [<i>x minute LAeq</i>] at [<i>stated location</i>]. <table border="1" data-bbox="300 1305 1386 1447"> <thead> <tr> <th>Frequency Range</th> <th>From a hours to b hours</th> <th>From y hours to z hours</th> </tr> </thead> <tbody> <tr> <td>(Whole range)</td> <td>x dBA</td> <td>y dBA</td> </tr> <tr> <td>(63Hz octave band)</td> <td>x dB</td> <td>y dB</td> </tr> <tr> <td>(125 Hz octave band)</td> <td>x dB</td> <td>y dB</td> </tr> </tbody> </table>	Frequency Range	From a hours to b hours	From y hours to z hours	(Whole range)	x dBA	y dBA	(63Hz octave band)	x dB	y dB	(125 Hz octave band)	x dB	y dB
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NP30	Sound Insulation Works A detailed scheme of sound insulation works shall be submitted to and approved in writing by the council through an authorised officer of the Pollution Control Team. The approved works shall be provided in full prior to commencement of any regulated entertainment should the Premises Licence be granted.												
NP31	A report shall be submitted detailing and recommending a scheme of sound insulation works for the partition between the licensed premises and adjacent residential usage. The report shall also consider the noise leakage from the building and also consider the volume and nature of the music likely to be desired by the premises. The report shall be submitted to and approved in writing by the council through an authorised officer of the Pollution Control Team and all recommended works carried out in full prior to the commencement of any regulated entertainment should the Premises Licence be granted.												

	<p><i>Guidance</i></p> <p><i>The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of PPG 24 Planning Policy Guidance: Planning and Noise, BS4142: 1997. 'Method of rating industrial noise affecting mixed residential and industrial areas' and BS 8233: 1999 'Sound Insulation and Noise Insulation for Buildings – Code of Practice'.</i></p> <p><i>The recommended design criteria for dwellings are as follows:</i></p> <p><i>Daytime (07.00 – 23.00) LAeq (16 hours) 35 dB & Noise Rating Curve NR35 in all rooms. Nighttime (23.00 – 07.00) LAeq (8 hours) 30 dB & Noise Rating Curve NR20 to NR25 in bedrooms.</i></p>
NP32	<p>(i) A report shall be submitted detailing the potential for noise from (<i>insert – amplified music, refrigeration, heating, ventilation and air conditioning plant etc</i>) at the premises from affecting neighbouring noise sensitive properties at (<i>insert</i>).</p> <p>(ii) If the assessment indicates that noise from the premises is likely to affect neighbouring noise sensitive properties then it shall include a detailed scheme of noise mitigation measures to show that nuisance will not be caused to the occupiers of neighbouring noise sensitive properties by noise from the licensed premises.</p> <p>(iii) The report shall be submitted to and approved in writing by the council through an authorised officer of the Pollution Control Team and all recommended works carried out in full prior to the commencement of any regulated entertainment should the Premises Licence be granted.</p> <p><i>Guidance</i></p> <p><i>The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of PPG 24 Planning Policy Guidance: Planning and Noise, BS4142: 1997. 'Method of rating industrial noise affecting mixed residential and industrial areas' and BS 8233: 1999 'Sound Insulation and Noise Insulation for Buildings – Code of Practice'.</i></p> <p><i>The recommended design criteria for dwellings are as follows:</i></p> <p><i>Daytime (07.00 – 23.00) LAeq (16 hours) 35 dB & Noise Rating Curve NR35 in all rooms. Nighttime (23.00 – 07.00) LAeq (8 hours) 30 dB & Noise Rating Curve NR20 to NR25 in bedrooms.</i></p>
NP33	In order to improve the sound attenuation of the premises the [<i>doors/windows</i>] at [<i>specify</i>] shall be fitted with [<i>double/secondary</i>] glazing to the satisfaction of an authorised officer of the Pollution Control Team.
NP34	[<i>Openings/specify</i>] in the external fabric of the premises must be acoustically sealed to the satisfaction of an authorised officer of the Pollution Control Team.
NP35	A [<i>sound trap lobby / acoustic door / automatic door closer</i>] shall be installed at [<i>describe the location</i>] to the satisfaction of an authorised officer of the Pollution Control Team.

NP36	<p>Noise Limiting Device <i>Limiters required from commencement of Premises Licence – this condition may be required where representations are submitted or if the licence is being reviewed.</i></p> <ul style="list-style-type: none"> (i) A noise limiting device shall be used in relation to all sound amplification equipment used in conjunction with the Premises Licence. (ii) The noise limiting device shall be installed and set at a level approved by the council through its authorised environmental health officer prior to the opening of the premises in conjunction with the premises licence. (iii) The noise limiting device shall be properly secured so that it can not be tampered with. (iv) The noise limiting device shall only be reset with the authority of the council through an authorised officer of the Pollution Control Team. <p>If deemed necessary, the noise limiting device shall be reset to a level approved by the council through an authorised officer of the Pollution Control Team within 14 days of notification.</p>
NP37	<p><i>(Condition regarding limiter only triggered if nuisance witnessed)</i></p> <ul style="list-style-type: none"> (i) If officers of the council witness noise at a level that causes unreasonable disturbance to the occupants of any properties in the vicinity then a noise limiting device shall be used in relation to all sound amplification equipment used in conjunction with the Premises Licence. (ii) The noise limiting device shall be installed and set at a level approved by the council through an authorised officer of the Pollution Control Team within 1 month of notification, for its requirement, from the Licensing Authority. (iii) The noise limiting device shall be properly secured so that it can not be tampered with. (iv) The noise limiting device shall only be reset with the authority of the council through an authorised officer of the Pollution Control Team. (v) If deemed necessary, the noise limiting device shall be reset to a level approved by the council through an authorised officer of the Pollution Control Team within 14 days of notification.
NP38	<p><i>(Limiter already set)</i></p> <ul style="list-style-type: none"> (i) A noise limiting device shall be used in relation to all sound amplification equipment used in conjunction with the Premises Licence. (ii) The noise limiting device shall be kept at the settings approved by the council through an authorised officer of the Pollution Control Team on <i>(Date)</i>. (iii) The noise limiting device shall be properly secured so that it can not be tampered with. (iv) The noise limiting device shall only be reset with the authority of the council through an authorised officer of the Pollution Control Team. (v) If deemed necessary, the noise limiting device shall be reset to a level approved by the council through an authorised officer of the Pollution Control Team within 14 days of notification.

NP39	<p>Monitoring</p> <p>(i) The manager, licensee or other competent person shall carry out observations in the vicinity of the properties at [insert], on at least [insert] intervals between [insert] and [insert] whilst live music, karaoke or DJ's playing recorded music is taking place to establish whether there is a noise breakout from the premises.</p> <p>(ii) If the observation reveals noise breakout at a level likely to cause disturbance to the occupants of properties in the vicinity then the volume of music shall be reduced to a level that does not cause disturbance.</p>
NP40	<p>(i) A record of such observations shall be kept in a book for that purpose, such a book shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise breakout and any action taken to reduce noise breakout.</p> <p>(ii) Such book to be made available at all times upon request to a police officer or an officer of the local authority.</p>
NP41	<p>One off Events</p> <p>The organiser shall appoint a suitably qualified and experienced noise control consultant approved by the council through an authorised officer of the Pollution Control Team no later than (insert) weeks prior to the event. The noise control consultant shall liaise between all parties including the promoter and sound engineer and the Licensing Authority etc on all matters relating to noise control prior to and during the event. The consultant must be experienced in noise propagation and control, particularly from music events.</p>
NP42	<p>The control limits set at the mixer position shall be adequate to ensure that Music Noise Level (MNL) shall not exceed LAeq (15 mins) of (insert) over a 15 minute period at the nearest noise sensitive premises throughout the duration of the event.</p>
NP43	<p>A noise propagation test shall be undertaken at a time to be agreed prior to the start of the event in order to set appropriate control limits at the sound mixer position. The sound system shall be configured and operated in a similar manner as intended for the event.</p>
NP44	<p>The organiser shall ensure that the promoter, sound supplier and all individual sound engineers are informed of the sound control limits.</p>
NP45	<p>A logging noise level meter shall remain at the mixing desk so that the noise consultant and sound engineers can ensure that the predetermined noise levels are not exceeded. The results of the monitoring shall be provided to the Licensing Authority within 10 working days following the event.</p>
NP46	<p>During the events the noise consultant shall monitor noise levels at (insert) and at any other sites deemed necessary by the council during the event.</p>
NP47	<p>The consultant shall be able to contact the mixer desk and advise the sound engineer accordingly to ensure that the Licensing Authority can contact the consultant and sound engineer throughout the events and during the sound checks. The results of the monitoring shall be provided to the Licensing Authority within 10 working days following the event.</p>

NP48	The exact times of all sound checks and performances shall be submitted to, and approved by the Licensing Authority no later than 10 working days before the events. (In order to prevent disturbance to the occupiers of (insert) no sound checks shall be carried out before (insert hours).
NP49	Details of the time, date and duration of set up and dismantling of the stage and other associated noise generating activities (refuse disposal, provision and emptying of toilets, generators, etc.) outside the times of the performances shall be submitted to, and approved by the Licensing Authority no later than 10 working days before the events.
NP50	All local residents likely to be affected by noise from the event shall be informed in writing as to: (i) The exact times of all performances and sound checks. (ii) A contact name and telephone number should they wish to make a complaint of noise.
NP51	The occupiers of premises, detailed below, shall be informed in writing, no later than 10 days before the event of the exact times that the event will operate and a contact name and telephone number should they wish to make a complaint of noise (insert addresses).
NP52	Whilst the event is being held, the licensee, event organiser or other competent person shall carry out observations in the immediate area around the event, to assess the level of noise. Should such observations confirm that noise is disturbing to the occupiers of premises in the vicinity, then appropriate steps shall be taken to control noise levels in order to prevent disturbance to local residents.
NP53	Orientation of speakers be such that all sound is directed away from residential properties and towards (insert).
NP54	Customer Noise Except for access and egress all doors and windows shall be kept closed after (insert) hours.
NP55	Clear notices displayed at all points where customers leave the building must instruct them to respect the needs of local residents and leave the premises and the area quietly.
NP56	The (garden/patio) must not be used by customers after the hours of (insert).
NP57	The car park must be securely locked to prevent access to customers cars between (insert) and (insert) providing the locking of the car park does not effect any means of escape or any evacuation plan.
NP58	There shall be no consumption of beverages purchased from the premises outside of the premises.
NP59	There shall be no consumption of beverages in any outside areas/specific after (insert) hours.
NP60	Any outdoor areas to (the front/rear of) the premises must not be used by customers or staff after 22.00 hours.

NP61	The premises supervisor, manager or other competent person shall manage any outdoor area to ensure that customers do not behave in a noisy, rowdy or offensive manner.
NP62	Clear notices must be displayed at prominent points in all outdoor areas (informing them as to the requirements of points (insert and insert i.e. no drinks, hours of use, above and) requesting that they respect the needs of local residents and behave in a quiet and orderly manner.
NP63	A clear notice shall be displayed at any exit to the premises to instruct customers to respect the needs of local residents and leave the premises and the area quietly.
NP64	There shall be no consumption of beverages purchased from the premises in open containers outside at the front of the premises.
NP65	No inflatable play equipment shall be used without the agreement of the Licensing Authority with respect to its hours of use and other conditions as may be appropriate.
NP66	<p>Noise from plant and equipment Noise from any ventilation, refrigeration or air conditioning plant or equipment shall not cause nuisance to the occupants of any properties in the vicinity. Recommendation:</p> <ol style="list-style-type: none"> a) The rating level of any noise from any fixed plant shall not exceed the background noise level by more than 0dB at the nearest noise sensitive property as determined by BS 4142: 1997 Method of rating industrial noise affecting mixed residential and industrial areas at any time. b) Anti vibration mounts should be used to isolate plant from fixed structures and a flexible connector used to connect the flue to the fan if there is a potential to transmit vibration to any noise sensitive property. Any systems will also need regular maintenance so as to reduce mechanical noise. <p><i>Guidance on the above can be gained at 'Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust System' published electronically by Department for Environment, Food and Rural Affairs. Product Code PB10527.</i></p>
NP67	Signage. Signs shall be prominently displayed at the premises requesting that patrons respect local residents and leave the premises quietly.

OA OPEN AIR REGULATED ENTERTAINMENT

Unique conditions will be attached to an open air event to meet the specific requirements of the Licensing Authority or its Responsible Authorities dependent on the site, the type of entertainment to be held and the anticipated audience.

PP PERFORMANCE OF PLAYS – ONLY APPLICABLE IF AUDIENCE IN EXCESS OF 500 PEOPLE

PP01	All scenery which expression includes all cloths, draperies, gauze cloths, hangings, curtains, fabric decorations and all floral decorations, and all properties of whatsoever kind on the stage shall be non-flammable and shall be available for test by officers of the Fire Authority.
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PP02	Scenery (except that in use for the current production) shall only be kept in an appropriate scene and property store.
PP03	Ropes attached to counterweights shall be tested by a competent person appointed by the premises licence holder at such intervals as may be necessary to guard against failure, and in any event not less than once every twelve months.
PP04	Where smoking is essential to the action of the performance, such additional precautions as may be required by the Licensing Authority shall be strictly observed.
PP05	The safety curtain to the proscenium opening shall be lowered and raised in the presence of each audience.
PP06	In the event of the safety curtain being out of order, the licensee shall immediately notify the Chief Fire Officer.
PP07	Whenever the safety curtain is lowered, sufficient lights shall be immediately lighted to give good general illumination of the auditorium.
PP08	No scenery or apparatus of whatsoever kind shall at any time during the performance cross the plane of descent of the safety curtain, or in any circumstances interfere with its descent.
PP09	Except with the consent of the Licensing Authority scenery or properties shall not be placed on the auditorium side of the safety curtain.

PS PREMISES – SECURITY

PS01	Outdoor lighting shall be positioned, so far as is reasonably practicable, so as to limit its intrusion into residential accommodation in the vicinity of the licensed premises whilst maintaining an adequate level of lighting for the safe access and egress of customers and persons employed at the premises.
PS02	The premises licence holder shall ensure that the car park of the premises shall be illuminated at all appropriate times but that outdoor lighting shall be positioned, so far as is reasonably practicable, so as to limit its intrusion into residential accommodation in the vicinity of the licensed premises whilst maintaining an adequate level of lighting for the safe access and egress of customers and persons employed at the premises.
PS03	The premises licence holder shall ensure that the barrier to the car park shall be properly secured at all appropriate times, providing that securing of the barrier does not effect any means of escape or any evacuation plan.
PS04	The premises holder shall ensure that the burglar alarm shall be maintained and implemented at the premises.
PS05	The premises holder shall ensure that the premises are a member of any locally operating Pub Watch Scheme.

PS06	The premises licence holder shall ensure that signage is appropriately displayed in the premises advising all customers not to leave any belongings unattended.
PS07	The premises licence holder shall ensure that a documented search policy is implemented at the premises. Any searches shall only be conducted by same sex. Staff training is to be given in the correct procedures and records are to be kept in a bound book. All documentation shall be produced to an authorised officer of the Licensing Authority or a constable upon request.
PS08	Drugs and weapons seized will be placed in a locked receptacle set aside for this purpose. The means for securing or unlocking the receptacle will be retained by the premises licence holder or the designated premises supervisor or in their absence any other responsible person. A record shall be made of the seizure, the time, date and by whom, and to whom the items were handed on to in a bound book specifically kept for that purpose. Such a book to be produced to an authorised officer of the Licensing Authority or a constable upon request. The premises licence holder shall make suitable arrangements with the Police for the collection of any seized items.
PS09	<i>This condition is aimed at problematic premises</i> Hand held metal detecting scanners shall be in use at the premises during all trading hours, other metal detecting scanners may be used such as fixed metal detectors at all entrances. Detectors shall be operated by door supervisors or by suitably trained staff when no door supervisors are on duty, and such detectors shall be operative when any licensable activity is taking place. Fixed detectors shall be installed to the satisfaction of the Licensing Authority and the Police.
PS10	An incident report logbook shall be held at the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable immediately upon request. It shall contain the details of persons involved, incident description, time and date, actions taken and final outcome of the situation.
PS11	Spirits shall be located (insert location), and all other alcoholic beverages to be located on display in such a position that it is not obscured from the constant view of the cashier / staff by other fixtures. (If this is reasonably practical because of refrigeration or other limitations, the Licensing Authority shall be consulted regarding other suitable locations in the premises).
PS12	The requirement for the presence of a security officer shall be subject to consultation and review with the Licensing Authority and the Police. On those occasions when security staff are deemed to be required they shall be at the premises between the hours of (insert hours) hours daily.
PS13	The need for security guards shall be assessed by the licence holder / designated premises supervisor on a regular basis and security guards shall be employed when and where the assessment requires. However, as a minimum, one dedicated SIA registered (or other accredited scheme recognised by the Licensing Authority) security guard shall be employed at the premises.
PS14	The premises licence holder shall provide contact details for any security personnel employed at the premises to an authorised officer of the Licensing Authority or a constable upon request.

PW POLICE LISASON, PUB WATCH OR SIMILAR SCHEMES	
PW01	The premises licence holder shall ensure participation in any Pub Watch or similar scheme operating in the locality of the licensed premises.
PW02	Subject to reasonable notice being given which save in an emergency shall be not less than seven days, the premises licence holder shall ensure attendance at any meeting convened by the Police to discuss any matters relating to the premises.

RL RADIO LINKS	
RL01	The premises shall be incorporated into Storenet, or Pub Watch, or similar scheme operating within Caerphilly County Borough Council
RL02	The radio equipment shall be kept in working order at all times.
RL03	The radio equipment shall be made available to and be monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public.
RL04	Any Police instruction / direction received via the radio scheme shall be complied with whenever given.
RL05	All instances of crime or disorder are reported via the radio equipment by the designated premises supervisor or a responsible member of staff to an agreed Police contact point.

