



DINAS A SIR CAERDYDD  
CITY AND COUNTY OF CARDIFF

**COUNCIL SUMMONS**

**Thursday, 26 November 2015**

**GWYS Y CYNGOR**

**Dydd Iau, 26 Tachwedd 2015**

You are summoned to attend a meeting of the **COUNTY COUNCIL OF THE CITY AND COUNTY OF CARDIFF** which will be held at the Council Chamber - City Hall on Thursday, 26 November 2015 at 4.30 pm to transact the business set out in the agenda attached.

**MARIE ROSENTHAL**  
**Director Governance & Legal Services**

County Hall  
Cardiff  
CF10 4UW

Friday, 20 November 2015

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Promotion of equality and respect for others | Objectivity and propriety | Selflessness and stewardship  
Integrity | Duty to uphold the law | Accountability and openness

<i>Item</i>		<i>Approx Time</i>	<i>Max Time Allotted</i>
<b>1</b>	<b>Apologies for Absence</b> <i>To receive apologies for absence.</i>	4.30 pm	5 mins
<b>2</b>	<b>Declarations of Interest</b> <i>To receive declarations of interest (such declarations to be made in accordance with the Members Code of Conduct)</i>		
<b>3</b>	<b>Minutes</b> <i>(Pages 1 - 54)</i> <i>To approve as a correct record the minutes of the meeting 22 October 2015.</i>	4.35 pm	5 mins
<b>4</b>	<b>Petitions</b> <i>To receive petitions from Elected Members to Council.</i>	4.40 pm	15 mins
<b>5</b>	<b>Public Questions</b> <i>To receive previously notified questions from Members of the Public.</i>	4.55 pm	10 mins
<b>6</b>	<b>Lord Mayor's Announcements</b> <i>To receive the Lord Mayor's announcements including Recognitions and Awards.</i>	5.05 pm	5 mins
<b>Council Business</b>			
<b>7</b>	<b>Licensing: Review of Statement of Licensing Policy</b> <i>(Pages 55 - 118)</i> <i>Report of the Head of Shared Regulatory Services attached.</i>	5.10 pm	15 mins
<b>8</b>	<b>Licensing: Triennial Review of Statement of Gambling Licensing Policy.</b> <i>(Pages 119 - 162)</i> <i>Report of the Head of Shared Regulatory Services attached.</i>	5.25 pm	15 mins

<p><b>9</b></p>	<p><b>Treasury Management Mid Year Report 2015/16</b>  <i>(Pages 163 - 188)</i>  <b>Annexes A&amp;B to Appendix 1 to this report are not for publication as they contain exempt information of the description in Paragraphs 14 and 21 of Schedule 12A of the Local Government Act 1972.</b></p> <p><i>Report referred to Council from Cabinet 12 November 2015.</i></p>	<p>5.40 pm</p>	<p>15 mins</p>
<p><b>10</b></p>	<p><b>Constitution Committee Recommendations - Budget Procedure Rules, E-Petitions and Constitution Amendments</b>  <i>(Pages 189 - 196)</i>  <i>To consider updates to the Constitution agreed by the Constitution Committee 19 November 2015.</i></p> <p><i>Report of the Director Governance and Legal Services Committee attached.</i></p>	<p>5.55 pm</p>	<p>10 mins</p>
<p><b>11</b></p>	<p><b>Statements</b></p> <p><i>To receive statements from the Leader and Cabinet Members</i></p>	<p>6.05 pm</p>	<p>45 mins</p>
<p><b>12</b></p>	<p><b>Notice of Motion</b></p> <p><u>Motion 1</u></p> <p>This Council believes that the franchise should be extended to include 16 and 17-year-olds and that young people should be fully able participate in the political process. This Council backs the national 'Votes at 16' campaign and further supports strong, non-partisan political education for pre-A Level pupils.</p> <p>Council calls upon the Cabinet to work with the Cardiff Youth Council to help lobby for these changes.</p> <p>Proposed by:           Councillor Knight</p> <p>Seconded by:         Councillor Chris Davis</p>	<p>6.50 pm</p>	<p>30 mins</p>

<p><b>13</b></p>	<p><b>Notice Of Motion</b>  <u>Motion 2</u></p> <p>This Council notes:</p> <p>That the Trade Union Bill currently being debated in the UK Parliament contains a wide ranging set of proposals which will affect this Council's relationship with our trade unions and workforce as a whole, undermine the basic right to strike and make it harder for workers to organise effectively in trade unions.</p> <p>Cardiff Council resolves:</p> <p>To support the TUC and its affiliated unions in their campaign to protect trade union rights.</p> <p>To write to the UK Conservative Governments Secretary of State for Business, Innovation and Skills stating the council's opposition to the government's proposals on trade unions.</p> <p>To write to the Secretary of State for Communities and Local Government, the First Minister of Wales, the Welsh Minister for Public Services and the Welsh Local Government Association, stating our view that the interference of the UK government in local industrial relations is against both the spirit and the letter of the devolution settlement.</p> <p>To write to all MPs and AMs in Cardiff informing them of our position and encouraging them to oppose the trade union bill.</p> <p>In the event that the government's proposals become law, in so far as is lawful for the council as an employer, to continue to allow recognised trade unions to use subscriptions through payroll, or otherwise support trade unions' efforts to move members onto direct debit subscriptions, through allowing access to workers and giving employees as much notice as possible of any changed arrangements.</p> <p>To commit not to use agency workers to break strikes.</p> <p>To continue to work in partnership with our recognised trade unions.</p> <p>Proposed by:           Councillor Stubbs  Seconded by:         Councillor Keith Jones</p>	<p>7.20 pm</p>	<p>30 mins</p>
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<b>14</b>	<b>Oral Questions</b>  <i>To receive oral questions to the Leader, Cabinet Members; Chairs of Committee and/or nominated Members of the Fire Authority.</i>	7.50 pm	90 mins
<b>15</b>	<b>Urgent Business</b>	9.20 pm	5 mins
<b>Unopposed Council Business</b>			
<b>16</b>	<b>Appointments to Committee Vacancies</b> <i>(Pages 197 - 198)</i> <i>Report of Director Governance and Legal Services attached.</i>	9.25 pm	5 mins
<b>17</b>	<b>Countryside Rights of Way Act 2000: Appointments to Cardiff Local Access Forum</b> <i>(Pages 199 - 202)</i> <i>Report of Director Governance and Legal Services attached.</i>	9.30 pm	5 mins
<b>18</b>	<b>Written Questions</b>  <i>In accordance with the Council Procedure Rules, Rule 17(f) Written Questions received for consideration and response will be included as a record in the minutes of the meeting.</i>		

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## THE COUNTY COUNCIL OF THE CITY &amp; COUNTY OF CARDIFF

The County Council of the City & County of Cardiff met at County Hall, Cardiff on 22 October 2015 to transact the business set out in the Council summons dated Friday, 16 October 2015.

Present: County Councillor Walker (Lord Mayor)

County Councillors Ali Ahmed, Dilwar Ali, Aubrey, Bale, Bowden, Boyle, Bradbury, Bridges, Burfoot, Carter, Chaundy, Clark, Richard Cook, Cowan, Kirsty Davies-Warner, Chris Davis, De'Ath, Derbyshire, Elsmore, Evans, Ford, Gordon, Govier, Graham, Groves, Hinchey, Howells, Hudson, Hunt, Hyde, Javed, Keith Jones, Margaret Jones, Joyce, Kelloway, Knight, Lent, Lloyd, Lomax, Magill, McEvoy, McGarry, McKerlich, Merry, Michael, Mitchell, Murphy, Parry, Patel, Phillips, David Rees, Dianne Rees, Robson, Sanders, Simmons, Stubbs, Thomas, Graham Thomas, Lynda Thorne, Walsh, Weaver, White, Wild, Darren Williams and Woodman

## 83 : APOLOGIES FOR ABSENCE

Apologies were received from Councillors Manzoor Ahmed, Ralph Cook, Goddard, Goodway, Holden, Marshall, Morgan and Benjamin Thomas.

## 84 : DECLARATIONS OF INTEREST

Declaration of Interests were received as follows:-

<u>Councillor</u>	<u>Item</u>	<u>Interest</u>
Councillor Aubrey	Item 12 - Motion 2 Traffic Free Day	Personal Interest as a Director of Cardiff Bus as appointed by Full Council
Councillor Bale	Item 14 - Oral Question 5	Personal Interest as a former Member of the Llanishen Reservoir Action Group
Councillor Groves	Item 8 – City of Cardiff Council Annual Improvement Report 2014/15	Personal Interest
Councillor Hudson	Item 10 – Leader's Statement	Personal Interest
Councillor Lloyd	Item 14 - Oral Question 5	Personal Interest as a Member of the Llanishen Reservoir Action Group
Councillor Magill	Item 14 - Oral Question 5	Personal Interest as a Member of the

		Llanishen Reservoir Action Group
Councillor Robson	Item 12 - Motion 2 Traffic Free Day	Personal Interest as a Director of Cardiff Bus as appointed by Full Council
Councillor Simmons	Item 12 - Motion 2 Traffic Free Day	Personal Interest as a Director of Cardiff Bus as appointed by Full Council
Councillor White	Item 12 - Motion 2 Traffic Free Day	Personal Interest as a Director of Cardiff Bus as appointed by Full Council
Councillor Woodman	Item 8 – City of Cardiff Council Annual Improvement Report 2014/15	Personal Interest as Honorary President of Diverse Cymru that delivers Direct Payments for the Council

#### 85 : MINUTES

The minutes of the meeting held on 24 September 2015 were approved as a correct record and signed by the Chairperson subject to Councillor Aubrey be marked as an Apology and not as Present.

#### 86 : RIVERSIDE BY-ELECTION

The Lord Mayor welcomed Councillor Caro Wild to his first Council meeting following his election to the vacancy in the Electoral Division of Riverside on 7 October 2015.

Councillor Caro Wild thanked Members for their welcome and expressed his thanks to the electorate and supporters and welcomed the opportunity of representing the constituents of Riverside and undertaking his new role as a County Councillor.

#### 87 : LORD MAYOR'S ANNOUNCEMENTS

##### CARDIFF HALF MARATHON 4 OCTOBER 2015

Cardiff was delighted to welcome a record number of participants to the Cardiff Half Marathon on another superb day in the Welsh capital. Almost 16,000 runners crossed the line and runners were supported by more than 50,000 spectators along the course – estimated to be the biggest crowd in the event's history. The live television coverage helped the race reach a wider audience than ever before.

The Lord Mayor thanked the sponsors, runners, spectators and all support staff for a great event which again puts Cardiff on the map.



This event was a warm up for the prestigious IAAF/Cardiff University World Half Marathon Championships to be held on 26 March next year. The 2016 event is not just for the elite, it is for everyone. There will be 25,000 places available – an opportunity for anyone in this Chamber to take part.....

### CONTRATULATIONS TO WALES NATIONAL FOOTBALL FOR QUALIFYING FOR EURO 2016

Congratulations to the Welsh National Football team for their success in qualifying for the first time in 57 years for European Football Championship 2016 in France. Wales' winning finale at home to Andorra on 13 October meant that we could all celebrate in their success in the pool stage.

The draw for next years' tournament will take place on 12 December.

### RUGBY WORLD CUP

Cardiff has again enjoyed being a host city for the Rugby World Cup 2016, a show case event for the Capital City broadcasted all over the world. We have welcomed nearly 1 million visitors over the past month from many different nations providing an array of colour to our already cosmopolitan city.

The Ball in the Wall has been a social media phenomenon becoming one of the most photographed icons of the Rugby World Cup.

We also congratulate the Welsh Rugby team for some fantastic, entertaining and nail biting rugby. Their heroic efforts got them through the very difficult pool stages to the quarter finals and they should be proud of their achievements.

As a host City we have also been presented with a very distinctive statue that we will display in the Mansion House and is on the front table for you all to view today. Before moving on I would like to thank and acknowledge all those employees who worked so hard to make Cardiff welcoming to our visitors.

### RECOGNITION & AWARDS

The Lord Mayor was pleased to report on the following awards and recognitions achieved since the last meeting

#### Celebrate Black History Month

October marks Black History Month and an opportunity to celebrate the wonderful diversity, culture and history of Cardiff.

There are dozens of events taking place across the city this month and right up until the end of November.

Councillor Daniel De'Ath, Cabinet Member for Skills, Safety & Engagement said: "Black History Month is now a well-established event in Cardiff that celebrates the achievements of groups and individuals of a Black and Minority Ethnic background.

"Many events have been organised, including film shows, poetry recitals, and live music performances. Activities to celebrate Black History Month run from the beginning of October to the end of November, so there is plenty of time to attend the different events being held across the city.

"Everyone is welcome to attend any of the events regardless of their ethnic heritage, so please make a diary date and come along to learn more about Black History listen to poetry or enjoy a live band."

We are sharing photos and stories of our multicultural Cardiff via the Council's Facebook page. Please send in your experiences through to [socialmedia@cardiff.gov.uk](mailto:socialmedia@cardiff.gov.uk)

#### Celebrating Thornhill Primary School's young eco warriors

Congratulations to all the pupils and staff at Thornhill Primary School on their wonderful achievement on becoming the 1<sup>st</sup> Welsh School to win a prestigious sustainable energy Ashden award.

Ashden is a UK-based charity that champions and promotes practical, local energy solutions that cut carbon, protect the environment, reduce poverty and improve people's lives. The school's efforts have been described as: "Thornhill Primary School's crack squad of student eco-warriors keep energy wastage to a minimum with their spot checks on whether lights and appliances have been left on in the classroom. The school's willingness to trial new ideas and share the results with others, along with its determination to reduce carbon emissions to the absolute minimum, is what makes it the first Welsh school to win an Ashden Sustainable School Award."

#### National Quality Award for Moorland Primary

The pupils, parents and staff at Moorland Primary School are celebrating success in the Welsh Government's Welsh Network of Healthy School Schemes after being recognised with a National Quality Award.

Managed by Public Health Wales, the scheme has been running since 1999 and considers initiatives around food and fitness, mental and emotional health and wellbeing, personal development and relationships, substance use and misuse, environment, safety and hygiene.

With support from the city council, the school in Splott has been working hard over a number years, introducing initiatives designed to improve the health and wellbeing of the school community, both in and outside of school. Activities have included projects to promote equality, an on-site counselling service and comprehensive lessons on smoking, alcohol and drugs. A scooter and bike store at the school has proved very popular with the children, promoting fitness and encouraging active travel to school.

Moorland primary is the second school in Cardiff to be recognised with a National Quality Award, following Herbert Thompson Primary School in Ely's 2011 success.

Educating Cardiff Head teacher crowned the best

If you've been gripped to the recent 'Educating Cardiff' series on Channel 4, which featured pupils and teachers at Willows High School, you will have seen for yourself the inspirational head teacher, Mrs Joy Ballard, strive to make the difference for the pupils, their parents and her dedicated teaching staff at the school.

We are very proud to confirm that Joy was crowned 'Head teacher of the Year' at the prestigious annual Pearson Teaching Awards at a ceremony held at the Opera House in London.

A spokesman for the Pearson Awards described Mrs Ballard as an "outstanding" head teacher. He added: "She brought new life to a school which needed a fresh vision to improve the lives of its pupils and its community. She is committed to helping every student realise their full potential. The success she has achieved is outstanding."

In an interview with Wales Online, Mrs Ballard said: "Willows' success comes around from two different things - our desire to learn off the very best people and absolutely phenomenal staff that will go that extra mile."

Whilst Mrs Ballard has since left Willows High School to become head teacher at Ryde Academy on the Isle of Wight to be closer to her family, the recognition was awarded for the tremendously positive and long lasting impact she has had on Willows and its pupils and staff. Yet another wonderful example of how we, the staff of the City of Cardiff Council, make the difference.

Gold award for the wonderful dogs' home

Congratulations to Cardiff Dogs Home, which has been awarded the RSPCA's Stray Dog Provision gold award at a ceremony at the Senedd last week. The award is part of the RSPCA's Community Animal Welfare Footprint scheme. It's great that hard work by staff, Dog Wardens and volunteers has been highlighted through the RSPCA's gold award.

Cardiff Dogs Home is based on Westpoint Industrial Estate on Penarth Road and is open seven days a week. Every year it deals with nearly 1,000 dogs and last year 40% were successfully re-homed and 55% were reunited with their owners.

COUNCILLOR DIANNE REES

We congratulate Councillor Dianne Rees on the birth of her third grandchild Thomas, William Henry born on 9 October 2015. We hope mother and son are doing well.

LORD MAYOR'S CHARITY

The Lord Mayor was grateful for the support of Members in arranging events and activities in support of Action Against Cancer and Velindre Cancer Care. With the support of the Deputy Lord Mayor, Councillor Dilwar Ali the Lord Mayor had visited a number of Mosques around the City and had been delighted to accept donations to

his Charity. The Lord Mayor advised that he would be continuing with further visits in the next few months, and was pleased that all Communities in Cardiff were getting involved in fundraising.

## 88 : PETITIONS

The following petitions were received:-

- 1 Councillor Linda Thorne – 219 signatures calling on the Council to save Grangetown Play Centre and Children’s Play Services from closure in April 2016;
- 2 Councillor Jim Murphy – 734 signatures calling on the Council to save Ely Play Centre and Children’s Play Services from closure in April 2016;
- 3 Councillor Lyn Hudson – 28 signatures requesting the Council to provide ‘Residents Only’ parking outside Heath Park Court, Highfields Road, Heath, Cardiff.

## 89 : PUBLIC QUESTIONS

Question: *Mr Alex Clarke*

Two of the roles of a councillor outlined in the Council's Constitution are to:

(ii) represent their communities and bring their views into the Authority’s decision-making process, i.e. become the advocate of and for their communities;

(iii) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;

Please would the Cabinet Member explain the procedure (e.g. timescales etc.) for elected members replying to all correspondence (including letter, email and twitter) and outline the monitoring system in place to ensure that members fulfil their obligation.

Reply: *County Councillor De’Ath*

Elected Members in Cardiff take their representational and casework responsibilities very seriously.

All Councillors provide regular ward surgeries to meet with their constituents and use a variety of methods to respond to enquiries.

All Members have clear, up-to-date contact details published on the Council website, the Capital Times, and local libraries and community hubs. They can also be contacted by Members Services in County Hall.

Elected Members are expected to respond to correspondence in a timely fashion within 21 days of the receipt of written letters or emails. Sometimes it can take longer to provide a full response while Members make further enquiries within the Council. Members do their best to keep constituents up-to-date with the progress.

There are no formal monitoring procedures in place for this, although procedures are in place to monitor all Cabinet Member correspondence and to chase up responses if there are delays.

Residents can also contact Connect 2 Cardiff with issues or concerns. All C2C contacts are monitored to ensure compliance and swift response.

Supplementary Question: Mr Alex Clarke

It is disappointing that there are no formal procedures in place to monitor Councillor correspondence. This presents a particular problem when Members fail or refuse to answer correspondence via letter, at surgeries, or on social media.

Would the Cabinet Member agree to meet with me to discuss my concerns in more detail and therefore I can be provided with an answer to my previous unanswered correspondence?

Reply: County Councillor De'Ath

I'm certainly happy to correspond with you on this to see if you can raise some suggestions or come to a conclusion to the issues you seem to be experiencing.

90 : CITY OF CARDIFF COUNCIL ANNUAL IMPROVEMENT REPORT 2014/15

The Council was requested to approve Cardiff Council's Annual Improvement report for publication by 31 October 2015.

The Cabinet Member for Corporate Services & Performance, Councillor Hinchey proposed the report. The report was seconded by Councillor Bale.

The Cabinet Member presented the Improvement Report 2014/15 which provided a retrospective summary evaluation of performance against the agreed outcomes, activities (improvement objectives), and targets. The report was considered by Cabinet on 1 October 2015.

The report focused on key outcomes and progress in performance in key areas including supporting vulnerable people; school performance including attendance; reducing the number of young people not in employment education or training (NEETS); progress in addressing affordable housing; improving housing; provision ;economic growth and development; and the provision of quality jobs in the city's economy all of which were Corporate Plan priorities.

The Cabinet Member drew attention to satisfaction data relating to perceptions of Cardiff and its performance as a city.

The Lord Mayor invited debate and during the discussion Members commented on Cardiff's current ranking; concerns around progress in National Strategic Indicator (NSI) and Public Accountability Measures (PAMs); weakness in Social Services Directorate performance in particular disabled facilities and adaptations – time taken to complete works; and Delayed Transfer of Care (DeTOC). The challenges of increased demand and pressures on services were ongoing particularly in Social Care and Children's Services. It was recognised that there had been improvements made in Education attainment and results and further improvements had been achieved with better results in the summer 2015. Members comments on the data on young people not in Education, Employment or Training and Looked after children.

RESOLVED – That the Annual Improvement Report 2014/15 be approved for publication by 31 October 2015

#### 91 : MEMBER CHAMPIONS ANNUAL REPORTS

The Council received Annual Reports from the Member Champion for Cycling and Sustainable Transport ; Councillor Gordon and the Member Champion for Community Food Growing Councillor Holden and Member Champion role for Diversity and Equality former Councillor Love.

Each Champion had within the remit of the role undertaken considerable amount of work in focussing on their specific area of interest, researching good practice; questioning performance and resourcing; engaging with relevant external bodies and community /stakeholder groups with an interest in the area; and engage internally with, and complement the work of, the Cabinet Member, the Scrutiny function and lead officers in relation to the role. Member Champions had identified a number of learning points for the Council to further develop the Champion role and optimise the success both of the overall initiative and the work of individual Champions

Councillor Ali Ahmed was appointed at Full Council in June 2015 to the role of Diversity and Equality Champion and was now actively progressing and participating in internal and external initiatives.

RESOLVED – that

1. the good work undertaken by all Member Champions be acknowledged and the Champions, officers and communities be applauded for the work completed so far;
2. the Member Champion Initiative and the three roles be continued until the Spring 2016
3. the WLGA's role description and Person Specification for Member Champions be adopted;
4. further annual reports from Member Champions;

5. Members be encouraged to propose further areas suitable for a Member Champion to be appointed.

## 92 : STATEMENTS

### **Leader's Statement**

#### MIPIM UK

Representatives from Cardiff, along with our 350 square ft. model of the city, were present at this year's MIPIM UK – the UK's biggest property trade show.

It was an opportunity to showcase the benefits of investing in Cardiff and engage in positive discussions with key figures from across the property sector.

One of the City Council's four priorities is to create more and better paid jobs and attendance at MIPIM UK helps ensure that Cardiff- as a well networked and outward facing city- has the profile it needs to attract high quality inward investment. This is important for delivering a portfolio of high quality properties as well as attracting blue chip employers.

The Cardiff stand also hosted investors, developers and construction companies from China, part of President Xi's delegation to the UK, which provided an opportunity to build on our existing relationship with our twin city of Xiamen.

#### City Lab

The CityLab 2015 event was held in London, hosted by Bloomberg Philanthropies, the Aspen Institute and the Atlantic magazine, and was partly in recognition of the City Council's work to promote Cardiff as a world class capital city.

The event brought together city leaders and international experts to discuss the major challenges facing cities, learn about different approaches to responding to growth and city development, and to connect with a variety of individuals and organisations. It was an important opportunity to promote some of the excellent work happening in Cardiff, whilst learning from the experiences of others.

Amongst the speakers presenting at CityLab was Cardiff University's Professor John Shepherd. Professor Shepherd discussed the innovative application of data to develop public policy which delivers improved outcomes for citizens whilst also ensuring the more efficient allocation of public resources. The Cardiff Model for Violence Prevention, for instance, uses information gathered in A&E departments together with data provided by public service providers to drive violence prevention activity. Research has shown that the implementation of the data sharing approach in Cardiff led to savings in the city's health, social and criminal justice costs. The Council's Research Team have been instrumental in the analysis of the data which has been hailed as best practice both nationally and internationally.

#### Rugby World Cup

Cardiff has hosted its final games of the 2015 Rugby World Cup and the Leader thanked officers, residents and the people who visited the city from around the World for making it such a special couple of weeks.

With Cardiff Castle's "Ball in the Wall" being one of the most prominently featured promotional activities it ensured that the City enjoyed global exposure and excellent publicity. Over 534,000 tickets were sold for the Millennium Stadium for the Rugby World Cup and City of Cardiff's official fanzone at the Arms Park was the most well attended of any at the tournament, having welcomed over 150,000 visitors.

There is no doubt that hosting the games brought a significant amount of money into the city. City attractions, including Cardiff Castle, saw a substantial increase in visitor numbers with 10,000 more people visiting compared with the same period last year. Whilst Cardiff's role in the World Cup is over, it can be proud of once again demonstrating its ability to host major events on the world stage. We hope our many visitors will be back to enjoy the city in the future.

#### Local Development Plan

For the avoidance of any doubt, this administration fully supports the retention of the proposed Green Belt within Cardiff's Local Development Plan (LDP). Not only did this administration include the Green Belt proposal in the Plan, but it has consistently and robustly defended the designation throughout the LDP examination process.

The Council has provided a clear response to the Welsh Government Inspector, which is now seeking views on the merits, or otherwise, of a Green Wedge as opposed to a Green Belt. The Council has also re-affirmed its written and verbal evidence submitted to the examination process regarding this matter. Our evidence confirmed that the Council considers the Green Belt designation fully accords with Welsh Government guidance, as set out in Planning Policy Wales, and is not an issue which renders the Plan unsound. The Council therefore respectfully requested that the Inspectors take full account of the evidence submitted by the Council when deliberating on the retention, or otherwise, of the Green Belt within the Plan.

The Matters Arising Schedule relating to the LDP is now subject to a 6 week consultation, closing on 26<sup>th</sup> November. The Green Belt/Green Wedge will therefore be one of the topics for consultation, and the consultation documents makes clear that it is an Inspector-led request.

The Lord Mayor invited questions on the Leader's Statement. Members welcomed the coverage Cardiff had received during the World Cup and its profile on the World stage. A Member enquired about the funding received and cost to the Council of the Rugby World Cup (for example in clearance of litter, etc.).

#### **Health, Housing & Wellbeing Statement**

##### Update on position: Refugees

Further progress was been made in preparing all required service inputs for the implementation of the Syrian Vulnerable Persons relocation scheme and the Afghan



Resettlement scheme. The multi-agency regional Leadership Group met on 12<sup>th</sup> October and agreed the establishment of a housing-focussed task group to identify suitable properties in the private rented sector linked to consideration of appropriate support and education services. This will inform detailed discussions with the Home Office with the objective of providing sustainable placements as quickly as possible, supported by a process that will be fit for purpose over the period to 2020.

#### Alarm Receiving Centre Visit

On 22<sup>nd</sup> September the Cabinet Member visited the new Alarm Receiving Centre at Willcox House and she urged all colleagues to visit if they haven't already! This is a prime example of how the Council has utilise the latest technology to provide the service more efficiently and also to open up income opportunities. In addition the Cabinet Member was delighted to meet the Council's very capable Telecare team who offer a vital service to elderly and vulnerable citizens 24 hours a day, 7 days per week.

#### Delayed Transfers of Care

The Cabinet Member advised that a new and invaluable Leadership Group had been established to oversee the partnership approach to reducing delayed transfers of care. Timely transfer and discharge arrangements are important as delays lead to poor patient experience and increased operational pressures on the whole care system.

A comprehensive joint action plan was being put in place. Officers were working diligently with Health and the Vale of Glamorgan colleagues to ensure there is a responsive service in place.

We have used the Intermediate Care Fund (ICF) to further enhance our Community Resource Team and the team is moving to 7 day working in preparation for the winter.

We are working hard to create more domiciliary care and nursing bed capacity but this still remains a challenge. We plan to host a provider event with Business Wales to facilitate a discussion and help stimulate the market place.

#### Housing Partnership Programme Update

The procurement process for the Housing Partnership Project has now entered its final phase. This exciting project will deliver 1,500 energy efficient homes across Cardiff, 40% of which will be affordable.

#### Wales Audit Office Report on Supporting the Independence of Older People

The recently released Wales Audit Office Report '*Support the Independence of Older People*' focuses on some key areas that can help to address the growing demands placed on local authorities, including the value of other services in sustaining the independence of older people; how the wider preventative services can help to prevent demand, and how we use data to support evidenced-based decision-making.

There is great pace of change within Adult Social Services in Cardiff and these changes are strongly aligned to the work in this paper, namely a new *Target Operating Model* and the *One Point of Contact* into the service. Additionally, future budgets will be built on a strong understanding of the potential consequences to people in Cardiff, supported by a robust performance management framework.

The Lord Mayor invited questions to the Cabinet Member Health, Housing and Well-being and a number of matters were raised in relation to Refugees and Asylum Seeker support and immediate needs; timescales for receiving refugees. A Members requested further details on the DeTOC Leadership Group make up and terms of reference.

### **Corporate Services & Performance Statement**

#### Employee Assistance Programme

This administration places a strong emphasis on the health and well-being of all staff. We recognise our workforce as our most valuable asset, responsible for delivering valuable services across the city and its communities every day. We will therefore be launching an Employee Assistance Programme in November.

The Programme will provide all staff, including school staff, with access to a confidential telephone counselling and advice service. The service, which will include direct access to a wide range of professional advisors, will be available free of charge and accessible twenty four hours a day, seven-days a week. The Employee Assistance Programme has been secured through the all Wales National Procurement Framework, and will be delivered by Care First. Care First are an experienced provider with a proven track record of improving staff well-being, performance and attendance through active partnerships with Managers, Human Resources and Occupational Health professionals. This will complement, not replace, existing services such as the Employee Counselling Service.