SA CONTROLS FOR SALE OF ALCOHOL	
SA01	All staff to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instances when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or a constable.
SA02	<p>(a) An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as 'Challenge 25' whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.</p> <p>Publicity materials notifying customers of the operation of the Challenge 25 scheme shall be displayed at the premises, including a Challenge 25 sign of at least A5 size at the entrance to the premises and where practicable at each point of sale.</p>

SA03	The premises licence holder shall be required to designate a premises supervisor, or in his / her absence another responsible person, to keep an 'incident / refusals' logbook in a bound book in which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The logbook is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable when required.
SA04	The premises shall be cleared of customers within 30 minutes of the last supply of alcohol on any day.
SA05	Intoxicating liquor will only be sold and supplied to customers who are engaging in a sit down table meal, as an ancillary to that meal.
SA06	All staff with a responsibility for supplying or selling alcohol shall be vigilant in preventing adults buying alcohol on behalf of persons who are under 18 and will refuse such sales where they suspect that this may be about to occur.
SA07	All staff with a responsibility for supplying or selling alcohol shall be vigilant in preventing adults buying alcohol on behalf of persons who are under 18 and will refuse such sales where they suspect that this may be about to occur, subject to the exemptions under Section 149 (5) of the Licensing Act 2003 which allows beer, cider or wine to be purchased for an individual aged 16 or 17, providing the beer, cider or wine is for consumption with a table meal and that a person aged 18 or over is accompanying the individual.

SE PROVISIONS RELATING TO ADULT ENTERTAINMENT

SE01	Striptease or adult types of entertainment will only take place in designated areas approved by the Licensing Authority. Arrangements for access to the dressing room shall be approved by the Licensing Authority and shall be maintained at all times whilst striptease is taking place and immediately thereafter.
SE02	Whilst striptease entertainment is taking place, no person aged under the age of 18 will be allowed on that part of the licensed premises where the striptease entertainment is taking place and such part must not be visible from other parts of the premises. A clear notice shall be displayed at each entrance to the premises in a prominent position so that it can be easily read by persons entering the premises on the following terms:- 'No person under 18 years will be admitted'.
SE03	Dancers not performing must not be in a state of undress in any area in which the public have access.
SE04	Dancers shall only perform on the stage area or to seated customers.
SE05	Performers shall be aged not less than 18 years.

SE06	The premises licence holder must not permit the display outside of the premises of photographs or other images which indicate and suggest that striptease or similar dancing takes place on the premises.
SE07	There shall be at least (insert number) registered door supervisor(s) on the premises when the striptease entertainment is taking place.
SE08	There shall be no physical contact between customer and the performer before, during or after the performance other than the placing of money or tokens into the hands of the dancer, or by the placing of notes by the customer in a garter worn by the performer for that purpose.
SE09	The premises licence holder, performer and any person concerned in the organisation or management of the entertainment shall not encourage, or permit encouragement of the audience to throw money at or otherwise give gratuities to the performers (other than in accordance with SE08 above).
SE10	The performer shall at all times wear, for females, a g-string and males appropriate clothing to cover their genitalia adequately and the clothing shall not be transparent or removed.
SE11	No performer shall at any time reveal any part of their genitalia or anus.
SE12	No sex act shall take place.
SE13	The area proposed for striptease shall: <ul style="list-style-type: none"> (a) Be in a position where the performance cannot be seen from the street. (b) Be in a designated area of the premises with segregation from the audience. (c) Be in a position where the performers will have direct access to the dressing room without passing through or in close proximity of the audience.
SE14	The entertainment shall be given only by performers / entertainers and the audience shall not be permitted to participate.
SE15	Persons appearing on stage shall go directly between the dressing room and designated performance area without passing through or in close proximity to the audience.
SE16	Striptease / exotic / adult entertainment dancers (including table side / lap / pole dancers) must immediately dress at the conclusion of each performance.
SE17	Entertainment provided by topless (only) dancers to customers seated at tables may only take part in those parts of the premises approved by the Licensing Authority. No audience participation shall be permitted.
SE18	Should a customer attempt to touch a dancer, the dancer must withdraw and report the matter to her / his manager / supervisor.
SE19	No telephone number, address or information leading to any further meeting may be passed from customer to dancer or vice versa.

SE20	No dancer may perform if they are intoxicated.
SE21	No member of the public shall be admitted or allowed to remain in the dance area if they appear to be intoxicated.
SE22	All members of the public shall remain seated in the dance area other than when they arrive, depart, visit the toilet or go to the bar.
SE23	Signs must be displayed at the entrance to the dance area stating: 'Any customer attempting to make physical contact with a dancer will be asked to leave', Signs must be sufficient in size, legible and positioned so as to be read by all customers entering the dance area.
SE24	No dancer shall perform any sexually explicit or lewd act.
SE25	Whilst dancing takes place not less than (insert agreed number) of Door Supervisors registered Security Industry Authority or other accredited scheme recognised by the Licensing Authority shall be employed in the part of the premises used for dancing unless alternative arrangements are approved by the Licensing Authority.
SE26	CCTV shall be installed to cover all areas where dancing will take place. All cameras shall continually record whilst the premises are open to the public.
SE27	Striptease entertainment or any exotic entertainment involving full nudity shall not be permitted at the premises.
SE28	The premises shall not be permitted to be used for any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children which prohibited uses include, among other things, nudity or semi-nudity, films for restricted age groups or any relevant entertainment (with the meaning of the third schedule to the Local Government (Miscellaneous Provisions) Act 1982) except where that is expressly permitted under a licence or waiver granted or given under that legislation.

Conditions to be complied with when showing 'RESTRICTED (18)' Films

No films in the 'RESTRICTED (18)' category may be exhibited in a cinema operating as a club in accordance with conditions CE16 – CE25

SF SANITARY FACILITIES

SF01	Adequate sanitary accommodation shall be provided at the premises in accordance with either the District Surveyors Technical Standards for places of entertainment or the BS6465 standard for sanitary provisions or any British Standard replacing or amending the same.
SF02	In respect of temporary sanitary facilities the premises licence holder shall ensure that the servicing of sanitary accommodation takes place on a continuous basis throughout the event to ensure the sanitary accommodation is kept in a usable condition at all times when the public require it to be available.

SF03	In respect of temporary sanitary facilities the premises licence holder shall ensure that the removal of sewage takes place hygienically and appropriately at the conclusion of the event or as required.
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ST SEATING	
ST01	In any part of the premises which is regularly used for a closely-seated audience all seats shall be securely fastened to the floor. In premises not so regularly used chairs, if provided, shall be securely fastened together in lengths of not less than four nor more than twelve chairs whenever more than 200 persons are to be accommodated. There shall be a space of not less than twelve inches between the back of one seat and the front of the one behind, measured in perpendiculars, provided that in premises erected before 4 October 2948; the space shall be not less than may be allowed by the Licensing Authority. Except with the consent of the Licensing Authority, no seat shall be more than 4 metres from a gangway. Any upholstered seating and furniture which is either purchased, provided or replaced during the period of the licence shall meet the current British Standard. All upholstered seating and furniture shall be properly maintained and be in good condition.

SM SMOKING AREAS	
SM01	Dedicated smoking areas within the curtilage of premises. The smoking area shall be permanently monitored by a minimum of (insert number) SIA or other accredited scheme recognised by the Licensing Authority registered door staff during (insert hours) hours. The amount of people in this area will not exceed (insert occupancy number) persons; this shall be monitored with (insert method of monitoring occupancy number) from a position (insert positions from which monitoring is to take place). The numbers and location shall be permanently monitored by a SIA or other accredited scheme recognised by the Licensing Authority registered (or other accredited scheme recognised by the Licensing Authority) door staff located at (insert location from which door staff can conduct this duty).
SM02	<i>This condition is aimed at problematic premises where there are external smoking areas which may be viewed as areas of potential concern</i> Where smoking areas within curtilages of premises abut areas to which the public have access then the following condition will be deemed as appropriate. (a) A safety netting, mesh or screen (of a gauge that satisfies the requirements for the 50% rule for enclosed space walling under smoking legislation), shall be fitted and maintained in order to prevent objects being passed from the outside into the smoking area. (b) Intoxicating liquor shall not be permitted into the access walkways leading to and within the smoking area. (c) Any bottle or bin stores located near an external smoking facility shall be enclosed and secured. (d) There shall be no furniture in the outside areas, with the exception of the appropriate wall mounted receptacles for tobacco waste materials.

	<p>(e) Public access areas outside of the smoking area shall have PIR lights operated and maintained in order to draw attention to persons moving around outside the smoking area.</p> <p>(f) Calculations regarding the smoking area shall be deemed as forming a part of the premises licence</p> <p>(g) The smoking area shall be thoroughly cleaned, provided with adequate lighting and painted so as to clearly designate this area as the smoking area.</p> <p>(h) The floor of the smoking area shall be level.</p> <p>(i) An adequate number of wall-mounted ashtrays shall be provided in the smoking area.</p> <p>(j) Staff shall be instructed to clean the smoking area and adjacent pavements of smoking-related litter before and after each period of use.</p>
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SX SPECIAL EFFECTS, NOVEL AND ONE OFF PROMOTIONS	
SX01	<p>(a) All special effects, equipment and mechanical installations shall be selected, arranged, stored and used so as to minimise any risk to the safety of the audience, performance and staff. This must be on the basis of a written risk assessment.</p> <p>(b) 'Special effects' include: Dry ice machines, cryogenic fog machines, smoke machines and any other type of fog generators, pyrotechnics including fireworks, explosives and other highly flammable substances, real flame, firearms, motor vehicles, strobe lighting, lasers, foam, any other unusual or novel effect.</p> <p>(c) Furthermore written permission must be sought from the licensing authority <u>before</u> using any of the above – for the first time and after any significant changes have been made to the venue, usage of the effect or the equipment itself.</p>
SX02	No outdoor fireworks or other pyrotechnics shall be used other than with the prior consent of an officer of the Pollution Control Team.
SX03	A documented risk assessment of promotional or one-off 'entertainment' events shall be conducted by the management of the venue and such risk assessment shall be available upon request by an authorised officer of the council or the Police. Promotional or one-off events shall be notified to the Licensing Authority and the Police at least one month prior to the proposed event.
SX04	Use of premises by third parties. Where the premises, or parts of the premises may be hired out by third parties or be used by events promoters, the premises licence holder must ensure that there are appropriate procedures in place that will ensure that as far as possible, the third party is aware of the licensing conditions and has in place their own procedures / arrangements which will ensure that the licensing objectives are not compromised.
SX05	Except where expressly permitted no lasers, smoke producing effects, light shows (strobe lights) or pyrotechnics shall be used at any time when licensable activity is taking place.

SX06	Except where expressly permitted, explosives or highly flammable substances shall not be brought on to or used in the premises at any time when any licensable activity is taking place.
SX07	Acts and performances. No act or performance where there may be a risk of injury from fire; falling objects or people; impact; moving equipment; animals or any other source should take place within the venue unless it is done safely and without risk to the public. Control measures must be decided on the basis of a written risk assessment, which must be submitted to the Licensing Authority at least 14 days before the event. Written permission of the Licensing Authority must be given before the act or performance can go ahead.
SX08	Unless the express consent of the Licensing Authority is obtained and subject to any conditions attached to such consent, no person shall give at the premises (otherwise than as provided by Section 5 of the Hypnotism Act 1952) any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any person any form of induced sleep or trance in which the susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.

TL TELEPHONE	
TL01	The premises licence holder shall ensure the designated premises supervisor, or nominated deputy in their absence, provides unhampered use of a telephone on the premises for use in an emergency, while licensable activity entertainment is taking place, in premises that do not have the benefit of a permanent phone installation then a mobile phone must be available.

TR TRAINING	
TR01	The premises licence holder shall provide training for all staff to ensure that they are familiar with all means of ingress and egress and the appropriate procedures in case of any emergencies that require an immediate evacuation of the premises. A record of the training shall be maintained and shall be available upon request by authorised members of the Licensing Authority or a constable.
TR02	All staff are to be trained with respect to underage sales, such training to be updated as necessary when legislation changes and should include training in how to refuse sales to difficult customers.
TR03	A record of all staff training shall be maintained at the premises and made immediately available upon request to an authorised office of the council or the Police. The documentation relating to training should extend back to a period of three years and should specify the time, date and details of the persons both providing the training and receiving the training.

VN VENTILATION

VN01	All parts of the licensed premises used by members of the public shall be effectively and suitably ventilated by a sufficient quantity of fresh or purified air. The air within the premises shall be maintained at a reasonable and comfortable temperature immediately before and during their use by patrons. Guidance on this should be sought from Guide B 'Heating, Ventilation, Air conditioning and Refrigeration' issued by the CIBSE (Chartered Institute for Building Services Engineers) or any document replacing the same.
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WM WASTE MANAGEMENT / ODOURS

WM01	No accumulation of combustible rubbish, dirt, surplus material or stored goods shall be permitted to remain in any part of the premises except in an appropriate place and of such quantities so as not to cause a nuisance, obstruction or other safety hazard.
WM02	The premises licence holder shall ensure that adequate measures are in place to prevent the escape of odours from the premises. This includes odour from food preparation and refuse storage.
WM03	The licence holder shall ensure that adequate measures are in place to remove litter or waste arising from their customers and to prevent such litter from accumulating in the immediate vicinity of their premises. In particular, where necessary the premises licence holder shall ensure that adequate measures are in place to provide customers with sufficient receptacles for the depositing of waste materials such as food wrappings, drinks containers, smoking related litter, etc.
WM04	The premises licence holder shall ensure that a sufficient number of suitable receptacles are located in appropriate locations for the depositing of waste materials such as food wrappings, drinks containers, smoking related litter, etc. by customers.
WM05	The premises licence holder, premises supervisor or event manager, shall ensure that measures shall be put in place to remove litter or waste arising from customers and to prevent such litter from accumulating in the immediate vicinity of the premises or neighbouring premises.
WM06	An adequate number of waste receptacles for use by patrons shall be provided in positions agreed with the Licensing Authority and it shall be the responsibility of the licensee to empty and dispose of the collected refuse at a frequency to be agreed with the Licensing Authority.
WM07	Activities relating to the on site disposal (including placing into external receptacles) and collection of refuse, bottles and recyclable materials shall only take place between (insert hours and days as necessary).
WM08	The collection of refuse, bottles and recyclable materials shall only take place (insert hours and days as necessary).

WM09	Activities relating to deliveries shall only take place between (insert hours and days as necessary).
WM10	<p>Odour from any flue used for the dispersal of cooking smells serving the building shall not cause nuisance to the occupants of any properties in the vicinity.</p> <p>Recommendation:</p> <p>It is recommended that any flues for the dispersal of cooking smells shall either:</p> <p>(a) Terminates at least 1 metre above the ridge height of any building in the vicinity, with no obstruction of upward movement of air or;</p> <p>(b) Have a method of odour control such as activated carbon filters, electrostatic precipitation or inline oxidation.</p> <p><i>Guidance on the above can be gained at 'Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust System' Published electronically by Department for Environment, Food and Rural Affairs, Product Code PB10527.</i> http://www.defra.gov.uk/environment/noise/research/kitchenexhaust/pdf/kitchenreport.pdf</p>
WM11	The premises licence holder shall ensure that all packaging provided with takeaway food is marked in some way as to show its point of origin.
WM12	Foul water arising from the operation of the premises shall be disposed of in an appropriate manner.
WM13	Where a premises i.e. mobile unit is regularly removed from site the premises licence holder shall ensure that site is properly cleaned and that any accumulations of surface grease are properly cleansed and removed from the site.



COUNCIL – 17TH NOVEMBER 2015

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

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

-
- 1.1 The attached report, which informs Members of the result of consultation carried out to review the Statement of Gambling Licensing Policy, was considered by the Licensing Committee on 24th September 2015, prior to its presentation to Council.
 - 1.2 The Gambling Act 2005 requires the Licensing Authority to 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 2013.
 - 1.3 In reviewing the Policy, the Authority has consulted with relevant bodies and individuals and invited comments from residents and businesses throughout the county borough. No responses have been received arising from the consultation process. Regard has been given to legislative changes, together with the Guidance issued by the Gambling Commission, and reflected in the revised Policy (as appended to the report). Revisions of note included the updating of the Equalities section to reflect the introduction of the Welsh Language (Wales) Measures 2011, together with a requirement for operators to conduct risk assessments to identify local risks to the licensing objectives and ensure that appropriate procedures and control measures are in place to mitigate those risks.
 - 1.4 Collaboration has also been undertaken with neighbouring authorities, comprising of the Gwent Licensing Forum, in developing the revised Policy, which address common themes affecting all authorities (but not local issues or considerations particular to each authority). Members were advised that an issue had been raised in respect of online gambling but this is not in the Council's remit to address.
 - 1.5 Following consideration of the report, the Licensing Committee unanimously recommended to Council that for the reasons contained therein, the revised Statement of Gambling Licensing Policy be approved.
 - 1.6 Members are asked to consider the recommendation.

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

Appendices:

Appendix 1 Report to Licensing Committee on 24th September 2015 – Agenda Item 6

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LICENSING COMMITTEE – 24TH SEPTEMBER 2015

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

REPORT BY: CORPORATE DIRECTOR, SOCIAL SERVICES

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.

2. SUMMARY

- 2.1 In accordance with the Gambling Act, 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 2013.

3. LINKS TO STRATEGY

- 3.1 The Statement of Licensing Policy contributes to the Prosperous, Healthier, and Safer Caerphilly Priorities within the Caerphilly Local Service Board single integrated plan, Caerphilly Delivers and also contributes to a number Objectives under the Council's Strategic Equality Plan 2012.

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.
- 4.2 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. Public Notices have also been placed in a local newspaper and on the Council's website. No responses have been received as a result of the consultation process.
- 4.3 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 only addressed common themes affecting all authorities and did not address local issues or considerations particular to each authority.

4.4 The amendments of any significance are as follows:

4.4.1 The relevant section of the policy which addresses Equalities has been updated to reflect the introduction of the Welsh Language (Wales) Measures 2011.