#### Customer Relationship Management

Our Corporate Plan makes clear that the Council needs to change the way it delivers many services to ensure their long term sustainability. Internally, a 'One Council' approach is enabling more joined-up working between departments and is making services easier for residents to access. A key part of this approach involves the adoption of a new Customer Relationship Management (CRM) model that will improve customer services and drive down costs, with a focus on increased use of digital channels where appropriate. The technical sign off for phase 1 of the CRM will be completed this month, with Connect 2 Cardiff (C2C) being the first service area to adopt the approach.

#### Collaboration in the Management of Health and Safety

A service level agreement is currently being developed with Caerphilly Council for the management of the Health and Safety Advisory Service within the Council. The Agreement will result in financial savings for the Council, whilst offering further

potential benefits in the management of health and safety services. This is another example of the City of Cardiff Council collaborating effectively with regional partners to drive down costs and improve the quality of services. The proposals have been fully consulted upon and are supported by the Trade Unions. The Health and Safety Team will remain within the employment of Cardiff Council.

#### Budget Settlement Timetable

Normally Local Authorities in Wales receive their Provisional Budget Settlement in October, followed by a Final Settlement in early December. This will change this year with the expected timescales for the Local Government Budget Settlement indicating that the Welsh Government will publish its Draft Budget on 8 December, with the provisional Local Government Settlement for 2016/17 announced on 9 December. The Final Settlement is then expected to be published by Welsh Government on the 2 March with approval of the Local Government Finance Report on 9 March.

The Council must, under the statutory requirements of the Local Government Finance Act 1992, set a balanced budget by 11 March. As a consequence, not only will the confirmation of the Council's funding for next year be extremely late, it's also likely to cover only one financial year. The timescales are therefore challenging, and are likely to place significant pressure on the Council's Budget Setting Process.

#### Members 'paper lite' project update

Three new versions of the Tablets are now built and ready to be trialled as potential replacements for the existing Members tablets. Amongst the issues addressed with the new model are hardware reliability, speed of power on, password synchronisation issues and connecting to networks more seamlessly. The short pilot will be assessed against these 'success factors' with the aim of making a decision on potentially replacing all tablets if successful.

#### New Eastern High School

ICT is working with the LEA, the Head teacher of Eastern High and Cardiff & Vale College to decide how the ICT systems for the new Eastern High school will operate and best support the learning outcomes of the pupils. The new school will be run by the LEA for years 7-11 and the sixth form will be run in partnership with Cardiff & Vale College.

Two additional secondary schools who have contracted their ICT services out to third parties have asked ICT to review their existing systems and infrastructure and to suggest an action plan to implement improvements.

#### Online Parking Permits

Working together with our external providers – Chipside - the Council's new online parking permit system was launched this month. It allows the public to access and apply for parking permits on-line without the need for paper and postage, delivering a more convenient and cost effective service.

Members welcomed the Employee Assistance Programme to support staff through difficult times in the workplace and personal life aimed at supporting Health & Wellbeing and the Council's sickness policy. Members welcomed the review of the tablets provided as part of the Member IT project and were encouraged to hear that there would be no cost for any replacements.

### **Environment Statement**

#### Partnerships

The Cabinet Member was pleased to highlight an emerging project within the City Operations Directorate, centred on a partnership between the Council, Cardiff Metropolitan University and the University of South Wales. The project which has come about through the Volunteer Development Partnership Group formed earlier in the year is aimed at providing students studying at both establishments with work experience opportunities across a range of disciplines that include Civil & Environmental Engineering, Landscape Design and Management, Public Services/ Business Administration and Wildlife & Conservation Management. It is anticipated that a programme of opportunities which will provide benefits to those studying in specific fields, with potential benefits to the Council in terms of project work will be in place next month.

#### Organic Waste Treatment Centre

The City of Cardiff and the Vale of Glamorgan Councils are pleased to announce the start of the construction of an Organic Waste Treatment Centre. Construction has followed on from the planning and design process which included public consultation on the proposals in the local area. The ground breaking ceremony took place on the 6 October 2015 at its Tremorfa site where the new Anaerobic Digestion (AD) facility will be housed. An Open Windrow Composting (OWC) facility will be located at Lamby Way, with construction there to commence in Spring 2016.

Cardiff and Vale Councils are working together with Kelda, Dŵr Cymru Welsh Water, EnCon Construction and Anaergia to develop some of the latest technology that will not only treat and recycle the organic waste but will also produce sustainable sources of energy and growing medium for arable farming. . The site build will be completed in 2016 and will guarantee 97% of food delivered will be recycled. The green waste site build will be completed in 2016 and will guarantee the same 97% recycling rate.

The facility will allow Kelda to provide a high quality recycling service to the Councils and support the achievement of zero waste targets. This facility will also supply renewable energy to our partner, Welsh Water, for its Tremorfa site and sustainable fertiliser from both sites will be recycled to local agriculture, working to our group vision of "Taking responsibility for the water environment for good".

#### Cathays Chapel

Cathays Chapel renovation crowd funding website set up on 19 September 2015 to raise around £39,000 to renovate the chapel. To date, over £25,700 has been raised.

### Waste Changes

The on-going recycling and waste changes have been a hot topic of debate over the last few months, the Cabinet Member was pleased to advise that the Council had reached the half way mark of the city wide changes the early data is showing promising results; comparing quarter 2 to last year's quarter 2 – green bag recycling tonnages are up 11% and food waste tonnages are up 15%. This is supported a 331% increase in green bag demand and a 120% increase in food liner demand. Recycling has therefore been made easier for residents. The delivery sticker on the green bags has been reintroduced so residents when they come to the end of their green bag roll, they simply write on their address and a new roll will be delivered by the crews.

The public are adjusting well to the changes; we may have issued over 3500 warning notices, but less than 100 people have gone on to ignore the warning given. It is pleased to see the residents of Cardiff understanding and supporting the need to recycle more/”move out of the black and into the green”.

### Cardiff Dogs Home: Good as gold!

Congratulations to Cardiff Dogs Home has been presented with the RSPCA's Stray Dog Provision gold award at a ceremony at the Senedd. The award is part of the RSPCA's Community Animal Welfare Footprint scheme. City of Cardiff Council's Emergency Management Unit has received the Contingency planning bronze award at the same ceremony.

Members were invited to ask questions and a request was made for data on the total percentage of recycling for quarter 2.

### Deputy Leader & Cabinet Member - Early Years, Children & Families Statement

The Deputy Leader was pleased to announce that further significant progress has been achieved supported by the Children's Service's Improvement Plan, the continued engagement of the Chief Executive, the ongoing involvement by the Director in the Challenge Forum and the work of the Organisational Development Programme.

### Operational Delivery

The Director's close attention to operational safety and integrity over the last 2 years means that the service is in a much more stable and healthy condition. This is evidenced by sustained lower caseloads - down from 24.5 at 30.06.14 to 17.5 at 30.09.15

stronger performance in key areas

Recording decisions on referrals                      77.6% in Q1 2014-15

89.8% in Q1 2015-16

94.1% in Q2 2015-16

Initial assessments 67.1% in Q1 2015-16 91.7% in Q2 2015-16	34.6% in Q1 2014-15
Core assessments 71.2% in Q1 2015-16 75.1% in Q2 2015-16	49.8% in Q1 2014-15
Initial CP conferences 96.4% in Q1 2015-16 99.2% in Q2 2015-16	91.0% in Q1 2014-15
Care plans at start of BLA 67.0% in Q1 2015-16 81.3% in Q2 2015-16	62.1% in Q1 2014-15
Permanence plans 85.7% in Q1 2015-16 96.6% in Q2 2015-16	80.4% in Q1 2014-15
Looked after child reviews 93.2% in Q1 2015-16 96.0% in Q2 2015-16	85.3% in Q1 2014-15
Social work vacancies 23.5% in Q1 2015-16 21.4% in Q2 2015-16	30.1% in Q1 2014-15

A more stable recruitment and retention position with an increase in applications for social work posts from other authorities in the region and from agency staff. Agency staff are down from 55 in June 2014 to 30 in September 2015,

The Directorate recognises that there still remains much to do to improve performance further across a wider range of performance dimensions, particularly in terms of enhancing attainment by Looked after Children and in terms of strengthening the offer for disabled children.

This improvement work over the last year, consolidating the 2013-14 year, means that the service has been able to engage in key strategic developments and these include a sustainable and improving future for the service

#### Strategic Developments

Prevention - the launch of the Early Help strategy led by the Cardiff Partnership Early Intervention and Prevention Steering Group. The Deputy Leader advised that she had addressed the launch which was attended by partner agencies pledging their commitment to working with children services to address. The strategy reflects a genuine partnership in which no one agency has primacy but in which all are committed to

- Reducing the number of children, young people and families requiring 'remedial' support or intervention.
- Narrowing the gap' so that children achieve their potential.

The Deputy Leader was encouraged to see positive engagement from partner agencies at the launch of this strategy.

Refreshed Fostering Campaign - a new fostering campaign was initiated in September with a focus to recruit more foster carers for children in Care. Our ambition is to bring those children back to Cardiff who had to be placed outside of Cardiff due to a lack of foster carers in Cardiff.

At the City of Cardiff Council we strive to keep children close to their families and communities wherever possible.

We need foster carers of every kind in Cardiff

Organisational Development Programme – the Deputy Leader highlight the accelerating agenda to remodel how we deliver children's social services. I will look forward to updating you on this and other developments such as the MASH and services for disabled children at the next cabinet.

The Deputy Leader hoped that the update on development, reassures Members that the improvement journey remains on course and continues to extend its reach.

### 93 : MOTION 1

The Lord Mayor advised that a notice of motion proposed by Councillor Dilwar Ali and seconded by Councillor Mitchell without any amendments.

#### Motion 1

This Council notes the UK legislative changes brought forward via the Anti-Social Behaviour, Crime and Policing Act 2014 (ASBCP Act) and the consequent amendments to the Dangerous Dogs Act 1991 and welcomes the fact that it is now an offence to own or be in charge of a dog that is dangerously out of control in any place, including all private property.

In particular, this Council supports the extending of the law to cover attacks on assistance dogs when one in ten assistance dogs are attacked every year in Wales.

However, the Council regrets that the draft Control of Dogs Bill was withdrawn by the Welsh Government in 2013 in the belief that the ASBCP Act would bring in Dog Control Notices (DCNs) because despite lobbying by many organisations, Cardiff Councillors, AM's, MP's and Peers these Dog Control Notices were not implemented in the Act.

This Council therefore calls upon the Welsh Government to recognise widespread concerns about the education and awareness of responsible dog ownership in Wales (including those in the Environmental & CASSC Scrutiny Report on the Control of

Dangerous Dogs in Cardiff) and bring forward legislation to implement Dog Control Notices in Wales as soon as is practicable after reviewing all the other instruments, lessons and good practices currently to be found in Northern Ireland and Scotland.

The Lord Mayor invited debate on the motion.

Following the debate a vote on the Motion taken. The vote was CARRIED

Motion agreed was as follows: -

This Council notes the UK legislative changes brought forward via the Anti-Social Behaviour, Crime and Policing Act 2014 (ASBCP Act) and the consequent amendments to the Dangerous Dogs Act 1991 and welcomes the fact that it is now an offence to own or be in charge of a dog that is dangerously out of control in any place, including all private property.

In particular, this Council supports the extending of the law to cover attacks on assistance dogs when one in ten assistance dogs are attacked every year in Wales.

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This Council therefore calls upon the Welsh Government to recognise widespread concerns about the education and awareness of responsible dog ownership in Wales (including those in the Environmental & CASSC Scrutiny Report on the Control of Dangerous Dogs in Cardiff) and bring forward legislation to implement Dog Control Notices in Wales as soon as is practicable after reviewing all the other instruments, lessons and good practices currently to be found in Northern Ireland and Scotland.

94 : MOTION 2

The Lord Mayor advised that a notice of motion proposed by Councillor Richard Cook and seconded by Councillor Weaver had been received.

#### Motion 2

Cardiff Council has an ambition to move to a 50:50 modal split between cars and public transport, walking or cycling. The Corporate Plan states our vision for Cardiff is to become "Europe's most liveable capital city".

Many cities in the UK and around the world have traffic free days where the city centre streets are closed to vehicles allowing local residents to enjoy the city centre in a pollution free, peaceful and family friendly way. This Council therefore agrees that Cardiff should have a traffic free day in 2016 with the major city centre streets closed to traffic and that a traffic free day should then be held every subsequent year.'

The Lord Mayor advised that two amendments had been received:



Amendment 1 was proposed by Councillor Dianne Rees and seconded by Councillor Graham Thomas

#### AMENDMENT 1 TO MOTION 2

Delete all after “*Europe’s most liveable capital city*” and insert the following:

*“With regret we note that this 50:50 modal split is unlikely to be achieved. It is a matter of even greater regret that this aspiration is a pillar on which depends our Local Development Plan.*

*For this reason we cannot support a traffic free day in 2016 but we should like this issue to be revisited if the 50:50 modal split is ever achieved.”*

The amended Motion would read:

Cardiff Council has an ambition to move to a 50:50 modal split between cars and public transport, walking or cycling. The Corporate Plan states our vision for Cardiff is to become “Europe’s most liveable capital city”.

With regret we note that this 50:50 modal split is unlikely to be achieved. It is a matter of even greater regret that this aspiration is a pillar on which depends our Local Development Plan.

For this reason we cannot support a traffic free day in 2016 but we should like this issue to be revisited if the 50: 50 modal split is ever achieved.

Amendment 2 was proposed by Councillor Boyle and seconded by Councillor Clark

Second paragraph substitution of the word “*traffic*” with “*car*”

Second line, second paragraph the inclusion of the word “*private*” before “*vehicles*”

Third Line deletion of the words “*in a pollution free*” to be substituted with “with less pollution and”

Deletion of all words following “*This Council therefore agrees that*” to be replaced with “*once officers have drawn up a list of the roads to be closed with councillors consulted in advance, Cardiff should have a private car-free day in 2016. Major city centre streets would be closed to private cars, thereby encouraging increased use of the city’s public transport network as we work towards a 50:50 modal split.*

*Depending on results, a private car-free day should then be held every subsequent year.”*

The amended motion will then read:

Cardiff Council has an ambition to move to a 50:50 modal split between cars and public transport, walking or cycling. The Corporate Plan states our vision for Cardiff is to become 'Europe's most liveable city'.

Many cities in the UK and around the world have car-free days where the city centre streets are closed to private vehicles, allowing local residents to enjoy the city centre, with less pollution and in a peaceful and family friendly way. This Council therefore agrees that, once officers have drawn up a list of the roads to be closed with councillors consulted in advance, Cardiff should have a private car-free day in 2016. Major city centre streets would be closed to private cars, thereby encouraging increased use of the city's public transport network as we work towards a 50:50 modal split.

Depending on results, a private car-free day should then be held every subsequent year.

The Lord Mayor invited debate on the motion.

Following the debate a vote was taken on each of the amendments.

The vote on Amendment 1 - LOST

The vote on Amendment 2 – LOST

The Lord Mayor then took a vote on the Motion as proposed by Councillor Richard Cook and the Vote on Motion 2 was CARRIED as follows: -

Cardiff Council has an ambition to move to a 50:50 modal split between cars and public transport, walking or cycling. The Corporate Plan states our vision for Cardiff is to become "Europe's most liveable capital city".

Many cities in the UK and around the world have traffic free days where the city centre streets are closed to vehicles allowing local residents to enjoy the city centre in a pollution free, peaceful and family friendly way. This Council therefore agrees that Cardiff should have a traffic free day in 2016 with the major city centre streets closed to traffic and that a traffic free day should then be held every subsequent year.'

95 : MOTION 3

The Lord Mayor advised that a notice of motion proposed by Councillor Cowan and seconded by Councillor McKerlich

### MOTION 3

The Welsh Government, on the 26th November 2013, responded to the Council's Local Development Plan (Deposit). In their response they included a section relating to the Green Belt.

The verbatim wording is :-

The Welsh Government objects to the inclusion of Policy KP3 (A) 'Green Belt' and the identification of the area shown on the Proposals Map, which should be removed in its entirety.

"The Welsh Government considers that there is no necessity for the delineation of such an area as other policies can be used to refuse inappropriate proposals. With the current suite of proposals contained within the LDP to meet the identified needs i.e. housing, there is no additional need for further policies which only duplicate the existing policy structure of the plan. This is unnecessary".

We call upon Cardiff Council to reaffirm the Council's commitment to support the Green Belt and protect the green lungs of Cardiff and oppose a green wedge which will just protect the area for the duration of the plan. We need absolute certainty

The Lord Mayor advised that one amendment had been received

The amendment was proposed by Councillor Patel and seconded by Councillor Hunt

First Paragraph the inclusion of the word "*officials*" after Welsh Government,

Include a new Second paragraph as follows:

*"Following the public hearings into the Deposit LDP, the planning inspectors have now asked Cardiff Council to consult upon an alternative Green Wedge policy in place of the Green Belt policy."*

Deletion of all from "*The verbatim wording is:*" to second paragraph "*unnecessary.*" and replace with

*"This Council recognises the work undertaken by the Labour Administration and in particular the personal commitment by Councillor Ralph Cook in his former position as the Cabinet Member responsible for strategic planning to ensuring the Green Belt was included in the deposit plan."*

Final paragraph delete the words "*We call upon Cardiff*" and replace with "*This*"

After Council delete the word "*to*"

Change "*reaffirm*" to "*reaffirms*".

Delete the remaining paragraph and insert "*the Labour Administrations commitment to the Green Belt Policy as set out in the current deposit Local Development Plan*"

The Motion would then read:

The Welsh Government officials, on 26<sup>th</sup> November 2013, responded to the Council's Local Development Plan (Deposit). In their response they included a section relating to the Green Belt.

Following the public hearings into the Deposit LDP, the planning inspectors have now asked Cardiff Council to consult upon an alternative Green Wedge policy in place of the Green Belt policy.

This Council recognises the work undertaken by the Labour Administration and in particular the personal commitment by Councillor Ralph Cook in his former position as the Cabinet Member responsible for strategic planning to ensuring the Green Belt was included in the deposit plan.

This Council reaffirms the Labour Administrations commitment to the Green Belt policy as set out in the current deposit Local Development Plan.

The Lord Mayor invited debate on the motion.

Following the debate Councillor Cowan confirmed that she accepted the amendment as proposed by Councillor Patel

A vote was taken on the substantive Motion as amended, and the vote was  
CARRIED

Substantive Motion agreed read as follows:

The Welsh Government officials, on 26<sup>th</sup> November 2013, responded to the Council's Local Development Plan (Deposit). In their response they included a section relating to the Green Belt.

Following the public hearings into the Deposit LDP, the planning inspectors have now asked Cardiff Council to consult upon an alternative Green Wedge policy in place of the Green Belt policy.

This Council recognises the work undertaken by the Labour Administration and in particular the personal commitment by Councillor Ralph Cook in his former position as the Cabinet Member responsible for strategic planning to ensuring the Green Belt was included in the deposit plan.

This Council reaffirms the Labour Administrations commitment to the Green Belt policy as set out in the current deposit Local Development Plan.

## 96 : ORAL QUESTIONS

There were 18 Oral Questions presented to Council.

Question: *County Councillor Carter*

What steps will the cabinet take to ensure that budget savings are realistic when preparing the 2016/17 budget?

Reply: *County Councillor Hinchey*

As you are aware from our discussions earlier today, the Council has found over £200million in savings over the past ten years, £85 million of that in the past two years, and a further budgetary gap of £117 million we need to find over the next three years. These figures are extremely challenging and so the work underpinning the proposals has needed to become increasingly complex.

However, it will not be possible to remove all risk from the budget – as ever it will be a matter of balance and political choice.

Building on the work done in preparing the 2015/16 budget, Cabinet Members and senior Officers have increased the intensity of challenge and due diligence in respect of preparing budget proposals. This work will continue, be further tested, and proposals refined where necessary as a result of responses to consultation over the period leading to budget Council.

Supplementary question: *County Councillor Carter*

I think you can understand why I asked the question when in Adult Services we've seen a department where you take out the failed and [inaudible] it's a pretty balanced budget but actually the department is being saddled with a huge budget based on last year's savings that were never actually realistic.

You tell us it's going to be a very rigorous process, but I wonder when it comes down to going through scrutiny in February, by that point do you envisage yourself and Officers being able to actually give a better reassurance than last time, possibly ranking it in some way and giving members some proper reassurance, whereas last time I would say it was quite woolly?

Reply: *County Councillor Hinchey*

I was in Policy Review & Performance Scrutiny Committee, I'm sure you've got the presentation I made – and gave some detailed questions, including from people like yourself. We're now over halfway through the year and we'll very soon be issuing that half-year monitoring report month six. And we're still fairly confident that we will bring in a balanced budget. The difficulty, as you know and I'm sure many members of the chamber have been looking on the internet at other local authorities – the issues around demographics and the pressures of a growing population, an aging population are not felt just here in Cardiff but they are felt more significantly here in Cardiff because of where we are on the economic growth that we benefit from.

So, as far as we're concerned, we are determined to bring in a balanced budget. Yes, we do need to plan around some of the difficult areas of growth and of pupil numbers and an aging population, as I described in the PRAP report. Again, I think the most important thing is to have detailed due diligence in preparing the budget in the first place, and we're doing that over the summer and over the next month.

Question: *County Councillor Hudson*

What specific projects does the council envisage spending the £1.67 million on from the bus lanes/traffic offences schemes, as I understand it has to be spent on traffic improvement measures and highway improvements?

Reply: *County Councillor Patel*

All civil enforcement duties, including back-office support and equipment is funded by enforcement income. This includes enforcement of traffic regulation orders, lines and signs relating to enforcement, and the provision of disabled bays for residents in the city. After paying these costs, the money received from civil enforcement is ring-fenced to fund public-transport passenger services, highway improvements, and environmental improvements.

Supplementary: *County Councillor Hudson*

I was going to ask if Council does not put more money into enforcement cars or cameras, but actually spend the money on improving the roads and highways.

Reply: *County Councillor Patel*

Obviously, there is always a big, massive list. And what we have to do is, as we discussed earlier on, we are talking about the 50/50 modal shift, we are talking about the LDP sites with new developments coming about, or bus lanes with more enforcement. So the money will be spent in all of those kind of directions. So it will be in the yellow boxes, including the cars as well with camera cars to enforce people who are parking illegally outside schools, etc.

So there is a huge list. Also some of the money we have spent on is, for example, the car parks. A lot of the car parks have been improved, it's got CCTV cameras in there, meters put in there to stop commuters parking in there all day. So that's where some of the money is going.

Question: *County Councillor Lomax*

What arrangements will be made to celebrate the Queen's 90<sup>th</sup> birthday next June?

Reply: *County Councillor Bale*

In line with established protocol, the authority is in discussions with both the British monarchy and Welsh Government in respect of the national programme of celebrations. There are no firm arrangements to announce at this time.

Supplementary question: *County Councillor Lomax*

As a youngster, I remember clearly the celebration of the Queen's coronation – the parades, the concerts, the parties, and how much fun we had. The reason I ask this question is not whether I am a monarchist or a republican, as some people seem to think, but it gives Cardiff city the opportunity to show what a great community we have and encourage local communities to help the Council to celebrate the occasion of the Queen's birthday.

Is the Council going to encourage communities to stage events such as street parties, sports activities, and, where practical, the use of local parks, perhaps, to stage parties by waiving any charges for street closures or, if the weather is inclement, free use of community centres, school buildings, and playgrounds?

Reply: *County Councillor Bale*

You raised some important points there. I think it's important that we conclude those negotiations with the Palace as soon as possible so we can make an announcement on the exact celebrations that the city will be having to mark this momentous occasion.

Question: *County Councillor Boyle*

Children who are or were previously looked after by the local authority are given priority in terms of admission to reception class. However, no mention of LAC is made in the nursery admissions procedures? Is this not an anomaly and will the Council change the nursery admissions criteria to ensure LAC are given priority?

Reply: *County Councillor Merry*

Thank you, Councillor Boyle. I think this is an excellent question and I am minded to agree with you.

The Council currently considers looked after children under priority 'C' of the oversubscription criteria for admission to nursery education, which is under the category of compelling medical or social grounds.

I've asked Officers to raise the issue of LAC at the next Admissions Forum meeting with a view to considering whether this nursery admission criteria should be aligned with the primary admission criteria.

Supplementary question: *County Councillor Boyle*

Just very quickly, that's really encouraging because others in the chamber may not know that looked after children in reception are at the top of the list for priorities. Under the nursery category that would put them down into the third category and I think, bearing in mind some of the conversations we've had today about looked after children, our responsibility to looked after children, we should do all we can to ensure that, when it comes to nursery, they get the same priority that is afforded to them when they come to reception.

So I am delighted at what you had to say today.

Reply: *County Councillor Merry*

You're absolutely right, which is why I'm so grateful to you for drawing it to my attention.

Question: *County Councillor Graham*

Could Council please be given an update on the proposed deal involving Celsa and Llanishen Reservoir? Specifically, what provisions have been made to promote the restoration of the area? Additionally, how does the Council view the reservoir within the context of its strategic plan for North Cardiff?

Reply: *County Councillor Bale*

First of all, if I could just reiterate the personal declaration of interest that I announced at the start of today's meeting.

Officers are in regular contact with Celsa at a senior level regarding the future of the reservoir and it is hoped to be able to report back shortly with an update. Unsurprisingly, with the recent dramatic changes occurring in the steel-industry sector in the UK and mainland Europe, the focus of Celsa management has been on managing their business and, of course, the 2000 staff that they employ at the current turbulent time for the industry. Officers are confident, however, that the constructive dialogue taking place will inform further positive updates on progress in the near future.

And we will ensure that any proposals for the Reservoir are proactively and positively integrated in to the wider masterplans that may be necessary to support the development of strategic plan sites for North Cardiff.

Supplementary question: *County Councillor Magill*

Councillor Graham's question focuses on Celsa, but can you confirm that the Council will continue to work with the Reservoir Action Group – I should repeat my personal interest in this – who have put a tremendous effort into trying to secure a sustainable future for the reservoirs over more than a decade and with other local interests and, in particular, ensuring that the designs around the development and the reservoir itself and the strategic sites make a proper link between the Nant Fawr Corridor and the green belt so that the whole area has a sustained approach to improving and developing the Nant Fawr Corridor as a green land for that part of the city?

Reply: *County Councillor Bale*

I am aware of the work that the Reservoir Action Group have done in this regard and was actually at the site recently with the Minister from Welsh Government and the local Assembly Member to listen to the views of local residents and campaigners in relation to this particular site and, indeed, wider issues around access.

I think it is important that, when a solution is found, that it is integrated as much as possible into the wider development that's taking place there. It is a part of the Nant Fawr Corridor – that's an important green corridor, a strategic green corridor – that I think we need to do what we can to ensure it's enhanced as part of any process that results from the ongoing negotiations.

Question: *County Councillor Weaver*



Could Council have an update on the effect of the “To Let” board controls in Cathays and Plasnewydd?

Reply: *County Councillor De’Ath*

Early results have been overwhelmingly positive – overwhelmingly positive, as I’m sure anyone who’s walked around Cathays or Plasnewydd in recent weeks can testify. The first changes to the regulations came into effect from 1<sup>st</sup> October. From this date all “traditional style” letting boards were no longer permitted. While a full audit has not yet taken place, enforcement action in 35 sample streets identified only a very small number of boards – mostly for companies that have ceased trading. Their removal is in process, and enforcement of the small number of remaining boards will continue, as will enforcement in other streets.

Supplementary question: *County Councillor Weaver*

It has, indeed, been an astonishing success, as you will well know. We had someone coming into our first surgery afterwards wanting to hug us because of the difference it’s made to her street.

My supplementary was partly answered, but I just want to be clear: there’s a very, very tiny number of companies that haven’t complied – but the vast majority – a very tiny number. If they haven’t complied, will we be seeking cost recovery so the council tax payer doesn’t have to pay for their mistakes?

Reply: *County Councillor De’Ath*

I can certainly confirm we’re seeking 100% removal, where we can, of these boards. We’ll make companies pay for them.

Can I take this opportunity, also, to thank you, your Cathays colleagues, Members in Plasnewydd for all the work they’ve done to gather evidence to submit to Welsh Government? It’s also proper to thank most of the letting agents – the majority of them removed these boards without any prompting. And it’s really made a difference to our communities. A great example of Labour delivering for the people of Cardiff.

Supplementary question: *County Councillor Clark*

Indeed many Council staff have done some great work on this. Particularly Ross Cannon, James Moore, Emma Robson, and also Keiron McCann. Would it be okay if you could just pass on our thanks to them for all their work?

Reply: *County Councillor De’Ath*

With pleasure, Councillor.

Question: *County Councillor Chaundy*

In January last year, a Cabinet paper on the sale of The Dome Community Centre in Pentwyn stated it would release money for reinvestment to existing services, namely

the Leisure Centre and The Powerhouse. How much money from the sale of The Dome has been reinvested into local services and for what purposes?

Reply: *County Councillor Bradbury*

The disposal of the Dome Community Centre site in Pentwyn realised a capital receipt of £460,000. This funding is ring-fenced for investment in improving local facilities.

To date, £172,000 has been spent on pool tile replacement at Pentwyn Leisure Centre and heating renewal at The Powerhouse.

The balance of £288,000 is planned to be spent on access improvements and a community room at Pentwyn Leisure Centre (£188,000) and a contribution of £100,000 to the Hub extension at The Powerhouse.

I believe there is a meeting planned to discuss all this with your ward colleagues as well, so if you need further information I'd be happy to give it to you.

Supplementary question: *County Councillor Chaundy*

Do you believe or understand there are sufficient funds for resources for all the repairs necessary and future developments for both those premises?

Reply: *County Councillor Bradbury*

The figures I have been given are very accurate for what we need, I think. But, on future development, I can't commit myself on that, as I think you know.

Question: *County Councillor Cowan*

Will the Cabinet Member advise if the roll out of the new bin project is going according to plan?

Reply: *County Councillor Derbyshire*

Yes, the programme is going to plan.

Supplementary question: *County Councillor Cowan*

That's not quite my understanding, Bob. Because I understood that the rollout was going to take place where the large black bins would be emptied and then, a couple of hours later, the small black bins would be replaced. And I understand that was happening at the start – and you are nodding, so I think that was the plan – so I'm just wondering why we've seen a dramatic change. You've got some roads in Rhiwbina that have been waiting for weeks, and weeks, and weeks.

And I know we've had a note this week saying "after three weeks, phone Connect 2 Cardiff" but the onus shouldn't be on the resident – it should be on the contractors or whoever is rolling out this programme.

So do you believe it is a failure and what are you doing to try and bring it back on track?

Reply: *County Councillor Derbyshire*

Just to remind you, you're now a Conservative Councillor not a Rhiwbina independent Councillor.

But, having made that point, at no stage did I or anybody else say to you or anybody else in this chamber that it would be an automatic thing, straightforward. And that's why the plan that was put in place is for us to continue with the exchange right up until December on the assumption that not all things would be collected there and then.

There are various reasons why bins aren't collected. Sometimes people go out and take the bin in before the exchange happens. What you have to bare in mind is that there is a collection going round, that is followed some time later with the people going round collecting the old bins and replacing them with the new bins. That is a slower process and, therefore, they don't always get the whole round in in a day. I can assure you that we've exchanged over 50,000 bins so far out of the 90,000. That's something like a 70% exchange rate. There's 30% still to go. That will happen over the next few months.

Supplementary question: *County Councillor Davis*

Let's not forget the reason for the bin changes, which is to encourage increased recycling from our residents. So I can commend you for that, Councillor Derbyshire.

Can I just ask: as well as the bin changes, what steps have already been taken to educate residents on how they can increase their recycling?

Reply: *County Councillor Derbyshire*

Yes, there's obviously a big campaign going on in many areas, in particular in the student areas in central Cardiff where it's obvious those people coming in know very little about Cardiff and therefore need that education. So there's a big campaign gone on in those areas, which I'm sure the local Councillors are aware of.

But in addition to that, what we have to think about: there's been many notices given out to people have done things incorrectly. As a result of those notices and conversations with Officers, so far there's been less than 100 of them issued with fines. And I think that's a sign that people are actually understanding what's required of them and they're doing the right thing.

Question: *County Councillor Gordon*

With the new National Express coach pick up point in Sophia Gardens, may I ask what arrangements are being made to improve the signage? At present there is a

road safety risk as coaches, taxis, cyclists, and pedestrians negotiate the approach road and entrance and exit from the car park.

Reply: *County Councillor Patel*

The National Express base in Sophia Gardens are managed by the company, which provides a staff presence. Signage has been installed by National Express to clarify the access arrangements and the Council will continue to liaise closely with the company to maintain safe operational facility.

Question: *County Councillor Sanders*

What is the current total of governors in Cardiff being remunerated for their appointment to Governing Bodies within the city, and for which schools?

Reply: *County Councillor Merry*

No governors are paid by Cardiff Council for their appointment to Governing Bodies within the city.

Question: *County Councillor Margaret Jones*

Please could you update me on the condition of the fire alarm at Cardiff High School? I understand that it has not worked efficiently for two years.

Reply: *County Councillor Merry*

Firstly, I would like to reassure Members that I have been told by Officers that the fire alarm is legally compliant.

The installation of a new fire alarm at Cardiff High School was initially delayed because of extension works due to be carried out at the. The main scheme of works is being redesigned to cover the changes in use of rooms and the extension. It's anticipated this work would start in the summer of 2016.

Supplementary question: *County Councillor Margaret Jones*

So you're happy that the fire alarm in Cardiff High School is quite safe and that there are no problems?

Reply: *County Councillor Merry*

Well, I'm not sure I'm qualified to actually judge that but I've been told by Officers it is legally compliant but work needs to be done.

The reason for delaying it until summer 2016 is because it would involve asbestos surveys.

Question: *County Councillor McKerlich*

The supplier of food bags has changed from Biobag to Vincotte; was this to achieve a lower price per bag? Please advise the technical specification for the bags provided by each supplier. If the specification does not include porosity, tensile strength, tearing resistance and g/m<sup>2</sup> can you advise why this is not the case?

Reply: *County Councillor Derbyshire*

We changed from Biobag LTD as a supplier as they no longer provided the best price for the product. The Council specification for food liners must and does comply with composting standards. This is a prescribed industry standard. The standard sets out the chemical, biodegradability, and disintegrating standards that are standard across Europe. These are not the same standards as listed above as those are typical specifications for plastic bags, not food liners.

The standard specification Cardiff has always stated is the liner thickness of 16 microns. And it's not changed since the introduction of the food liners in 2008. Just to clarify, Vincotte is not a supplier like Biobag, Ltd. but is an accreditation that the product must meet to comply with the composting standards.

Since 2012 the biodegradable bag contract has been with Sphere Professionals Ltd, to all the required industry standards set by Welsh Government for food liners. Plus the Council carry out additional in-house testing, such as drop tests, to ensure the food liners are fit for purpose, because if we drop them on the floor we've still got to bin them.

The framework provides a range of standard off-the-shelf products that enable the Council to select the one that is most appropriate to its needs. In our case we require a liner that fits a 7 litre kitchen caddy and through market testing of liner thickness have selected a bag thickness of 16 micron.

Supplementary question: *County Councillor McKerlich*

I think you have been successful in conveying absolutely no information whatsoever, which was probably your intention.

Can I tell you the Titanic was built to all relevant standards at the time? And what you have done is you have managed to change the bag to save a bob or two without checking that it's capable of doing the job.

I've got a very disgruntled resident in my ward, namely my wife. Two weeks in succession, the bag has been leaking all over the place. Fortunately, the second time she put it into a plastic container so it only leaked into the container. But it's a filthy mess and it's a good way of absolutely wrecking your food campaign. Now, what's the ongoing situation? Are you going to deliver some Biobags, are you going to check the specification of Vincotte, or should she put two or three bags in each time to ensure it doesn't leak?

Reply: *County Councillor Derbyshire*

You say I didn't answer the question. I actually answered the question you've just asked as your supplementary when I was racing through.

I said "since 2012 the biodegradable bag contract has been with Sphere Professionals Ltd, to all the required industry standards set by Welsh Government for food liners. Plus the Council carry out an in-house testing, such as drop tests." And that's where they put products into the bag and they drop it from a height to see if it splits.

Now, even prior to the new contract, I know from my own experience that the biodegradable bags that we had then did split from time to time. They have to be thin to be biodegradable so it's finding that particular balance, isn't it? And I think if you've got a particular issue with a roll it might just be that particular roll. And what you have to bear in mind is that was happening in the past, it'll probably happen in the future, but when you've got bags of that thickness, there's always going to be a slight issue. What you have to do is what I do is you don't put too much food in at a time and that's the way to deal with it.

Question: *County Councillor Gordon*

We understand from the briefing about changes in waste collection that you are intending to bring more areas from bags to black bin collection. How are you planning to consult about which streets to include, and will you ask for local councillors' views/advice about which streets to select?

Reply: *County Councillor Derbyshire*

We will continue to explore the potential to roll out black bins, but there are no plans to do so at this juncture as we need to let the current changes become embedded so we can explore further service efficiencies at the appropriate time. There are still some streets suitable for wheeled bins, and also residents wanting bins that don't have them yet, but this is because current operational efficiencies, which I think I've discussed with you in the past. We have to make the collection rounds balance with the right number of households per shift. When we know the final position of the current changes, we can consider whether or not to have any further expansion.

The benefits of providing wheeled bins over striped bags are clear on the grounds of health and safety for our operatives, household ownership, and reduced street litter, which I've mentioned in the past.

But, unfortunately, we can't afford to deliver street by street bespoke services. I will, however, engage with local Councillors prior to making any future changes. Expansion will only occur if the provision of black wheeled bins is the best operational solution to keep our service cost effective.

Supplementary question: *County Councillor Gordon*

I just want to clarify if I heard correctly. Did you say that there won't be further rollout of more streets on bins?

Reply: *County Councillor Derbyshire*

No, what I was saying was that at the moment, until this current rollout's finished and we've assimilated what's taken place and worked out how well it's working, we can't look to whether or not we can roll it out any further. And at that stage, we'll make a decision.

Supplementary question: *County Councillor Carter*

Do you think that on reflection your Officers will learn from the mistakes in Penylan with the rollout there that, actually, it's all well and good going for the formal consultation but if people aren't really actually engaged and then the whole thing falls flat on its face?

I appreciate the response to Councillor Gordon – there are no plans to roll out in more areas. But, if and when you choose to do so, will you take that into account and learn from those mistakes?

Reply: *County Councillor Derbyshire*

I wouldn't use any word in terms of mistakes. What I've already started to do is have a roundup of how things have gone better in some areas than others. Some things have worked well, some things have worked not quite so well. That's bound to happen with a strategy as large as this.

You talk about Penylan as if it's something... We're talking about the whole of Cardiff here. 90-odd thousand bins have been rolled out to people. There's been a big exchange of bins for bags. As far as I'm aware, there's about two streets in Penylan where a small minority of people have made a rather large fuss. I'm afraid what I have to do is I have to look at Cardiff as a whole. As I said, it's an operational thing that we have to fit in.

I'm happy to speak to residents. I have spoken to residents in Penylan, as Joe knows – I've spoken to two lots of representatives from Penylan. They made their points, I've made mine. I'm the Cabinet Member – I have to make the decision at the end of the day. I've made it with the best interests of Cardiff as a whole in order to achieve, as Councillor Davis has pointed out, the recycling targets that we need to get to. So I make no apologies for that.

Question: *County Councillor Carter*

How many times have Civil Parking Enforcement Officers visited Pentwyn and Llanedeyrn in the last 12 months?

Reply: *County Councillor Patel*

There's been 158 visits by Officers in the last 12 months to the Pentwyn ward, which includes Llanedeyrn. The Council has set the database to report on a ward basis and, therefore, we are unable to provide a separate figure for the area of Llanedeyrn.

Supplementary question: *County Councillor Carter*

The question was for the whole ward, so that's absolutely fine.

It's great that so many of the Officers have been out so many times. When we have your monthly reports, the number of people being booked tends to be between zero and two, so having that reassurance they're coming out so many times is good to know.

What worries me at the moment, Councillor Patel, is that we have a particular problem at the moment with Cardiff Metropolitan University on Circle Way West with cars routinely parking on double yellow lines and actually sometimes crossing over the double yellow lines to go and park on the grass verges and the pavements. The response we have been told by residents is that it is not being enforced.

So I'm wondering if you can give us a commitment today that Officers will meet with us Councillors to discuss those issues on site. We have discussed having a meeting but have not had confirmation of a date and time yet, so it would be great if you could use your powers to investigate that and get us our meeting.

Reply: *County Councillor Patel*

I will certainly welcome any meeting which you've requested and certainly I will pass that on. If you could email me you are still waiting for this meeting, I will certainly chase that up with the Officers.

But I think we do have to be absolutely honest with ourselves. Some of those contraventions are not within the powers of the local authorities – some of it is down to the Police as well. So, for example, if it's obstruction, it's down to the Police. It's not necessarily always down to the Council. Although the residents may think we should be able to enforce it.

But in that area, we had 42 observations and 41 penalty charge notices served. And the observations is where we have to allow at least five minutes to load and unload, etc. and therefore we cannot issue a ticket within that five minute period. And only then the machine is programmed to issue a ticket after those five minutes. Therefore, clearly, there's been a number of observations and fixed penalty notices but, obviously, there are some which may not be within our power.

But I certainly agree you're welcome to have a meeting.

Supplementary question: *County Councillor Evans*

I should probably know the answer to this but could you clarify to what extent the deployment of Civil Parking Enforcement Officers depends on the risk to public safety? I was at a Cardiff Partnership meeting recently where, across Cardiff North and parts of Cardiff West, the problem of illegal and potentially dangerous parking outside of schools was a really widespread problem. And, obviously, we know the Police's role in this but when we know there are these hotspots, probably across the



whole city, I just wonder whether some priority could be given to that, for example. But perhaps you could clarify the criteria that are used.

Reply: *County Councillor Patel*

If there's any contraventions which are the kinds of ones you're talking about, which is illegal parking, which is actually dangerous parking more than illegal parking, then that is some of it which it does come down to the Police. And that is something we as a local authority can certainly work with the police closely on that. And I think those are the kinds of examples where, if a school has been able to give evidence on some of the examples talked about – say cars parked on the pavement, causing an obstruction, forcing children to cross into the road rather than being able to go onto the pavement – those are examples where we would be liaising with the Police closely saying “can you also monitor that area while we're also monitoring the areas where we've got powers in.”

Obviously we're always looking for more powers. If we did get more powers with obstructions, that would make it easier, but we are reliant on the Police.

But I welcome any feedback I can get from yourselves and anybody else.

Question: *County Councillor Hill-John*

Considering the negative press which Cardiff has received regarding hotel charges during the Rugby World Cup, what discussions did you have in advance with hoteliers and the business community regarding this issue?

Reply: *County Councillor Bale*

The Council's strategy is to work with event organisers before dates are publicised to secure rooms at reasonable rates. However, you will probably be aware that the Council has no specific powers to control the rates the hotels actually charge in Cardiff.

In terms of the Rugby World Cup, I am informed that Officers began discussions back in 2009/10 in relation to that particular tournament and there was no scope for agreeing room rates in advance due to the English dimension of the tournament that was put together through the English bid.

Supplementary question: *County Councillor Hill-John*

What process do you have in place to ensure that any learning available from events such as the Rugby World Cup are recorded and actions taken to avoid any repeats in future events?

Reply: *County Councillor Bale*

I think it's important for the profile of the city that we do what we can to bring in additional capacity for some of those big major events. You may have seen the arrival of Snoozebox in Cardiff Bay, which I think has been a great success. And it's

the sort of pop-up temporary accommodation uses that we need to think of when we've got big events like the Champions League final coming up in a couple of years time.

I've also recently had discussions with a senior executive from AirBNB, who've got about 1000 rooms in the region through the sharing economy. I think that's a really positive area that we can look to work with residents across the region so that we've got additional capacity in that regard.

There is more that needs to be done, I think, in terms of working with hoteliers across the region. But, ultimately, they are responsible, accountable for the rates they charge. And we've seen from some of the publicity recently that there are many people out there who aren't happy with the rates they're charging and they need to be mindful about that. It's not just a reflection on their own company but it's also a reflection on the city, as well, so we need to work to make sure that when we do have those big events we make sure that the rates that are achieved by those companies do not give a very negative impression of our city.

Supplementary question: *County Councillor Stubbs*

I am absolutely delighted that there seems to be some consensus in this chamber of the perils of unfettered free-market capitalism and the damage it can do to the reputation of this city and its growth.

Would you consider, Leader, using the Conservative question from Councillor Hill-John to write to both ministers from both the Welsh Government and the UK Government perhaps calling for further regulation of the hotel industry?

Reply: *County Councillor Bale*

I'm not quite sure how far we'd get with that, particularly with the UK Government. There are mechanisms that we have as a city council to work with the hotel industry both in the city and the wider region and I am giving a commitment that we will continue those discussions.

And, as I said earlier, we need to be creative in terms of bringing new capacity into the region for those big events so that we can enjoy the kind of spectacle that we saw for the Rugby World Cup that I know residents in Cardiff and the wider region absolutely love to see our city hosting and doing really, really well.

Question: *County Councillor Gordon*

What is the reaction of the hackney cab drivers to the permanent closure of the taxi rank at the front of Central Station?

Reply: *County Councillor Parry*

The taxi rank in front of Central Station was closed during the Rugby World Cup for reasons of public safety and crowd control.

The rank has now reopened and will not be permanently closed until the necessary legal process has been completed.

When the rank does close, there will be additional taxi queuing space provided on Penarth Road adjacent to Saunders Road. Additional rank space has been created in Havelock Street, which has been signposted from Central Station.

Question: *County Councillor Ali*

How many complaints has Cardiff Council received from the public about taxi drivers in Cardiff refusing short distance fares?

Reply: *County Councillor Parry*

The Council has received 95 complaints in the last six-week period relating to the refusal of short fares. This is an unprecedented number in such a short time period.

Officers have indicated that the Rugby World Cup events have been a contributing factor in the increase in complaints as people have had difficulties with other aspects of the public transport system.

Supplementary question: *County Councillor Boyle*

95 in just six weeks? How does that compare to, for example, the previous six weeks and what is the Council doing to educate the taxi trade that this is simply unacceptable, not least in light of the attacks that took place around the start of the university term? We need to send out a really strong message that that is simply unacceptable.

Reply: *County Councillor Parry*

Councillor Boyle, I agree with you. This is unacceptable. We are really looking at it and sending out strong messages.

Last week, we had what was called a summit meeting. But that was with the Police, with the University, and with a lot of other people and stakeholders. We had in-depth discussions also with the Police Commissioner and we are working on a continual basis to see what can be done. And something will be done because, in the next few weeks, we will be having every one of these people in to answer for whatever it is that they have done.

Question: *County Councillor Ali Ahmed*

Cardiff's newest tourist attraction – the rugby ball on Cardiff Castle – has proved to be incredibly popular on social media. It has helped showcase this city to the world. What response has the Council had to this initiative and what benefit has it had for our city during the Rugby World Cup?

Reply: *County Councillor Bale*

I just want to reiterate what I said earlier, Councillor Ahmed, about the tremendous response that we've had from the public. I remember doing a radio interview on the morning it was unveiled, encouraging people to come down and take a selfie with the ball and every day I go past the Castle there is someone there – a visitor, someone who lives in the city – that's doing something rather different or quirky with regards to a photo. I was also able to rather cheekily take the core city leaders down there for a photo as well, which I think reiterated the huge exposure that we've been able to get from this event.

You may have seen in the press over 10,000 additional visitors to Cardiff Castle, which has been great for the Castle but also for the city. And some independent economic analysis has put the benefit at over £316m for Cardiff. So another good reason.

And, as I said earlier, another good example of some creative, home-grown ideas. We pitched that idea against many of the other host cities for the spectacular. We got it and I think we've proven once again that we can deliver those really big, successful international events.

Supplementary question: *County Councillor Ali Ahmed*

As the Lord Mayor's mentioned during his introduction about the Welsh football team, our heroes are going to be playing in a major tournament in France next year. Our Welsh football heroes, I mean. Can you assure the citizens of Cardiff, and me, that you will do everything possible to have a football on the wall of the Castle?

Reply: *County Councillor Bale*

[Off mic] that we could actually do. I think we've got to do something. Clearly, it's a fantastic occasion – historic occasion – for not just Cardiff, the whole of Wales. Especially with the run up to the road to Cardiff for the Champions League the following year, I'm sure Officers, Elected Members such as yourself have got lots of ideas. And we've got to work through those to come up with something again.

Supplementary question: *County Councillor Graham Thomas*

To end this session on a positive would be good because I couldn't agree more that the Ball in the Wall has become such a huge tourist attraction and really highlights Cardiff's position as a rugby city. It's simply a brilliant idea.

But could you tell me what happens to the ball next as the Rugby World Cup comes to an close and if you are considering extending its life at all as its appeal promoting this city probably transcends the World Cup?

Reply: *County Councillor Bale*

It's a question you will be surprised to know has been coming across my desk quite a lot in the last week or so.

I understand that discussions are ongoing as to the future of the actual ball itself. It is there with temporary planning permission so it won't be there for very much longer. But we are going to consider the future use of that ball, whether it's possible to keep it or not. It was never really designed for longevity but I think it would be nice if we could do something to at least give the ball back to the city in some other way even if it's just for a short period of time.

97 : URGENT BUSINESS

98 : APPOINTMENT OF LOCAL AUTHORITY GOVERNORS TO SCHOOL GOVERNING BODIES

The Council was advised that the Local Authority Governor Panel had met on 15 October 2015 to make recommendations to Council for approval on Local Authority School Governors.

The recommendations were proposed by Councillor Merry and seconded by Councillor Hunt

RESOLVED – That the following appointments were approved:-

School	Ward	Start of Vacancy	Applications received
St Illtyd's Catholic High School	Rumney	26/07/2014	Mr Frank Holmes
The Glyn Derw Michaelston Federation	Caerau/Ely	26/09/2015	Mr Geoffrey Morgan
Albany Primary School	Plasnewydd	02/09/2015	Cllr Mary McGarry
All Saints C/W Primary School	Pentwyn	25/07/2015	Mr Stephen Hendrickson
Herbert Thompson Primary School	Ely	13/05/2015	Mrs Karin Phillips
Pentyrch Primary School	Pentyrch	08/12/2014	Miss Sarah Maunder
Pontprennau Primary School – 3 x vacancies	Pontprennau	01/10/2015 01/10/2015 01/10/2015	Prof Amanda Coffey Cllr Georgina Phillips Cllr Dianne Rees
Rhydypenau Primary School	Cyncoed	28/09/2015	Mr David Saunders
Ysgol Gymraeg Melin Gruffydd –	Whitchurch	13/05/2015	Mrs Mari Vaughan-Owen
Adamsdown Primary School – 2 x vacancies	Adamsdown	22/10/2015 29/10/2015	Cllr Ahmed Manzoor Mr John Dixon
Stacey Primary	Adamsdown	29/10/2015	Mr John Dixon

School	Ward	Start of Vacancy	Applications received
School			

99 : APPOINTMENTS TO COMMITTEE VACANCIES

RESOLVED - That the following nominations to Committees be approved

Committee	Nominations
Local Authority Governor Panel	Cllr Graham Hinchey
Children & Young People Scrutiny	Cllr Heather Joyce
Corporate Parenting Committee	Cllr Kirsty Davies-Warner

100 : WRITTEN QUESTIONS

**CORPORATE SERVICES AND PERFORMANCE (COUNCILLOR GRAHAM HINCHEY)**

**WRITTEN QUESTION FROM COUNTY COUNCILLOR FORD**

Please give the grade, number of officers and total package of all employees with salary of over 60,000. Please include teaching staff.

**REPLY**

Following table shows the grade and number of officers earning a total package asked for over £60,000 p.a.

Grade	No. of Officers
Chief Executive	1
Corporate Dir.	1
Director	6
Assistant Dir.	5
Chief Officer	2
Operational Mgr.	23
Soulbury (specialist Education grade)	1
Schools Leadership	98
<b>Grand Total</b>	<b>137</b>

The total package asked for of the above officers (including on-costs of employers NI and Pension) is approximately £13.5m.

**EARLY YEARS, CHILDREN & FAMILIES (COUNCILLOR SUE LENT)**

**WRITTEN QUESTION FROM COUNTY COUNCILLOR SANDERS**

Please could you provide as at 1 September 2015-

total number of Looking after Children, Cardiff elected members have responsibility for

put the total number into age bands

Where they live ( total numbers in each category below)

Council foster care

'Private' foster care

Cardiff children's home

Out of area

Anywhere else

**REPLY**

Total number of Looking after Children, Cardiff Elected Members have responsibility for is 636 in the following age bands:

Age	
0 - 4	141
5 - 10	156
11 - 15	191
16 - 17	148
	636

The Looked After Children reside in the following areas:

er care = 146  
er care = 316  
en's home = 6  
= 221

Comprised of:

In house fostering 22  
Private fostering 129  
External residential 54  
Placed with Parents 10  
Independent Living 4  
NHS 1  
Custody 1

here else – not included in a – c above = 168

Comprised of:

Placed for adoption 15  
Placed with parents 57

Independent living	34
Residential home	49
Residential school	9
Secure Unit	1
Supported Lodgings	1
NHS	1
Custody	1

## **EDUCATION (COUNCILLOR SARAH MERRY)**

### **WRITTEN QUESTION FROM COUNTY COUNCILLOR BOYLE**

In light of the Welsh Government's decision to suspend the Bronze Award for Governing Bodies, how satisfied is the Council with the support and services provided by Governors Wales. What does it do well? What could it do better?

#### **Reply**

Governors Wales provides an independent source of advice for school governors across Wales. It produces documentation and guidance on all aspects of school governance. This is easily accessible through its website and helpline. The independent advice and information is valued by governors and by Chairs in particular.

The principle behind the Quality Mark is that it acts as a governing body self-review. If governing bodies are to make a significant impact upon the achievements of schools, they need to have in place excellent processes and practices that they follow.

The Bronze Award provides a benchmark against which governing bodies can assess their effectiveness. The Award benefits not only the day-to-day operation of the school is beneficial when the governing body are preparing for inspections and assessments to show that the governing body is meeting their statutory requirements.

Following its decision to suspend the Quality Mark Bronze Award, Welsh Government has asked Governors Wales to lead on the construction of a national self-evaluation template for Governing Bodies in Wales, consistent with Estyn's guidance, to complete as part of the annual school planning cycle.

Governing Bodies that want to achieve the Quality Mark Bronze Award have up to 31<sup>st</sup> December 2015 to complete the process.

### **WRITTEN QUESTION FROM COUNTY COUNCILLOR BOYLE**

How many incidents of physical assault against school staff has the Council logged over the past year? How does this compare to previous years? [Could any figures please be broken down by headteacher, teaching and non-teaching staff?]



### **Reply**

From October 2014 – September 2015 there have been 88 malicious physical assaults reported to the Education Directorate involving school staff at 29 of our 127 schools.

These can be broken down as assaults against:

Headteacher	4
Teaching Staff	76
Support Staff	8

The reported incidents include Faith, LA maintained and Special school pupils.

84 of the reported incidents were from pupils on staff. The majority of pupils involved in the incidents have a behaviour support plan in place and staff had received Team Teach training which emphasises “calm” communication and defusing skills that work best for the specific individual concerned, acknowledged within the care, behaviour or positive handling plans.

Four of the reports received were for an assault or intimidating behaviour against Headteachers, with one from a primary aged pupil and three from parents in primary schools. In each of these cases involving parents, the Governing Body has decided to ban the parent from entering the school for a set period of time to safeguard staff.

The Education Directorate have actively promoted the need for complete and timely incident/accident reporting and additionally contacted every school directly to advise of the reporting format and process - resulting in an increased number of reports for the last 12 months.

For the period October 2013 – September 2014, there were 64 malicious physical assaults and the incidents are broken down as follows:

Headteacher	4
Teaching Staff	56
Support Staff	4

For the period October 2012 – September 2013, there were 67 malicious physical assaults and the incidents are broken down as follows:

Headteacher	3
Teaching Staff	61
Support Staff	3

**WRITTEN QUESTION FROM COUNTY COUNCILLOR BOWDEN**

Grass-free lawns using low maintenance perennials have been successfully trialled in other parts of the UK as an alternative to traditional grass. These reduce the need for mowing, absorb more rainfall, and increase the visiting pollinating insects 10- fold. Could the Council adopt this approach in parts of the city?

**Reply**

You will be aware of my interest in exploring less intensive, more sustainable maintenance regimes that increase and enhance biodiversity and enable the Council to make more effective use of it's decreasing resource base. With this in mind you may also be aware of the Cardiff Pollinators Project, which this year saw us converting an approximate area of 25 hectares to more informal maintenance regimes and for the reasons outlined above and I am committed to building on the work done to date, in future years.

I am aware of the concept and benefits of grass free lawns, I would however sound a note of caution in terms of the on-going maintenance implications, whilst the need to mow is reduced there are a number of other maintenance operations that would be required to be undertaken. These include over sowing, replanting / gapping up and clipping and depending on the type of lawn created, species or mix used. In many instance arisings from mowing operations would need to be collected which increases resource inputs. The costs in installation such areas most also be considered.

In considering conversion to alternative plantings / maintenance regimes for any areas of public open space the purpose and use of the land in question needs to be carefully considered.

I am, along with Officers looking at trialling a pollinator lawn perennial mix which contains over twenty five species including Lawn Daisy, Common Selfheal, Orange Hawkweed, Heartsease, and Tufted Vetch with some limited grass composition. This mix is designed to provide a jewel like, low growing meadow over a long flowering period and with the benefit of increasing pollinators.

**WRITTEN QUESTION FROM COUNTY COUNCILLOR BOWDEN**

Dogs without leads in Cardiff parks present a hazard for other users of these facilities. Having witnessed groups of very young school children pupils being harassed by unrestrained dogs could you tell me what steps are being taken to introduce a blanket ban on unrestrained dogs in Cardiff parks?

**Reply**

We agree that unrestrained dogs can cause problems in certain circumstances and I am currently working with Officers to develop proposals that will be brought forwards next month. These proposals will look at wider enforcement powers for tackling environmental crime and anti- social behaviour throughout our public realm, and will include powers on dog controls.

Any changes to the controls of dogs across the City will be developed through consultation with our communities.