4.4.2 Additional detailed information on certain aspects of the Gambling Act which has been set out in annexes to the revised policy which include:

- Access restrictions to gambling premises (Annex 3)
- Gaming machine categorisations (Annex 4)
- Mandatory and Default conditions, which relate to premises licences. (Page 15 and Annex 5)

4.4.3 Inclusion of information released in February 2015 in relation to the Licensing Conditions and Codes of Practice (LCCP) document by the Gambling Commission (referenced section 6 page 29 of policy) which introduces new measures with effect from April 2016 which includes:

- The revised LCCP that strengthens the 'Social Responsibility' (SR) obligations placed on gambling premises operators to put in place schemes to allow customers to self-exclude themselves from all operations of a similar type in the area where they live and work. (Section 6, page 29 of policy)
- A range of measures in respect of marketing to ensure that it is transparent and not misleading.
- A requirement for operators to conduct risk assessments to identify local risks to the licensing objectives and to ensure that appropriate procedures and control measures are in place to mitigate those risks. (Section 6, page 29 of policy)

The LCCP document can be accessed via the following link to the Gambling Commission web site:- <http://www.gamblingcommission.gov.uk/pdf/Latest-LCCP-and-Extracts/Licence-conditions-and-codes-of-practice.pdf>

4.4.4 Implementing the Determination of the Magistrates Court set out in the current policy has not been addressed in the revised policy as such determinations cannot be affected or altered by policy.

4.5 Appendix 1 to this report is the revised Statement of Licensing Policy, which is recommended for adoption. Following consideration by this Committee, the Policy will be presented to Council for final approval.

5. EQUALITIES IMPLICATIONS

5.1 There are no potential equalities implications of this report and its recommendations on groups or individuals who fall under the categories identified in Section 6 of the Council's Strategic Equality Plan.

6. FINANCIAL IMPLICATIONS

6.1 There are no financial implications.

7. PERSONNEL IMPLICATIONS

7.1 There are no personnel implications.

8. CONSULTATIONS

- 8.1 Details of consultees on the amended policy are listed in Annex 1 of the attached policy document. No responses have been received as a result of the public consultation process.
- 8.2 This report has been sent to the Consultees listed below and all comments received are reflected in this report.

9. RECOMMENDATIONS

- 9.1 That the Committee consider and offer any comment to Council on the revised Statement of Licensing Policy.

10. REASONS FOR THE RECOMMENDATIONS

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

11. STATUTORY POWER

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

Author: Myra McSherry, Licensing Manager
Consultees: Councillor J Bevan, Chair, Licensing Committee
Councillor D Preece Vice Chair, Licensing Committee
Councillor Nigel George, Cabinet Member for Community & Leisure Services
Dave Street, Corporate Director, Social Services
Rob Hartshorn, Head of Public Protection
Jacqui Morgan, Trading Standards, Licensing and Registration Services Manager
Gail Williams, Interim Head of Legal Services and Monitoring Officer
David A. Thomas, Senior Policy Officer (Equalities and Welsh Language)
Mike Eedy, Finance Manager
Trish Reardon, HR Services 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

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CAERPHILLY COUNTY BOROUGH COUNCIL

GAMBLING ACT 2005

STATEMENT OF LICENSING POLICY

Approved: *DATE*** 2015**
Commencement: 1st January 2016

**Licensing Section
Caerphilly County Borough Council
Ty Penallta
Tredomen Park
Ystrad Mynach
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**Mae'r cyhoeddiad hwn ar gael yn Gymraeg ac mewn ieithoedd neu
fformatau eraill ar gais.**

INDEX

Ref.	CONTENTS	Page
1.	STATEMENT OF LICENSING POLICY	3
1.1	Introduction	3
1.2	Equalities and Human Rights	3
1.3	Profile of Caerphilly County Borough	4
1.4	Purpose	4
1.5	Licensing Authority Functions	5
1.6	Consultation	6
1.7	Responsible Authorities	6
1.8	Interested Parties	6
1.9	Exchange of Information	7
1.10	Enforcement	8
1.11	Fundamental Rights	8
1.12	Partnership and Integrated Planning	9
2.	PREMISES LICENCES	9
2.1	General Principles	9
2.2	Definition of Premises	10
2.3	Appropriate Licence Environment	11
2.4	Premises “ready for gambling”	12
2.5	Location	12
2.6	Planning	13
2.7	Duplication with other Regulatory Regimes	13
2.8	Licensing Objectives	14
2.9	Localised Information Sharing	15
2.10	Conditions	15
2.11	Door Supervisors	17
2.12	Adult Gaming Centres	17
2.13	(Licensed) Family Entertainment Centres	17
2.14	Casinos	18
2.15	Bingo Premises	18
2.16	Betting Premises	18
2.17	Tracks	19
2.18	Travelling Fairs	20
2.19	Provisional Statements	21
3.	PERMITS/TEMPORARY AND OCCASIONAL USE NOTICES	22
3.1	Unlicensed Family Entertainment Centre Gaming Machine Permits	22
3.2	(Alcohol) Licensed Premises Gaming Machine Permits	22
3.3	Prize Gaming Permits	23
3.4	Club Gaming and Club Machines Permits	24
3.5	Temporary Use Notices	25
3.6	Occasional Use Notices	26

Ref.	CONTENTS	Page
4.	SMALL SOCIETY LOTTERIES	26
5.	DECISION MAKING	27
5.1	Administration, Exercise and Delegation of Functions	27
5.2	Appeals Procedure	27
5.3	Giving Reasons for Decisions	27
5.4	Complaints against Licensed Premises	27
5.5	Reviews	28
6.	LICENSING CONDITIONS AND CODES OF PRACTICE	29
7.	FURTHER INFORMATION	31
Annex		
Annex 1	Policy consultees	32
Annex 2	Responsible authorities	33
Annex 3	Access restrictions to gambling premises	35
Annex 4	Gaming machine categorisation	36
Annex 5	Mandatory, default and premises specific conditions	38
Annex 6	Delegation of functions	45
Annex 7	Definitions	47

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 1.

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

This Policy Statement takes effect on 31st January 2016. 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 Equalities Act 2010 introduced measures to tackle discrimination encountered by disabled people in certain areas including employment, and access to goods, facilities and services. 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, BSL 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.

1.2 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 178,800 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.

1.3 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.

1.4 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, 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.

1.5 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.

1.6 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.

1.7 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 and medical practices.

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, parish 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.

1.8 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 1998 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.

1.9 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 issued in February 2015 (or any subsequent amendments) '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.

1.10 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.

1.11 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.

1.12 Partnership and Integrated Planning.

Welsh Government statutory guidance entitled “Shared Purpose, Shared Delivery: guidance on integrating partnerships and plans”, requires Local Service Boards (LSBs) (consisting of Local Authority and partners) to rationalise partnerships and integrate plans to identify priority issues for the local community and deliver actions which achieve outcomes. The Caerphilly LSB and partners have produced “Caerphilly Delivers”, their Single Integrated Plan, and are delivering actions to achieve a more Prosperous, Safer, Healthier, Learning and Greener Caerphilly.

These integrated planning requirements will be superseded in April, 2016, when the requirements of the Well-being of Future Generations (Wales) Act, 2015 are implemented and Public Service Boards replace LSBs.

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 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.

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 which commenced in May 2015 placed further onus on premises to complete a risk assessment (Social Responsibility Code 10.1.11). The Council will have regard to this code when considering applications. This is covered in detail at point 6 on page 27

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 subdivisions 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.

Guidance, LCCP and the SR code 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:

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 Duplication with other Regulatory Regimes:

The Council seeks to avoid any duplication with other statutory/regulatory systems where possible, including planning. The Council will not consider whether a licence application is likely to be awarded planning permission or building regulations approval in its consideration of it. It will though listen to, and consider carefully, any concerns about conditions, which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, the Council will not take into account whether those buildings have to comply with the necessary planning or building consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

2.8 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:

2.8.1 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.

2.8.2 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 18 in this policy statement.

2.8.3 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.

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.

This Council may consider measures to meet this licensing objective such as:

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

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

2.9 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

2.10 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. 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.

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.

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

2.11 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.

2.12 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.

2.13 (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 Council will refer to the Commission's website in respect of conditions that apply to operating licences (issued by the Gambling Commission) covering the way in which the area containing the category C machines

should be delineated. This Council will also take in to account any mandatory or default conditions as appropriate.

2.14 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

2.15 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.

2.16 Betting Premises

Betting machines:

The Act provides that a machine is not a gaming machine if it is designed or adapted for use to bet on future real events. Betting premises may make

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

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.

2.17 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.

Gaming Machines:

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 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.

2.8 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.

It has been noted that 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.

2.9 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

3.1 Unlicensed family entertainment centre Gaming Machine Permits

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 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

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 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 to seek further advice.

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 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 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 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 2015 (LCCP)

The Gambling Commission released an LCCP in February 2015 with a commencement date of May 2015. The code strengthened the social responsibility code (SR) requirements. Details regarding the LCCP and SR code can be accessed via the Gambling Commission website at www.gamblingcommission.gov.uk

The code requires operators;

- To supervise customers effectively on gambling premises and identify customers who are at risk of gambling related harm.
- With effect from April 2016 operators will have in place schemes to allow customers to self-exclude themselves from all operations of a similar type in the area where they live and work.
- To have a range of measures with regard to marketing to ensure social responsibility in that they are transparent and not misleading.
- With effect from 6 April 2016 produce risk assessments

Risk Assessments are to be conducted by operators on individual premises and that policies, procedures and control measures are in place to mitigate local risks to the licensing objectives. In making risk assessments, licensees must take into account any relevant matters identified in the licensing authority's statement of licensing policy. Licensees must review (and update as necessary) their local risk assessments:

- to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- when applying for a variation of a premises licence;
- in any case, undertake a local risk assessment when applying for a new premises licence.

Operators are required by the SR code to make the risk assessment available to licensing authorities when an application is submitted either for new premises licence or variation of a premises licence, or otherwise on request. Consideration of the risk assessment this will form part of the council's inspection regime and may also be requested when officers are investigating complaints.

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

This list is not exhaustive and other factors not in this list but are identified by the licence holder must be taken into consideration.

The Council expects that operators will regularly review and update the risk assessment and produce it upon request to any authorised officer of the Council. Further the Council anticipates that existing premises licence holders will undertake risk assessments as a matter of good practice and commitment to the promotion of the licensing objectives.

7. FURTHER INFORMATION

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

**Licensing Section
Caerphilly County Borough Council
Ty Penallta
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
Gwent Magistrates
Health and Safety Executive
Health Board
Neighbour Hood Watch (via Police CADRO)
Community and Town Councils
All Licensed Premises and Club Premises Certificate Holders
General Public - via web site and advertisement in newspaper
CCBC – Community Safety
CCBC – Equalities
CCBC – Legal
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

RESPONSIBLE AUTHORITIES

RESPONSIBLE AUTHORITY CONTACT DETAILS

Responsible Authority	Contact Details
Gambling Commission	Victoria Square House Victoria Square Birmingham B2 4BP
HMRC	National Registration Unit (Betting and Gaming) Portcullis House 21 India Street Glasgow G2 4PZ
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 Regeneration and Planning Planning Division Caerphilly County Borough Council Ty Dyffryn Dyffryn Industrial Estate Ystrad Mynach CF82 7FP 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 Ty Penallta 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 Ty Penallta Tredomen Park Ystrad Mynach CF82 7PG Tel: 01443 864744 E-mail: Quality,Planning&ChildProtectionTeam@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.

Gaming Machine Categorisation

Machine category	Maximum stake (from January 2014)	Maximum prize (from January 2014)	Permitted premises
A	Unlimited	Unlimited	Regional Casino
<u>B1</u>	£5	£10,000 (with the option of a maximum £20,000 linked progressive jackpot on a premises basis only)	Large Casino, Small Casino, Pre-2005 Act casino and Regional Casinos
<u>B2</u>	£100	£500	Betting premises and tracks occupied by pool betting and all of the above
<u>B3</u>	£2	£500	Bingo premises, Adult gaming centre and all of the above
B3A	£2	£500	Members' club or Miners' welfare institute only
<u>B4</u>	£2	£400	Members' club or Miners' welfare club, commercial club and all of the above.
<u>C</u>	£1	£100	Family entertainment centre (with Commission operating licence), Qualifying alcohol licensed premises (without additional gaming machine permit), Qualifying alcohol licensed premises (with additional LA gaming machine permit) and all of the above.

Machine category	Maximum stake (from January 2014)	Maximum prize (from January 2014)	Permitted premises
<u>D money prize</u>	10p	£5	Travelling fairs, unlicensed (permit) Family entertainment centre and all of the above
<u>D non-money prize (other than crane grab machine)</u>	30p	£8	All of the above.
<u>D non-money prize (crane grab machine)</u>	£1	£50	All of the above.
<u>D combined money and non-money prize (other than coin pusher or penny falls machines)</u>	10p	£8 (of which no more than £5 may be a money prize)	All of the above.
<u>D combined money and non-money prize (coin pusher or penny falls machine)</u>	20p	£20 (of which no more than £10 may be a money prize)	All of the above.

MANDATORY CONDITIONS

The following mandatory conditions shall be attached to every premises licence:

1. The summary of the terms and conditions of the premises licence issued under section 164(1)(c) of the 2005 Act shall be displayed in a prominent position within the premises.
2. The layout of the premises shall be maintained in accordance with the plan.
3. The premises shall not be used for:
 - (a) the sale of tickets in a private lottery or customer lottery, or
 - (b) the sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited(a).

In addition to the above the following mandatory conditions will apply to:

Casinos and Horse Race Courses Premises Licences:

At the time of developing this policy there were no casinos or horse race courses within the Caerphilly area. As a consequence mandatory conditions have not been listed for these premises. Information on these mandatory conditions will be available from the Gambling Commission.

Bingo Premises Licences:

1. A notice stating that no person under the age of 18 years is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises.
2. No customer shall be able to enter the premises directly from any other premise in respect of which one of the following permissions has effect-
 - (a) a casino premises licence;
 - (b) an adult gaming centre premises licence;
 - (c) a betting premises licence other than a track premises licence; and
3. Any area of the premises to which category B and C gaming machines are located-
 - (a) shall be separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for the purpose;
 - (b) shall be supervised at all times to ensure children or young persons or both do not enter the area; and
 - (c) shall be arranged in such a way that ensures all parts of the area can be observed by the persons mentioned in sub-paragraph

- (3) The reference to supervision in this paragraph means supervision by-
 - (a) one or more persons whose responsibilities include ensuring children or young persons or both do not enter the area; or
 - (b) closed circuit television which is monitored by one or more persons whose responsibilities include ensuring that children or young persons or both do not enter the area.
 - (4) A notice stating that no person under the age of 18 years is permitted to enter the area shall be displayed in a prominent place at the entrance to any area of the premises in which Category B or C gaming machines are made available for use.
4. (1) In the case of a charge for admission to the premises, a notice of that charge shall be displayed in a prominent place at the principal entrance to the premises.
 - (2) In the case of any other charges in respect of gaming, a notice setting out the information in sub-paragraph (3) shall be displayed at the main point where payment for the charge is to be made.
 - (3) The notice in sub-paragraph (2) shall include the following information –
 - (a) the cost (in money) of each game card (or set of game cards) payable by an individual in respect of a game of bingo;
 - (b) in respect of each game card (or set of game cards) referred to in paragraph (a) the amount that will be charged by way of a participation fee for entitlement to participate in that game; and
 - (c) a statement to the effect that all or part of the participation fee may be waived at the discretion of the person charging it.
 - (d) The notice may be displayed in electronic form.
 - (e) A reference in this paragraph to a charge in respect of gaming does not include an amount paid for an opportunity to win one or more prizes in gaming to which section 288 of the 2005 Act (meaning of “prize gaming”) applies.
5. (1) The rules of each type of game that is available to be played the premises other than games played on gaming machines shall be made available to customers within the premises.
 - (2) The conditions in sub-paragraph (1) may be satisfied by -
 - (a) displaying a sign setting out the rules;
 - (b) making available leaflets or other written material containing the rules; or
 - (c) running an audio-visual guide to the rules prior to any bingo game being commenced.
6. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.

Adult Gaming Centre Premises Licences:

1. A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.
2. No customer shall be able to access the premises directly from any other premises in respect of which a licence issued under Part 8 of the Act, or a permit issued under Schedule 10, 12 or 13 to the Act, has effect.
3. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.
4.
 - (1) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises.
 - (2) A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises.

Family Entertainment Centre Premises Licences:

1. No customer shall be able to access the premises directly from any other premises in respect of which one of the following premises licences has effect -
 - (a) a casino premises licence;
 - (b) an adult gaming centre premises licence;
 - (c) a betting premises licence other than a track premises licence.
2. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.
3.
 - (1) Where Category C gaming machines are made available for use on the premises, any area of the premises in which those machines are located
 - (a) shall be separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for the purpose;
 - (b) shall be supervised at all times to ensure children or young persons or both do not enter the area; and
 - (c) shall be arranged in such a way so as to permit all parts of the area to be observed by the persons mentioned in sub-paragraph (2).

- (2) The reference to supervision in this paragraph means supervision by -
 - (a) one or more persons whose responsibilities include ensuring children or young persons or both do not enter the area; or
 - (b) closed circuit television which is monitored by one or more persons whose responsibilities include ensuring that children or young persons or both do not enter the area.
- (3) A notice stating that no person under the age of 18 years is permitted to enter the area shall be displayed in a prominent place at the entrance to any area of the premises in which Category C gaming machines are made available for use.
- 4. (1) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises.
- (2) A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises.

Betting Premises Licences (other than Track Premises Licences):

- 1. A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises
- 2. (1) Access to the premises shall be from a street or from other premises with a betting premises licence.
- (2) Without prejudice to sub-paragraph (1), there shall be no means of direct access between the premises and other premises used for the retail sale of merchandise or services.
- 3. Subject to anything permitted by virtue of the 2005 Act, or done in accordance with paragraphs 4, 5, 6 and 7 below, the premises shall not be used for any purpose other than for providing facilities for betting.
- 4. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or betting machine in order to do so.
- 5. No apparatus for making information or other material available in the form of sounds or visual images may be used on the premises, except for apparatus used for the following purposes -
 - (a) communicating information about, or coverage of sporting events, including -
 - (i) information relating to betting on such an event; and

- (ii) any other matter or information, including an advertisement, which is incidental to such an event.
 - (b) communicating information relating to betting on any event (including the result of the event) in connection with which betting transactions may be or have been effected on the premises.
- 6. No publications, other than racing periodicals or specialist betting publications, may be sold or offered for sale on the premises.
- 7. No music, dancing or other entertainment shall be provided or permitted on the premises, save for entertainment provided in accordance with paragraph 5.
- 8. (1) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises.