The current byelaw does require owners who exercise their dogs throughout our public open space provision to keep them under control.

Parks byelaws are enforced by the Council's Park Rangers who are active in challenging owners who act irresponsibly by not being in control of their dogs, spoiling the enjoyment and putting the safety of parks users at risk.

Our Park Rangers work closely with our Dog Wardens gathering intelligence and targeting patrols in problem areas. With this in mind it would be helpful if any such instances that you or your constituents are aware of are reported through to us providing as much detail as possible, in terms of owners, types of dogs and patterns of use in order for an effective response to be made.

**WRITTEN QUESTION FROM COUNTY COUNCILLOR BOYLE**

Could the Council provide a street-by-street schedule for when pavements in Penylan will be swept of leaves this autumn? The main trouble-spots should be well-known by now and residents are already complaining about slippery pavements and asking when they will be swept.

**Reply**

The leaf-fall programme commenced on Monday the 5<sup>th</sup> October and targets areas with of high numbers of trees as well as heavy footfall. Penylan was attended on 16<sup>th</sup> October, and will then be visited fortnightly thereafter. The streets prioritised for leaf clearance in Penylan are Penylan Road, Marlborough Road, Saint Margaret's Crescent, Waterloo Road, Kimberley Road, Sandringham Road, Westville Road, Ty Draw Road, Melrose Avenue, Ty Gwyn Road, Colchester Avenue, and Llwyn y Grants Road.

**WRITTEN QUESTION FROM COUNTY COUNCILLOR CARTER**

What is the estimated cost for the full roll out of the smaller wheelie bins and associated waste changes?

**Reply**

The full cost of the expansion of new wheeled bins and exchange of the city wide smaller bins is approximately £1.5m and the City wide communications and support resources cost £500,000.

There are also over £620,000 of saving associated with these changes as we make our collection services more efficient.

But let's not forget the main driver for these changes; The Council must make steps changes in our recycling performance or face £400,000 fine for every 1% we fail the targets by. We must increase our recycling performance or the annual fines will dramatically outweigh the cost of these changes in less than two years.

**WRITTEN QUESTION FROM COUNTY COUNCILLOR CARTER**

How did the council identify staff to collect the old bins and replace with new bins? What would these staff have been doing if not required for this?

**Reply**

The Council undertook a procurement exercise to secure an experienced contractor that provided not only the best value quality wheeled bins, but had experience in delivering such a large scale bin exchange programme that Cardiff required.

The bin supplier has full time teams that undertake this type of work for them. The teams work all round the UK to support Local Authorities with deliveries and exchange programmes. When they have finished in Cardiff they will move on to the companies next project.

**WRITTEN QUESTION FROM COUNTY COUNCILLOR CARTER**

What is the cost of disposing the old large black bins?

**Reply**

The old wheeled bins will be recycled into new bins by the supplier. The cost of the new bins has been off- set by the income that would have been achieved by the recycling these old bins. As we procured a complete solution, I am not able to provide a specific income associated with recycling the old bins, but our original market testing placed the income from recycling the old bins at approximately £100,000 to £150,000

**WRITTEN QUESTION FROM COUNTY COUNCILLOR CARTER**

How many times a year will pavements and roads be sprayed with weed killer?

**Reply**

The roads and pavements will be treated for weed growth twice a year. The treatments are generally between May and September but are weather dependant, therefore adverse conditions may cause some delay to completion times.

**HEALTH, HOUSING & WELLBEING (COUNCILLOR SUSAN ELSMORE)**

**WRITTEN QUESTION FROM COUNTY COUNCILLOR CARTER**

What was the total cost (including travel and expenses for experts) of the Fairer deal for social care project commissioned by former Cllr Luke Holland in 2012/13 and 2013/14?

**Reply**

The project incurred no costs in 2012/13

In 2013/14, staff supporting in the project were internal secondments and as these posts were not backfilled expenditure was not incurred by the Directorate.

The expert advice offered to the project was funded directly by the WLGA and £675.00 was paid in expenses to the expert witnesses that were used to provide advice on the context and content of the report.

**LEADER (ECONOMIC DEVELOPMENT & PARTNERSHIPS)**

**WRITTEN QUESTION FROM COUNTY COUNCILLOR FORD**

Which Councillors, or grade of officer accepted hospitality for the ashes and the rugby World Cup please specify days or matches?

**Reply**

As an official host city to the 2015 Rugby World Cup, Cardiff has hosted 8 matches in the Millennium Stadium. A key element of the city's commitment as host city was to support the Rugby World Cup Tournament Guest Programme. This programme brought together representatives of participating rugby nations, local and national government, sponsors, businesses and key stakeholders. Accordingly the authority developed a rota of appropriate Members and officers to support the scheduled programme and ensure that, from a host city perspective, the business and networking opportunities afforded through hosting the event were maximised. These included the Leader, Chief Executive, Lord Mayor and Deputy Lord Mayor together with four Economic Development officers who are responsible for Economic Development, Tourism and Inward Investment respectively and who were considered best placed and suitably skilled to promote Wales and its

Capital city within the Tournament Guest Forum. Senior officers from City Operations also attend to support investment and partnership opportunities.

As is customary, the Lord Mayor and Chief Executive were also required to participate in welcome arrangements for royal guests.

In addition, the Cardiff Business Council hosted an event at Twickenham for the England v Wales match. This event was used to advocate a City Deal for Cardiff and to explore investment and other opportunities on behalf of the city. It was attended by the Leader, Chief Executive and the Head of Economic Development with politicians and senior business representatives with an interest in Cardiff.

A separate invitation was also extended for one of the Council's inward investment officers to attend the England v Wales match to support a London based development company who are seeking development opportunities in Cardiff.

Details are listed below as requested:

<b>Date</b>	<b>Match</b>	<b>Venue</b>	<b>Cllr or Officer Grade</b>
19 September	Ireland vs Canada	Millennium Stadium	Principal Officer
20 September	Wales vs Uruguay	Millennium Stadium	Lord Mayor Chief Executive Leader of the Council
26 September	England v Wales	Twickenham Stadium	Principal Officer Chief Executive Leader of the Council Head of Economic Development
23 September	Australia vs Fiji	Millennium Stadium	Principal Officer
1 October	Wales vs Fiji	Millennium Stadium	Lord Mayor Cabinet Member for Community Development, Co-operatives & Social Enterprise. Director of Economic Development Principal Officer Director of City Operations Assistant Director of City Operations
2 October	New Zealand	Millennium	Leader of the

	vs Georgia	Stadium	Opposition Chief Executive
11 October	France vs Ireland	Millennium Stadium	Head of Tourism
17 October	New Zealand vs France	Millennium Stadium	Principal Officer
18 October	Ireland vs Argentina	Millennium Stadium	Deputy Lord Mayor Head of Economic Development

In terms of the Ashes, the only officers who attended were the Director and Head of Economic Development.

Members may attend events outside the knowledge of the Authority however they have a responsibility to record details of receipt of hospitality in the Register of Member's Hospitality & Gifts and the register indicates that the Leader of the Opposition attended and received hospitality at the Ashes.

**WRITTEN QUESTION FROM COUNTY COUNCILLOR FORD**

What was the total cost of the 'Cardiff Capital Connection' report by Deloitte?

**Reply**

The total amount paid to Deloitte for the brochure was £25,623 coming under the contract award amount of £27,487.

The 'Competitive Capital' document was subject to a competitive tender exercise undertaken in October 2013 with Deloitte selected as the preferred bid. The contract started in January 2014 and the Council has worked closely with Deloitte over the last 2 years to develop a statistical, fact based investment document that can promote and differentiate the city on a UK and International level and highlight the advantages of investing in Cardiff.

Having the Deloitte name on the investment brochure provides re-assurance to investors that the information and statistics are reputable and provides commercial status to the document.

The Economic Development team have had a very good response to the brochure with businesses throughout the city, and particularly the property agents responsible for attracting investors, commenting on the quality of the publication and its usefulness.

**WRITTEN QUESTION FROM COUNTY COUNCILLOR BRIDGES**

I welcome the recent proposals on parking in Cardiff, and can assure the Cabinet Member of my constructive support as he and his officers develop them. In order to ensure that Members of all party groups have the relevant information to hand when examining this issue, will you commit to holding a series of round-table meetings with interested councillors, with plenty of advance notice of timings, to elicit their views on the proposals?

**Reply**

Your support is appreciated in respect of this matter.

As you are aware a copy of the Consultation Draft Parking Strategy and Policies was distributed to all members via email on the 15<sup>th</sup> September, ahead of its consideration by Cabinet on October 1<sup>st</sup>.

I would very much welcome the opportunity to undertake round-table meetings over the next few weeks to gather councillors' views on the proposals, and will ensure that these are planned with plenty of advance notice.

These will take place concurrently with the 6 week public consultation period which will commence later in October.

**WRITTEN QUESTION FROM COUNTY COUNCILLOR BRIDGES**

The draft parking strategy contains a very welcome discussion of business permits. Will you agree to hold a detailed consultation on business permits? And in the meantime, will you extend the business permit pilot to Whitchurch Road so that you can see how the scheme works in an area with a high student population and the associated parking challenges this presents?

**Reply**

Public consultation of the new Parking Strategy is currently being prepared and it is planned that this will be launched by the end of October for a 6 week period. Following a review of consultation responses any necessary amendments will be made to the Strategy and its associated Action Plan.

The draft Action Plan currently includes an action to 'Review the past operation of the car park business permit scheme, utilising information from the parking sensor trial, and consider whether this could be deployed to other areas of the city.'

The current timescale for this action is for this to be undertaken by the



end of March 2016. Following this review it may be considered appropriate to extend the scheme to other areas and I am sure you will agree that extending the scheme ahead of a review would be pre-emptive.

**WRITTEN QUESTION FROM COUNTY COUNCILLOR BRIDGES**

Page 29 (para 7.4) of the draft parking strategy contains a strong analysis of parking issues in district and local centres. It mentions that there are 12 such centres, but doesn't name them! What are they?

**Reply**

Thank you for alerting me to this omission. I will arrange for officers to amend the strategy document to include this information following the consultation.

For your information the main centres reviewed included:

Whitchurch Road  
Penarth Road/Clare Road  
Clifton Street  
Crwys Road/Woodville Road  
Cowbridge Road East  
Llanishen  
St. Mellons/Llanrumney  
Merthyr Road, Whitchurch  
City Road  
Albany Road/Wellfield Road  
Mermaid Quay/Lower Bute Street and  
Cathedral Road

**WRITTEN QUESTION FROM COUNTY COUNCILLOR BRIDGES**

The draft parking strategy acknowledges that residential streets around Cathays, Gabalfa and Plasnewydd are already overcrowded and that student vehicles are a contributing factor. Given this, and also taking into account the specific pressures added by new halls of residence with no on-site parking, would you support the idea of reviewing the SPG on parking in relation to guidelines for new student halls of residence?

**Reply**

Part of the work undertaken on the development of the Local Development Plan includes a review of the Supplementary Guidance relating to Access, Circulation and Parking.

Initial work is in progress in order to bring the SPG up to date and ensure it meets the requirements of Cardiff for the future. This SPG is included in

the LDP Annual Monitoring Framework which commits the Council to approve it within 6 months of adoption of the LDP. The adoption of the LDP will follow publication of the Inspectors Report which is anticipated to take place early in 2016.

This work will include a review of how the guidance relates to parking in respect of student accommodation in Cardiff.

**WRITTEN QUESTION FROM COUNTY COUNCILLOR ROBSON**

Please can you provide the list of roads which will receive preventative surface treatment (for footway and/or carriageway) in 2015/16?

**Reply**

**APPROVED LISTS – 2015/16 PREVENTATIVE PROGRAMME**

**CARRIAGEWAY**

<b>Ward</b>	<b>Name</b>
CAERAU	CHURCH ROAD
CAERAU	CLARKE STREET
CANTON	CHURCH ROAD
CANTON	OVINGTON TERRACE
CYNCOED	CEFN COED GARDENS
ELY	ARCHER ROAD
FAIRWATER	FAIRWATER ROAD
GRANGTOWN	MERCHES GARDENS
HEATH	CRYSTAL AVENUE
LISVANE	LLWYN Y PIA ROAD
LLANDAFF NORTH	ABERDULAIS ROAD
LLANDAFF NORTH	ABERTEIFI CRES INC WESTERN AVE NRTH
LLANDAFF NORTH	GABALFA AVENUE
LLANISHEN	GARRICK DRIVE
LLANISHEN	WYNDHAM CRESCENT
PENTWYN	GLYN COLLEN
PENTWYN	AWEL MOR
PENTYRCH	HEOL GOCH (FINATEX)
PENTYRCH	PENMAES X3 SECTIONS (FINATEX)
PENYLAN	CARISBROOKE WAY
PLASNEWYDD	ROATH COURT PLACE
RUMNEY	HARRIS AVENUE X2 SECTIONS
SPLOTT	MERCIA ROAD (GEOGRID TRIALS)
TROWBRIDGE	COLEFORD DRIVE
WHITCHURCH	MANOR RISE

The footway resurfacing/treatment programme is currently under development and should be completed within approximately 4 weeks.

Once the list has been approved the information will be made available to members.

**WRITTEN QUESTION FROM COUNTY COUNCILLOR ROBSON**

Please can you advise which roads were on the list of streets for consideration for preventative treatment in 2015/16 but which did not make the final list.

Please can you also advise why these roads did not make the final list and who makes the final decision as to which roads make the list?

**Reply**

The streets put forward for consideration in the preventative treatment programme but were not selected for inclusion in the final list are as follows:

<b>Ward</b>	<b>Street</b>
Butetown	Loudoun Square
Cyncoed	Heol Esgyn
Cyncoed	Windermere Avenue
Grangetown	Forrest Street
Grangetown	Pentre Street
Grangetown	Sevenoaks Street
Grangetown	Virgil Street
Pentyrch	Bryn Siriol
Pentyrch	Bryn-yr-Eglwys
Pentyrch	Clos Caewal
Pentwyn	Bryn Celyn
Penylan	Trafalgar Road
Penylan	Ty-Gwyn Road
Plasnewydd	Byron Street
Plasnewydd	Shakespeare Court
Rhiwbina	Heol-Yr-Efail
Rhiwbina	Lon Cae Porth
Rhiwbina	Lon Isa
Riverside	Railway Terrace
Rumney	Rhyl Road
Trowbridge	Vaendre Close

The proposed list will include a number of roads that are suitable for a preventative treatment, however, the final list must tie into available budgets and therefore some roads will not be selected. There are various reasons for elimination – existing condition, estimated deterioration rate, suitability for treatment, usage and requests for service.

The responsibility for the approval of the final list lies with the Director of City Operations.

**WRITTEN QUESTION FROM COUNTY COUNCILLOR ROBSON**

Please can you advise when Lon Cae Porth will have much needed resurfacing works carried out?

**Reply**

Lon Cae Porth will receive preventative treatment in February/March 2016, weather conditions permitting. To bring Lon Cae Porth up to a reasonable standard and address any safety concerns a large extent of localised patching would be required. The cost differential between this patching and preventative treatment work indicates best value in the longer term to treat the whole road. This work will be completed as an addition to previously approved list of streets.

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**REPORT OF THE HEAD OF SHARED REGULATORY SERVICES**

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**LICENSING: REVIEW OF STATEMENT OF LICENSING POLICY**

**Reason for Report**

1. To formally authorise the publication of, and use of, the Council's Statement of Licensing Policy which has been reviewed and updated in accordance with the statutory requirements of the Licensing Act 2003.

**Background**

2. The Council is the licensing authority for Cardiff for the purposes of the Licensing Act 2003.

Under section 5 of the Licensing Act 2003 each licensing authority must produce a Statement of Licensing Policy every five years. The Council's current Statement of Licensing Policy came into effect in January 2011 and is due for replacement in January 2016. The matter has been reviewed and has been the subject of an extensive public consultation exercise in accordance with the requirements of the Act. The proposed new Statement of Licensing Policy 2016 – 2021 (**the Policy**) is the result.

3. The Council is asked to approve the publication of the Policy and adopt its use with effect from 4<sup>th</sup> January 2016.

**Issues**

4. The Statement of Licensing Policy outlines the licensing authority's approach to licence applications and deals with the problems and issues surrounding such applications. The previous policy proved to be robust and effective in providing an additional framework for dealing with applications under the Licensing Act 2003, but lacked linkages with the Council's corporate policies and Vision. The revised policy addresses this issue and is a more strategic, forward-looking document that is able to reflect aspirations for the City
5. In accordance with the legislative requirements the Policy has been reviewed and amendments proposed in consultation with responsible authorities, stakeholders and the citizens of Cardiff. The draft new Policy was further amended as a result of the representations received and also incorporates developments in the law and guidance issued by Government. The draft new Policy was approved by the

Licensing Committee at its meeting of 3 November 2015. A copy of it is attached to this Report.

### **Legal Implications**

6. The Licensing Act 2003 places a statutory requirement on licensing authorities to issue a Statement of Licensing Policy with respect to the exercise of their licensing functions. It is a requirement of the Act that the full Council meeting should formally approve the Policy for publication.

### **Financial Implications**

7. This report does not result in any additional financial implications and can be achieved within existing budget provision.

### **RECOMMENDATIONS**

The Council is recommended to

- (1) approve the decision taken by the Licensing Committee at its meeting of 3 November 2015 to adopt and publish the Statement of Licensing Policy for use with effect from 1st January 2016.
- (2) authorise the Head of Shared Regulatory Services to make administrative amendments to the Policy should the need arise.

**Dave Holland**  
**Head of Shared Regulatory Services**

4<sup>th</sup> November 2015

Background papers:  
Report to Licensing Committee 3 November 2015

# City of Cardiff Council

## Statement of Licensing Policy

### 2016-2021



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# 1

## Introduction

The City of Cardiff Council has a duty to administer and enforce the Licensing Act 2003 which gives local authorities responsibility for licensing the sale and supply of alcohol, regulated entertainment and the provisions of late night refreshment.

The Licensing Act requires that Licensing Authorities publish a Statement of Licensing Policy for their area to guide them when considering licence applications and controlling licensed premises. This Statement of Licensing Policy is produced in response to this requirement and applies to all applications, notices, representations and requests we receive under the Licensing Act 2003. The Policy also aims to provide guidance to applicants, objectors and interested residents, businesses and the wider community about the approach we will take as the Licensing Authority. It has been the subject of consultation with local bodies, organisations and residents. A list of consultees is provided within the policy statement.

Cardiff's original policy was published in 2005 and was subsequently reviewed every 3 years as required by the legislation at that time. Since then changes to the Licensing Act 2003 mean that licensing authorities are now required to review their statements of Licensing Policies every 5 years. This policy is the 4<sup>th</sup> Statement of Licensing Policy produced by the City of Cardiff Council.

This is that statement of policy has been 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

## 2.1 Purpose and scope of the Licensing Policy

This Statement of Licensing Policy is produced in response to the requirements of Section 5 of the Licensing Act 2003. It aims to ensure a consistent approach to licensing within Cardiff. The policy will assist officers and members in reaching a decision on a particular application, setting out those matters that will normally be taken into account. In addition the Policy seeks to provide clarity for applicants and residents to enable them to understand the objectives being promoted and the matters that will be considered in determining licences. In carrying out its licensing functions the Licensing Authority must promote the following four licensing objectives:-

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

For the purposes of this Policy Statement, the City of Cardiff Council is the Licensing Authority and is referred to in this document as “the licensing authority” unless otherwise stated.

This Policy covers a wide range of licensing activities covered by the Licensing Act 2003 as follows:-

- Retail sale of alcohol
- Supply of alcohol to club members
- Provision of entertainment to the public or club members or with a view to making profit including raising money for charity where the entertainment involves:
  - A theatrical performance.
  - Film exhibition
  - Indoor sporting event
  - A boxing or wrestling entertainment
  - Live music performance
  - Playing or recorded music
  - Dance performance.
- Supply of hot food or drink from premises from 23.00 to 05.00 hours (the provision of late night refreshment).

The scope of the policy statement includes new licence and permit applications, renewals, transfers and variation of conditions for annual and where applicable occasional licences. Nothing in this policy will prevent a person applying for a variety of permissions under the Act.

This Policy Statement will come into force on 1 January 2016 and will be monitored and changed as necessary.

As part of the development of this Policy, various partners were engaged in consultation and their views have been taken into account. Consultation partners included:

- South Wales Police
- Cardiff Partnership
- Cardiff Licensees Forum
- Licensable Industry Companies
- Licensed Premises Supervisors
- Cardiff Children’s Services
- Cardiff Health and Safety Team
- Cardiff residents
- Cardiff Economic Development
- South Wales Fire Authority
- British Institute of Innkeeping
- Independent Licensees
- The Club and Institute Union
- Cardiff Trading Standards
- Cardiff Pollution Control
- Cardiff Development Control Team
- Cardiff and Vale Univ. Health Board
- Cardiff Access Group
- Licensing Solicitors

## Departure from the Policy

This Policy sets out the vision for the regulation of licensed premises throughout Cardiff and outlines the standards expected to ensure the promotion of the four licensing objectives of the City.

### Key message

**The Licensing Authority may depart from the Policy if it considers that doing so would benefit the promotion of the Licensing Objectives. Reasons will be given for any such departure from the general policy. However, it is expected that any such departure would be likely only in exceptional circumstances.**

## 2.2 Profile of Cardiff

Cardiff is the capital City of Wales and is continuing to grow faster than any other capital city in Europe. In population terms, it is the largest Local Authority in Wales (340,000) but measures of population belies Cardiff's significance as a regional trading and business centre. The population swells by approximately 70,000 daily with commuters and visitors. Its popularity as a shopping and leisure destination extends way beyond Wales with many visitors not only from the rest of the UK but from overseas.



Cardiff is the seat of government and the commercial, financial and administrative centre of Wales. Cardiff boasts one of the most vibrant city centres in the UK with an average daily footfall of 70,000 people which increases up to 150,000 when the City's Millennium Stadium hosts international events.

Cardiff Bay is a world class waterfront development and the Millennium Stadium ranks among the world's finest sports stadia, hosting major events that demonstrate Cardiff's developing role on the international stage. Its impressive range of cultural, sporting and arts facilities including the National Museum of Wales and the Museum of Welsh Life, St David's Hall, New Theatre, Millennium Centre and new City Stadium, as well as the International Sports Village.

Such developments have led to a vibrancy and dynamism across the City which presents significant challenge to enforcement services wanting to secure the safety of their local population and visitors. There are currently 1400 licensed premises in Cardiff, around a quarter of which are located in the City Centre.

The Cathays electoral ward which includes the City Centre has the highest number of licensed premises followed by Plasnewydd ward which has a busy commercial district along City Road, Albany and Wellfield Road. Both Cathays and Plasnewydd have large student populations. Butetown encompasses the popular Mermaid Quay waterside development with bars, restaurants and entertainment and has the third highest number of licensed premises.

It is widely recognised that licensed premises make a significant contribution to Cardiff's economy. The diverse range of licensed premises appeal to visitors, tourists and local citizens and include over 300 licensed restaurants, nearly 300 pub/bar/nightclubs, 200 convenience stores, 130 takeaways, 6 theatres and 50 sports clubs. Other licensed establishments include stadia, bowling alleys, cinemas, art galleries and hotels.

Successful partnership working with the licensed trade is crucial to supporting well run licensed premises that contribute positively to the local community and economy. Improvements made over recent years and the diversification of premises to become more attractive to a wider customer base have turned around the negative portrayals on Cardiff's night time economy that were experienced several years ago.

It is acknowledged that the majority of Cardiff's licensed premises are well run and positively promote the four licensing objectives. It is therefore essential to ensure that this is maintained and this policy contributes to the sustained improvement of the licensed economy as Cardiff continues to develop in the future.

## 3.1 Premises Licences

When determining applications the Licensing Authority will have regard to this Policy, the Act and the Section 182 Guidance.

Applicants should make themselves aware of the council's statement of licensing policy, in particular the issues that will need to be addressed in formulating the operating schedule.

The Licensing Authority will expect individual applicants to address the licensing objectives in their operating schedule having regard to the location and type of premises, the licensable activities to be provided, and the operational procedures.

Applicants will be encouraged to make themselves aware of any relevant local crime prevention strategies, , planning policies and supplementary planning guidance, tourism, cultural or local crime prevention, alcohol reduction strategies; and to have taken them into account, where appropriate, when formulating their operating schedule.

Applicants should consider the benefits of exceeding their statutory consultation requirements by proactively seeking the views of local residents, local ward Councillors, businesses and responsible authorities on their operating Schedules. Responsible authorities include the Police, Fire Authority, Local Health Board and the local authority (in particular the Pollution Control, Health and Safety, Trading Standards, Development Control sections and the Licensing Authority). Contact details for the responsible authorities are detailed in Appendix B of this Policy.

Applicants are expected to have taken the wider local concerns and issues into account when establishing appropriate conditions to meet the licensing objectives. Issues such as drink spiking, date rape, fly posting, irresponsible promotions, drink related violence and binge drinking should be addressed in the light of the situation in the City of Cardiff as a whole.

To ensure that cultural diversity thrives, the City of Cardiff Council has established a policy of obtaining Premises Licences for public spaces within their area in their own name. This enables performers and entertainers wishing to use public spaces for licensable activities to seek permission from the Council rather than applying for their own Premises Licence or Temporary Event notice.

## Live Music Act 2012 and Deregulation Act 2015

A number of changes have been made to the Licensing Act 2003 resulting from new legislation being implemented. These changes have had the effect of removing some activities from licensing requirements. The relevant legislation is as follows:-

- Live Music Act 2012
- Licensing Act 2003 (Description of Entertainment)(Amendment) Order 2013
- Deregulation Act 2015
- Legislative Reform (Entertainment Licensing) Order 2014.

Consequently, the following activities, no longer require licensing.

- Unamplified live music taking place between 08:00 and 23:00 hours in all venues
- Amplified live music and recorded music taking place between 08:00 and 23:00 hours before audiences of no more than 500 persons on premises authorised to supply alcohol for consumption on the premises
- Amplified live music taking place between 08:00 and 23:00 hours before audiences of no more than 500 persons in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
- Provision of entertainment facilities
- Travelling circuses
- Incidental films (where the film is incidental to another activity which is not a description of regulated entertainment)
- Greco-Roman and freestyle wrestling before an audience of up to 1000 persons
- The provision of entertainment by or on behalf of local authorities, health care providers or schools on their own defined premises
- It widens the licensing exemption for live music integral to a performance of Morris dancing or dancing of a similar type, so that the exemption applies to live or recorded music instead of unamplified live music.

Conditions on Premises Licences relating to these deregulated activities will not apply (during the restricted hours and as long as audience restrictions are not exceeded), however the Licensing Authority may still impose conditions about these activities following a review of a Premises Licence or Club Premises Certificate where relevant to promote the licensing objectives.

## Petrol/Service Stations

Section 176 of the Licensing Act 2003 states that no Premises Licence, Club Premises Certificate or Temporary Event Notice has effect to authorise the sale of alcohol from a motorway or trunk road service area or premises used primarily as a garage or which form part of premises which are primarily so used.

If a Licence is granted, the licensee must ensure alcohol is not sold any time when the primary use of the premises is as a garage.

### Key message

Satisfactory evidence will be required to accompany applications for the sale of alcohol at petrol and service stations to demonstrate their primary use.



## Grant and Full Variation Process

The procedure for making a new application and changes to an existing Premises Licences or Club Premise Certificates are similar. Both involve the same advertising procedure, a 28 day consultation period and the application is determined by the Licensing Sub-Committee if relevant representations are received. If no relevant representations are received the application is automatically granted at the end of the consultation period.

Applicants must:-

- Submit a completed application on the prescribed application form to the City of Cardiff Council with the required fee and a plan of the premises of 1:100 scale (unless agreed otherwise). The application form must include an Operating Schedule.
- Submit an entire copy of the application to all responsible authorities at the same time as the application is submitted to the Licensing Authority. NB. *If applicants chose to apply online through the Gov.UK portal, they are not required to submit copies to the responsible authorities.*
- Advertise the application in a prominent position at or on the premises on a pale blue coloured notice of at least A4 size with a minimum font size of 16, for not less than 28 consecutive days starting on the day following the day on which the application was submitted to the Licensing Authority.
- Advertise the application within 10 working days (starting on the day after the following the day on which the application was submitted to the Licensing Authority) in a local newspaper circulating in the relevant part of Cardiff's district such as the South Wales Echo or Western Mail.
- If the application includes the retail or supply of alcohol, the consent of individual Personal Licence holder who wishes to be the Designated Premises Supervisor (DPS) is required with the application.

The application will be advertised on the City of Cardiff Council's website.

It is strongly recommended that before submitting an application, applicants read "*The City of Cardiff Council's Licensing Act 2003: Guidance for applicants – New Premises and Variation Applications*".

All applicants for the grant or variation of a Premises Licence or Club Premises Certificate are expected to demonstrate within their Operating Schedules how they intend to promote each of the four licensing objectives. The proposals included in the Operating Schedule will form the main body of conditions to be applied to the licence or certificate (if granted).

## Minor Variation

Small changes to a Premises Licence or Club Premises Certificate that will not impact adversely on the licensing objectives can be dealt with via the 'Minor Variation' process which is a scaled down version of the full variation process detailed above with a reduced fee.

We expect that the process will be used for changes such as:

- Small changes to the structure or layout of a premises;
- Additional authorisations required for late night refreshment or regulated entertainment (such as live music, performance of plays or film exhibitions);
- Small changes to licensing hours (see below for changes that relate to alcohol);
- Revisions, removals and additions of conditions (this could include the removal or amendment of out of date, irrelevant or unenforceable conditions, or the addition of volunteered conditions).

Minor variation applications will not apply to:-

- Substantial changes to the premises;
- Varying the Designed Premises Supervisor;
- Authorising the sale by retail of alcohol;
- Authorising the supply of alcohol at any time between 23:00 and 07:00 hours;
- Authorising an increase in the amount of time on any day during which alcohol may be sold by retail.

Applications for minor variations will be determined by Licensing Officers rather than the Licensing Sub-Committee, however if representations are received that demonstrate the application will impact adversely on any of the four licensing objectives the application will be refused. Applicants are recommended to contact the Licensing Team prior to submitting a minor variation application for advice.

Applications that have been rejected under the minor variations process can then be the subject of a full variation application or of a revised minor variation application. The refusal of a minor variation does not affect any subsequent variation application in respect of the same premises.

## Licensing Fees

No refund is payable for any withdrawn or refused applications/notifications.

In accordance with the Licensing Act 2003, the full fee is refundable for minor variations if the Licensing Authority fails to determine the application within the statutory time period.

The City of Cardiff Council will utilise its powers under the Act to suspend Premises Licences or Club Premises Certificates for non- payment of the annual fee.

## Late Night Levy

A Late Night Levy (LNL) is an optional power available to local authorities to raise a contribution towards the costs of policing the night time economy. The power was introduced through the Police Reform and Social Responsibility Act and enables the authority to charge a levy to holders of Premises Licences and Club Premises Certificates authorised to sell alcohol. A LNL must apply across the whole of the local authority area and applies to all on and off licences. Temporary Event Notices are exempt.

A LNL would require that a levy be paid by those persons who are authorised to sell alcohol between the periods specified in the LNL (the late night supply period) regardless of whether they are actually open during that period. This can be no earlier than 0000 hrs and no later than 0600 hrs and must be the same period every day.

At least 70% of the Levy must be paid to the Police and Crime Commissioner. There are no restrictions on what the police portion can be used for. The local authority's portion can be used to tackle alcohol related crime and disorder and to support management of the night time economy in line with the reduction of crime and disorder, promotion of public safety; prevention of public nuisance and street cleansing.

The implementation of a LNL is subject to public consultation and, if it is to be introduced, must be adopted at a meeting of the Council.

The Licensing Authority may deduct the costs of preparing, publicising and administrating the levy (subject to regulations) before paying the police proportion, however an estimate of these costs must be published on the website.

The levy will apply indefinitely however it must be reviewed at regular intervals and may be ceased at the end of a levy year.

## Early Morning Restriction Orders

Whilst the Licensing Act 2003 introduced a simple integrated scheme for licensing premises used for the sale or supply of alcohol, regulated entertainment and late night refreshment, one of its primary purposes was to tackle problems associated with the misuse of alcohol.

It has now been recognised by Government, through statutory guidance, that longer hours were not necessarily an answer to all problems. As a result licensing authorities have been given greater discretion in their approach to the management of licensed premises in their areas. On 31 October 2012 amendments to the Police, Reform and Social Responsibility Act were implemented that allows licensing authorities to adopt new measures for the management of their night time economies.

One of these measures is an Early Morning Restriction Order (EMRO) which allows local authorities to look at restricting the sale of alcohol at a specified time between 00:00 and 06:00 hours.

EMROS are intended to deal with alcohol related crime and disorder, anti social behaviour and serious public nuisance with is not directly attributable to licensed premises. Local authorities are encouraged to look at the relationship between their existing Cumulative Impact area, if one is in place and a proposed EMRO area.

An EMRO restricts the time within which alcohol can be supplied. Alcohol supply can be prohibited between 00:00-06:00 hours and applies to Premises Licences, Club Premises Certificates and Temporary Event Notices. There are no exceptions save that which authorise supply of alcohol to residents with overnight accommodation via minibars and room service.

Unlike the Late Night Levy, an EMRO can apply to a specific area or even single street, rather than applying to the whole local authority area. It can apply to specific days of the week, and can apply to limited periods of the year or for an unlimited period. It cannot apply on New Year's Eve/New Year's Day.

EMROs do not affect authorised hours for regulated entertainment or late night refreshment.

The adoption of an EMRO is subject to a process involving the collection and analysis of relevant evidence and a consultation exercise with the public and holders of Premises Licences and/or Club Premises Certificates. The decision to adopt an EMRO has to be taken by a meeting of the Council.

EMROs must be periodically reviewed to ensure they remain appropriate to promote the licensing objectives and can be varied or revoked via the same process as adoption.

Alcohol supplied during the time when an EMRO is in force is treated as a Section 136 offence under LA03 (unauthorised licensable activity).

### Key message

**The City of Cardiff Council has not currently adopted the late night levy or EMRO provisions, but before considering doing so will conduct a full consultation.**

## Licence Reviews

The Licensing Act 2003 and associated legislation introduced a series of measures to enable the Council to deal with problematic premises. One of the most powerful of these measures was the implementation of a system of Licence Reviews.

Responsible Authorities or "other persons" can apply to the Licensing Authority for a Review of the Licence or Certificate should a matter arise at the premises in connection with any of the four licensing objectives.

Events that may trigger a Review must undermine at least one of the licensing objectives and may include, continued noise problems, underage sales of alcohol, frequent problems or disorder, allegations of crime taking place at the premises, impacts on health services (which would support other triggers).

Following receipt of a Review application, a 28 day consultation period will begin. The application will be determined by the Licensing Sub-Committee who can make the following decisions:-

- Take no further action.
- Issue a warning to the licence holder
- Modify the conditions of the Premises Licence
- Exclude a licensable activity from the scope of the Licence
- Remove the Designated Premises Supervisor
- Suspend the Licence for up to 3 months
- Revoke the Licence

In cases of serious crime and disorder at premises, the Police may apply for a summary review. On receipt of such an application, the Authority has 48 hours to determine whether any interim steps are required.

Alternatively, the police also have powers to serve a closure premises in circumstances such as serious incidents of crime, disorder, nuisance> in the case of persistent underage sales Trading Standards also have closure powers.

## 3.2 Personal Licence Applications

Any premises licensed for the sale of alcohol must specify the Designated Premises Supervisor (DPS). This person must be a Personal Licence holder.

In order to obtain a Personal Licence, the applicant must:-

- Be aged 18 or over;
- Possess a licensing qualification accredited by the Secretary of State;
- Not have forfeited a Personal Licence within 5 years of his/her application;
- Produce a satisfactory 'Basic Disclosure' from Disclosure Scotland, or the results of a subject access search of the police national computer by the National Identification Service;
- Not have an objection notice from the Police about the grant of a Personal Licence following notification of any unspent relevant offence or foreign offence; or must show that such an offence should not lead to refusal on crime prevention grounds;
- Pay the appropriate fee to the Council.

Any photographs submitted with the application must be clearly endorsed on the reverse side with the person's name, date of birth and contact number in order to ensure they are correctly processed.

Applicants with unspent criminal convictions for relevant offences set out in the Licensing Act are strongly encouraged to first discuss their intention to apply for a Licence with the Police and Licensing Authority before making an application.

There is no longer a requirement to renew a Personal Licence.

The Licence is portable although changes of home address must be notified to the issuing Licensing Authority.

It should be noted that the City of Cardiff Council may initiate legal proceedings against personal licence holders who fail to notify the Licensing Authority of changes to their personal licence such as changes in address or criminal convictions.

### 3.3 Temporary Event Notices and Other Events

Certain small scale events held in unlicensed premises on an occasional basis are not required to be licensed but must be notified to the Licensing Authority at least 10 working days before the event.

Temporary Event Notices can also be used for licensable activities to take place on licensed premises outside the permissions of the Premises Licence. E.g. a pub may wish to extend the hours they can sell alcohol to cover a sporting event.

It is recommended that these notifications known as Temporary Event Notices are submitted to the authority at least 28 days prior to the event to allow sufficient time for the organiser to liaise with relevant council officers and responsible authorities to ensure the event takes place with minimum problems.

Where relevant representations are received from the Police or the Council's Environmental Health Section, the matter will be referred to the Licensing Sub-Committee for a decision as to whether or not the event can take place. Where representations relate purely to the addition of conditions to the TEN which are consistent with an existing Premises Licence, a statement of conditions will be issued with the TEN by an authorised officer without the need for a Licensing Sub-Committee hearing, unless the applicant disagrees.

#### Late Temporary Event Notices

Late TENs are intended to be used by premises users who are required for reasons outside their control to, for example, change the venue at short notice. They should not be used save in **exceptional circumstances** e.g. last minute change of venue required.

Late TENs can be given up to five working days but no earlier than nine working days before the event is scheduled and, unless given electronically to the licensing authority, must also be sent by the premises user to the Police and the Council's Environmental Health Section.

It should be noted that in case of any relevant objections to a late TEN a counter notice will be served and the event cannot take place. There is not sufficient time for a hearing of the Licensing Sub-Committee.

### 3.4 Large Scale Events

Events with a capacity of over 499 people on the premises, will require a Premises Licence if licensable activities are taking place.

Such events of a temporary or more permanent nature will generally require detailed planning and more consultation with responsible authorities and representatives of other organisations concerned with safety.

The City of Cardiff Council operates an Events Liaison Panel consisting of various Council officers, Police, Fire and Emergency Services who provide advice and assistance to event organisers to ensure they are aware of their responsibilities and that all events run safely. It is recommended that applicants contact the Licensing and Health and Safety Services at their earliest opportunity to discuss their proposals so a decision can be made as to the suitability of the event for consideration by the Panel. Contact the Shared Regulatory Service – 029 2087 2054.

## 4

# Responsible Authorities and making representations

## 4.1 Responsible Authorities

Responsible Authorities are public bodies that must be notified of applications under the Licensing Act 2003. All responsible authorities are entitled to make representations in respect of grant, variation and review of applications. For all premises, responsible authorities include:-

- The relevant Licensing Authority and any other Licensing Authority in whose area part of the premises is situated;
- The Chief Officer of Police;
- The local Fire and Rescue Authority;
- The relevant enforcing authority under the Health and Safety at Work etc. Act 1974;
- The local authority with responsibility for environmental health;
- The local planning authority;
- A body that represents those who are responsible for, or interested in matters relating to the protection of children from harm;
- Each local authority's Director of Public Health (DPH) in England and Local health Boards in Wales; and
- The local weights and measures authority (Trading Standards).

## 4.2 Licensing Authority

In April 2012, the Police, Reform and Social Responsibility Act 2011 amended the Licensing Act 2003 to allow the Licensing Authority to act as a Responsible Authority in its own right.

This entitles the Licensing Authority to make representations in respect of an application, however it will do so when it considers appropriate based on individual circumstances of each situation and in accordance with its duties under Section 4 of the Act.

The Licensing Authority is unlikely to make representations on behalf of other parties such as individuals, local councillors etc, as these persons can make representations in their own right.

Similarly, the Licensing Authority will expect other Responsible Authorities to make representations on issues falling within their own remit. For example the Licensing Authority is unlikely to make representations purely based on crime and disorder as this falls within the remit of the Police.

Examples of circumstances that may cause the Licensing Authority to make representation include:-

- Where there is evidence of non-compliance with the existing Premises Licence. (In the case of variation or review applications)
- The premise is located within a 'Cumulative Impact Policy' area and the Licensing Authority is not satisfied that there will not be an adverse effect on any of the four licensing objectives.

The Licensing Authority will endeavour to interpret the wording in the applicant's Operating Schedule and proposed conditions in accordance with the applicant's intention. Such conditions will be appropriate, proportionate, realistic, timely, specific, measurable and achievable. Wherever possible there will be a clear distinction between the roles of the officer making representations and the officer preparing and presenting the report to the Sub-Committee. In practise the role of the responsible authority will be performed by officers in the Enforcement Team of the Licensing Service while the processing of applications and preparation of committee reports will be undertaken by officers in the Technical Team of the Licensing Service.

## 4.3 Local Health Board

In April 2012, the Police Reform and Social Responsibility Act 2011 amended the Licensing Act 2003 so that Local Health Boards (Wales) and Directors of Public Health (England) also became a responsible authority. In Cardiff the Local Health Board function is undertaken by Cardiff and Vale University Health Board (UHB).

The City of Cardiff Council as Licensing Authority recognises that although public health is not a licensing objective, the UHB holds valuable information relevant to the licensing objectives. For example, violent incidents as a result of drunken behaviour in licensed premises that have an adverse effect on public safety and crime and disorder objectives.

The UHB actively monitors:

- Emergency Unit attendances
- Hospital admissions
- Last Drink Data



The UHB uses this data to contribute to the understanding of the effects, levels and patterns of alcohol consumption within the UHB area.

The UHB have advised the City of Cardiff Council that examples of circumstances in which that may wish to make representations include:-

- New applications
- Applications for review or variation when:-
  - An existing licensed premise is perceived not to be promoting the licensing objectives, or,
  - When there is information to suggest non-compliance with an existing Premises Licence
  - Proposed changes to licensable activities that could have a detrimental effect on one or more of the licensing objectives
- The premise is situated within a “Cumulative Impact Policy” area, where the UHB believes that there will be an adverse effect on any of the licensing objectives.

The UHB have advised the City of Cardiff Council that they will use information from the Alcohol Treatment Centre and Emergency Department to monitor and inform the Licensing Authority of any activity that is causing concern and use the information to make representation where appropriate.

## 4.4 Other Persons representations

The Licensing Act 2003 allows any “other person” to make representation about a licensing application provided that it is relevant to one or more of the licensing objectives.

“Other persons” means any individual, body or business affected by the operation of licensed premises regardless of their geographical location. The term also includes local councillors who can make representations in their own right or on behalf of a named other person such as a resident or local business if specifically requested to do so.

## 4.5 Making representations

Responsible authorities, other persons or organisations representing them, may make relevant representations. In doing so they should state whether they are making the representation on their own behalf or on behalf of another person. The representation should clearly state the grounds of the representation which should relate to at least one of the following licensing objectives:-

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

Representations that do not relate to the licensing objectives or those that are repetitious, frivolous or vexatious will be rejected.

## 4.6 Anonymous representations and petitions

The Licensing Authority cannot accept anonymous representation. Full details of all representations must be made available to the applicant, however the Licensing Authority may consider withholding personal details in exceptional circumstances which justify such action.

In general, if a person wishing to make representation prefers to remain anonymous to the applicant, they may ask their local councillor to make representation on their behalf. In these circumstances, the Councillor will be asked for the details of the person in order to satisfy the Council that they are entitled to comment on the application, however they will not be passed on to the applicant.

Personal details will be anonymised from representations on documents in the public domain such as the Licensing Sub-Committee reports. Full details, however, including name and address of all relevant representation will be supplied to the applicant and/or the applicant's representative.

Any petitions received will be treated as one representation from the person sending it in, supported by the other signatories. Petitions will not be treated as individual representations from everyone who has signed.

# 5 Decision making and delegation of functions

## 5.1 Decision making

The Licensing Authority will strive to make all decisions required in a manner consistent with the Licensing Act 2003, the Guidance issued under Section 182 of the Act and this Statement of Licensing Policy.

The overriding principle adopted by the authority will be that each application will be determined on its merits.

Where relevant representations are received about an application, a hearing will be held unless the Licensing Authority, the applicant and everyone who has made representations agree that a hearing is not necessary. Applicants and those making representations should seek in advance of any hearing to try and reach agreement or narrow the areas in dispute, particularly where both are professionally represented.

In certain circumstances, applications may be rejected or following the receipt of representations, the authority may use its discretion to impose conditions on the licence to further the licensing objectives.

Licence conditions will be tailored to the individual application and only those considered appropriate to meet the licensing objectives will be imposed. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection, for example Health and safety at work, fire safety legislation etc.

The Licensing Authority will also take into account when making its decision that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour, especially once individuals have left licensed premises and are therefore beyond the direct control of licensees. However, when making a decision, the authority will focus on the direct impact of the activities taking place on the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

The 'need' or demand for a licensed premises of any kind or the commercial damage that competition from a new licensed premises would do to other licensed premises in an area will not be matters that the authority will consider when discharging its decision making function.

In determining applications, the Licensing Committee has delegated its functions to the Licensing Sub Committee(s) and appropriate officers in approved cases. This is in the interests of speed, efficiency and cost effectiveness.

In the majority of hearings a summary of the decision will be given verbally on the day. A full written decision notice will be provided to the applicant and anyone who has made a relevant written representation within 5 working days of the hearing; this will include details on how to appeal a decision.

## 5.2 Conditions

The Licensing Authority cannot impose conditions of its own volition. Conditions will only be attached in the following circumstances:-

- Mandatory conditions under the Licensing Act 2003 or introduced by regulation under the Act which will have effect in all circumstances regardless of if they appear on the Licence.
- If they are consistent with the applicant's operating schedule, or agreed/offered by the applicant during the application process.
- When considered appropriate, reasonable and proportionate after relevant representations have been received and not withdrawn.

The Licensing Authority will strive to ensure that only proportionate and reasonable licensing conditions are imposed as appropriate for the promotion of the licensing objectives and will avoid imposing conditions that overlap or duplicate controls provided in other relevant legislation e.g. the Regulatory Reform (Fire Safety) Order, Health and Safety at Work etc Act 1974, etc.

All sets of conditions attached to licences and certificates will be tailored to the individual application. When determining the appropriate set of conditions the Licensing Authority will focus primarily on the individual style of the premises and the licensable activities proposed.

Conditions will usually be volunteered by the applicant. However, where representations are made by responsible authorities and other persons the Licensing Authority is not restricted to these conditions and may impose other conditions where appropriate. It is recommended that responsible authorities consider the following when drafting suggested conditions:

- The size, nature and style of operation
- Whether the premises is part of a multiple operator's chain and therefore more likely to have an operating schedule that is tried and tested
- The cumulative effect of conditions in terms of cost and practical implementation
- The likely cost of the condition(s) for the operator
- Whether a simpler or better way of dealing with a perceived problem could be found
- Whether there is an actual risk of undermining an objective, as opposed to a conceivable risk. In the latter case, there is no need for the condition
- Whether the condition will be enforceable, if it is not specific or could be considered subjective it may not be enforceable

## 5.3 Delegation of Functions

In the interests of speed, efficiency and cost-effectiveness, licensing functions are carried out as shown in the table below:-

Matter to be dealt with:	Full Committee	Sub-committee	Officers
Licensing Policy issues	All cases		
Personal Licence application		If relevant representation made	If no relevant representation made
Personal Licence application with unspent convictions		All cases	
Premises Licence/Club Premises Certificate application		If relevant representation made	If no relevant representation made
Provisional statement application		If relevant representation made	If no relevant representation made
Variation Premises Licence/Club Premises Certificate application		If relevant representation made	If no relevant representation made
Application to vary Designated Premises Supervisor		If a police objection made	All other cases
Request to be removed as Designated Premises Supervisor			All cases
Application for transfer of Premises Licence		If police objection made	All other cases
Applications for Interim Authorities		If police objection made	All other cases
Application to review Premises Licence/Club Premises Certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of objection to a Temporary Event Notice		All cases	
Determination of application to vary Premises Licence at community premises to include alternative licence condition		If a police objection made	All other cases
Decision whether to consult other responsible authorities on minor variation application			All cases
Determination of minor variation			All cases

# 6

## Enforcement, Agency Integration and other relevant legislation

### 6.1 Enforcement and Agency Integration

The City of Cardiff Council as the Licensing Authority will work closely with other agencies to address relevant issues associated with the licensing regime. Other mechanisms will also be utilised that sit outside the licensing regime such as working in partnership with local businesses, transport operators and other departments of the local authority to create a safe and clean city centre environment.

The Licensing Authority will work with Police to identify and target those premises that pose a high risk to the achievement of the licensing objectives. Every effort will be made in enforcing the law concerning disorder and anti-social behaviour. This may include the issue of fixed penalty notices where permitted, the prosecution of any Personal Licence holder or member of staff at premises selling alcohol to people who are drunk and the confiscation of alcohol from adults and children in designated areas. The Police have powers to close down instantly, for up to 24 hours, any licensed premises or temporary event on grounds of disorder or the likelihood of disorder or excessive noise emanating from the premises.

In cases of nuisance caused by anti-social behaviour linked to licensed premises, the Police, other responsible authorities and local residents or businesses are able to seek a review of the licence or certificate in question. In determining a Review, the onus will be on those seeking a review to provide the evidential base on which decisions will be made.

Where enforcement action is taken it will be in accordance with the principles of the City of Cardiff Council's Licensing Enforcement Policy. Inspection regimes will be risk based on an assessment of the individual premises based on the licensing objectives.

Cardiff Council has established protocols with the local police, local authority Pollution Control, Health and Safety and Trading Standards Services, University Health Board and Fire Authority on enforcement issues to provide a more efficient deployment of officers commonly engaged in enforcing licensing law and the inspection of licensed premises. These protocols will target agreed problem and high risk premises, while providing a lighter touch in respect of low risk premises. The production of internal protocols also reduces the possibility of duplication by the various regulatory bodies operated by Cardiff Council and builds a local approach.

Arrangements are in place for the sharing of information between the Licensing Authority, planning committee and transport providers to aid the dispersal of people from the City Centre swiftly and safely to avoid concentrations that produce disorder and disturbance.

Arrangements are also in place for Licensing Committee to receive reports on the local tourism economy, the employment situation, appropriate health issues including

observations submitted by the local Accident and Emergency Department, and other relevant cultural matters for the area. Such arrangements ensure that tourist, employment and cultural policies are reflected in the Licensing Committee's considerations.

## 6.2 Other relevant legislation and strategies

In carrying out its functions, the licensing authority will meet its statutory responsibilities under other relevant legislation. For example, the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity and to foster good relations between persons with different protected characteristics. These protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Cardiff Council recognises and embraces the diversity within the City and aims to ensure that nothing within this Statement of Licensing Policy or in the day to day role of the Licensing Authority discriminates against any group within the community. There are a number of Council and Government strategies and policies that complement the authority's licensing policy such as:-

- Licensing Enforcement Policy
- Regulatory Compliance Code
- Crime and Disorder Reduction Strategy
- Community Safety Strategy
- Drugs and Alcohol Strategies
- Planning policies and supplementary guidance
- Arts, Cultural and Tourism Strategies
- Objectives of the Private Security Industry Authority
- Everyone matters – Cardiff's Strategic Equality Plan.

## 6.3 Provision of Services Regulations 2009

The Regulations require that all notices and authorisation in scope be able to be completed electronically and via a "single point of contact" which in the UK, is the Electronic Application Facility, part of the [www.gov.uk](http://www.gov.uk) website.

The electronic application process relates to all regulated activities under the 2003 Act and to most authorisations and notices with the exception of Personal Licence applications, Licence Reviews and representations to licence applications. Further information on the application process is provided in the Guidance issued under Section 182 of the Licensing Act 2003 by the Home Office. It should be noted that the Guidance is regularly updated and therefore references to the above paragraphs may change through the life of this Policy. You are therefore advised to contact the Home Office for the latest version of the Guidance before submitting any application. The 'apply online' process is available through [www.gov.uk](http://www.gov.uk) website but can also be accessed through the relevant licensing web pages on Cardiff City Council's website [www.Cardiff.gov.uk/licensing](http://www.Cardiff.gov.uk/licensing).

## 6.4 Planning

The Planning and Licensing regimes are separate. The Licensing Committee are not bound by decisions made by the Planning Committee and vice versa. Licensing Committee matters will always be subject to consideration of the four licensing objectives, whereas Planning Committee matters are subject to different considerations.

Notwithstanding this, the Licensing Authority will keep the Planning Authority informed of all its actions, so applicants are recommended to obtain appropriate planning permission to avoid any unnecessary delays.

The Licensing and Planning authorities are responsible for enforcing conditions attached under their respective licences and consents. Where the terminal hours for the operation of premises is stated on a planning consent, but differs from that specified on the licence, the licence holder must observe the earlier closing time to operate legitimately.



# 7

## Key Factors

Within this Statement of Policy there are several key factors that have been identified to ensure that all licensed premises promote the licensing objectives and have a positive impact in the area they are located. The key factors are:-

1. What the City of Cardiff Council, as the Licensing Authority aims to encourage
2. Operating Schedules
3. Licensing Hours
4. Promoting the Licensing Objectives:-
  - Prevention of crime and disorder
  - Prevention of public nuisance
  - Public Safety
  - Protection of children from harm
5. Negative Cumulative Impact

### 7.1 What this Policy aims to encourage

Cardiff has seen much improvement over the years with the redevelopment of Cardiff Bay, the construction of the St David's 2 Shopping Centre and general improvements made to the City Centre. The City now includes a wider range of licensed premises that cater for various types of clientele.

With future developments planned such as the Central Square Scheme and Cardiff Capital Region, the aim is to ensure that Cardiff's licensed economy plays a part in the enhancement of Cardiff and continues to thrive with a mix of desirable premises operating in a safe environment.

#### Key message

Applications are encouraged from the following types of premises:-

- Those that will extend the diversity of entertainment and attract a wider range of customers, with less emphasis on high consumption of alcohol.
- Family-friendly venues where people with children can attend.
- Restaurants and cafes with or without alcohol.
- Outside the City Centre - predominantly seated premises with a focus on local community.

#### Key message

Premises with little seating that primarily offer high volume vertical drinking are largely considered less desirable due to the levels of alcohol related crime and disorder associated with these type of premises

## 7.2 Operating Schedules

An Operating Schedule must accompany any application for the grant, provisional statement of variation of a Premises Licence detailing how the premises is going to be operated and the steps that the operator intends to take to promote the licensing objectives.

The proposals contained in the Operating Schedule will form the main body of conditions attached to a Licence if granted, together with any mandatory conditions, any conditions agreed with responsible authorities during the application process and any conditions imposed by the Licensing Sub-Committee where representations have been made.

The Operating Schedule must be set out on the prescribed form and include a statement of the following:-

- Full details of the licensable activities to be carried on at, and the intended use of the premises;
- The times during which the licensable activities will take place;
- Any other times when the premises will be open to the public;
- If the Licence is only required for a limited period, that period;
- If the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the Designed Premises Supervisor;
- Whether alcohol will be supplied for consumption on or off the premises, or both;
- How the applicant proposes to promote the licensing objectives.

*NB. For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, they are adequately covered by other legislation.*

An Operating Schedules should be detailed enough to enable the responsible authority, members of the public and the Licensing Authority to assess whether the proposed steps are sufficient to ensure the licensing objectives are promoted and should :-

- Be precise and enforceable;
- Be unambiguous;
- Not duplicate other statutory provisions;
- Be clear in what they intend to achieve; and
- Be appropriate, proportionate and justifiable.

It is more likely that representations will be received about an application if it does not include sufficient information within its Operating Schedule. It is expected that in the case of applications that fall into a Cumulative Impact Policy areas that the applicant addresses the implications of cumulative impact in their Operating Schedule.

### Key message

- It is expected that all applicants identify within their Operating Schedules, clear, suitable measures to promote the licensing objectives taking into consideration the area in which the premises is situated, and address the other 'key factors' contained in this policy.

## 7.3 Licensing Hours

It is recognised that in some circumstances flexible licensing hours can help to avoid concentrations of customers leaving premises at the same time. Where representations are received, stricter conditions relating to noise control may be necessary in sensitive locations such as residential areas. Limits to opening hours will not be implemented without proper regard to the individual merits of an application and the representations received.

There will be a presumption that the licensing hours requested by an applicant will be granted unless there are relevant objections opposing those hours. Such cases will be determined on their individual merits ensuring any imposed restrictions are appropriate in relation to the licensing objectives.

When applying for later licensing hours, applicants are recommended strongly to demonstrate how the licensing objectives (in particular the prevention of public nuisance) will be met within their Operating Schedule.

Within Cardiff, there are very few solely commercial areas within Cardiff, with residential dwellings commonly located above and next to licensed premises situated outside the City Centre. Generally in most areas of Cardiff, ambient noise levels fall significantly after 23:00 hours but noise even from well behaved customers leaving licensed premises late at night, can disturb residents especially during the working week. As a consequence what would be acceptable in the City Centre where there are fewer residents would not be acceptable in heavily populated residential areas. In some areas, applicants may have to consider imposing an earlier terminal hour to reduce the adverse impact. Without this terminal hour the applicant risks representations being made against the application (especially by the Police and Environmental Health Service) and later applications for Review of the Premises Licence.

See Key factor 7.4c: Prevention of Public Nuisance for further information.

### Key message

- It is expected that shops and supermarkets that provide alcohol sales off the premises will do so at any time when the retail outlet is open to the public unless there are reasons relevant to the licensing objectives to restrict those hours.
- In terms of applications for premises that provide alcohol sales for consumption on the premises, it is suggested that the opening hours are determined to incorporate a period of 'drinking up time' which would normally be 30 minutes.

## 7.4 Promotion of the Licensing Objectives

The Licensing Authority when carrying out its functions and exercising its powers will aim to promote the licensing objectives at all times. In promoting these licensing objectives, the authority aims to encourage a safe crime free environment where everyone can enjoy the full range of leisure activities offered.

The Licensing objectives are:-

- The prevention of crime and disorder
- Public Safety
- The prevention of Public Nuisance
- The protection of children from harm

The licensing objectives are the main focus for the sub-committee when determining an application and when considering the need for conditions.