(2) A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises.
- 9. A notice setting out the terms on which customers are invited to bet on the premises shall be displayed in a prominent place on the premises to which customers have unrestricted access.

All Track Premises Licences:

- 1. No customer shall be able to access the premises directly from any other premises in respect of which one of the following premises licences has effect (a) a casino premises licence;

(b) an adult gaming centre premises licence.
- 2. A notice stating that no person under the age of 18 is permitted to bet on the premises shall be displayed in a prominent place at every public entrance to the premises.
- 3. The terms on which a bet may be placed must be displayed in a prominent place within the premises to which customers wishing to use facilities for betting have unrestricted access.
- 4. The premises licence holder shall make arrangements to ensure that betting operators who are admitted to the premises for the purpose of accepting bets -

(a) will be operating under a valid operating licence; and
(b) are enabled to accept such bets in accordance with -

- (i) the conditions imposed under sections 92 (general betting operating licence) or 93 (pool betting operating licence) of the 2005 Act, or
 - (ii) an authorization under section 94 (horse-race pool betting operating licence) of that Act.
5. The premises licence holder shall make arrangements to ensure that reasonable steps are taken to remove from the premises any person who is found to be accepting bets on the premises otherwise than in accordance with the 2005 Act.
 6. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.

Track Premises Licence in respect of premises that are dog-racing tracks:

1. A totalisator on the premises shall only be operated -
 - (a) whilst the public are admitted to the premises for the purposes of attending dog races and no other sporting events are taking place on the premises; and
 - (b) for effecting with persons on the premises betting transactions on dog races taking place on the premises.
2. (1) At any time during which the totalisator is being lawfully used on the premises –
 - (a) no betting operator or betting operator’s assistant shall be excluded from the premises by reason only of the fact that he proposes to accept or negotiate bets on the premises; and
 - (b) there shall be made available on the premises space for betting operators and betting operators’ assistants where they can conveniently accept and negotiate bets in connection with dog races run on the premises on that day.
 (2) This paragraph is without prejudice to section 180 (pool betting on dog races) of the 2005 Act.
3. For the purposes of this Part, “totalisator” means the apparatus for betting known as the totalisator or pari mutual, or any other machine or instrument of betting of a like nature, whether mechanically operated or not.

DEFAULT CONDITIONS:

Default conditions are attached to premises licence in the same way as mandatory conditions but an applicant can apply for these conditions to be excluded or varied. Default conditions shall apply unless the licensing authority decides to exclude them, in which case the authority can impose alternative conditions relating to the same matter. These powers can apply to

all premises licences, or class of licence, or to licences in specified circumstances.

Casinos and Horse Race Courses Premises Licences:

At the time of developing this policy there are no casinos or horse race courses within the Caerphilly area. As a consequence default conditions have not been listed for these premises. Information on the default conditions are available from the Gambling Commission.

Bingo Premises Licences:

1. Subject to paragraph 2, no facilities for gambling shall be provided on the premises between the hours of midnight and 9.00 a.m.
2. The condition in paragraph 1 shall not apply to making gaming machines available for use.

Adult Gaming Centre Premises Licences:

There are no default conditions applicable to these types of premises.

Family Entertainment Centre Premises Licences:

There are no default conditions applicable to these types of premises.

Betting Premises Licences (other than in respect of tracks):

No facilities for gambling shall be provided on the premises between the hours of 10.00 p.m. on one day and 7.00 a.m. on the next day.

All Track Premises Licences:

1. Subject to paragraph 2, no facilities for gambling shall be provided on the premises between the hours of 10.00 p.m. on one day and 7.00 a.m. on the next day.
2. The prohibition in paragraph 1 does not apply on days when a sporting event is taking place on the premises, in which case gambling transactions may take place at any time during that day.

PREMISES SPECIFIC CONDITIONS

In addition to the above mandatory and default conditions, licensing authorities have powers, under the Gambling Act 2005, to set individual conditions for a premises licence when the licence is granted. In doing so they may impose a condition on a licence or exclude default conditions. Such a condition may apply in relation to premises generally or only in relation to a specified part of the premises.

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 – 17TH NOVEMBER 2015

SUBJECT: MEMBERS' PLANNING SITE VISITS

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

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- 1.1 The attached report, which was presented to the Planning Committee on 4th November 2015, advised Members of the Royal Town Planning Institute (RTPI) research in relation to the operation of Planning Committees in Wales and their recommendations in relation to site visits. In order to meet the requirements of the Planning Wales Act 2016, the views of the Committee were sought on the suggested changes to the current site visit process, prior to the report being presented to Council for consideration.
 - 1.2 In support of the Planning (Wales) Act 2015, the RTPI undertook research into the operation of Planning Committees in Wales and made a number of recommendations in relation to site visits which impacts on this Planning Authority's current site visit practice as outlined in the Constitution.
 - 1.3 Officers presented to the Planning Committee the recommendations of the RTPI and the changes proposed to enable the introduction of a procedure compliant with these recommendations. Members were asked to note in particular the proposed change that requests for an application to be reported to Planning Committee should be made in writing to the Case Officer (or in their absence, any other officer of the Development Management Team) within 21 days of receiving the weekly list of planning applications, together with the proposed change that all site visits take place on the Monday before Planning Committee for applications being reported to the Committee. It was also explained that requests for formal site visits made at Planning Committee will only be allowed in exceptional circumstances.
 - 1.4 During the course of the ensuing debate, concerns were raised in respect of the impact of the reduced timeframe for requesting that an application be brought to Planning Committee. Officers explained that recent Welsh Government (WG) legislation has determined that failure to determine "householder" applications within 16 weeks and other applications within 24 weeks will result in the return of the planning application fee and thus there is a need to expedite the determination of planning applications in order to avoid these sanctions. It was explained to Members that Planning Officers would be mindful of applications where site visits might be requested and would interact with interested parties accordingly. Members were also advised that the amended site visit protocol would be reviewed after a 12-month period.
 - 1.5 Discussion took place regarding the RTPI recommendation that site visits be identified by officers in consultation with the Chair. A Member suggested that this recommendation be extended within the revised protocol to include reference to the Vice-Chair. A query was also raised regarding the final decision in the event of any dispute about the need for a site visit and it was confirmed that this will be taken by the Chair and/or Vice Chair in consultation with the Head of Planning and Regeneration and/or the Development Control Manager, and be reflected in the revised protocol accordingly.

- 1.6 A concern was raised regarding the proposal to cease the informal part of the site visit (which permitted members of the public to enter into discussion with Officers and Members). Officers emphasised the need for site visits to become more efficient and undertaken in a more formal manner, and explained the potential issues arising if an application was subject to judicial review, in that the informal part of site visits are not minuted by Officers.
- 1.7 Members referenced the proposed change that Committee Services Officers no longer attend the site visits to take minutes and that Planning Officers instead prepare a briefing note to be presented at the Planning Committee. Concerns were expressed that the sense of impartiality in the preparation of additional information or matters arising from site visits could be lost.
- 1.8 Members were advised that in complying with the RTPI recommendations and WG legislation, it would not be possible to compose several site visit reports between the Monday site visits and the Wednesday Planning Committee meeting. Such reports would also have to be tabled at the meeting, which is not the preferred option in presenting information to Members. Assurances were also given that all Planning Officers are completely impartial when dealing with planning applications. The Development Control Manager advised that he would take these comments back to Committee Services for further discussion and also enquire with other local authorities as to their site visit procedures.
- 1.9 Following consideration and discussion of the report, and subject to the inclusion of the amendments/comments raised by Members (as detailed in the amended site visit protocol appended to this covering report) the Planning Committee unanimously recommended to Council that for the reasons contained therein:-
- (i) subject to the foregoing amendments, the proposed changes to the site visit protocol as outlined in the Officer's report (and appended to this report) be approved;
 - (ii) the Council's Monitoring Officer be authorised to make the relevant changes to the Council's Constitution.
- 1.10 Members are asked to consider these recommendations.

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

Appendices:

Appendix 1 Amended Site Visit Protocol

Appendix 2 Report to Planning Committee on 4th November 2015 – Agenda Item 21

10. **SITE INSPECTIONS**

Purpose of site inspections

- 10.1 Site inspections are fact-finding exercises to allow members to make a more informed decision than would be possible from reading the officer's report and considering the views expressed at the Planning Committee meeting.
- 10.2 The sole purpose of site inspections is to allow the chairperson and vice chairperson and other members to look at the site and its surroundings. In conducting the site visit, the members will not formally debate the application, express a prior opinion, lobby for any particular decision or come to any decision.

Requests for Committee site inspections

10.3 If members wish an application to be reported to Planning Committee, and be the subject of a site visit, they should advise the case officer, or in his/her absence, any other officer of the Development Management team, in writing (including email) within 21 days of receiving the weekly list of planning applications.

~~Requests by members for site inspections in respect of committee cases should wherever possible be made to the chairperson of the Planning Committee or the Chief Planning Officer, in writing at least 48 hours before the committee to which the application is being reported. Such a request should indicate why a site visit is necessary. Early notification allows the clerk of the committee to advise members of the public who may otherwise have attended the committee not to do so. The Chief Planning Officer will consult with the chairperson before deciding whether to agree to the member's request. Similarly, if the chairperson receives a request, he should consult with the Chief Planning Officer. Members may also request a site visit at the Planning Committee and should indicate why a site visit is necessary.~~

10.4 Site visits should ~~only~~ be allowed on the basis of a request from either the chairperson or vice-chairperson, or from any local member ~~or any member~~ excluding an adjoining ward councillor whether or not a member of the committee. It is expected that local members will already be familiar with the site. Members are encouraged to go to the sites themselves, discuss proposals with officers, and look at the presentations that officers now e-mail to Planning Committee members before committee.

10.5 Site visits may also be arranged, at the behest of the ~~Chief Planning Officer~~ Head of Planning and Regeneration or Development Control Manager when they consider that there are particular site issues that members should be aware of prior to the determination of the application.

Criteria for agreeing to hold site inspections

10.6 Any request for a formal site visit will have to comply with the following criteria:

- o Illustrative material is insufficient to convey the issues
- o A judgment is required on visual impact
- o The setting and surroundings are relevant to the determination of the application
- o The site has not been visited recently by the Planning Committee in relation to another planning application

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~~10.75~~ ~~Requests for formal site visits made at Planning Committee will only be allowed in exceptional circumstances, e.g. where a councillor was incapable of notifying officers of the need for a site visit when the application for planning permission was first publicised. Site visits requested after the application appears on the committee report delay determining the application. While the decision whether or not to undertake an inspection in such circumstances is a matter for the Planning Committee, members shall only make such visits where the Planning Committee cannot otherwise make an appropriately informed decision and the inspection would have substantial benefit.~~ Examples where a site visit would not normally be appropriate include where:

- The member simply disagrees with the conclusion reached in the report.
- The member wishes to consider boundary or neighbour disputes.
- Loss of property values
- Any issues that are not material planning considerations.
- Where councillors have already visited the site within the last 12 months, except in exceptional circumstances.

~~Where there is any dispute about the need for a site visit the final decision will be taken by the Chair and/or Vice Chair of the Planning Committee in consultation with the Head of Planning and Regeneration and/or the Development Control Manager~~

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Notification of site visits

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~~10.8~~ ~~All site visits will take place on the Monday before Planning Committee for applications being reported to that committee. All members (subject to declarations of interest) will be entitled to attend the site visits, and all Planning Committee members will be encouraged to attend.~~

~~Committee Services will arrange the site visits but will not attend to take minutes. A briefing note will be prepared by planning officers and will be presented to the Planning Committee confirming that a site visit has taken place, and providing a summary of any additional information received or matters arising from the site visit.~~

Attendance at site inspections

~~10.96~~ Site visits will normally be attended by the chairperson and vice-chairperson of Planning Committee, ward members and appropriate officers. ~~Where appropriate adjoining ward members will be invited and in exceptional circumstances the whole of the committee.~~ ~~All members (subject to declarations of interest) will be entitled to attend the site visits, and all Planning Committee members will be encouraged to attend.~~

10.107 Members may through the chairperson ask questions of officers to clarify factual matters relevant to the site inspection.

10.118 If a request is received from a third party to inspect the site from a different location, the members, as a group, should take the view whether to do so. Unless there are good reasons not to do so, such a request should normally be acceded to but only if all participants at the site inspection are extended the same invitation.

Attendance at site inspections

- 10.129 Members may only enter onto the site with the permission of the site owner who has the right of attendance at the site inspection.
- 10.130 The public do not have a right of access to a site but may attend and view the site by way of public vantage points or on site with the consent of the owner.
- 10.144 ~~Applicants, their agents and members of the public will not be allowed to speak at the site visits, apart from providing matters of information or clarification; the informal meeting with the public that has become part of the custom and practice of this Council will end so that the site visits are undertaken in a more formal manner.~~
~~The public cannot address the meeting.~~
- 10.152 If a member finds it necessary to visit a site alone, he or she shall view it from public vantage points only, seek to avoid discussion with interested parties and, if dialogue occurs, make it clear that a decision will be taken when the Planning Committee has discussed it after the site inspection.
- 10.163 **Members are reminded that the rules of declarations of interest apply to site visits, and that if a member has an interest that would require the member to withdraw from a Planning Committee, the member is not entitled to attend the site meeting.**

Conduct at site inspections

- 10.174 The inspection will be chaired by the chairperson or vice chair of the Planning Committee who will ensure that it is conducted as a single meeting and in an orderly fashion.
- 10.185 The planning officer will give a brief summary of the application and the site inspection issues at the beginning of each site visit.
- 10.196 Members of the Planning Committee attending the site inspection shall not make comments that would create an impression that they have already formed a view on the merits of the application.
- 10.4720 Members of the Planning Committee shall not discuss the application, other than to clarify issues of fact, and shall not make a decision while on site.
- 10.4821 Non-Committee members may address their colleagues on issues of fact pertaining to the site context.
- ~~10.19 The applicant or members of the public will not be permitted to address members during the site inspection, but may be asked to clarify issues of fact by the chairperson.~~
- ~~10.20 Once the formal site meeting is concluded at the chairperson's discretion, and depending on the time available, an informal discussion may be held with the applicant, any agent, and any members of the public. In such a situation members and officers should continue to abide by this code.~~

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PLANNING COMMITTEE - 4TH NOVEMBER 2015

SUBJECT: MEMBERS' PLANNING SITE VISITS

REPORT BY: CORPORATE DIRECTOR - COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 To advise Members of the Royal Town Planning Institute research in relation to the operation of Planning Committees in Wales and their recommendations in relation to site visits. In order to meet the requirements of the Planning Wales Act 2016, the views of the Committee are sought on the suggested changes to the current site visit process prior to the report being presented to Council for consideration.

2. SUMMARY

- 2.1 In support of the Planning (Wales) Act 2015, the Royal Town Planning Institute (RTPI) undertook research into the operation of Planning Committees in Wales and made a number of recommendations in relation to site visits which impacts on this Planning Authorities current site visit practice as outlined in the Constitution.

3. LINKS TO STRATEGY

- 3.1 Planning is a statutory tool which helps deliver the Council's regeneration objectives.

4. THE REPORT

- 4.1 In support of the Planning (Wales) Act 2015 the Royal Town Planning Institute (RTPI) undertook research into the operation of planning committees in Wales to provide evidence on their efficiency and effectiveness. In recent consultations Welsh Government has proposed that submissions for planning permission should be made directly to them where LPAs are considered to be failing to determine applications within a reasonable timescale. In addition, as of October 2015 failure to determine 'householder' applications within 16 weeks, and all other applications within 24 weeks, will result in the return of the planning application fee. The determination of applications is often 'held up' because proposals have to be reported to Planning Committee first before a site visit is authorised and held. There is therefore an urgent need to consider an alternative. Once the Planning Committee have approved the recommended changes to the Protocol they will have to be referred to Council for final approval to amend the Council's Constitution.
- 4.2 The recommendations of the Royal Town Planning Institute are as follows and the report addresses how these can be achieved. Site visits should:
- Be held on an exceptional basis for major applications. Where required they should be identified by officers in consultation with the Chair, and based on clear published criteria;

- There should be provision for members to ask for a committee site visit but this should be done early, in advance of the committee meeting at which the application is being discussed;
- They should only be allowed where the benefit is expected to be substantial;
- They should take place prior to the first committee meeting at which the application is to be determined;
- Public speaking should not be allowed;
- Site visits should occur no more than a week prior to the committee meeting at which the application is being discussed;
- The full committee need not attend site visits, and all members attending the committee meeting at which the application is reported should be able to vote whether or not they attended the site visit.

4.3 To enable the introduction of a procedure compliant with those recommendations, the following changes are proposed:

- If members wish an application to be reported to Planning Committee, and be the subject of a site visit, they should advise the case officer, or in his/her absence, any other officer of the Development Management team, in writing (including email) within 21 days of receiving the weekly list of planning applications.
- At this time this will apply to all applications, not just major ones (the definition of major applications is detailed in paragraph 4.5) although that restriction may be imposed on the Council in due course if the RTPi recommendations are embodied in secondary legislation. A further Report will be presented to members regarding the progress of the RTPi recommendations in the future. The clear intention of the amended proposals is to reduce the number of formal site visits. Members will be encouraged to go to the sites themselves, discuss proposals with officers, and look at the presentations that officers now e-mail to Planning Committee members before committee.
- Any request for a formal site visit will have to comply with the following criteria:
 - Illustrative material is insufficient to convey the issues
 - A judgment is required on visual impact
 - The setting and surroundings are relevant to the determination of the application
 - The site has not been visited recently by the Planning Committee in relation to another planning application
- All site visits will take place on the Monday before Planning Committee for applications being reported to that committee.
- All members (subject to declarations of interest) will be entitled to attend the site visits, and all Planning Committee members will be encouraged to attend.
- Applicants, their agents and members of the public will not be allowed to speak at the site visits, apart from providing matters of information or clarification; the informal meeting with the public that has become part of the custom and practice of this Council will end so that the site visits are undertaken in a more formal manner.
- Committee Services will arrange the site visits but will not attend to take minutes. A briefing note will be prepared by planning officers and will be presented to the Planning Committee confirming that a site visit has taken place, and providing a summary of any additional information received or matters arising from the site visit.
- Requests for formal site visits made at Planning Committee will only be allowed in exceptional circumstances, e.g. where a councillor was incapable of notifying officers of the need for a site visit when the application for planning permission was first publicised. For reasons stated above, it is hoped that the current numbers of site visits will reduce significantly.
- The Planning Code of Practice, which was adopted on 31 July 2007, will still apply except where it is modified by the procedure set out above. An extract showing the changes is attached as an appendix.

4.4 These recommended changes will have to be agreed by Full Council. Site Visit protocol is part of the Planning Code of Practice and the guidelines for site visits is attached to the Planning Committee Terms of Reference at Article 8 of the Constitution.

4.5 Members are asked to note the definition of major development, as referred to on paragraph 4.3 above is:

- (a) The mining and working of minerals or the use of land for mineral-working deposits;
- (b) Waste development;
- (c) The provision of dwelling houses where –
 - (i) The number of dwelling houses to be provided is 10 or more; or
 - (ii) The development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c) (i);
- (d) The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) Development carried out on a site having an area of 1 hectare or more

5. EQUALITIES IMPLICATIONS

5.1 As far as is possible, consideration will be given to the communication and physical access requirements to the site being visited, for elected members and members of the public. It must be recognised however that the site being visited may currently be physically inaccessible but be subject to a planning application that would make that site accessible.

6. FINANCIAL IMPLICATIONS

6.1 None.

7. PERSONNEL IMPLICATIONS

7.1 None.

8. CONSULTATIONS

8.1 The report reflects the views of the consultees.

9. RECOMMENDATIONS

9.1 Members are asked to consider the proposed changes to the site visit protocol as outlined in paragraph 4.3 and make their recommendation to Council.

9.2 To recommend to Council that the Council's Monitoring Officer be authorised to make the relevant changes to the Council's Constitution.

10. REASONS FOR THE RECOMMENDATIONS

10.1 As set out in the report.

11. STATUTORY POWER

11.1 Town and Country Planning Act 1990 (as amended), Planning Wales Act 2015.

Author: Pauline Elliott – Head of Regeneration and Planning
Consultees: Tim Stephens – Development Services Manager

Councillor Ken James – Cabinet Member, (Regeneration, Planning & Sustainable Development)
Councillor David Carter – Chair of Planning
Councillor Wynne David – Vice-chair of Planning
Christina Harrhy – Corporate Director, Communities
Emma Sullivan – Committee Services Officer
Helen Morgan – Senior Committee Services Officer
Gail Williams – Interim Head of Legal Services & Monitoring Officer
Richard Crane – Senior Solicitor
Ceri Edwards – Environmental Health Manager
Clive Campbell – Transportation Engineering Manager
David Thomas – Senior Policy Officer, Equalities
Ian MacVicar – Group Manager, Operations

Appendix

Revised Draft Site Visit Protocol

10. SITE INSPECTIONS

Purpose of site inspections

- 10.1 Site inspections are fact-finding exercises to allow members to make a more informed decision than would be possible from reading the officer's report and considering the views expressed at the Planning Committee meeting.
- 10.2 The sole purpose of site inspections is to allow the chairperson and vice chairperson and other members to look at the site and its surroundings. In conducting the site visit, the members will not formally debate the application, express a prior opinion, lobby for any particular decision or come to any decision.

Requests for Committee site inspections

- 10.3 If members wish an application to be reported to Planning Committee, and be the subject of a site visit, they should advise the case officer, or in his/her absence, any other officer of the Development Management team, in writing (including email) within 21 days of receiving the weekly list of planning applications.

~~Requests by members for site inspections in respect of committee cases should wherever possible be made to the chairperson of the Planning Committee or the Chief Planning Officer, in writing at least 48 hours before the committee to which the application is being reported. Such a request should indicate why a site visit is necessary. Early notification allows the clerk of the committee to advise members of the public who may otherwise have attended the committee not to do so. The Chief Planning Officer will consult with the chairperson before deciding whether to agree to the member's request. Similarly, if the chairperson receives a request, he should consult with the Chief Planning Officer. Members may also request a site visit at the Planning Committee and should indicate why a site visit is necessary.~~

- 10.4 ~~Site visits should only be allowed on the basis of a request from either the chairperson or vice-chairperson, or from any local member or any member of an adjoining ward councillor whether or not a member of the committee. It is expected that local members will already be familiar with the site. Members are encouraged to go to the sites themselves, discuss proposals with officers, and look at the presentations that officers now e-mail to Planning Committee members before committee.~~
- 10.5 ~~Site visits may also be arranged, at the behest of the Chief Planning Officer~~ Head of Planning and Regeneration or Development Control Manager when they consider that there are particular site issues that members should be aware of prior to the determination of the application.

Criteria for agreeing to hold site inspections

- 10.6 Any request for a formal site visit will have to comply with the following criteria:
- Illustrative material is insufficient to convey the issues
 - A judgment is required on visual impact
 - The setting and surroundings are relevant to the determination of the application
 - The site has not been visited recently by the Planning Committee in relation to another planning application

~~10.75~~ Requests for formal site visits made at Planning Committee will only be allowed in exceptional circumstances, e.g. where a councillor was incapable of notifying officers of the need for a site visit when the application for planning permission was first publicised. Site visits requested after the application appears on the committee report delay determining the application. While the decision whether or not to undertake an inspection in such circumstances is a matter for the Planning Committee, members shall only make such visits where the Planning Committee cannot otherwise make an appropriately informed decision and the inspection would have substantial benefit. Examples where a site visit would not normally be appropriate include where:

- The member simply disagrees with the conclusion reached in the report.
- The member wishes to consider boundary or neighbour disputes.
- Loss of property values
- Any issues that are not material planning considerations.
- Where councillors have already visited the site within the last 12 months, except in exceptional circumstances.

Notification of site visits

~~10.8~~ All site visits will take place on the Monday before Planning Committee for applications being reported to that committee. All members (subject to declarations of interest) will be entitled to attend the site visits, and all Planning Committee members will be encouraged to attend.

Committee Services will arrange the site visits but will not attend to take minutes. A briefing note will be prepared by planning officers and will be presented to the Planning Committee confirming that a site visit has taken place, and providing a summary of any additional information received or matters arising from the site visit.

Attendance at site inspections

~~10.96~~ Site visits will normally be attended by the chairperson and vice-chairperson of Planning Committee, ward members and appropriate officers. ~~Where appropriate adjoining ward members will be invited and in exceptional circumstances the whole of the committee.~~ All members (subject to declarations of interest) will be entitled to attend the site visits, and all Planning Committee members will be encouraged to attend.

~~10.107~~ Members may through the chairperson ask questions of officers to clarify factual matters relevant to the site inspection.

~~10.118~~ If a request is received from a third party to inspect the site from a different location, the members, as a group, should take the view whether to do so. Unless there are good reasons not to do so, such a request should normally be acceded to but only if all participants at the site inspection are extended the same invitation.

Attendance at site inspections

~~10.129~~ Members may only enter onto the site with the permission of the site owner who has the right of attendance at the site inspection.

~~10.130~~ The public do not have a right of access to a site but may attend and view the site by way of public vantage points or on site with the consent of the owner.

~~10.144~~ Applicants, their agents and members of the public will not be allowed to speak at the site visits, apart from providing matters of information or clarification; the informal meeting with the public that has become part of the custom and practice of this Council will end so that the site visits are undertaken in a more formal manner.

~~The public cannot address the meeting.~~

~~10.152~~ If a member finds it necessary to visit a site alone, he or she shall view it from public vantage points only, seek to avoid discussion with interested parties and, if dialogue occurs, make it clear that a decision will be taken when the Planning Committee has discussed it after the site inspection.

~~10.163~~ **Members are reminded that the rules of declarations of interest apply to site visits, and that if a member has an interest that would require the member to withdraw from a Planning Committee, the member is not entitled to attend the site meeting.**

Conduct at site inspections

~~10.174~~ The inspection will be chaired by the chairperson or vice chair of the Planning Committee who will ensure that it is conducted as a single meeting and in an orderly fashion.

~~10.185~~ The planning officer will give a brief summary of the application and the site inspection issues at the beginning of each site visit.

~~10.196~~ Members of the Planning Committee attending the site inspection shall not make comments that would create an impression that they have already formed a view on the merits of the application.

~~10.1720~~ Members of the Planning Committee shall not discuss the application, other than to clarify issues of fact, and shall not make a decision while on site.

~~10.1821~~ Non-Committee members may address their colleagues on issues of fact pertaining to the site context.

~~10.19~~ ~~The applicant or members of the public will not be permitted to address members during the site inspection, but may be asked to clarify issues of fact by the chairperson.~~

~~10.20~~ ~~Once the formal site meeting is concluded at the chairperson's discretion, and depending on the time available, an informal discussion may be held with the applicant, any agent, and any members of the public. In such a situation members and officers should continue to abide by this code.~~

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COUNCIL – 17TH NOVEMBER 2015

SUBJECT: STANDARDS COMMITTEE – APPOINTMENT OF INDEPENDENT MEMBER

REPORT BY: MONITORING OFFICER

1. PURPOSE OF REPORT

- 1.1 To appoint an independent member to the Standards Committee and to consider a recommendation for the appointment of a reserve.

2. SUMMARY

- 2.1 This Report sets out the process undertaken to fill the vacancy that has arisen on the Council's Standards Committee.
- 2.2 The Report recommends that Council accept the recommendations of the Appointment Panel in relation to the filling of the vacancy and makes a second recommendation in relation to a reserve appointment to the Committee.

3. LINKS TO STRATEGY

- 3.1 The Council's Constitution, in accordance with statute sets up a Standards Committee with a majority of independent members. This appointment is required to comply with the statutory requirements of the Local Government Act 2000.

4. THE REPORT

- 4.1 On the 17th May, 2015 Mr. Phillip Morgan, resigned as an Independent Member of the Standards Committee.
- 4.2 A Panel was established to consider all the applications and to make a recommendation to the Council. In accordance with the regulations the Panel comprised an elected member, a community council member and a "lay panel member" who in this case was Ms. D. Holdroyd, the current Chair of the Standards Committee.
- 4.3 The advertisement attracted seven applications from individuals who met the criteria published by the Authority. In addition one application was received after the closing date and accordingly was not considered. Of the seven applications, five applicants were invited for interview, two withdrew and three were interviewed. The interviews took place on 16th October 2015.
- 4.4 The panel considered following interview that two of the candidates could be considered for appointment and after discussion agreed the following:-

- (a) that Mr. Malcolm Stone be recommended for appointment as independent member of the Standards Committee for a period of four years from 18th November 2015
- (b) that the Council agrees to setting up a **reserve list of** independent members and that Mr. David Tolley be invited to remain on that reserve list for a period of six months from 18th November 2015

4.5 While the law provides that the appointment to the Standards Committee is made by the Authority, the regulations put great emphasis on the Panel and it would therefore be inappropriate for the Authority to do other than accept the recommendation of the Panel as to the appointment. The Authority is free to accept or reject the second recommendation.

5. EQUALITIES IMPLICATIONS

5.1 None arising from the Report. The process undertaken takes account of equalities implications.

6. FINANCIAL IMPLICATIONS

6.1 There is existing provision for allowances for independent members and therefore there are no additional financial implications for the Authority.

7. PERSONNEL IMPLICATIONS

7.1 There are none.

8. CONSULTATION

8.1 There has been no formal consultation on the Report as the Report reflects the deliberations of the statutory Panel. The officers and Members listed at the end of the Report have been provided with a copy of the Report for information.

9. RECOMMENDATIONS

- (a) that the said Mr. Malcolm Stone be appointed for a period of four years from 18th November, 2015 as independent member of the Standards Committee;
- (b) that the Council agrees to establishing a reserve list of independent members and that the said Mr. David Tolley be invited to remain on that list for a period of six months from 18th November, 2015.

10. REASONS FOR THE RECOMMENDATIONS

10.1 In order to comply with statutory requirements about the establishment of a Standards Committee and to give effect to the recommendations of the Panel set up under National Assembly Regulations.

11. STATUTORY POWERS

11.1 Local Government Act 2000 and regulations made under the Act. This is a Council function.

Author: Gail Williams, Interim Head of Legal Services/Monitoring Officer
willige@caerphilly.gov.uk

Consultation: This report reflects the deliberations of the statutory Panel and therefore there has been no formal consultation on the contents of this report.

For information: Chris Burns Interim Chief Executive
Nicole Scammell Acting Director of Corporate Services and Section 151 Officer
Councillor Christine Forehead Cabinet Member for Human Resources and Governance/Business Manager

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COUNCIL – 17TH NOVEMBER 2015

SUBJECT: ANNUAL LETTER FROM PUBLIC SERVICES OMBUDSMAN FOR WALES 2014-2015

REPORT BY: INTERIM HEAD OF LEGAL SERVICES AND MONITORING OFFICER

1. PURPOSE OF REPORT

- 1.1 The attached report was presented to the Standards Committee on the 4th November 2015. The Annual Letter, received from the Public Services Ombudsman for Wales, provides a breakdown of all complaints received and investigated by his Office during 2014/15 and the response times to requests for information.
- 1.2 The Standards Committee noted that in relation to Caerphilly, whilst there has been a noticeable increase in the number of complaints received by the Ombudsman compared with 2013/14 this figure remains below the Local Authority average.
- 1.3 The Committee were informed that the figures show that the Authority's largest area of complaints is Planning and Building Control with the number of complaints received at the Ombudsman's office for this year totalling 12, compared with 3 the previous year. This is slightly above the Local Authority average. However, this data has been analysed and of the 12 complainants, 5 were made prematurely i.e. had been referred to the Ombudsman before exhausting the Council's Corporate Complaints Process.
- 1.4 Members noted that overall 19 premature complaints were received by the Ombudsman. This is equal to the Local Authority average and is beyond the control of the Authority.
- 1.5 Members attention was drawn to the response times of the Authority when responding to requests for information by the Ombudsman and were asked to note that the Graph on page 8 of the Annual Letter which indicated that all responses were received more than four weeks after the request. This data relates to two complaints investigated by the Ombudsman. Following clarification with the Ombudsman's office it was agreed to amend the Letter to clarify that one response was received by the time limit agreed with the investigator, although that this would not change the graph at Appendix G. The Standards Committee Members were advised that the amended Annual Letter had now been received and a copy was provided to Members, which is also appended to this covering report. Members attention was drawn to the additional sentence at the end of paragraph 7 of the covering letter and the additional wording added below Graph G.
- 1.6 The Ombudsman has "upheld" one report against the Council issued in October 2014. This matter has been the subject of a Report to the Standards Committee on 24th November 2014, Policy and Resources Scrutiny Committee on the 3rd March 2015 and Audit Committee on the 15th June 2015. In addition the Ombudsman has not upheld one report issued in February 2015. Details of both reports are contained in Section I of the Annual Letter.
- 1.7 Details of the Code of Conduct complaints for elected Members will be found at Section H of the appendix to the letter. The Ombudsman decided not to investigate four matters, and one was discontinued. There were no findings against any elected Members.

- 1.8 The Standards Committee noted the content of the amended Annual Letter and were advised that it will be presented to Council.
- 1.9 Members are asked to note the content of the amended Annual Letter, received from the Public Services Ombudsman for Wales.

Author: Lisa Lane, Solicitor

Appendices:

- Appendix 1 Amended Annual Letter circulated to the Standards Committee on 4th November 2015
- Appendix 2 Report to Standards Committee – 4th November 2015

Our ref: NB/jm

Ask for: James Merrifield

Your ref:



01656 644 200

Date: 16 October 2015



James.Merrifield@ombudsman-wales.org.uk

Mr Chris Burns
Interim Chief Executive
Caerphilly County Borough Council
Penallta House
Tredomen Park
Ystrad Mynach
Hengoed
CF82 7PG

Dear Mr Burns

Annual Letter 2014/15

Following the recent publication of my Annual Report, I am pleased to provide you with the Annual Letter (2014/15) for Caerphilly County Borough Council.

I have referred to the stark reality of the volume of increases in enquires and complaints in the Annual Report. Comparing the position against 2013/14, there has been a 7% increase in the number of public body complaints received by my office. The Health and Local Authority sectors account for 83% of the complaints received by my office; over the past five years, there has been a 126% and 10% increase in complaints respectively.

Traditionally, county councils have generated the largest number of complaints to this office and the last year has seen a 5% increase. Whilst Housing and Planning are consistently the largest areas of complaint for Local Authorities, the data for 2014/15 shows notable increases in complaints about Complaint-handling, Environment and Environmental Health, and Finance and Taxation, compared with 2013/14.

In reference to the outcomes of complaints, I am pleased that my office has issued fewer upheld reports against Local Authorities, compared with 2013/14. I have issued one Public Interest report against a body in the Local Authority sector. The report identified numerous failings concerning the way in which the Local Authority investigated concerns about the welfare of the complainant's daughter. The report also identified poor complaint-handling, a common feature amongst complaints across all sectors.

The complaint data shows a small decrease in the number of Quick Fixes and Voluntary Settlements achieved with Local Authorities, compared with 2013/14. I am

keen to ensure that, wherever possible and appropriate, my office works with bodies from all sectors to resolve complaints as quickly and effectively as possible. In this regard, I am concerned that the time taken in responding to requests for information from this office has significantly worsened; 45% of responses across Local Authorities took more than six weeks in 2014/15.

This figure is noticeable worse than the equivalent figure for the Health sector, despite my office making appreciably more requests for information to Health Boards. Against this background, I take this opportunity to reinforce the content of the letter I sent to you in April 2015 setting out a number of changes in the way that my office will work with your organisation in handling complaints. The changes included amending the time given to bodies to provide complaint files to two weeks, as well as new arrangements in granting additional time to bodies to provide information meaning that requests for extensions which are made with very limited justification will no longer be agreed.

In reference to your Local Authority, there has been a notable increase in the number of complaints received compared to 2013/14, although this figure remains below the average. The largest area of complaint is Planning and Building Control. My office investigated two complaints in 2014/15. In reference to the time taken in responding to requests for information from my office, all responses took between four and five weeks. However, one of these cases was received within the time-limit agreed by the Ombudsman's Investigator.