In furthering the licensing objectives, the authority will also use its powers under the Licensing Act to promote them using a broader range of powers including planning controls, transport controls, crime and disorder policies and pollution controls.

When an application could adversely impact on one or more of the licensing objectives, the public and businesses have the right to make representations against the application. Representations are vital for the full consideration of applications and notices and detailed consideration will be given to all relevant representations received. This will not include those that are frivolous, vexatious or repetitive.

In addition to making representations, there is nothing in this Policy that would prevent affected parties from utilising their powers to seek a Review of an existing licence or certificate where necessary.

The Licensing Authority has entered into partnership arrangements with the Police, Fire Authority and other responsible authorities to further promote the licensing objectives via the Representation and Review system created by the Licensing Act 2003.

### 7.4A Prevention of Crime and Disorder

Under the Crime and Disorder Act 1998, the Council must exercise its functions having regard to the likely effect on crime and disorder in its area, and must do all it can to prevent crime and disorder.

The Licensing Authority will therefore seek to promote the licensing objective of 'prevention of crime and disorder' where appropriate in a manner that supports crime reduction strategies and schemes aimed at reducing crime and promoting public safety.

The Licensing Authority will normally look to the Police as the main source of advice on crime and disorder and applicants are therefore recommended to seek advice from South Wales Police on what steps they can take to promote the prevention of crime and disorder. Operating Schedules should include the measures intended to be deployed in preventing crime and disorder.

Licence holders should have clear documented policies and procedures in place which identify all crime and disorder risks associated with their premises together with the measures to be implemented to prevent, manage and respond to those risks. Relevant factors that may be taken into consideration (where appropriate) when formulating these plans could include:-

- Provision and maintenance of CCTV systems
- Staff training with regards to crime prevention measures and conflict management
- Use of security radios
- Provision of door staff licensed by the Security Industries Association
- Measures to verify customers age
- Use of external lighting (although care should be taken to avoid light nuisance to neighbours)
- Membership of a recognised pub watch scheme
- Restricting sales of alcohol with the provision of food
- Measures employed to prevent the consumption and/or supply of illegal drugs and new psychoactive substances
- Frequent staff briefings
- Effective door policies including search policies, managing capacities, managing queuing, ejection/refusal procedures
- The use of plastic or polycarbonate drinking vessels instead of glass for instances during major events in Cardiff
- Clearly displayed door admission policies – including age restrictions dress codes
- Dispersal policies.

Please note that the above measures are examples only to assist and guide applicants when drafting their operating schedules in respect of their application. This list is not exhaustive and will not be used by the Licensing Authority to create standard conditions. All applications are considered on their own individual merits.

## **Off- Sales of alcohol**

The City of Cardiff Council has implemented an Alcohol Consumption in Designated Public Places Order throughout Cardiff to help prevent numerous problems caused by public consumption of alcohol. Street drinking can be a major cause of anti social behaviour, often involving underage persons, giving rise to disorder, concerns over public safety and harm to children. Furthermore, consumption of alcohol by persons on the way to on-licensed premises could give rise to problems of drunken and disorderly behaviour. The problems of street drinking are generally worse within the City Centre.

Designation as a controlled drinking zone provides the police with powers to require a person in such areas not to drink alcohol and to surrender any alcohol or alcohol containers (other

than sealed containers) in their possession. The ban has no effect on a properly licensed event where the consumption of alcohol is permitted by the licence, for example a licensed event within a park. While it is not an offence in itself to drink alcohol in a designated area, failure to comply with an officer's requirements in respect of public drinking or to surrender open vessels of alcohol without reasonable excuse, is an arrestable offence.

Careful consideration will be given to applications for licences with off-sales of alcohol in areas where there is evidence of problems of street drinking or disorder. Where representations are received in respect of such applications the Sub-Committee must be satisfied that granting the licence will not have a negative effect on any of the licensing objectives.

Applicants are advised to give particular consideration to the hours that they are applying for and the type of alcohol products they are offering. Persons who are alcohol dependent may be drawn to particular premises if they are licensed to sell alcohol at earlier/later times than other nearby premises.

## Drinking Vessels

In the City Centre or in areas close to large sporting venues, it may be necessary for licensees to implement restrictions on the types of drinking containers used in the interest of the licensing objectives. Such restrictions should be listed in the Operating Schedule when an application is made, however no restriction should compromise trading standards.

Glasses and glass bottles containing drinks may be used as weapons during incidents or disorder, inflicting serious harm. South Wales Police publish details of Cardiff's major event days on the website [www.ourbobby.com](http://www.ourbobby.com).

Suitable conditions can help reduce both harm and disorder and prevent persons from seeking to review a Licence. The Government believes that a risk-based, rather than a blanket approach in requiring licensed premises to use safer alternatives is the best way to tackle the problem of glass-related injuries.

### Key message

**Risk based consideration should be given to the use of non-glass drinking vessels, especially in the City Centre on days designated as 'Major Events' by South Wales Police.**

## Discounting and Sales Promotions

The inappropriate use of discounted drinks and sales promotions in premises licensed for the sale of alcohol has the potential to promote drunkenness and disorder. Applicant's and Licence Holders are therefore encouraged to adopt locally or voluntary industry Codes of Practice to minimise problems of crime and disorder arising from irresponsible discounting of drinks and sales promotions.

It is a mandatory condition that irresponsible drinks promotions are not carried out, where that promotion is carried on for the purposes of encourage the sale of alcohol on the premises.

### **‘Traffic Light System’**

The ‘Traffic Light System’ addresses alcohol related crime and disorder in licensed premises by taking account of data from Police and health service sources and categorising premises according to objective evidence. The system provides a management tool in reducing crime and disorder and has been agreed by all parties including the Cardiff Licensees Forum.

The ‘Traffic Light System’ exploits a data sharing protocol between the Safer Capital partnership and the University Hospital of Wales/NHS Trust who together provide detailed information on the time, place and nature of alcohol related crime and disorder.

Pubs and clubs in Cardiff City Centre are graded according to their size, location and capacity and are subsequently split into three categories, small, medium and large. Data on alcohol related crime and disorder are analysed on a monthly basis taking into account data fro the pervious six months. Points are allocated as set out below. The total number of incidents for each venue places the premises into a red (immediate action), amber (monitor closely), green (no concerns) category.

If a premise is found to be in the RED ZONE, they are assigned a dedicated licensing officer who meets with the premises management to draw up a specific, measurable, achievable, realistic and time framed (SMART) action plan that will seek to improve the premises promptly. Improvements are carefully monitored and the points system is used as an outcome measure together with compliance of the action plan. Lack of demonstrable improvement in safety levels results in enforcement action taken against the Designated Premises Supervisor.

In cases where there is no improvement and any of the licensing objectives are not being promoted, the premises may be referred for consideration to the Licensing Sub-Committee by way of a Review application.

## **7.4B Public Safety**

Applicants are expected to have regard to the layout and intended use of their premises, and provide details of how they plan to ensure the safe use of their premises and promote the public safety objective within their Operating Schedule.

Applicants are legally responsible for complying with a range of legislation relating to public safety, such as the Health and Safety at Work Act 1974, the Regulatory Reform (Fire Safety) Order 2005 and conducting suitable and sufficient risk assessments of their activities under both. Since the Regulatory Reform (Fire Safety) Order 2005 came into force in 2006, any conditions imposed by the Licensing Authority that relate to any fire safety requirements or prohibitions that are or could be imposed by the Order, automatically cease to have effect.

Failure to comply with the provision of the Regulatory Reform (Fire Safety) Order 2005 or any other Health and Safety legislation could have a negative effect on the public safety objective, prompting representations from the relevant responsible authorities. It is therefore recommended that applicants seek appropriate advice on public safety matters prior to operating the premises or before implementing variations.

Such relevant factors that may be taken into account can include:-

- Emergency access
- Facilities for disabled people, in particular in emergency situations
- Provision and levels of general and emergency lighting
- Checks on equipment at specific intervals
- Use and ratio of doorstaff
- Steps taken to manage the risks from glass, e.g. Use of bins, type of drinking vessel, glass collectors etc.
- Measures taken to prevent overcrowding, e.g. Recording customer numbers
- Seating arrangements, e.g. Specified number/floor area used for seating
- Suitable internal and external lighting especially on stairs and entry/exit routes
- Comprehensive staff training in areas such as first aid, fire safety procedures, evacuation procedures, security threats, overcrowding
- Any other measures considered appropriate to promote the licensing objective of public safety.

Please note that the above measures are examples only to assist and guide applicants when drafting their operating schedules in respect of their application. This list is not exhaustive and will not be used by the Licensing Authority to create standard conditions. All applications are considered on their own individual merits.

The Licensing Authority may also consider it appropriate in terms of public safety and disorder to impose a condition stating the maximum capacity of premises in circumstances where relevant representations have been received and a safe capacity has not been imposed through other legislation.

### Key message

**The Licensing Authority does not seek to duplicate requirements of other health and safety legislation, but it may consider steps to promote public safety where it is considered appropriate and when relevant factors/risks are not adequately addressed by other legislation**



## 7.4C Prevention of Public Nuisance

Applicants are expected to have regard to their proximity to residential properties or other business premises and how they intend to promote the licensing objective of prevention of public nuisance within their Operating Schedules.

There are very few solely commercial areas within Cardiff. Residential dwelling are commonly located above and next to licensed premises outside the City Centre. Problems may present themselves from premises located both in the main shopping areas of the City and also in residential areas that may require special consideration with regard to noise and nuisance.

Leisure and entertainment activities have become an accepted part of modern life, employing many people and adding vitality to commercial areas. They are vital to a thriving and successful society, and to the economic wellbeing of the City. All too often however, anti social behaviour problems experienced within the City are linked to the late night element of the industry which can contribute significantly to the fear of crime, economic deprivation and a loss of pride in the local area. The Licensing Committee must be mindful of these factors and seek to ensure that a fair balance is struck between the provision of facilities and the possibility of nuisance being caused.

The Licensing Authority considers that applications for late night bars, nightclubs and vertical drinking establishments would not usually be accommodated in residential areas due to the likelihood of disturbance.

Noise and nuisance arising from the operation of licensed premises will be considered. This will include not only the type of licensable activity taking place, for example, the playing of music, but also other wider issues that may cause disturbance such as patrons leaving the premises, either on foot or by car, or the disposal of refuse which must be carried out at reasonable time.

Operators should take particular care to ensure that customers using external drinking areas, smoking areas or the pavement outside, do not cause unnecessary nuisance to local residents. It is suggested that the terminal hour for external areas that are in close proximity to residential properties does not exceed 21:00hrs.

Careful consideration should also be given to determining suitable external areas for smoking. Ideally designated smoking areas should be sited at the furthest distance from residential properties and cigarette bins should be provided. Furthermore operators should also ensure as far as possible that large numbers of their customer do not block pavements, thereby causing pedestrians to step out into the roadway.

Where off-sales of alcohol and/or takeaway food sales are permitted at a licensed premises, operators should recognise their responsibility to ensure that litter discarded by their customers in the vicinity of their premises is cleared away regularly and that bins are provided.

Existing licensed premises do in the main, cause few problems of noise and nuisance while operating at their existing hours. However, leisure and entertainment premises that wish to apply for longer licensing hours for the sale of alcohol and public entertainment may be most appropriately located in:-

- The City Centre
- Inner Harbour (Mermaid Quay area), Cardiff Bay.

Applications for Premises Licences may also be acceptable in other commercial or business areas, depending upon the character of the area and whether there are residential properties nearby.

In order to avoid representations being made it is in the interests of applicants to propose stricter conditions with regard to nuisance control for licensed premises in areas that have denser residential accommodation within their Operating Schedules.

Licence Holders should have clear documented policies and procedures in place that identify all public nuisance risks associated with their premises together with measures implemented to prevent, manage and respond to those risks. Licence holders should also engage with local residents and businesses on a regular basis to ensure that they are being good neighbours and deal with problems as they arise.

Relevant factors and considerations that may be taken into account when formulating such policies, procedures and operating schedules include:-

- Use of soundproofing measures to reduce noise and vibration emanating from the premises. Such measures may include the installation of an acoustic lobby, air conditioning, keeping windows and doors closed, sound limitation devices
- Restricting entertainment in external areas
- Suitable customer signage
- Steps taken to prevent noise from customers arriving/leaving the premises by foot or in vehicles which may include consideration of customer parking, taxi arrangements, dispersal arrangements etc
- Measures taken to prevent and manage queuing
- Proximity to noise sensitive premises such as residential properties, nursing homes, hospices, places of worship
- Arrangements for deliveries or waste collections and the positions of areas used
- Consideration of noise reduction measures and a suitable terminal hour if external areas of the premises are in close proximity to residential properties Consideration should also be given to the position, volume and hours of use of external speakers or TVs.
- Position and hours of use of external areas such as beer gardens and the provision of smoking areas
- Use and siting of external lighting and security lighting in respect of neighbouring properties
- History of previous noise complaints, whether there are existing problems, and the applicant's willingness/ability to prevent nuisance

- Positioning of litter and bottle bins and frequency of emptying the bins, including the disposal of cigarette litter
- Steps taken to prevent fly posting and the distribution of flyers
- Removal of graffiti
- Implementation of customer dispersal policies
- Other relevant activities likely to give rise to nuisance

The above measures are examples only to assist and guide applicants when drafting their operating schedules in respect of their application. This list is not exhaustive and will not be used by the Licensing Authority to create standard conditions. All applications are considered on their own individual merits.

Applicants may wish to consult their staff, customers, local residents, local businesses, the Police and the Pollution Control Service of the Council before finalising their Operating Schedules.

It is recommended that applicants also read Section 3.1 in respect of the deregulation of regulated entertainment. Premises Licence conditions will not apply during performance of unregulated entertainment

## Outdoor events

A number of outdoor events take place in Cardiff every year. These include concerts, fetes and sporting events which are enjoyed by communities and visitors to the City. It is important to ensure that these events benefit local communities but at the same time do not cause nuisance to nearby residents.

If an event requires a Temporary Event Notice or a Premises Licence, applicants are recommended to discuss the event with Environmental Health and South Wales Police Licensing Team.

Larger events may need consideration by the Council's Events Liaison Panel to ensure all aspects of the event have been considered and the event takes place safely without causing nuisance.

When managing noise at outdoor events, operators should consider the following:-

- The position and direction of external speakers/PA equipment in respect of residential properties
- The operating hours of the event
- The hours of construction and de-rig of any equipment such as marquees, stage, etc.
- Undertaking background noise surveys prior to the event and setting appropriate noise levels. This may include consideration of the Code of Practice on Environmental Noise Control at Concerts
- Whether expert advice from an acoustic consultant is required
- Details of any noise monitoring to take place during the event and corrective action where agreed levels are exceeded
- The location and hours of use of any plant equipment such as generators

- The location of lighting in respect of residential properties
- The provision and location of waste bins and arrangements for collection
- Communication with local residents and businesses.
- The use of fireworks/outdoor displays and the potential impact on local residents
- Providing contact details to the Pollution Control Section in case of any complaints so that they can possibly be rectified at the time.

## 7.4D Protection of Children from Harm

In carrying out its duty to protect children, the Licensing Authority has determined that the responsible authority for the protection of children is the City of Cardiff Council's Children's Services.

The Licensing Authority believes that the admission of children to any premises should remain a matter of discretion for the licence holder and as such will not impose conditions requiring such admission. It will however encourage the provision of facilities for children and family friendly policies in licensed premises in accordance with the requirements of the Act.

The Authority will also not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm to them.

The Licensing Authority would expect additional measures or may impose additional conditions to protect children where:-

- Any member of the current staff is convicted of serving alcohol to minors, or
- The premises has a known association with drug taking or dealing;
- A strong element of gambling (other than by way of amusement with prize machines) takes place on the premises; or
- Where entertainment of an adult or sexual nature is commonly provided; or
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the service provided

In these circumstances, it is likely that a combination of limitations will be imposed, rather than a complete ban. These could include a limitation on the hours when children may be present, age limitations and restrictions or conditions requiring an accompanying adult and exclusion of children (under 18s) from certain parts of the premises during certain activities.

Competent adult supervision is required at any regulated entertainments attended by unaccompanied children, such as under 18s nights in nightclubs. In addition to any parents present, a sufficient number of attendants must be employed to control the access and egress of children and to protect them from harm. Where children attend as entertainers, there should be a responsible adult present.

For the purposes of this Statement, an attendant is any competent adult person employed or engaged either individually or through an agency, by the licensee, to control access to the regulated entertainment to assist children entering or leaving the premises and to maintain good order and decent behaviour within and in the vicinity of the premises. Attendants who are not registered with the Security Industry Authority may only be used with the written permission of the Licensing Authority.

There is an expectation that licensees implement effective and appropriate measures to ensure age restrictions are enforced at their premises. Relevant considerations include:-

- Details of the forms of ID that are acceptable
- The use of till prompts
- The maintenance of refusal logs

These measures should be backed up by the provision of comprehensive documented staff training.

The Portman Group operates on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. The Licensing Authority commends the Code to all applicants and licence holders.

## **Exhibition of films**

Where the exhibition of films is permitted, the authority will expect the mandatory conditions imposed by the Act to be complied with and age restrictions to be in place in accordance with the British Board of Film Classifications. Only in exceptional cases will variations of this general rule be considered by the Licensing Authority.

Requests for certification of unclassified films should be made to the Licensing Authority at least 28 days in advance of the proposed screening date. Requests should include:-

- A DVD copy of the film
- Details of any existing classification issued by an existing classification body, whether within or outside the UK
- A synopsis of the film identifying the material within the film considered by the exhibitor to be likely to have a bearing on the age limit for the audience for exhibition of the film.
- Any recommendation made by the film maker upon age limit for the intended audience for exhibition of the film.
- Proposal of age restriction by the applicant.

The Licensing Authority shall concern itself primarily with the protection of children from harm when classifying films.

## 7.5 Negative Cumulative Impact

Cumulative impact is defined in the Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 as “the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a Licensing Authority to consider in developing its licensing policy statement”.

The cumulative impact of the number, type and density of premises in particular areas such as the City Centre may lead to them becoming saturated with premises of a certain type, making them a focal point for large groups of people together leading to severe or chronic problems of crime and disorder, public nuisance, anti social behaviour, and matters relating to public safety.

In relation to applications for the grant or variation of a Premises Licence or Club Premises Certificate the Licensing Authority will consider representations from other persons and responsible authorities stating that they believe that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. The onus will be on the individual or organisation making such a representation to provide an evidential basis for it.

Furthermore, the Section 182 Guidance allows the Licensing Authority to make a policy, within its Statement of Licensing Policy, to deal with cumulative impact. Where there is evidence that the number of licensed premises in an area has had a negative cumulative effect upon crime and disorder, public nuisance, and public safety, the Licensing Authority will consider making a Cumulative Impact Policy (CIP). It will make such a Policy only after it is satisfied that there is evidence to support it.

A Cumulative Impact Policy has been made in Cardiff in respect of Cardiff City Centre and appears in Part 8 of this Statement of Licensing Policy.

The effect of adopting a Cumulative Impact Policy of this kind is to create a rebuttable presumption, provided that relevant representations are received, that applications for new Premises Licences or Club Premises Certificates or material variations of them will normally be refused, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced. What constitutes a material variation will depend upon the policy in place and the reasons for the area being designated as suitable for adoption of a Cumulative Impact Policy.

Applicants will need to address the cumulative impact policy issues in their Operating Schedules in order to rebut the presumption. However it must be stressed that a Cumulative Impact Policy does not relieve responsible authorities or interested parties of the need to make a relevant representation before the Licensing Authority may lawfully consider giving effect to its cumulative impact policy. If it receives no relevant representations the Licensing Authority must grant any application in a Cumulative Impact Policy area subject only to conditions that are consistent with the Operating Schedule submitted by the applicant.

## 8. City of Cardiff Council Cumulative Impact Policy

Having regard to the Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, the City of Cardiff Council as Licensing Authority has consulted upon the issue of cumulative impact. It has taken into account the views of respondents and considered the evidence and has adopted a Cumulative Impact Policy in respect of the **City Centre area**.

The Cumulative Impact Policy applies to applications for grants and full variations of Premises Licences and Club Premises Certificates in the circumstances set out in Table 1 and Table 2. The effect of Table 1 and Table 2 is more fully described below.

When the Policy applies it creates a rebuttable presumption that where relevant representations have been received the application will be refused or subject to certain limitations unless the applicant can successfully demonstrate that the premises will not add to the negative cumulative impact on one or more of the licensing objectives.

The Licensing Authority takes the view that where relevant representations are received in respect of an application for a premises that is adjoining or is in close proximity to (but not within) the Cumulative Impact Area (CIA)'s defined boundary, and where those representations raise a material impact on the CIA, then the Cumulative Impact Policy will be applied if the Licensing Sub-Committee reasonably judges that to grant the particular application would add to the cumulative impact being suffered in the defined area.

### Key message

**This Cumulative Impact Policy is not absolute. The circumstances of each application will be considered on its merits and the Licensing Authority will grant licences and certificates that are unlikely to add to the negative cumulative impact on the licensing objectives.**

It must be stressed that the presumption to refuse an application does not relieve the responsible authorities or 'other persons' of the need to make a relevant representation, referring to information which was before the Licensing Authority when it made this Policy. If there are no representations the Licensing Authority must grant the application in terms that are consistent with the Operating Schedule submitted.

The Licensing Authority will review the Cumulative impact Policy periodically with the Police to assess whether it is needed any longer or needs amending.

## Evidence

When determining the City Centre, the Licensing Authority has had regard to the following evidence:-

- Crime and disorder figures, particularly alcohol related
- Alcohol related injuries reported to A&E/Alcohol Treatment Centre
- Last drink data
- Noise complaints
- The number, type and hours of licensed premises
- Residential proximity and density
- Views of residents, businesses and licence holders.

## Consideration of other initiatives and partnership working

There are a number of measures in place in Cardiff that are aimed at providing a safe environment and minimising problems of crime, disorder and nuisance. These measures have been taken into account when determining the CIA. They include:-

- A Designated Public Places Order is applied to the whole of Cardiff. The Order provides the Police with the power to require a person in the designated area not to drink and to surrender any alcohol or alcohol containers (other than sealed containers) in their possession.
- Pedestrian and Road Closures – Large parts of the City Centre are pedestrianised to separate pedestrians and vehicles and promote public safety. Furthermore, due to the increased number of visitors to the City Centre on major event days there are additional road closures in place. Night time road closures also exist around the Greyfriars Road area of the City Centre to protect members of the public who have been visiting the licensed premises in that area.
- Taxi Marshalls are employed at a number of the main taxi ranks to aid dispersal of customers from late night premises.
- The Alcohol Treatment Centre led by Cardiff and Vale University Health Board operates within the City Centre providing treatment to heavily intoxicated patients in the locality. The Centre eases pressure on the hospital's Emergency Unit and whilst also offering patients the opportunity of viewing footage of their drunken behaviour before leaving, in a bid to make them consider their safety and highlighting the health risks of excessive drinking.
- Cardiff Licensee's Forum is an organisation representing licensed premises in the City Centre and Cardiff Bay. The Forum meet to share information and good practice and to create good communication links between licensed premises, the Police and the Council.
- The majority of licensed premises in the City Centre have a radio system linked to the Police Control room where they can provide/request information or require assistance.
- Pubwatch Schemes
- The Traffic Light System led by South Wales Police provides a management tool to monitor levels of crime and disorder at licensed premises. Further details can be found on page 32.



- Vulnerability Training is provided by South Wales Police to staff at licensed premises, in particular door staff. The training assists participants in identifying people who could be considered as 'vulnerable' usually due to being under the influence of alcohol, and provides advice on what action should be taken to safeguard these people.
- Restrictions through planning controls
- Provision of CCTV in public areas
- Enforcement powers available to the Police, Licensing Officers and Trading Standards Officers under the Licensing Act 2003.

The Licensing Authority is satisfied that in the Cumulative Impact Area there is evidence to support the implementation of the Cumulative Impact Policy and, after taking into consideration other existing initiatives, that it is proportionate and the most effective measure to address the problems identified.

## Applications

The CIP applies to applications for Grant and Full Variation of Premises Licences and Club Premises Certificates in the circumstances set out in Table 1 and Table 2. The Policy creates a rebuttable presumption that, where relevant representations have been received, any of these applications will be refused or subject to certain limitations, where relevant representations have been received, unless the applicant can successfully demonstrate that the premises will not add to the negative cumulative impact on one or more of the licensing objectives.

When making a decision on an application in a CIA, the Licensing Authority will have regard to CIP Table 1 in determining whether the CIP applies to that application. Where Table 1 indicates that the CIP applies to an application, the rebuttable presumption of refusal applies as explained above.

Table 2 provides a brief definition of each premises type for the purpose of the CIP and explains the 'core hours' and 'additional measures' restrictions in respect of premises applications classed as 'amber'.

The CIP does not normally apply to premises types categorised as 'green' in Table 1.

The Policy will not apply to premises which are 'amber' if the application is limited to the 'core hours' and the 'additional measures' mentioned in Table 2 are adequately addressed in the accompanying Operating Schedule.

The CIP applies to premises types categorised as 'red' in Table 1.

It should be noted that a green or amber category does not make the application immune from representations from responsible authorities or other persons. All relevant representations will be considered by the Licensing Sub-Committee and the application determined on its merits. Those green/amber applications that would normally fall outside the CIP will be treated as a 'standard' application and the rebuttable presumption of refusal created by the CIP will not apply. However this Policy is not absolute. Each application will be determined individually on its merits and the Licensing Authority shall permit licences and

certificates that are unlikely to add to the cumulative impact on the licensing objectives to be granted.

Applicants are expected to address the effects of the CIP in the Operating Schedule. They are expected to clearly demonstrate how the operation of the premises would not add to the negative cumulative impact being experienced in the area.

### **Premises with combined use/premises undefined type**

Certain applications will not fall neatly into one of the categorised premises types or they may have a combined use. For example, there may be instances where a premises operates as a restaurant by day and a bar a night, or there may be a pub that has a strong emphasis on food sales.

This Policy cannot cover all eventualities. Each application will be determined on its own merits and in taking a view of whether the CIP applies the Licensing Authority will take into consideration the primary use of the premises, the licensable activities applied for, and the licensable hours.

#### **Key message**

**The Licensing Authority expects applications for premises within the Cumulative Impact Area to be exceptional. The authority does not consider that premises that are well managed and fully compliant with their licensing conditions and all relevant legislation to be 'exceptional'. This is what is expected of all licensed premises.**

**Table 1**

<b>Premises Types (See criteria in Table2)</b>					
<b>Area:</b>	<b>Ancillary alcohol sales</b>	<b>Pubs/Members Clubs/Bars/ Nightclubs</b>	<b>Restaurants</b>	<b>Takeaways/Fast Food Restaurants</b>	<b>Off-Licences</b>
<b>City Centre</b>	<b>No CIP (Green)</b>	<b>CIP applies (Red)</b>	<b>CIP only applies if the application is outside the 'Core Hours' or the applicant is unwilling to adopt the 'Additional Measures' (Amber)</b>	<b>CIP applies (Red)</b>	<b>CIP only applies if the application is outside the 'Core Hours' (Amber)</b>

**Table 2**

Premises Type	Criteria
<p><b>Ancillary Alcohol Sales</b></p>	<p><b>For the purpose of this policy: Venues where the sale of alcohol is ancillary to the main purpose of the premises, and alcohol sales make up a small percentage of the business.</b></p> <p>This may include:</p> <ul style="list-style-type: none"> <li>• Cinemas</li> <li>• Theatres</li> <li>• Bowling alleys, hairdressers, florists</li> <li>• Hotels/B&amp;Bs where alcohol is provided for consumption on the premises by people staying in overnight accommodation</li> <li>• Art galleries.</li> <li>• Workplace Bar solely for use of employees of the premises</li> </ul> <p>This does not include:</p> <ul style="list-style-type: none"> <li>• Sexual Entertainment Venues</li> <li>• Hotel bars with public access (not just available to customers staying in overnight accommodation)</li> </ul>
<p><b>Takeaways/Fast food outlets</b></p>	<p><b>Premises that provide late night refreshment either by way of take away for immediate consumption, or fast food on a counter or self seating basis.</b></p>
<p><b>Pubs/Bars/Nightclubs</b></p>	<p><b>Premises which supply alcohol primary for the consumption on the premises, with or without the provision of off sales and with or without the provision of regulated entertainment. This also includes premises where hot food and hot drink are provided for consumption on or off the premises</b></p>

**Off-Licences****Premises that supply alcohol primarily for the consumption off the premises**

This includes convenience stores and supermarkets.

**Core Hours:**

City Centre CIA Only:

Sale of alcohol: 07:00 -21:00

**Restaurants****Premises which primarily supply substantial table meals for consumption on the premises and dining is the main activity for customers.**

The Policy will not apply to restaurants if the core hours and additional measures form part of the operating schedule

Fast food premises and takeaways are **not** considered as 'restaurants' for the purpose of this Policy.

**Core Hours:**

Sale of alcohol

09:00 – 01:00

**Additional Measures:**

At least 70% of the public space is occupied by tables and chairs

All meals are consumed at tables with non disposable crockery

The sale of alcohol for consumption on the premises is ancillary to the taking of a substantial table meal

There is no self-seating; customers are shown to their table by staff.