My office is working in a number of ways to address the upward trend in complaints. We will be looking to engage more directly with county councils to promote improvement. We will also be placing greater emphasis on the data which we gather, initially in relation to complaints about the Health sector, to further identify trends and patterns. My office will also be taking a more proactive role in measuring compliance with recommendations and settlements, which may result in requests to visit your offices to discuss and examine changes that you have implemented. In addition to this work, you will be aware that following its inquiry, the Assembly's Finance Committee issued a report in May 2015, making a number of recommendations for revised or additional powers for the Public Services Ombudsman for Wales. I very much hope that those recommendations will come to fruition in the form of a new Act within the next year or so.

This correspondence has been copied to the Leader of the Council. I will also be sending a copy of this correspondence to your contact officer within your organisation and would again reiterate the importance of this role. Finally, a copy of all annual letters will be published on the PSOW's website.

Yours sincerely



Nick Bennett
Ombudsman

Copy: Leader, Caerphilly County Borough Council

Appendix

Explanatory Notes

Section A compares the number of complaints against the Council which were received by my office during 2014/15, 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 Council which were received by my office during 2014/15. Section C compares the number of complaints against the Council which were received by my office during 2014/15, with the Local Authority average for the same period. The figures are broken down into subject categories.

Section D provides the number of complaints against the Council which were taken into investigation by my office during 2014/15. Section E compares the number of complaints taken into investigation with the Local Authority average (adjusted for population distribution) during the same period.

Section F compares the complaint outcomes for the Council during 2014/15, with the average outcome (adjusted for population distribution) during the same period. Public Interest reports issued under section 16 of the Public Services Ombudsman (Wales) Act 2005 are recorded as 'Section 16'.

Section G compares the Council's response times during 2014/15 with the average response times for all Local Authorities, and all public bodies in Wales during the same period. This graph measures the time between the date my office issued an 'investigation commencement' letter, and the date my office receives a full response to that letter from the public body.

Section H provides a breakdown of all Code of Conduct complaints received against Councillors during 2014/15. Finally, Section 'I' contains the summaries of all reports issued in relation to the Council during 2014/15.

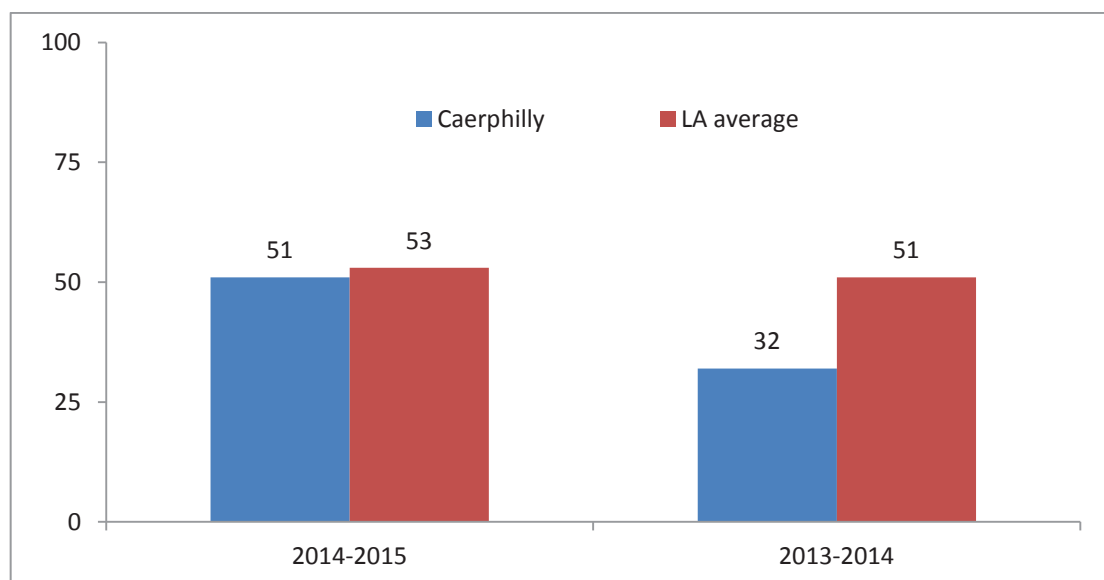
Housing Stock

As with previous exercises, the figures for 2014/15 have not been adjusted to take account of the transfer of housing stock. However, it is noted that there is likely to be a higher proportion of Housing complaints where Local Authorities have retained their housing stock.

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 james.merrifield@ombudsman-wales.org.uk.

A: Comparison of complaints received by my office with average, adjusted for population distribution

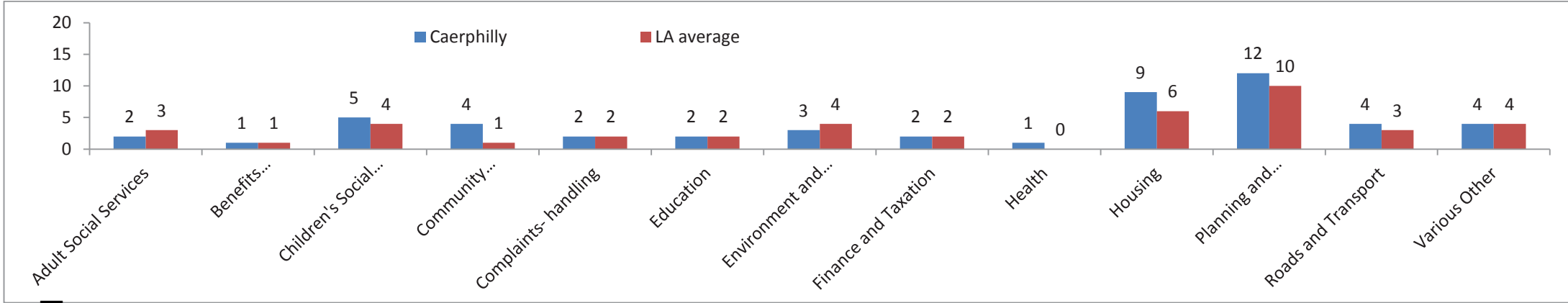


B: Complaints received by my office

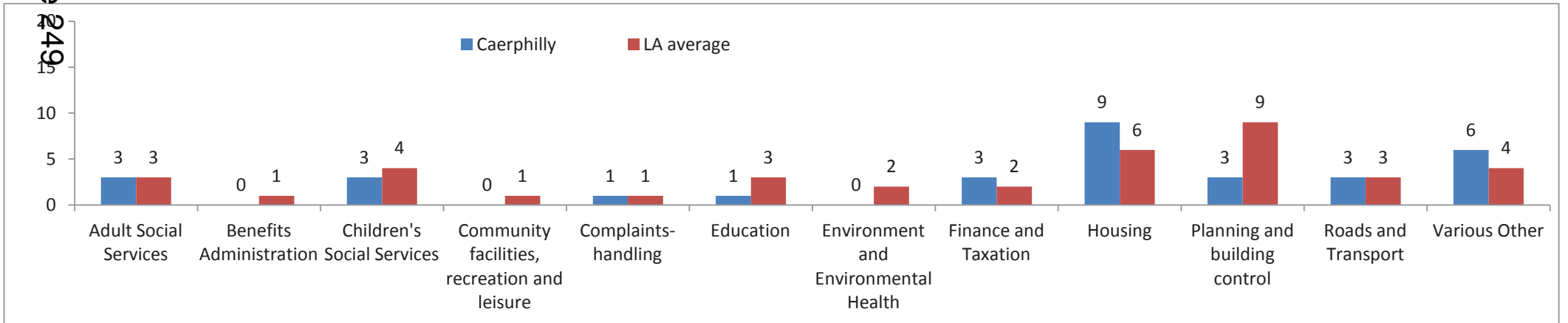
Subject	2014/15	2013/14
Adult Social Services	2	3
Benefits Administration	1	0
Children's Social Services	5	3
Community facilities, recreation and leisure	4	0
Complaints-handling	2	1
Education	2	1
Environment and Environmental Health	3	0
Finance and Taxation	2	3
Health	1	0
Housing	9	9
Planning and building control	12	3
Roads and Transport	4	3
Various Other	4	6
Total	51	32

C: Comparison of complaints by subject category with LA average

2014/15



2013/14

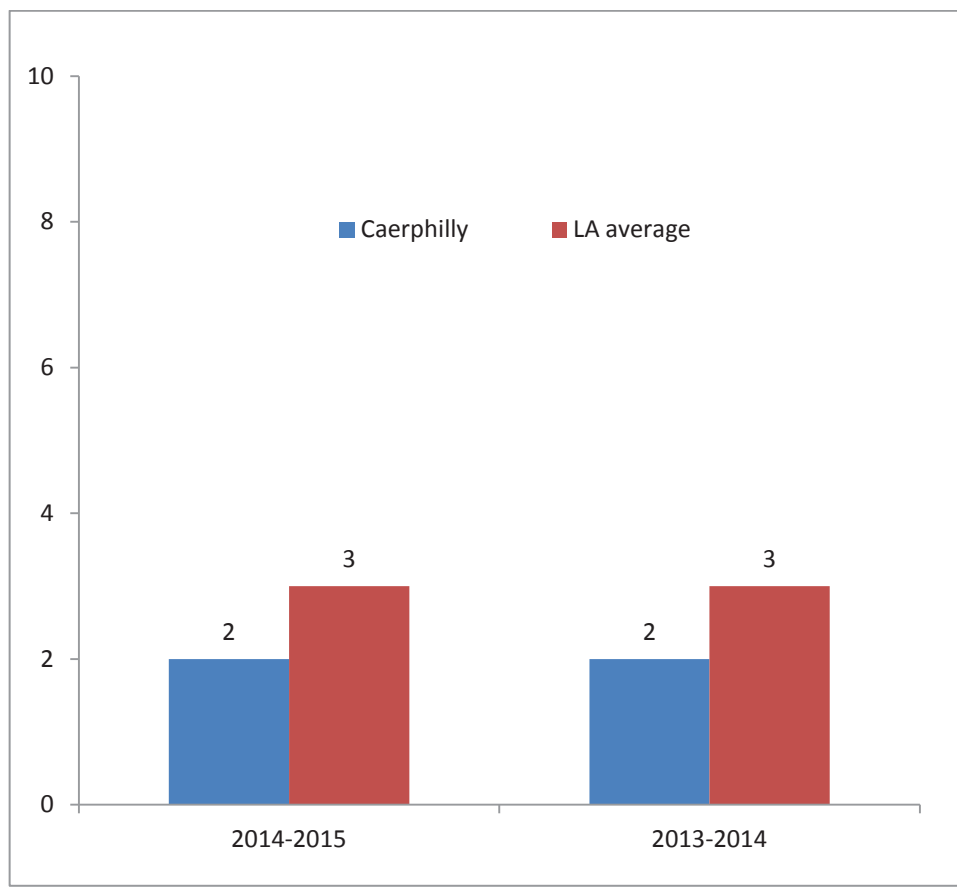


Page 249

D: Complaints taken into investigation by my office

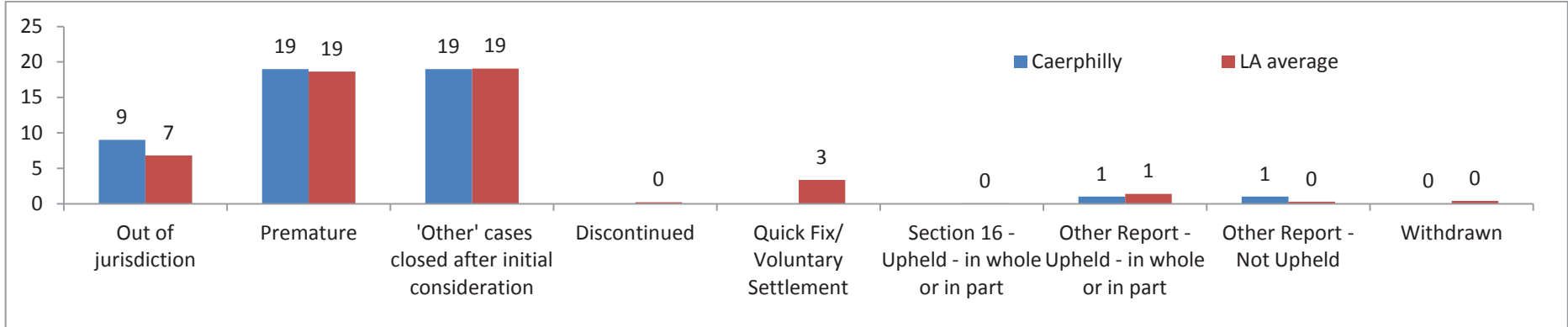
	2014/15	2013/14
Number of complaints taken into investigation	2	2

E: Comparison of complaints taken into investigation by my office with average, adjusted for population distribution

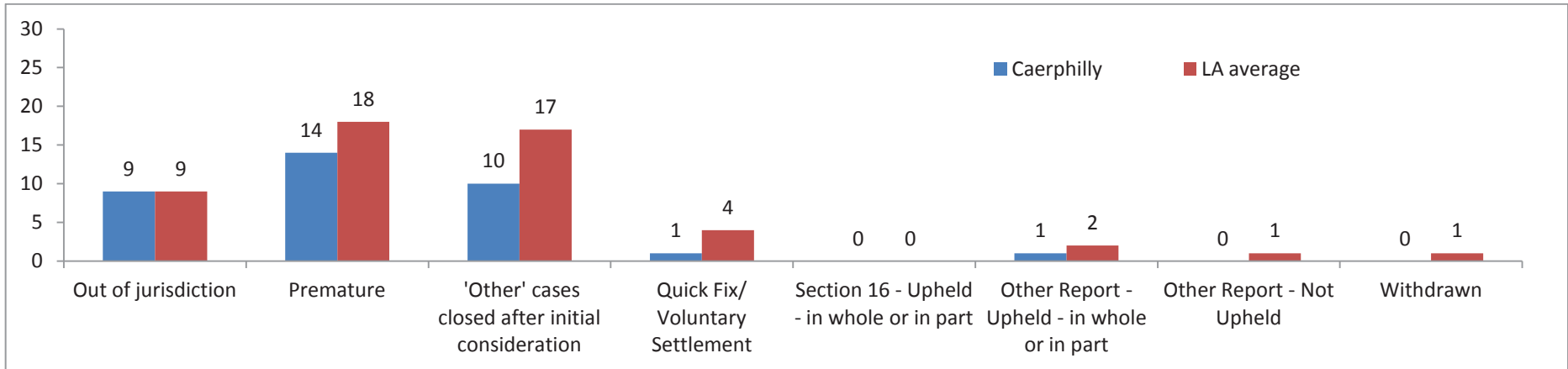


F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution

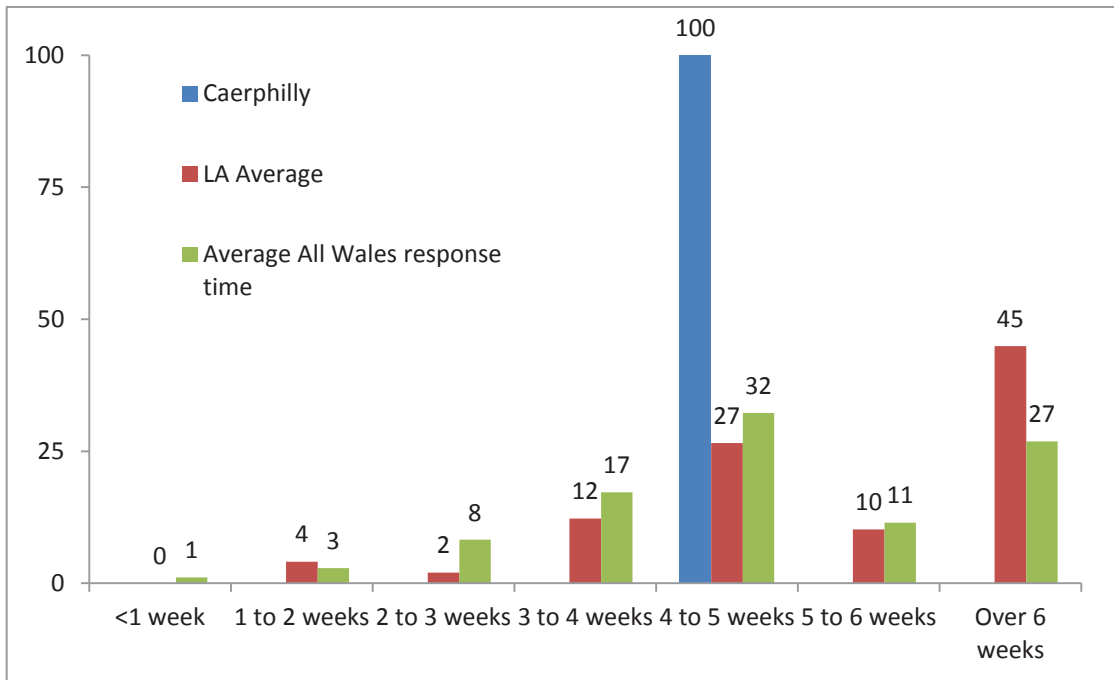
2014/15



2013/14

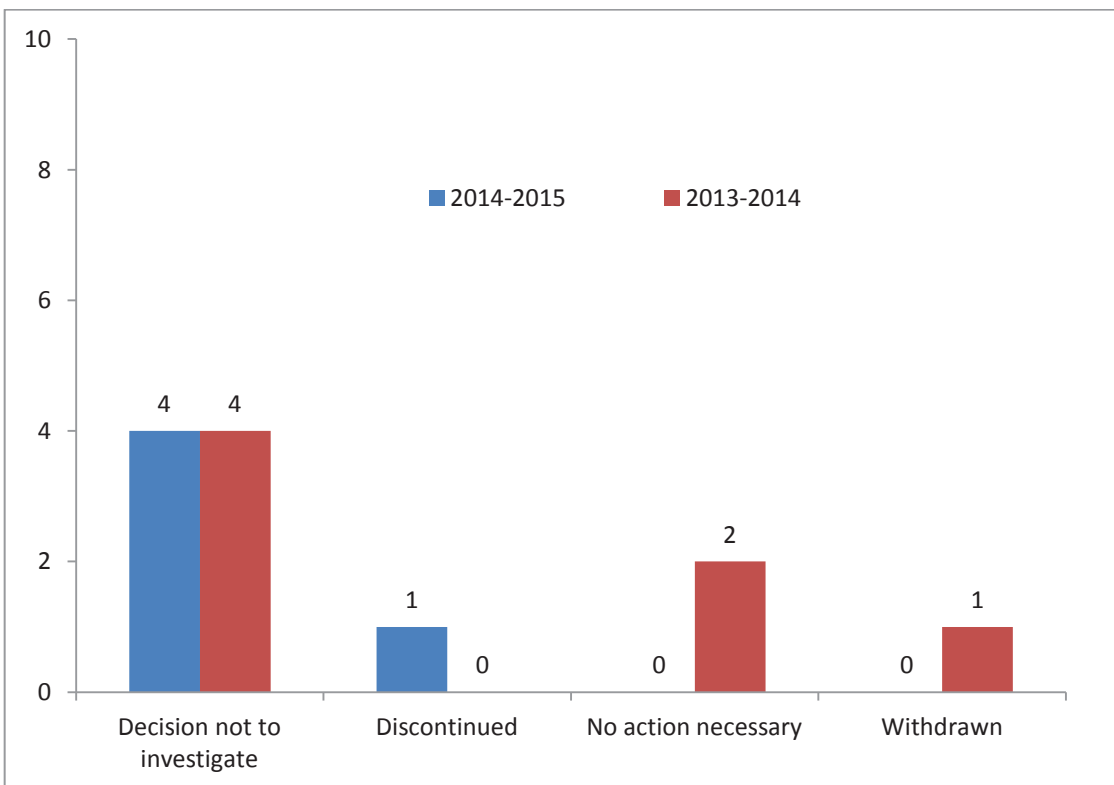


G: Comparison of Council times for responding to requests for information with average LA and average All Wales response times, 2014/15 (%)



*One of the above cases was received within the time-limit agreed by the Ombudsman's Investigator.