All food is served by waiter/waitress service, with the only exception of buffet-style restaurants.

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## 8.1 CIA: City Centre

### Main Aims of the Cumulative Impact Policy in the City Centre

The policy aims to reduce incidents of alcohol related problems, crime and disorder, public nuisance, and risks to public safety, particularly late at night. It aims to discourage an increase in the number of late opening premises primarily concerned with the sale of alcohol and takeaways/late night refreshment premises with the intention of ensuring that the City Centre is a safe environment for people visiting, working and living in the area.

The Licensing Authority recognises that a problem area can be improved by the introduction of new styles of business types, such as food led premises, or high quality/speciality enterprises, rather than vertical drinking establishments.

#### Key message

The Policy aims to encourage diverse, well-run licensed premises (to an exceptional standard), where the main focus of the premises is not high volume consumption of alcohol.

Family friendly premises are encouraged together with cafes and restaurants with the exception of fast food premises that aim to attract late night revellers.

#### Background

Cardiff's City Centre has a thriving day and night time economy with an average daily footfall of 70,000 and an annual footfall of 40 million. People are drawn to the City Centre for its numerous shops, bars, restaurants and entertainment venues including the Millennium Stadium, all of which are situated in a small walkable area. The City Centre has an extremely high density of licensed premises with 314 premises in a 0.5 square mile area.

The night-time economy is busiest on Friday and Saturday nights and includes a mixture of local people from Cardiff and the surrounding areas, tourists, hen/stag parties, and students. A number of the licensed premises also promote 'student nights' on various nights of the week.

Footfall in the City Centre swells to 135,000-150,000 on event days in the Millennium Stadium such as the 6 Nations Rugby matches, which results in many of the pubs and bars being full to capacity throughout much of the day and night. These 'major event days' also see increased levels of crime and disorder and hospital/ATC admissions in the City Centre.

There are two main areas within the City Centre that are the main focus of late night entertainment and drinking. These are St Mary Street/High Street area and the Greyfriars Road area which historically had dedicated special policies. Outside these areas, there are also large numbers of licensed premises and high levels of alcohol related crime and disorder across the City Centre. With this in mind and the future redevelopment of the Central Square area the Licensing Authority has extended the CIA to include the whole of the City Centre (as shown on Map 1 on page 53). The locations of licensed premises in the City Centre are shown on the plans in Appendix D.

It has been widely reported in the media over the years that there are problems of crime and disorder in Cardiff City Centre associated with the night-time economy. South Wales Police has provided statistical data that demonstrates that the City Centre area has high highest levels of crime and disorder, however the data does not distinguish alcohol related crime specifically. It is often difficult to categorise alcohol-related crime as it may be recorded as a number of different offences such as anti social behaviour, violent crime and public order offences. Furthermore an offence could be caused by offender who is drunk (who may not even be identified or caught for the offence) or it could be a victim of a crime has been targeted due to being in an intoxicated state.

Despite this the data demonstrates that there are high levels of crime and disorder in the City Centre especially at night and on weekends when people are visiting the City Centre due to the night time economy and the presence of licensed premises.

The close proximity of licensed premises in the area can result in difficulties in identifying individual premises responsible for causing problems. This sometimes makes it difficult to deal with problems by way of an action plan at specific premises or through the Premises Licence review process.

Streets within the City Centre with relatively lower numbers of licensed premises such as Queen Street and The Friary still have high crime figures that demonstrate the cumulative impact of the licensed premises in the City Centre area.



## Reasons for the Policy in the City Centre

There are a number of problems in the area caused by the cumulative effect of large numbers of licensed premises. These problems undermine the licensing objectives of:

- Prevention of crime and disorder
- Prevention of public nuisance
- Public Safety.

The CIP is in place to minimise these problems and further promote these objectives.

### Pub/bars/nightclubs

Data collected to assist the formulation of this policy indicates that premises in the City Centre that primarily serve alcohol (with or without ancillary entertainment) contribute to problems of alcohol related crime and disorder in the premises or in the surrounding streets as people leave. Whereas anti-social behaviour across Cardiff has decreased since 2010/11, it has actually increased in the City Centre by 6%. The main hotspot times for crime in the City Centre is Friday and Saturday evening until the early hours (5am/6am) of the next morning. It is therefore considered that premises offering later operating hours pose the biggest risk in terms of promoting the licensing objectives.

The data collected also suggests that due to the high density of licensed premises in the City Centre people tend to travel from premises to premises, and may have visited several licensed premises in the course of a night out. This can present difficulties in identifying individual premises that are the cause of problems of crime and disorder and creates a cumulative effect. This may include premises with earlier terminal hours that have contributed to customers being intoxicated and causing problems later in the night at other licensed premises or in the street. Therefore the policy intends to capture all grant and full variation applications in respect of pubs/bars/nightclubs regardless of their terminal hour.

Other factors that have been considered in the formulation of this policy include:

- A recent taxi demand survey indicates that the period of highest demand for taxis in the City Centre is between 2am and 3am every night of the week, which demonstrates the time at which the majority of late night revellers are leaving licensed premises to go home.
- St Mary Street, Queen Street, Greyfriars Road and Mill Lane have the highest levels of violent crime in Cardiff. However, Queen Street has no pubs, bars or restaurants yet it is consistently in the top 3 for the highest levels of violent crime in Cardiff. This is likely because of high footfall at night with people crossing the city from the St Mary Street and Greyfriars Rd/Churchill Way areas.
- Recent increases in the numbers of residential accommodation in the City Centre coupled with later opening hours also gives rise to the potential of noise nuisance. Residents trying to sleep may be disturbed by noise from entertainment at licensed premises or persons leaving those premises. This disturbance may be greater later at night or on weekday nights when the ambient background noise is lower. The Council's Pollution Control Service

receive around 30 complaints a year from residents in the City Centre regarding noise from commercial premises, the majority of which were concerned with amplified music from pubs, bars and nightclubs. Nearly 60% of city centre residents that responded to the Council's consultation regarding the City Centre CIP stated that they have trouble sleeping as a result of noise from licensed premises, the majority of which live on Westgate Street. Residents of Westgate Street agreed strongly with the suggestion of the introduction of a CIP in the City Centre.

The Licensing Authority is also concerned that the presence of large numbers of licensed premises makes the City Centre attractive to thieves and criminals who target people who are vulnerable due to intoxication from alcohol. Police evidence shows that there are large numbers of thefts (excluding shoplifting) taking place in the City Centre between 19:00 and 06:00, which occur in areas that have high levels of other crimes such as anti social behaviour and violent crime such as St Mary Street, Queen Street and Greyfriars Road.

### **Off-Licences/Convenience Stores**

In addition to the problems associated with alcohol related crime & disorder at licensed premises with on-sales of alcohol, there are also problems connected with off-licences due to the presence of street drinkers in the City Centre, particularly around the Central Square area which is due for re-development. The Council and South Wales Police have worked with licensees in the City Centre to try to reduce the sale of alcohol to street drinkers and those intoxicated but the problem remains.

Many of the off-licences within the City Centre are general convenience stores and alcohol makes up a small percentage of annual turnover. These stores are generally frequented by city centre residents and city centre workers/visitors on their lunch breaks and on their way home for predominantly food and household goods.

Off-licences that open later in the evening, or sell alcohol products attractive to street drinkers, are considered a higher risk of adversely affecting the licensing objectives. Alcoholic drinks such as super strength lager/cider, or single cans, or miniature bottles of spirits are attractive to people pre-loading or attempting to conceal alcohol into licensed premises, and it is recommended that this is considered by applicants when drafting their operating schedules. Earlier closing hours reduces the risk of pre-loading purchases by those intending to visit the pubs, bars and nightclubs in the City Centre.

#### **Key message**

**Operators of off licence/convenience stores are advised to carefully consider their product lines in respect of alcohol to ensure they do not exacerbate problems of street drinking and pre-loading in the area. It is also advised that all staff that sell alcohol are appropriately trained with regards to proxy sales, age restrictions, and selling to people who are intoxicated.**

## Takeaways/fast food outlets

People leaving licensed premises often do not go straight home choosing instead to visit one of the many takeaways and fast food outlets in the City Centre, particularly Caroline Street which is densely populated with late night refreshment premises.

Takeaways and fast food outlets attract large numbers of intoxicated individuals which inevitably leads to problems of crime and disorder in and around those premises. Evidence provided by the Cardiff & Vale University Health Board shows that of those patients reporting to the City's Emergency Unit or Alcohol Treatment Centre as a result of an alcohol related activity on Queen Street, over 20% were reported from fast food outlets that were not licensed to sell alcohol.

The presence of takeaways/fast food outlets slows down the dispersal of people out of the City Centre, and leads to an increase in the number of people on the streets. This is supported by high levels of recorded crime and Health Board data which shows high levels of incidents in the Caroline Street area which is densely populated with takeaways and Queen Street which has 3 fast food outlets.

A survey of local residents indicated that one of the main problems relating to the night-time economy in the City Centre is litter. The City of Cardiff Council spends £20,000 providing additional bins on weekends to cope with the additional litter, much of which is generated from takeaways. It is reported that many of the litter 'hotspots' are in the Caroline Street/lower St Mary street area and in the vicinity of fast food outlets.

There is little evidence to demonstrate that traditional restaurants have a negative impact on the licensing objectives.

## Conclusion

The Licensing Authority has received satisfactory evidence (detailed in a separate annex) that the cumulative impact of licensed premises selling alcohol and providing late night refreshment from fast food outlets/takeaways in the City Centre area is undermining the promotion of the Licensing Objectives in relation to crime and disorder, public nuisance and public safety. The Licensing Authority is satisfied that the following factors are occurring in the City Centre as a result of the cumulative impact of licensed premises in the area:-

- Street drinking and associated anti-social behavior
- Crime hot spots as a consequence of late opening fast food premises
- Significant nuisance arising from Litter
- Excessive noise from licensed premises and on the street, particularly at weekends
- An undue number of targeted thefts of personal belongings and sexual assaults being perpetrated against people under the influence of alcohol
- An undue number of alcohol related injuries through violence or accidents resulting in attendance at the Emergency Unit or Alcohol Treatment Centre.

Therefore in the interests of minimising crime, disorder and nuisance and promoting public safety, to create a safe environment for people to enjoy the nighttime economy in Cardiff, the Licensing Authority considers it is appropriate for the Cumulative Impact Policy to apply to new and full variation applications in the City Centre area in Map 1 below for licensed premises classified as amber and red in Table 1 above.

## MAP 1: City Centre CIA Area



For clarity part or whole of the following streets are included in the CIA:

Bakers Row	Barrack Lane	Barry Lane
Boulevard de Nantes	Bridge Street	Bute Terrace
Canal Street	Caroline Street	Castle Street
Cathedral Walk	Central Square	Charles Street
Church Street	Churchill Way	Crockherbtown Lane
Customhouse Street	David Street	Duke Street
Dumfries Place	Frederick Street	Golate Street
Great Western Lane	Greyfriars Road	Guildford Crescent
Guildford Street	Guildhall Place	Havelock Street
Hayes Bridge Road	Hayes Place	High Street
Hills Street	Hope Street	Kingsway
Little Frederick Street	Love Lane	Mary Ann Street
Mill Lane	Millicent Street	Newport Road (part of)
North Edward Street	Park Lane	Park Place (part of)

Park Street  
Queen Street  
St John Street  
Stuttgarter Strasse  
Tredegar Street  
Victoria Place  
Wharton Street  
Windsor Lane  
Working Street

Penarth Road (part of)  
Saunders Road  
St Mary Street  
The Friary  
Trinity Street  
Wesley Lane  
Wharton Place  
Womanby Street

Quay Street  
Scott road  
Station Terrace  
The Hayes  
Union Street  
Westgate Street  
Windsor Place  
Wood Street

# Appendix A - Glossary of Terms

**Designated Premises Supervisor (DPS)** - The DPS is a Personal Licence holder specified on the Premises Licence. All premises licensed to sell alcohol must identify a DPS. The DPS should be the person in day to day control of the premises, and will provide a point of contact for responsible authorities.

**Other Persons** - 'Other persons' relate to any individual, body or business entitled to make representations to the Licensing Authority in respect of applications for the grant, variation, minor variation, or review of Premises Licences and Club Premises Certificates, regardless of geographic proximity to the premises.

**Late Night Refreshment** - The provision of late night refreshment refers to the supply of hot food or hot drink for consumption on or off the premises between 23:00 and 05:00 hours. Please refer to Schedule 2 of the Licensing Act 2003 for exemptions.

**Licensable Activities** - Those activities under the Licensing Act 2003 which require a licence from the Licensing Authority, namely: *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*

**Licensing Authority** - This refers to the City of Cardiff Council as the body responsible for licensing under the Act

**Licensing Sub-Committee** - The sub-committee is made up of 3 members of the full Licensing Committee.

**Personal Licence** - A licence granted to an individual that authorises that individual to supply alcohol, or authorise the supply of alcohol in accordance with the Premises Licence

**Regulated Entertainment** - Schedule 1 of the Licensing Act 2003 sets out what activities are regarded as regulated entertainment:

- 1) A performance of a play
- 2) An exhibition of a film
- 3) An indoor sporting event
- 4) Boxing or wrestling entertainment
- 5) A performance of live music
- 6) A performance of recorded music
- 7) A performance of dance
- 8) Entertainment of a similar description to live music, recorded music or dance

**Relevant Representation** - These are written representations made by a responsible authority or other persons that relates to the likely effect of the grant/variation of the licence on the promotion of at least one of the licensing objectives. Representations are only valid if received during the statutory 28 day consultation period.

**Responsible Authorities** - Responsible authorities are public bodies that are notified of applications and are entitled to make representations in relation to applications for the grant, variation or review of a Premises Licence or Club Premises Certificate. They include:

- Licensing Authority
- Chief officer of police
- Fire Authority
- The enforcing authority for health and safety at work
- Local health board
- Planning authority
- The local authority responsible for minimising or preventing the risk of pollution or harm to human health
- The recognised body responsible for the protection of children from harm
- Trading standards

In respect of vessels only:-

- The Environment Agency
- The British Waterways Board
- The Maritime and Coastguard Agency, and if different from these:
- The relevant navigation authority/authorities for the place(s) where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is used for licensable activities.

**Section 182 Guidance** - Section 182 of the Licensing Act 2003 provides that the Secretary of State must issue and, from time to time, may revise guidance to licensing authorities on the discharge of their functions under the 2003 Act. The Guidance is provided for licensing authorities carrying out their functions. It also provides information for magistrates hearing appeals against licensing decisions and has been made widely available for the benefit of operators of licensed premises, their legal advisers and the general public. It is a key mechanism for promoting best practice, ensuring consistent application of licensing powers across the country and for promoting fairness, equal treatment and proportionality.

**Temporary Event** - A temporary event is defined as the use of premises for one or more of the licensable activities during a period not exceeding 168 hours usually where a Premises Licence covering the licensable activity is not in place

**Vertical Drinking Establishment** - Premises used primarily for, or exclusively for, the sale and consumption of alcohol, with little or no seating for patrons. A “high volume” type premises.

# Appendix B - Responsible Authorities

## Contact Details

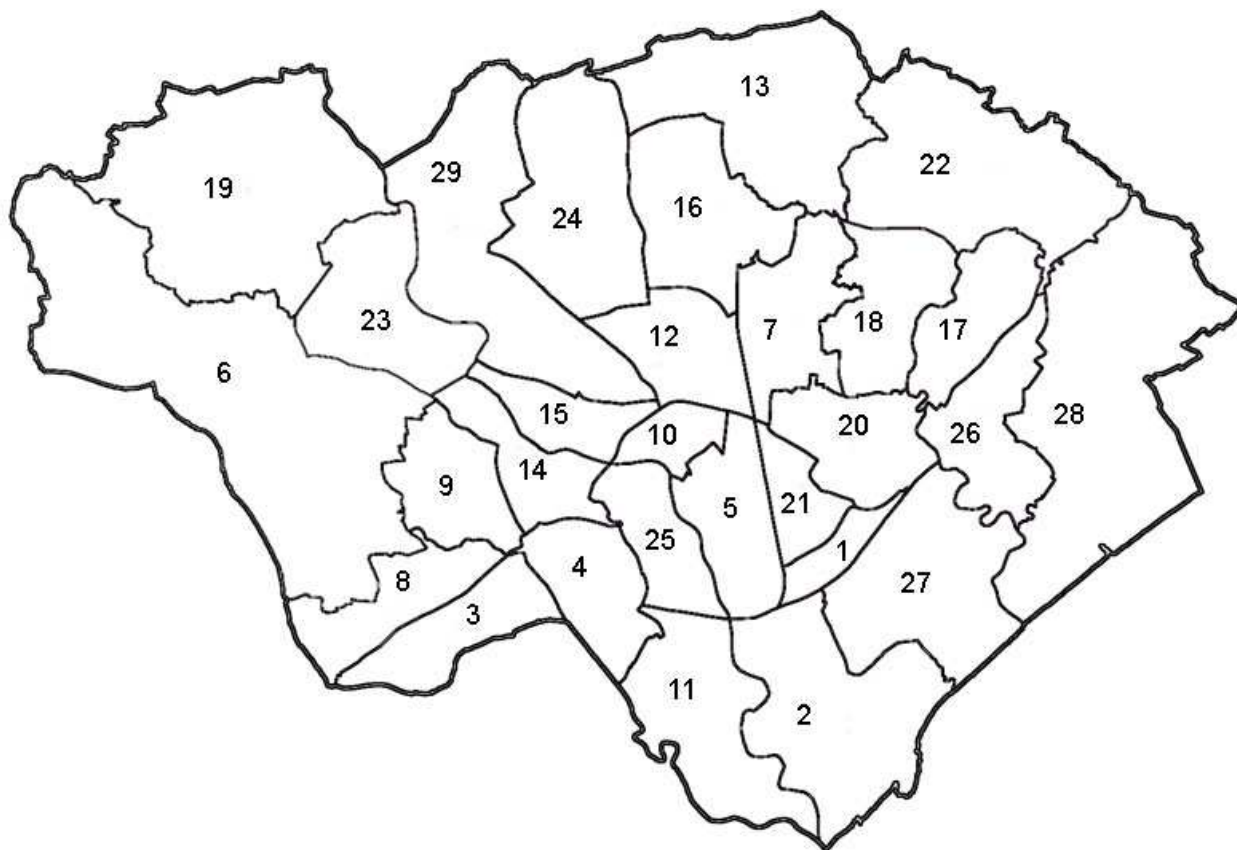
Consultation with all Responsible Authorities is encouraged prior to the submission of the application. Where copies of applications have to be submitted to the Chief Officer of Police and/or the Responsible Authorities dependant on licence application type the following addresses should to be used:

<p>The Group Leader (Licensing) Licensing City of Cardiff Council City Hall Cardiff CF10 3ND 029 20871651 <a href="mailto:licensing@cardiff.gov.uk">licensing@cardiff.gov.uk</a></p>	<p>The Chief Officer of Police South Wales Police Licensing Department, Cardiff Bay Police Station, Eastern B.C.U James Street Cardiff CF10 5EW <a href="mailto:SWPCardiffLicensing@south-wales.pnn.police.uk">SWPCardiffLicensing@south-wales.pnn.police.uk</a></p>
<p>The Chief Fire Officer Fire Safety Department South Wales Fire and Rescue Service Headquarters Forest View Business Park Llantrisant Pontyclun CF72 8LX 01443 232520 <a href="mailto:Safety-south@southwales-fire.gov.uk">Safety-south@southwales-fire.gov.uk</a></p>	<p>The Operational Manager ,Development Management Development Management Cardiff Council County Hall Cardiff. CF10 4UW 029 20871135 <a href="mailto:development@cardiff.gov.uk">development@cardiff.gov.uk</a></p>
<p>The Operational Manager (Neighbourhood Services) (<a href="#">Noise Pollution</a>) City of Cardiff Council City Hall Cardiff CF10 3ND 029 20871856 or 20871675 <a href="mailto:Noise&amp;AirPollution@cardiff.gov.uk">Noise&amp;AirPollution@cardiff.gov.uk</a></p>	<p>The Operational Manager (Commercial Services) (<a href="#">Health and Safety</a>) City of Cardiff Council City Hall Cardiff. CF10 3ND 029 2087 2054 <b>(Premises where health &amp; safety is enforced by Cardiff County Council)</b> <a href="mailto:Health&amp;SafetyEnforcement@cardiff.gov.uk">Health&amp;SafetyEnforcement@cardiff.gov.uk</a></p>
<p>The Operational Manager Child Protection Unit Trowbridge Family Centre Greenway Road Trowbridge Cardiff CF3 1QS 029 20774642 <a href="mailto:childprotectionunit@cardiff.gov.uk">childprotectionunit@cardiff.gov.uk</a></p>	<p>The Operational Manager Commercial Services) (Trading Standards) Room 120 County Hall Atlantic Wharf, Cardiff CF10 4UW 029 2087 2054 <a href="mailto:tradingstandards@cardiff.gov.uk">tradingstandards@cardiff.gov.uk</a></p>



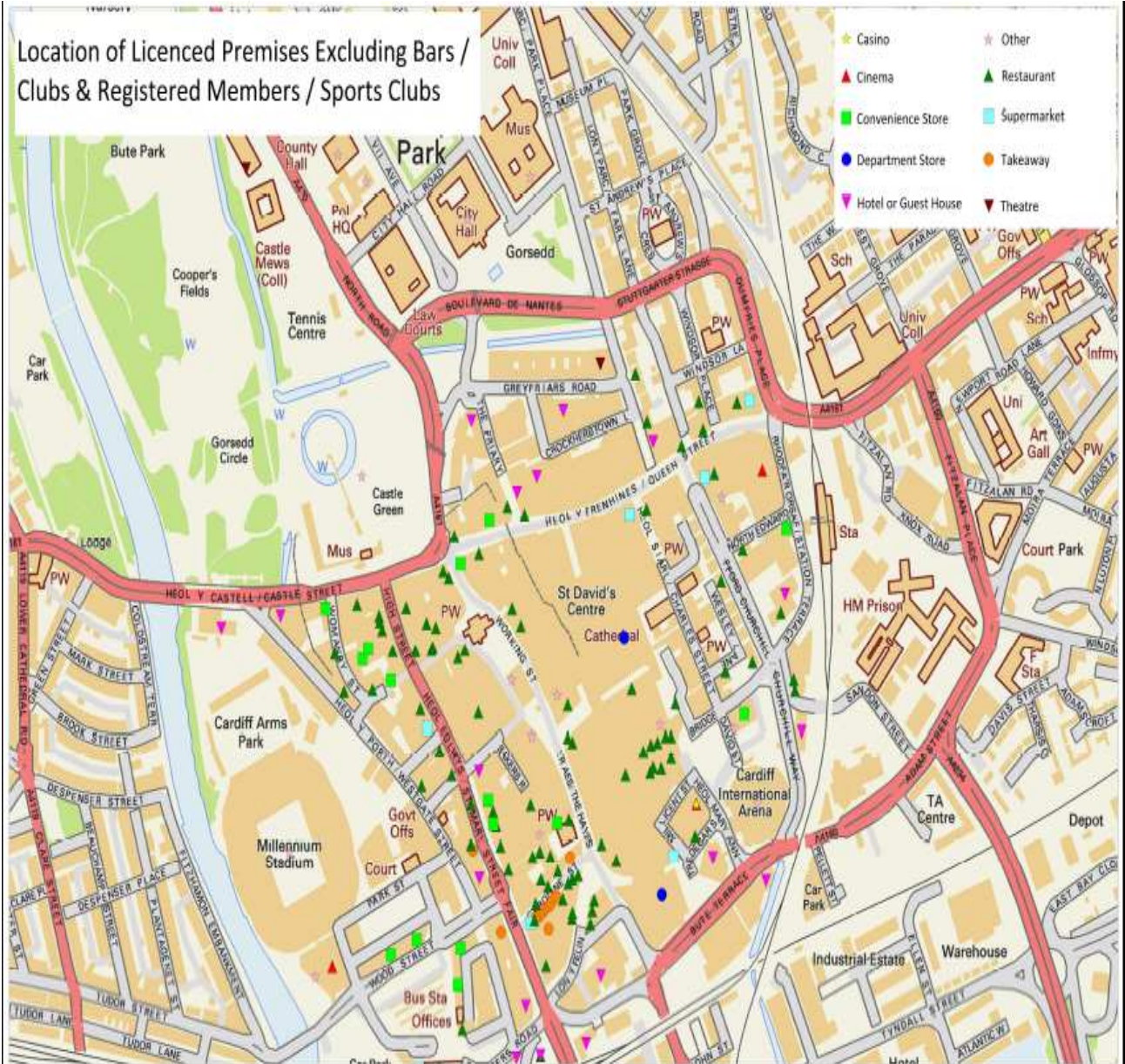
<p>The Operational Manager for Wales  Health and Safety Executive  Government Buildings  Ty Glas, Llanishen  Cardiff  CF14 5SH  029 20263000  <b>(Premises where health &amp; safety is enforced  by HSE)</b></p>	<p><b><u>For Cardiff Bay Vessels Only</u></b>  Cardiff Harbour Authority  Queen Alexandra House  Cargo Road  Cardiff  CF10 4LY  029 20877900</p>
<p>Dr Sharon Hopkins  Executive Director of Public Health  Cardiff and Vale University Health Board  University Hospital of Wales  Cardiff  CF14 7NB  <a href="mailto:sharon.hopkins3@wales.nhs.uk">sharon.hopkins3@wales.nhs.uk</a></p>	

## Appendix C: Map of City of Cardiff



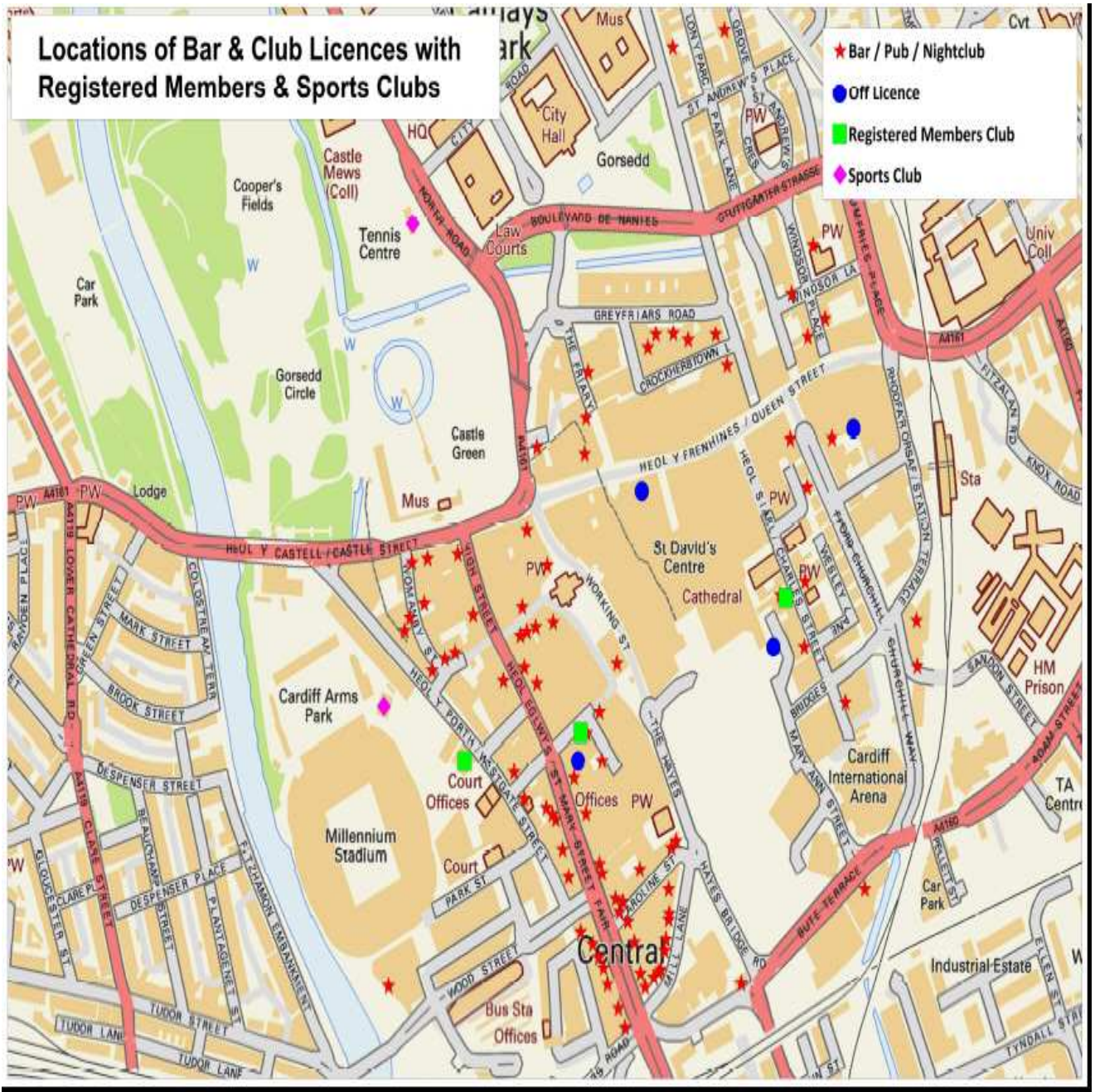
- |                         |                                  |
|-------------------------|----------------------------------|
| 1. Adamsdown            | 16. Llanishen                    |
| 2. Butetown             | 17. Llanrumney                   |
| 3. Caerau               | 18. Pentwyn                      |
| 4. Canton               | 19. Pentyrch                     |
| 5. Cathays              | 20. Penylan                      |
| 6. Creigiau & St Fagans | 21. Plasnewydd                   |
| 7. Cyncoed              | 22. Pontprennau & Old St Mellons |
| 8. Ely                  | 23. Radyr & Morganstown          |
| 9. Fairwater            | 24. Rhiwbina                     |
| 10. Gabalfa             | 25. Riverside                    |
| 11. Grangetown          | 26. Rumney                       |
| 12. Heath               | 27. Splott                       |
| 13. Lisvane             | 28. Trowbridge                   |
| 14. Llandaff            | 29. Whitchurch & Tongwynlais     |
| 15. Llandaff North      |                                  |

# Appendix D



# Locations of Bar & Club Licences with Registered Members & Sports Clubs

- ★ Bar / Pub / Nightclub
- Off Licence
- Registered Members Club
- ◆ Sports Club



**REPORT OF HEAD OF SHARED REGULATORY SERVICES**

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**LICENSING: TRIENNIAL REVIEW OF STATEMENT OF GAMBLING LICENSING POLICY.**

**Reason for Report**

1. To request formal approval of the Council's Statement of Gambling Licensing Policy following a triennial review.

**Background**

2. The Council is the licensing authority for Cardiff for the purposes of the Gambling Act 2005.

Under section 349 of the Gambling Act 2005 each licensing authority must publish a Statement of Gambling Licensing Policy (SGLP) which sets out the principles that they propose to apply in exercising their functions under the Gambling Act 2005. Cardiff's first SGLP was published by the Authority on 7 January 2007, with the most recent version being adopted in January 2013.