H: Code of Conduct complaints



I: Summaries

Education

Other reports – Upheld

Caerphilly County Borough Council – Applications, allocations, transfer and exchanges

Case reference 201301753 – Report issued October 2014

Miss A's complaint centred on the Council's handling of her housing application over the preceding years and the way it had let properties on "Street 1". Miss A's caring responsibilities meant she only wished to be considered for accommodation in "Street 1". Miss A also expressed dissatisfaction with the way the Council had dealt with her complaint.

The Ombudsman's investigation identified shortcomings in the Council's administration of Miss A's housing application which led to periods when her housing application was not dealt with as efficiently or effectively as it should have been. Such administrative inadequacies included documentation being mislaid, Miss A's housing application not being appropriately pointed, as well as instances of poor record keeping.

The Ombudsman's investigation also found evidence that Miss A's housing application had, for a period of time, been erroneously cancelled (in 2002) and this was coupled with other administrative failings. To the extent set out in the report Miss A's complaint was upheld. The Ombudsman identified periods in respect of Miss A's housing application where, although there were administrative failings, this did not cause Miss A personal injustice. In those instances, Miss A's complaint was not upheld.

The investigation also found that there was a failure by the Council to recognise when its statutory homelessness duties were engaged and, to that extent, this aspect of Miss A's complaint was upheld.

Finally, given the failings identified, the Ombudsman concluded that the Council's response to Miss A's complaint had not been as robust, transparent, or open as it could have been in acknowledging failings in the administration of her housing application. The Ombudsman therefore upheld this aspect of her complaint.

The Ombudsman recommended the following:

- a) within one month of the report being finalised, the Council's Acting Chief Executive should apologise to Miss A for the failings identified. In addition, the Council should in recognition of the impact of those failings on Miss A, which included the uncertainty as to whether she may have been offered accommodation in 2002, make a payment to her of £500;
- b) within one month of the report being finalised, the Council's Housing Services should remind its housing allocation staff of the importance of ensuring, where supported by the facts, enquiries were made where

- necessary to ensure applicants' housing applications are correctly pointed in accordance with its lettings policy;
- c) within one month of the report being finalised, the Council should provide appropriate training to relevant housing staff on the Council's Corporate Records Management Policy;
 - d) within two months of the report being finalised, the Council's Housing Services should develop guidance on the factors for consideration when considering applying discretion in relation to the removal of time points;
 - e) once the guidance was in place, the Council's Housing Services should remind its housing allocation staff of the need to consider applying discretion at the point when the discretionary decision on the removal of time points was being exercised. Housing allocation staff should also be reminded of the need to demonstrate that discretion has been considered;
 - f) within three months of this report being finalised, if it had not already done so, the Council's Housing Services should provide training to relevant housing staff, including allocation staff, on the circumstances when the Council's homelessness duties may be triggered and the steps that should be taken. The Council's Housing Services should also review its documentation to satisfy itself that it supported the early recognition of when the Council's homelessness duties may be triggered and thus engaged;
 - g) the Council should within the timescales specified within the recommendations provide documentary evidence to this office of compliance with the recommendations above; and,
 - h) finally, in the interim period before the Council's Housing Services introduced its new lettings policy in 2015, where its housing allocation staff had reason to review a housing application that had had time points removed, the application should be reviewed against the guidance developed at (d) above.

Other reports – Not upheld

Caerphilly County Borough Council – Other Case reference 201306043 – Report issued February 2015

Miss A complained that Caerphilly County Borough Council, as local education authority (“LEA”), had failed to provide adequate support to enable her son, B, to sit his exams when he was not able to attend school regularly during year 11 due to intermittent stomach pains.

The Ombudsman noted that, on the basis of the medical evidence the LEA had received, B did not meet the criteria for home tuition. A range of alternative provision was offered for B, including work being sent home for B, B attending school for reduced hours and receiving extra support in school, and rest breaks in exams and controlled assessments. The Ombudsman concluded that the LEA’s actions were reasonable, and that it could not have done more to assist the school and B. He noted that the LEA had no obligation to provide education for B once he was no longer of compulsory school age, and therefore its agreement to fund some distance learning for B was reasonable. He did not uphold the complaint.

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STANDARDS COMMITTEE – 4TH NOVEMBER 2015

SUBJECT: ANNUAL LETTER FROM PUBLIC SERVICES OMBUDSMAN FOR WALES 2014-2015

REPORT BY: INTERIM HEAD OF LEGAL SERVICES AND MONITORING OFFICER

1. PURPOSE OF REPORT

- 1.1 To update the Standards Committee on the Annual Letter (2014-2015) from the Public Services Ombudsman for Wales regarding complaints received and investigated by the Ombudsman. The report will also be placed before Council on the 17th November 2015.

2. SUMMARY

- 2.1 To inform Members of the Public Services Ombudsman for Wales Annual Letter 2014/15.

3. LINKS TO STRATEGY

- 3.1 The duty to oversee complaints received and investigated by the Ombudsman is within the terms of reference of this Committee.

4. THE REPORT

- 4.1 The Annual Letter setting out a clear and concise breakdown of all complaints received and investigated by the Public Services Ombudsman for Wales during 2014/15 in relation to Caerphilly was received in August 2015. Since that date officers have been corresponding with the Ombudsman's office in relation to queries regarding the data. An amended Letter is to be provided shortly.
- 4.2 A copy of the original Annual Letter is attached at Appendix 1 to the Report. The amended Letter has not yet been received.
- 4.3 Members will note that the data attached as an appendix to the Annual Letter includes a detailed breakdown of complaints received and investigated, and response times to requests for information.
- 4.4 This data is self-explanatory and therefore no further comment is offered other than to ask the Committee to formally note the following:
- 4.4.1 In relation to Caerphilly, whilst there has been a noticeable increase in the number of complaints received by the Ombudsman compared with 2013/14 this figure remains below the Local Authority average.

- 4.4.2 The figures show that the Authority's largest area of complaint is Planning and Building Control with the number of complaints received at the Ombudsman's office for this year totalling 12, compared with 3 the previous year. This is slightly above the Local Authority average. However the data has been analysed and of the 12 complaints, 5 were made prematurely i.e. had been referred to the Ombudsman before exhausting the Council's Corporate Complaints Process.
- 4.4.3 Members will note that overall 19 premature complaints were received by the Ombudsman. This is equal to the Local Authority average and is beyond the control of the Authority.
- 4.4.4 Members attention is drawn to the response times of the Authority when responding to requests for information by the Ombudsman. Members will note that the graph on page 8 of the Annual Letter indicates that all responses were received more than four weeks after the request. This data relates to two complaints investigated by the Ombudsman. Following clarification with the Ombudsman's office it has been agreed to amend the letter to clarify that one response was received by the time limit agreed with the investigator. However this will not change the graph at Appendix G.
- 4.4.5 The Ombudsman has "upheld" one report against the Council issued in October 2014. This matter has been the subject of a Report to the Standards Committee on 24th November 2014, Policy and Resources Scrutiny Committee on the 3rd March 2015 and Audit Committee on the 15th June 2015. In addition the Ombudsman has not upheld one report issued in February 2015. Details of both reports are contained in Section I of the Annual Letter.
- 4.4.6 Details of the Code of Conduct complaints for elected Members will be found at Section H of the appendix to the letter. The Ombudsman decided not to investigate four matters, and one was discontinued. There were no findings against any elected Members.

5. FINANCIAL IMPLICATIONS

- 5.1 None.

6. PERSONNEL IMPLICATIONS

- 6.1 None.

7. EQUALITIES IMPLICATIONS

- 7.1 None.

8. CONSULTATIONS

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

9. RECOMMENDATIONS

- 9.1 It is recommended that the Committee note the report. The report will be placed before Council on the 17th November 2015.

10. REASONS FOR THE RECOMMENDATIONS

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

11. STATUTORY POWER

11.1 Public Services Ombudsman (Wales) Act 2005, Local Government Act 1974.

Author: Gail Williams, Interim Head of Legal Services/Monitoring Officer
Consultees: For information only
Chris Burns, Interim Chief Executive
Christina HARRY, Corporate Director Communities
Dave Street, Corporate Director, Social Services
Nicole Scammell, Acting Director of Corporate Services and Section 151 Officer
Councillor Keith Reynolds, Leader of the Council
Councillor Chris Forehead, Cabinet Member, HR Governance/Business Manager
Chair of Standards Committee

Background papers:

Report to Standards Committee on 24th November 2014, Report to Policy & Resources Scrutiny Committee on 3rd March 2015, Report to Audit Committee on 10th June 2015, re: Complaint made to the Public Services Ombudsman for Wales: case no. 201301753

Appendices:

Appendix 1 Annual Letter from Public Services Ombudsman

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Our ref: NB/jm

Ask for: James Merrifield

Your ref:



01656 644 200

Date: 3 August 2015



James.Merrifield@ombudsman-wales.org.uk

Mr Chris Burns
Interim Chief Executive
Caerphilly County Borough Council
Penallta House
Tredomen Park
Ystrad Mynach
Hengoed
CF82 7PG

Dear Mr Burns

Annual Letter 2014/15

Following the recent publication of my Annual Report, I am pleased to provide you with the Annual Letter (2014/15) for Caerphilly County Borough Council.

I have referred to the stark reality of the volume of increases in enquires and complaints in the Annual Report. Comparing the position against 2013/14, there has been a 7% increase in the number of public body complaints received by my office. The Health and Local Authority sectors account for 83% of the complaints received by my office; over the past five years, there has been a 126% and 10% increase in complaints respectively.

Traditionally, county councils have generated the largest number of complaints to this office and the last year has seen a 5% increase. Whilst Housing and Planning are consistently the largest areas of complaint for Local Authorities, the data for 2014/15 shows notable increases in complaints about Complaint-handling, Environment and Environmental Health, and Finance and Taxation, compared with 2013/14.

In reference to the outcomes of complaints, I am pleased that my office has issued fewer upheld reports against Local Authorities, compared with 2013/14. I have issued one Public Interest report against a body in the Local Authority sector. The report identified numerous failings concerning the way in which the Local Authority investigated concerns about the welfare of the complainant's daughter. The report also identified poor complaint-handling, a common feature amongst complaints across all sectors.

The complaint data shows a small decrease in the number of Quick Fixes and Voluntary Settlements achieved with Local Authorities, compared with 2013/14. I am

keen to ensure that, wherever possible and appropriate, my office works with bodies from all sectors to resolve complaints as quickly and effectively as possible. In this regard, I am concerned that the time taken in responding to requests for information from this office has significantly worsened; 45% of responses across Local Authorities took more than six weeks in 2014/15.

This figure is noticeable worse than the equivalent figure for the Health sector, despite my office making appreciably more requests for information to Health Boards. Against this background, I take this opportunity to reinforce the content of the letter I sent to you in April 2015 setting out a number of changes in the way that my office will work with your organisation in handling complaints. The changes included amending the time given to bodies to provide complaint files to two weeks, as well as new arrangements in granting additional time to bodies to provide information meaning that requests for extensions which are made with very limited justification will no longer be agreed.

In reference to your Local Authority, there has been a notable increase in the number of complaints received compared to 2013/14, although this figure remains below the average. The largest area of complaint is Planning and Building Control. My office investigated two complaints in 2014/15. In reference to the time taken in responding to requests for information from my office, all responses took between four and five weeks.

My office is working in a number of ways to address the upward trend in complaints. We will be looking to engage more directly with county councils to promote improvement. We will also be placing greater emphasis on the data which we gather, initially in relation to complaints about the Health sector, to further identify trends and patterns. My office will also be taking a more proactive role in measuring compliance with recommendations and settlements, which may result in requests to visit your offices to discuss and examine changes that you have implemented. In addition to this work, you will be aware that following its inquiry, the Assembly's Finance Committee issued a report in May 2015, making a number of recommendations for revised or additional powers for the Public Services Ombudsman for Wales. I very much hope that those recommendations will come to fruition in the form of a new Act within the next year or so.

This correspondence has been copied to the Leader of the Council. I will also be sending a copy of this correspondence to your contact officer within your organisation and would again reiterate the importance of this role. Finally, a copy of all annual letters will be published on the PSOW's website.

Yours sincerely



Nick Bennett
Ombudsman

Copy: Leader, Caerphilly County Borough Council

Appendix

Explanatory Notes

Section A compares the number of complaints against the Council which were received by my office during 2014/15, with the Local Authority average (adjusted for population distribution) during the same period.

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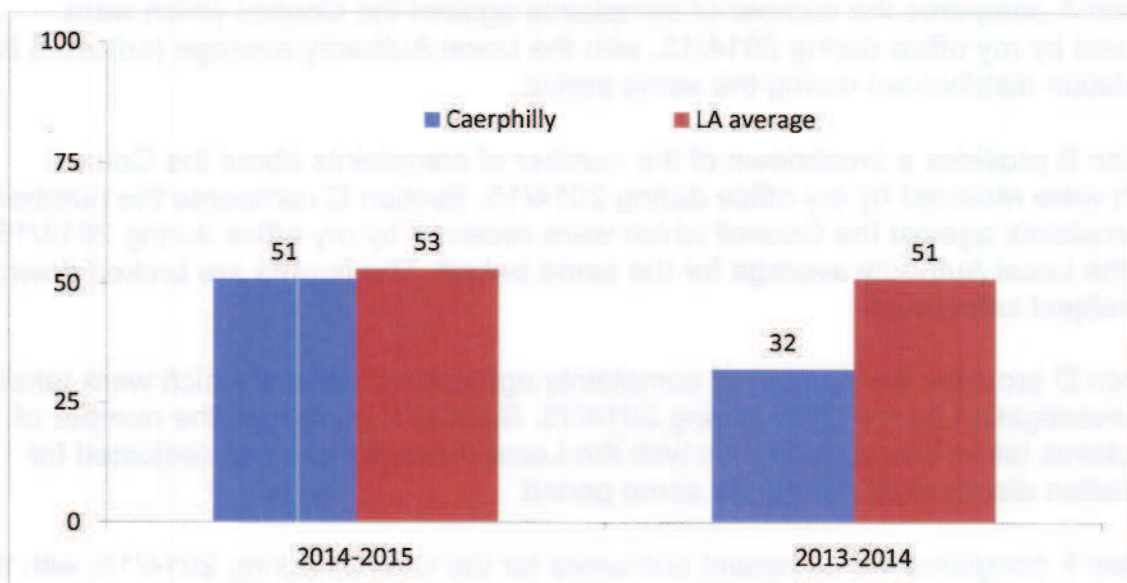
Housing Stock

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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 james.merrifield@ombudsman-wales.org.uk.

A: Comparison of complaints received by my office with average, adjusted for population distribution

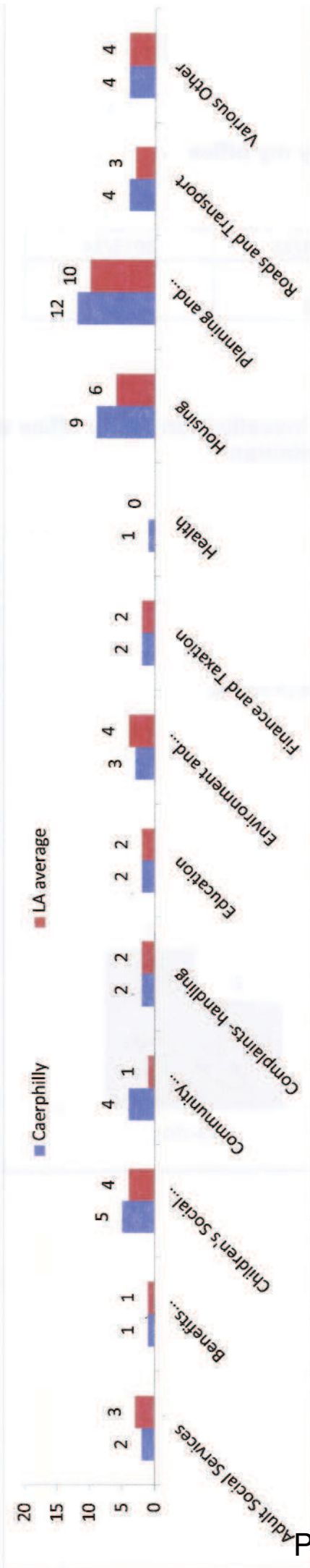


B: Complaints received by my office

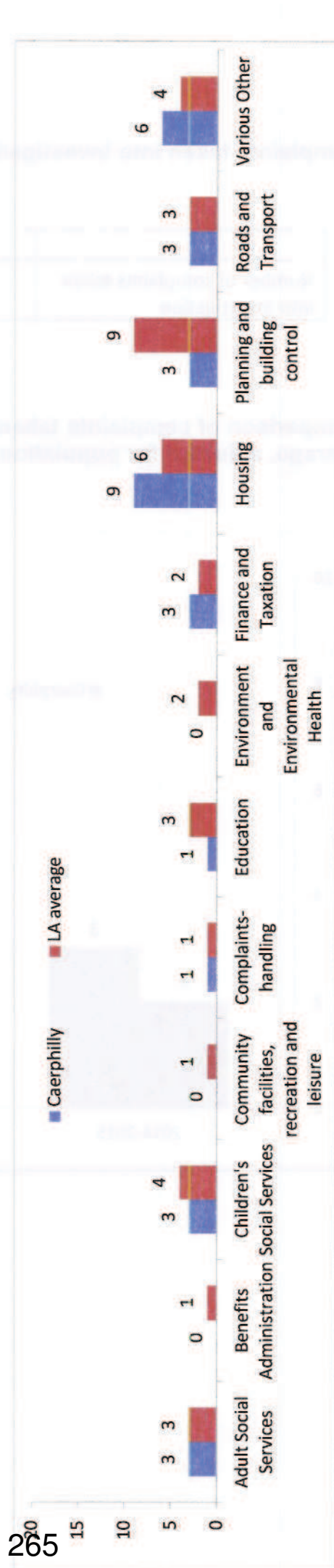
Subject	2014/15	2013/14
Adult Social Services	2	3
Benefits Administration	1	0
Children's Social Services	5	3
Community facilities, recreation and leisure	4	0
Complaints-handling	2	1
Education	2	1
Environment and Environmental Health	3	0
Finance and Taxation	2	3
Health	1	0
Housing	9	9
Planning and building control	12	3
Roads and Transport	4	3
Various Other	4	6
Total	51	32

C: Comparison of complaints by subject category with LA average

2014/15



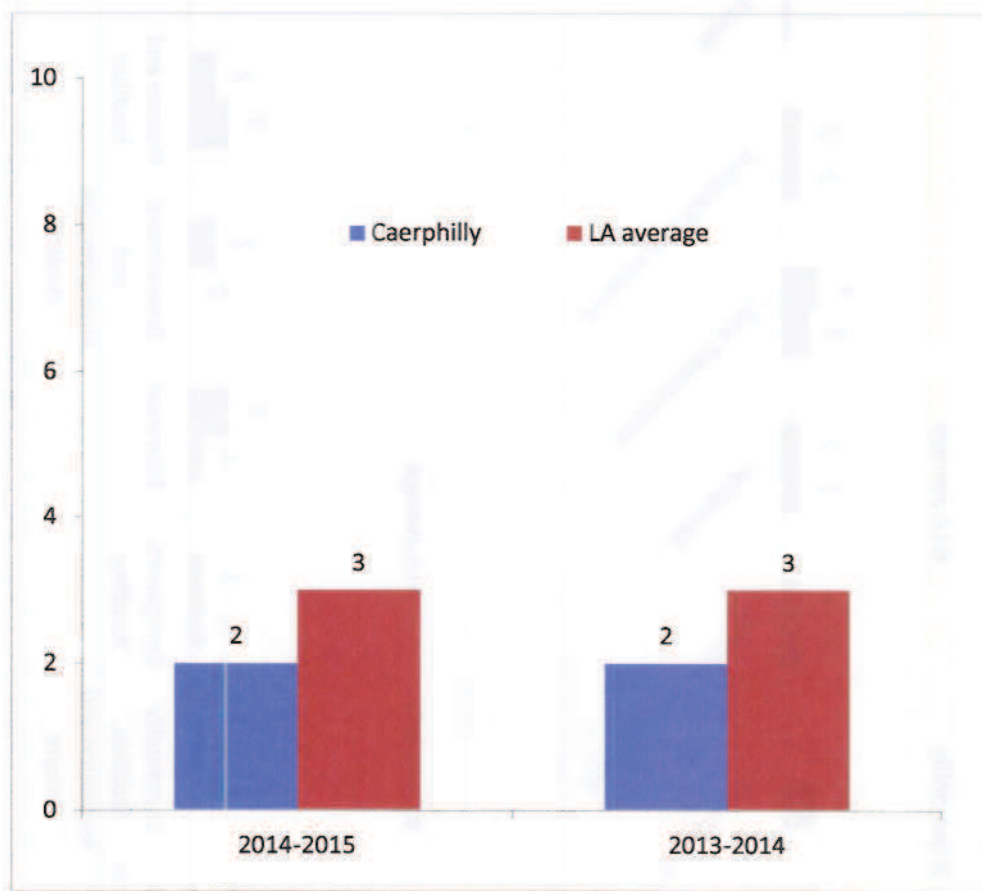
2013/14



D: Complaints taken into investigation by my office

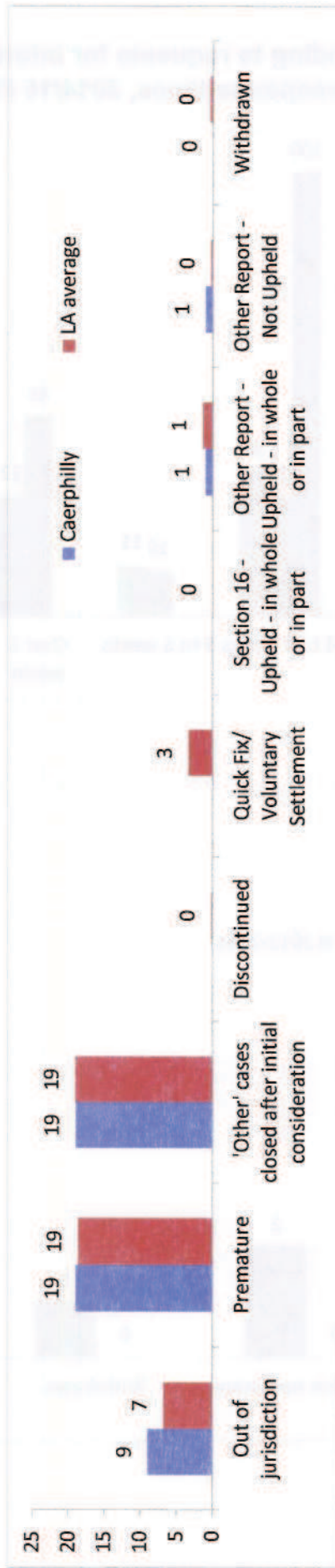
	2014/15	2013/14
Number of complaints taken into investigation	2	2

E: Comparison of complaints taken into investigation by my office with average, adjusted for population distribution

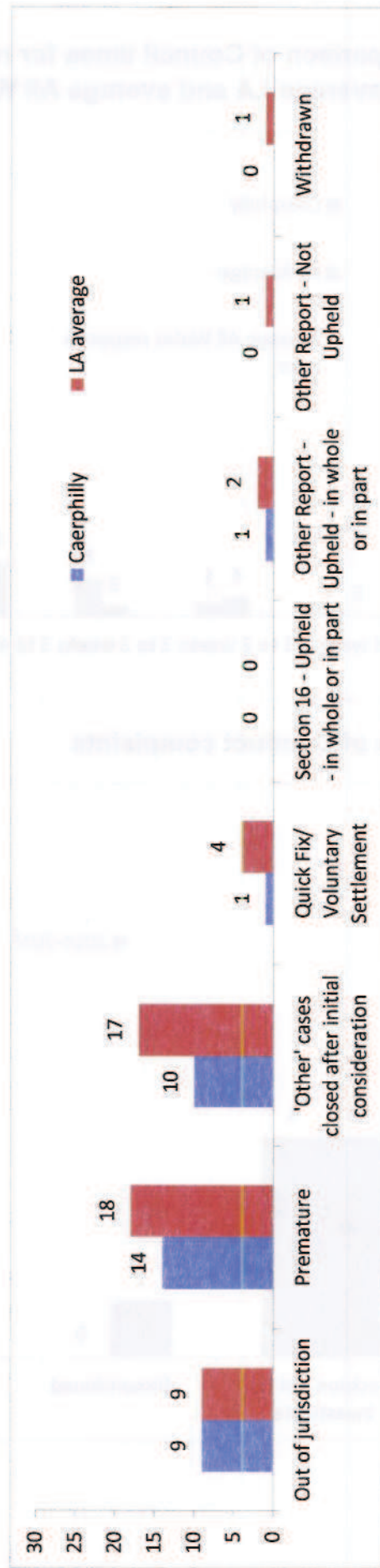


F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution

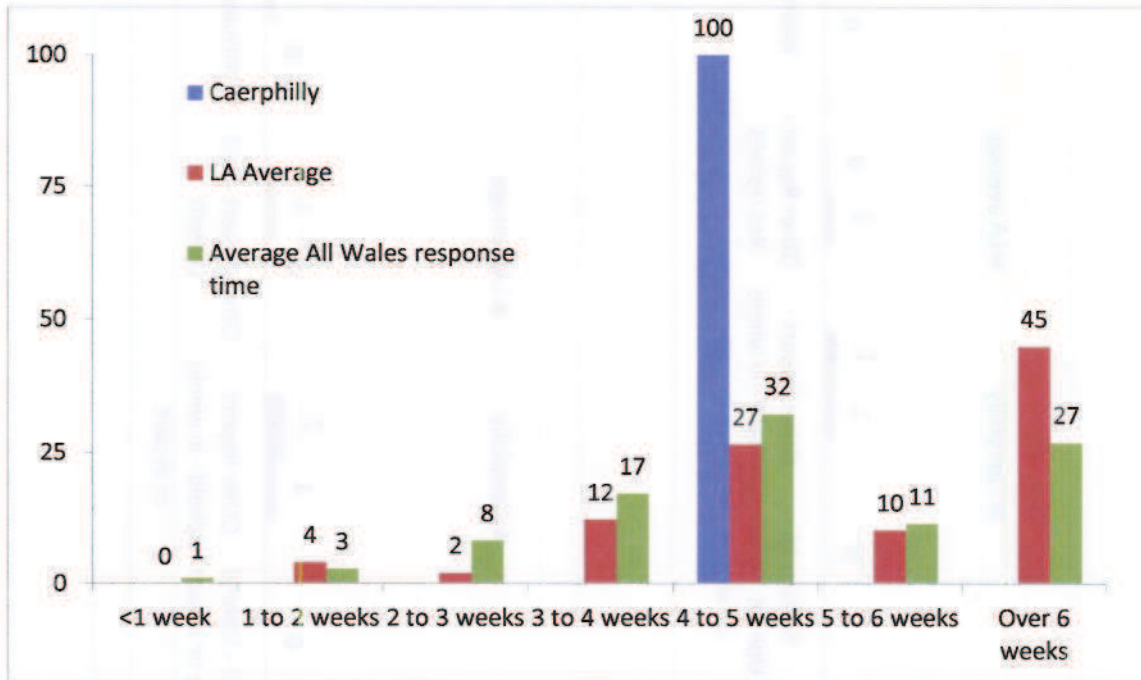
2014/15



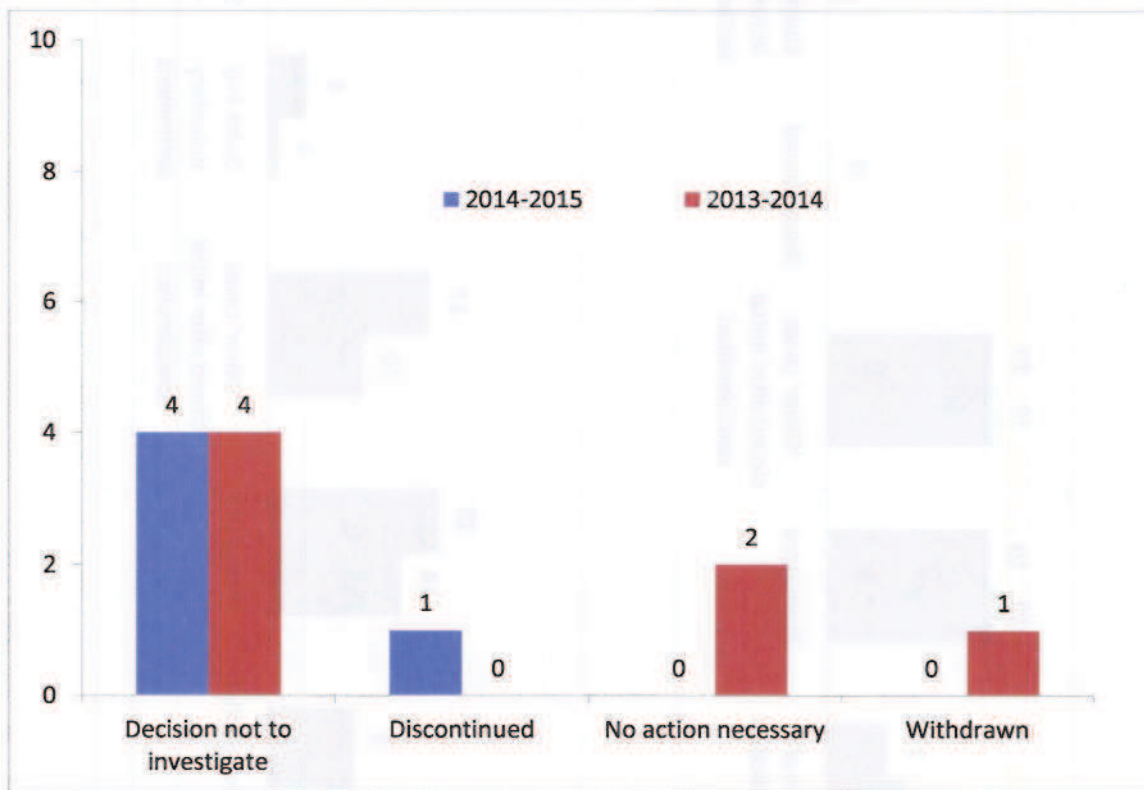
2013/14



G: Comparison of Council times for responding to requests for information with average LA and average All Wales response times, 2014/15 (%)



H: Code of Conduct complaints



I: Summaries

Education

Other reports – Upheld

Caerphilly County Borough Council – Applications, allocations, transfer and exchanges

Case reference 201301753 – Report issued October 2014

Miss A's complaint centred on the Council's handling of her housing application over the preceding years and the way it had let properties on "Street 1". Miss A's caring responsibilities meant she only wished to be considered for accommodation in "Street 1". Miss A also expressed dissatisfaction with the way the Council had dealt with her complaint.

The Ombudsman's investigation identified shortcomings in the Council's administration of Miss A's housing application which led to periods when her housing application was not dealt with as efficiently or effectively as it should have been. Such administrative inadequacies included documentation being mislaid, Miss A's housing application not being appropriately pointed, as well as instances of poor record keeping.

The Ombudsman's investigation also found evidence that Miss A's housing application had, for a period of time, been erroneously cancelled (in 2002) and this was coupled with other administrative failings. To the extent set out in the report Miss A's complaint was upheld. The Ombudsman identified periods in respect of Miss A's housing application where, although there were administrative failings, this did not cause Miss A personal injustice. In those instances, Miss A's complaint was not upheld.

The investigation also found that there was a failure by the Council to recognise when its statutory homelessness duties were engaged and, to that extent, this aspect of Miss A's complaint was upheld.

Finally, given the failings identified, the Ombudsman concluded that the Council's response to Miss A's complaint had not been as robust, transparent, or open as it could have been in acknowledging failings in the administration of her housing application. The Ombudsman therefore upheld this aspect of her complaint.

The Ombudsman recommended the following:

- a) within one month of the report being finalised, the Council's Acting Chief Executive should apologise to Miss A for the failings identified. In addition, the Council should in recognition of the impact of those failings on Miss A, which included the uncertainty as to whether she may have been offered accommodation in 2002, make a payment to her of £500;
- b) within one month of the report being finalised, the Council's Housing Services should remind its housing allocation staff of the importance of ensuring, where supported by the facts, enquiries were made where

- necessary to ensure applicants' housing applications are correctly pointed in accordance with its lettings policy;
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 - d) within two months of the report being finalised, the Council's Housing Services should develop guidance on the factors for consideration when considering applying discretion in relation to the removal of time points;
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 - f) within three months of this report being finalised, if it had not already done so, the Council's Housing Services should provide training to relevant housing staff, including allocation staff, on the circumstances when the Council's homelessness duties may be triggered and the steps that should be taken. The Council's Housing Services should also review its documentation to satisfy itself that it supported the early recognition of when the Council's homelessness duties may be triggered and thus engaged;
 - g) the Council should within the timescales specified within the recommendations provide documentary evidence to this office of compliance with the recommendations above; and,
 - h) finally, in the interim period before the Council's Housing Services introduced its new lettings policy in 2015, where its housing allocation staff had reason to review a housing application that had had time points removed, the application should be reviewed against the guidance developed at (d) above.

Other reports – Not upheld

Caerphilly County Borough Council – Other Case reference 201306043 – Report issued February 2015

Miss A complained that Caerphilly County Borough Council, as local education authority (“LEA”), had failed to provide adequate support to enable her son, B, to sit his exams when he was not able to attend school regularly during year 11 due to intermittent stomach pains.

The Ombudsman noted that, on the basis of the medical evidence the LEA had received, B did not meet the criteria for home tuition. A range of alternative provision was offered for B, including work being sent home for B, B attending school for reduced hours and receiving extra support in school, and rest breaks in exams and controlled assessments. The Ombudsman concluded that the LEA’s actions were reasonable, and that it could not have done more to assist the school and B. He noted that the LEA had no obligation to provide education for B once he was no longer of compulsory school age, and therefore its agreement to fund some distance learning for B was reasonable. He did not uphold the complaint.

County Council Strategic Plan - Other
Case reference: 2012/0001 - (School Leaver Refused)

After a discussion with County Council Strategic Plan, as local education authority (LEA), was asked to consider whether to provide for the child in question. It was noted that the child was currently attending a school in the area and that the LEA was not aware of any other arrangements for the child.

The LEA considered the child's needs and the fact that the child was currently attending a school in the area. It was noted that the child was currently attending a school in the area and that the LEA was not aware of any other arrangements for the child. The LEA considered the child's needs and the fact that the child was currently attending a school in the area. It was noted that the child was currently attending a school in the area and that the LEA was not aware of any other arrangements for the child.