3. The SGLP lasts for a maximum of three years and must therefore be reviewed on a regular basis. An Order of the Secretary of State means that licensing authorities are required to publish their next Statement by 31 January 2016.

**Issues**

4. The SGLP, which is determined for a three year period, outlines the licensing authority's approach to licence applications and deals with the problems and issues surrounding such applications.
5. The previous policy proved to be robust and effective in providing a framework for dealing with applications under the Gambling Act 2005. In accordance with the legislative requirements the SGLP has been reviewed and amendments proposed in consultation with responsible authorities, licence holders, stakeholders and the citizens of Cardiff. The draft new SGLP was approved by the Licensing Committee at its meeting of 3 November 2015. A copy of it is attached to this Report.

## **Legal Implications**

6. The Gambling Act 2005 Act places a statutory requirement on a licensing authority to issue a Statement of Gambling Licensing Policy and to keep its policy under review and to make such revisions to it, at such times, as it considers appropriate. It is a requirement of the Act that the full Council meeting should formally approve the Statement of Gambling Licensing Policy.

## **Financial Implications**

7. This report does not result in any additional financial implications and can be achieved within existing budget provision.

## **RECOMMENDATIONS**

The Council is recommended to

- (1) Approve the Statement of Gambling Licensing Policy for publication on 31<sup>st</sup> January 2016 and adopted for use on that date.
- (2) Authorise the Head of Shared Regulatory Services to make administrative amendments to the policy should the need arise.

**Dave Holland**  
**Head of Shared Regulatory Services**

4<sup>th</sup> November 2015

Background papers:  
Report to Licensing Committee 3 November 2015

# City of Cardiff Council

## Statement of Gambling Act Policy

2016-2019



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This Statement of Licensing Principles was approved by Cardiff Council on XXXX

*All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities*

# 1. The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is 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”.

This Licensing Authority is aware that, as per Section 153, in making decisions about Premises Licences and temporary use notices it should aim to permit the use of premises for gambling in so far 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 the authority’s statement of licensing policy

## 1.1 Introduction

This Statement covers the geographical area of Cardiff.

The City of Cardiff Council is the Licensing Authority under the Gambling Act 2005.

Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.

The City of Cardiff Council consulted widely upon this statement before finalising and publishing. A list of those persons consulted is provided below. It should be noted that unsolicited comments were received from other persons but we have not listed all of these.

The Gambling Act requires that the following parties are consulted by licensing authorities:

- The Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of

- persons carrying on gambling businesses in the authority's area;
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

A full list of persons this authority consulted is detailed in Appendix C.

Our consultation took place between 21 August 2015 and 08 October 2015 and we followed the HM Government Code of Practice on Consultation (published July 2008), which is available at:

[www.bis.gov.uk/files/file47158.pdf](http://www.bis.gov.uk/files/file47158.pdf)

The full list of comments made and the consideration by the Council of those comments is available by request to: Licensing Service, The City of Cardiff Council, City Hall, Cardiff, CF10 3ND.

The policy was approved at a meeting of the Full Council on and was published via our website on XXXXXXXXX. Copies were placed in the public libraries of the area as well as being available in the Town Hall.

Should you have any comments as regards this policy statement please send them via e-mail or letter to the following contact:

Licensing Service  
The City of Cardiff Council  
City Hall  
Cardiff  
CF10 3ND  
E-mail: [licensing@cardiff.gov.uk](mailto:licensing@cardiff.gov.uk)

It should be noted that this statement of licensing principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

## 1.2 Profile of Cardiff

Cardiff is the capital City of Wales and is continuing to grow faster than any other capital city in Europe. In population terms, it is the largest Local Authority in Wales (340,000) but measures of population belies Cardiff's significance as a regional trading and business centre. The population swells by approximately 70,000 daily with commuters and visitors. Its popularity as a shopping and leisure destination extends way beyond Wales with many visitors not only from the rest of the UK but from overseas.



Cardiff is the seat of government and the commercial, financial and administrative centre of Wales. Cardiff boasts one of the most vibrant city centres in the UK and on a typical weekend, Cardiff's night time economy can attract over 40,000 people and sometimes more than 100,000 when the City's Millennium Stadium hosts international events.

Cardiff Bay is a world class waterfront development and the Millennium Stadium ranks among the world's finest sports stadia hosting major events that demonstrates Cardiff's developing role on the international stage. It's impressive range of cultural, sporting and arts facilities including the National Museum of Wales and the Museum of Welsh Life, St Davids Hall, New Theatre, Millennium Centre and new City Stadium, as well as the International Sports Village.

Such developments have led to a vibrancy and dynamism across the City which presents significant challenge to enforcement services wanting to secure the safety of their local population and visitors.

The Council area is mainly urban, with the city centre (Cathays ward) and Cardiff Bay (Butetown Ward) areas being the main commercial districts. In addition there are 26 local/district centres throughout the city. The rest of the area is predominately residential.

The County is divided into 29 electoral wards; these areas are shown in the map of the County in Appendix A.

There are currently around 80 premises in Cardiff licensed under the Gambling Act 2005.

## 1.3 Declaration

In producing the final statement, this Licensing Authority 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, and any responses from those consulted on the statement.

## 1.4 Responsible Authorities

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

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

In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, this authority designates the Local Safeguarding Children Board for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are detailed in Appendix B.

## 1.5 Interested parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

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

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

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

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities at 8.11 to 8.18 It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

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 represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority 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 has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the

Licensing Service  
City of Cardiff Council  
City Hall  
Cardiff  
CF10 3ND

Tel: 029 2087 1651

Fax: 029 2087 1816

[Licensing@cardiff.gov.uk](mailto:Licensing@cardiff.gov.uk)

## 1.6 Exchange of Information

Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the

powers provided in the Gambling Act 2005.

Should any protocols be established as regards information exchange with other bodies then they will be made available.

The authority may from time to time exercise its' powers under section 115 of the Crime and Disorder Act 1998 to exchange data and information with the police and other partners to fulfil its' statutory objective of reducing crime in the area.

The authority would wish to make its decision making process as transparent as possible and all representations made to it will be shared with all parties to an application. Freedom of information legislation will be complied with.

Please contact the Licensing Service for further information on our protocols.

## 1.7 Enforcement

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

The Licensing Authority's principles are that it will be guided by the Gambling Commission's Guidance to local authorities, the Regulators Code and the Council's enforcement policy. It will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

As per the Gambling Commission's Guidance to Licensing Authorities this Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This Licensing Authority has adopted and implemented a risk-based inspection programme, based on;

- The licensing objectives
- Relevant codes of practice

- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this statement of licensing policy

The main enforcement and compliance role for this Licensing Authority 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 operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the Licensing Authority but should be notified to the Gambling Commission.

The Licensing Authority will take account of the Gambling Commissions 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.

This Licensing Authority also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

## 1.8 Licensing Authority functions

Licensing authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities 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 notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and Endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

It should be noted that licensing authorities are not be involved in licensing remote



gambling at all, which is regulated by the Gambling Commission via Operating Licences.

The Licensing Authority 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 all problems within the community. The Licensing Authority will therefore continue to work in partnership with neighbouring authorities, South Wales Police, the Community Safety Partnership, local businesses, local people and those involved in child protection to promote the licensing objectives as outlined. In addition, the Licensing Authority recognises its duty under Section 17 of the Crime and Disorder Act 1998, with regard to the prevention of crime and disorder.

## **1.9 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 Licensing Authority have a right of appeal to the Magistrates Court against the decisions of the Licensing Authority.

## **1.10 Integrating Strategies and Avoiding Duplication**

By consulting widely prior to this Policy Statement being published, the Licensing Authority will take full account of local policies covering crime prevention, culture, transport, planning and tourism as part of an integrated strategy for the Licensing Authority, 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 Licensing Authority will avoid duplication with other regulatory regimes so far as possible. Therefore, the Licensing Authority will not attach conditions to a licence unless they are considered necessary, reasonable and proportionate to the use of premises for gambling consistent with the licensing objectives.

## **1.11 Sustainable Development Community Strategy**

The Local Government Act 2000 requires all local authorities to produce a community strategy within the framework of the UK Sustainable Development Strategy – “A better Quality of Life” and relevant regional strategies.

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

development.

Local strategic partnerships, typically involving the police, local authorities, local health boards, and representatives from education, business and the voluntary sector organisations, are responsible for the achievement of locally set objectives.

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 Licensing Authority will have particular regard to the likely impact of licensing on related crime and disorder in the County, particularly when considering the location, impact, operation and management of all proposed licence/permit applications, renewals and variations of conditions.

## 2. Premises Licences

### Consideration of applications

#### 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 others, where it is believed to be appropriate.

#### 2.2 Definition of “premises”

In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one Premises Licence applying to any place. But a single building could be subject to more than one Premises Licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete Premises Licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in the fifth edition of its Guidance to Licensing Authorities that: *“In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate Premises Licences for 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.”*

This Licensing Authority takes particular note of the Gambling Commission’s Guidance to Licensing Authorities 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 licensed premises or premises with a permit.
- Customers should be able to participate in the activity names 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 to Local Authorities and the Licence Conditions and Codes of Practice (LCCP) commencing May 2015, set out additional matters that the Licensing Authority should take into account when considering licence applications for Premises Licences.

Guidance section 19, LCCP condition 16 and code 9 prescribe restrictions on gambling activities on premises, previously known as primary gambling activity. The Licensing Authority 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 Licensing Authority will expect the gambling area to be clearly defined to ensure that customers are fully aware that they are making a choice to enter into the gambling premises, and that the premises is adequately supervised at all times.

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

The Gambling Commission’s relevant access provisions for each premises type are reproduced below:

### Casinos

- The principal access entrance to the premises must be from a street (as defined at 7.24 of the Guidance)
- 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 (as per para 7.23 Guidance to Licensing Authorities) 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 premise 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

Part 7 of the Gambling Commission’s Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

## **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 are outstanding construction or alteration works at a premises, this authority 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 at paragraphs 7.60-7.67 of the Guidance.

## 2.5 Location

This Licensing Authority 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. As per the Gambling Commission's Guidance to Licensing Authorities, this authority 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:

*7.60 – 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.*

This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

*7.67 - 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 2005 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

This Licensing Authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority 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, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings 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, this Licensing Authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below.

**Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** - This Licensing Authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage 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 this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

**Ensuring that gambling is conducted in a fair and open way** - This Licensing Authority has noted that the Gambling Commission states that it generally does not expect licensing

authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. *For Local Authorities with tracks*: There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section– see page 14).

**Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This Licensing Authority has noted the Gambling Commission's Guidance 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 Licensing Authority will therefore consider, as suggested in the Gambling Commission's 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.

This Licensing Authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

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

Section 7 of the Gambling Commission Guidance to Local Authorities 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) issued in 2015 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
- must have procedures for identifying customers who are at risk of gambling related harm.

The Licensing Authority 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 Licensing Authority will take all conditions and codes into account when considering applications or performing enforcement activities.



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

## 2.9 Bet-Watch

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

## 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 this Licensing Authority 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. This Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

This Licensing Authority 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 Gambling Commission's Guidance.

This authority will also ensure that where category C or above machines are on offer 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 Licensing Authority is aware that tracks may be subject to one or more than one Premises Licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this Licensing Authority will consider 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 there are conditions which the Licensing Authority cannot attach 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.

## **2.11 Door Supervisors**

The Gambling Commission advises in its Guidance to Licensing Authorities that if a Licensing Authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example 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 premises licence to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

## **2.12 Adult Gaming Centres**

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, 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 Licensing Authority will expect the gambling area to be clearly defined to ensure that customers are fully aware that they are making a choice to enter into the gambling premises and that the premises is adequately supervised at all times.

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

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

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

## **2.13 (Licensed) Family Entertainment Centres**

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, 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.

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

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

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

This Licensing Authority will, as per the Gambling Commission's guidance, refer to the

Commission's website to see any conditions that apply to Operating Licences covering the way in which the area containing the category C machines should be delineated. This Licensing Authority will also make itself aware of any mandatory or default conditions on these Premises Licences, when they have been published.

## 2.14 Casinos

Under the provisions of Section 166 of the Gambling Act 2005 an authority may resolve not to issue casino Premises Licences. The Authority has made no such resolution. The Licensing Committee will consider any petition signed by no less than 50 persons requesting that such a resolution should be made and make a recommendation on the proposal to the full Council for consideration and determination.

**Local Authorities only: Casinos and competitive bidding – Small/Large casinos** - This Licensing Authority is aware that where a Licensing Authority area is enabled to grant a Premises Licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005) there are likely to be a number of operators which will want to run the casino. In such situations the Local Authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. This Licensing Authority will run such a competition in line with any regulations / codes of practice issued under the Gambling Act 2005.

**Licence considerations / conditions** – This Licensing Authority will attach conditions to casino Premises Licences according to the principles set out in the Gambling Commission's Guidance at paragraph 9, bearing in mind the mandatory conditions listed in paragraph 17 of the Guidance, and the Licence Conditions and Codes of Practice published by the Gambling Commission.

## 2.15 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.

This Licensing Authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of 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.

## 2.16 Bingo premises

This Licensing Authority notes that the Gambling Commission's Guidance states:

*18.4 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 that or those excluded areas.*

This authority also notes the Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

*18.7 Children and young people are allowed into 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.*

## 2.17 Tracks

This Licensing Authority is aware that tracks may be subject to one or more than one Premises Licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this Licensing Authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This authority will therefore expect the Premises Licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

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

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry

- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

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

## 2.18 Gaming machines

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

## 2.19 Betting machines

This Licensing Authority will, as per Part 6 of the Gambling Commission's Guidance, take into account the size of the premises 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 proposes to offer.

## 2.20 Applications and plans

The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the Licensing Authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the Licensing Authority to plan future premises inspection activity.

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by 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 do not need to be defined.

This authority 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 that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

## 2.21 Travelling Fairs

This Licensing Authority 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 Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, 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. This Licensing Authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

## 2.22 Provisional Statements

Developers may wish to apply to this authority 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 to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects 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 Licensing Authority 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 authority 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 authority'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 Licensing Authority notes that it can discuss any concerns it has with the applicant before making a decision.



## 3. Permits/Temporary and Occasional use Notice

### 3.1 Unlicensed Family Entertainment Centre Gaming Machine Permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this 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 (Section 238).

The Gambling Act 2005 states that a Licensing Authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance to Licensing Authorities also states: "*In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities will want to give weight to child protection issues.*" (24.6)

Guidance also states: "*...An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing authorities might wish to consider asking applications to demonstrate:*

- *a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;*
- *that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and*
- *that staff are trained to have a full understanding of the maximum stakes and prizes".* (24.7)

It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

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

### **3.2 (Alcohol) Licensed premises Gaming Machine Permits - (Schedule 13 paragraph 4(1) Automatic entitlement: 2 machines**

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 and pay the prescribed fee.

The Licensing Authority 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 a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

#### **Permit: 3 or more machines**

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and *“such matters as they think relevant.”*

This Licensing Authority considers that *“such matters”* will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority 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 under 18. Notices and signage may also be help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for

organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a Premises Licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre Premises Licence.

It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

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 the machine.

### 3.3 Prize Gaming Permits

A Prize Gaming Permit is a permit issued by the Authority to authorise the provision of facilities for gaming with prizes on specified premises.

In respect of the issue of Prize Gaming Permits the authority intends to restrict the grant or renewal of such permits to cafes and restaurants or hotels with restaurant facilities where seating facilities are provided for persons to take refreshment of food on the premises and the number of machines to be limited to one in each premises unless the premises is a staff canteen when two machines may be permitted.

The applicant is expected to set out the types of gaming that is intended to be offered and to demonstrate that they understand the limits to stakes and prizes set out in regulations and that the gaming is offered within the law.

The Licensing Authority may not attach conditions to this type of permit.

### 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. 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 as set-out in forthcoming regulations.

Members Clubs and Miner's welfare institutes – and also Commercial Clubs – may apply for a Club Machine Permit. A Club Machine Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

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 Commission Guidance also notes that "licensing authorities 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 (Schedule 12 paragraph 10). Commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure. As the Gambling Commission's Guidance to Licensing Authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground 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, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

A Temporary Use Notice may only be granted 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 (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007)

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.

This Licensing Authority 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 in the Gambling Commission's Guidance to Licensing Authorities.

## 3.6 Occasional Use Notices

The Licensing Authority 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. This Licensing Authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice. This Licensing Authority will also ensure that no more than 8 OUNs are issued in one calendar year in respect of any venue.

## 3.7 Small Society Lotteries

This Licensing Authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This authority 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.

.Proceeds must not exceed £20,000 for a single draw and aggregate proceeds from lotteries must not exceed £250,000 in any one year.

Charities and community groups should contact this Licensing Authority on **029 20871651** or **licensing@cardiff.gov.uk** to seek further advice.

## 4. Decision making

### 4.1 Administration, Exercise and Delegation of Functions

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

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 following schedule sets out the recommended delegation of functions and decisions by guidance. The Licensing Authority may, nevertheless, refer any matter to the Licensing Committee or Sub-Committee.

The schedule of delegation of licensing functions is attached at Appendix D.

### 4.2 Appeals Procedure

Entitlements to appeal for parties aggrieved by decisions of the Licensing Authority are set out in Sections 206 to 209 of the 2005 Act. Appeals must be made to the Magistrates Court for the area in which the Licensing Authority, which has considered the application, is situated.

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

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.

### **4.3 Giving Reasons for Decisions**

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

### **4.4 Implementing the Determination of The Magistrates' Court**

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

### **4.5 Complaints against Licensed Premises**

The Licensing Authority 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 Licensing Authority 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.

### **4.6 Reviews**

Requests for a review can be made by Interested Parties or Responsible Authorities. However, it is for the Licensing Authority 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 Licensing Authority as to whether it is frivolous, vexatious, or whether it will not cause this Licensing

Authority to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The Licensing Authority 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 Licensing Authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the Licensing Authority, who will publish notice of the application within 7 days of receipt.

The Licensing Authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

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

- add, remove or amend a licence condition imposed by the Licensing Authority;
- 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 Licensing Authority must have regard to the principles set out in Section 153 of the Act, as well as any relevant representations.

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

Once the review has been completed, the Licensing Authority 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.



## 4.7 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](http://www.gamblingcommission.gov.uk)

The code requires operators;

- To supervise customers effectively on gambling premises and identify customers who are at risk of gambling related harm.
- With effect from April 2016 to have in place schemes to allow customers to self-exclude themselves from all operators of a similar type in the area where they live and work.
- To have a range of measures with regard to marketing to ensure social responsibility that are transparent and not misleading.
- With effect from April 2016 to produce a risk assessment on individual premises, and have policies and procedures and control measures in place to mitigate local risks to the licensing objectives.

## 4.8 Risk Assessments - Betting Premises

Such risk assessments are required from new applicants, and from existing premises licensees seeking to vary a licence. The code requires all operators of; Casino's, AGC's, Bingo Premises, FEC's, Betting shops and remote betting intermediaries to assess local risks to the licensing objectives, and to have policies, procedures and control measures in place to mitigate those risks.

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, and this will form part of the Licensing Authority's inspection regime and may be requested when officers are investigating complaints.

The code requires the Licensing Authority to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and this Licensing Authority would recommend that the following matters are considered by operators when making their risk assessment.

- Information held by the licensee regarding self-exclusions and incidences of underage gambling,

- Gaming trends that may reflect benefit payments
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends.
- Urban setting such as proximity to schools, commercial environment, factors affecting footfall,
- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.

The Licensing Authority would recommend that the following matters are considered by operators when making their risk assessment.

Matters relating to children and young persons, including;

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

Matters relating to vulnerable adults, including;

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

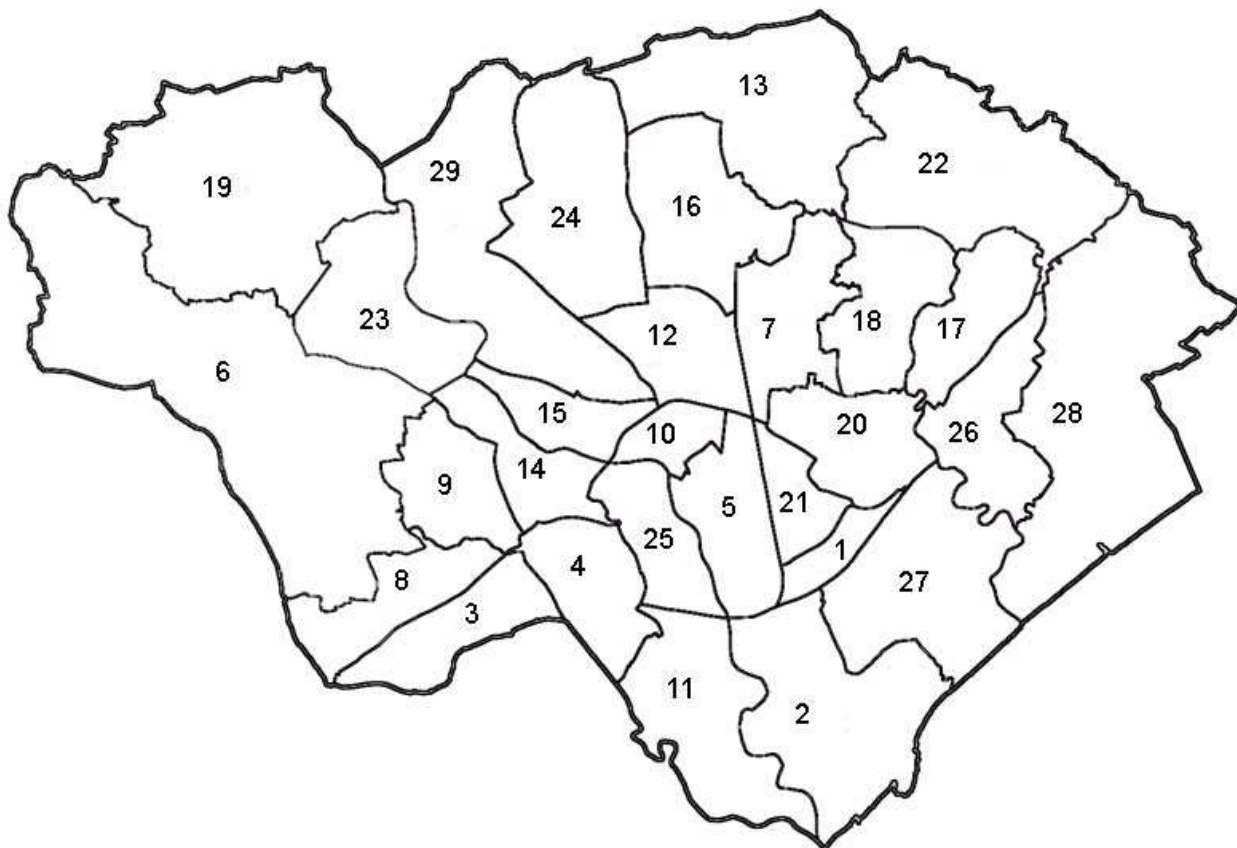
Other issues that may be considered could include:

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

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

## 5. Appendices

### Appendix A: Map of Cardiff



- |                         |                                  |
|-------------------------|----------------------------------|
| 1. Adamsdown            | 16. Llanishen                    |
| 2. Butetown             | 17. Llanrumney                   |
| 3. Caerau               | 18. Pentwyn                      |
| 4. Canton               | 19. Pentyrch                     |
| 5. Cathays              | 20. Penylan                      |
| 6. Creigiau & St Fagans | 21. Plasnewydd                   |
| 7. Cyncoed              | 22. Pontprennau & Old St Mellons |
| 8. Ely                  | 23. Radyr & Morganstown          |
| 9. Fairwater            | 24. Rhiwbina                     |
| 10. Gabalfa             | 25. Riverside                    |
| 11. Grangetown          | 26. Rumney                       |
| 12. Heath               | 27. Splott                       |
| 13. Lisvane             | 28. Trowbridge                   |
| 14. Llandaff            | 29. Whitchurch & Tongwynlais     |
| 15. Llandaff North      |                                  |

## Appendix B - Responsible Authorities : Contact Details

Consultation with all Responsible Authorities is encouraged prior to the submission of the application. Where copies of applications have to be submitted to the Chief Officer of Police and/or the Responsible Authorities dependant on licence application type the following addresses should to be used:

<p>Group Leader (Licensing) Licensing The City of Cardiff Council City Hall Cardiff CF10 3ND 029 20871651 licensing@cardiff.gov.uk</p>	<p>The Chief Officer of Police South Wales Police Licensing Department, Cardiff Bay Police Station, Eastern B.C.U James Street Cardiff CF10 5EW</p>
<p>The Gambling Commission Victoria Square House Victoria Square, Birmingham. B2 4BP 0121 230 6500</p>	<p>The Chief Fire Officer South Wales Fire and Rescue Service Forest View Business Park, Llantrisant, Pontyclun CF72 8LX 01443 232000</p>
<p>Operational Manager (Neighbourhood Services) Pollution Control The City of Cardiff Council City Hall, Cardiff. CF10 3ND 029 20871856 or 20871675 Noiseandairpollution@cardiff.gov.uk</p>	<p>The Operational Manager Development Management The City of Cardiff Council County Hall, Cardiff. CF10 4UW 029 20871135 development@cardiff.gov.uk</p>
<p>The Operational Manager Children's Services Child Protection Unit Trowbridge Family Centre Greenway Road Trowbridge Cardiff CF3 1QS 029 20774642</p>	<p>Her Majesty's Commissioners of Customs and Excise, Government Buildings Ty Glas Llanishen Cardiff. CF14 5FP 029 2032 5003</p>

<p>The Operational Manager (Commercial Services) (<a href="#">Health and Safety</a>)  City of Cardiff Council  City Hall  Cardiff. CF10 3ND  029 2087 2054  <a href="mailto:Health&amp;SafetyEnforcement@cardiff.gov.uk">Health&amp;SafetyEnforcement@cardiff.gov.uk</a>  (Premises where health &amp; safety is enforced by the City of Cardiff Council)</p>	<p>The Operational Manager for Wales  Health and Safety Executive  Government Buildings  Ty Glas, Llanishen  Cardiff. CF14 5SH  029 20263000  (Premises where health &amp; safety is enforced by HSE)</p>
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## Appendix C - List of Organisations Consulted Directly

- The Chief Officer of Police;
- The Fire Authority;
- Representatives of the holders of various licences for premises within the County who will be affected by this Policy;
- Bodies representing businesses and residents in the Cardiff;
- Departments (including Responsible Authorities) within the Council with an interest in the licensing of gambling;
- Local Safeguarding Children Board;
- Elected Members
- Community Councils;
- Other organisations as appear to be affected by licensing matters covered by this Statement;
- H.M. Revenue and Customs.

## Appendix D - Schedule of Delegation of Licensing Functions and Decisions

Matters to be dealt with	Full Council	Licensing Sub-Committee	Officers
Three year Gambling Policy	x		
Policy not to permit casinos	x		
Fee Setting – when appropriate (Fee Setting for Premises Licence be delegated to the Licensing and Regulatory Committee,		x	
Application for Premises Licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn/authorised to dispense with a hearing if all parties are in agreeance/authorised to assess if a representation is valid.
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn/authorised to dispense with a hearing if all parties are in agreeance/authorised to assess if a representation is valid.
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representation has been received from the Commission

Matters to be dealt with	Full Council	Licensing Sub-Committee	Officers
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations have been received/representations have been withdrawn/authorised to dispense with a hearing if all parties are in agreeance/authorised to assess if a representation is valid.
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 representations have been received/representations have been withdrawn/authorised to dispense with a hearing if all parties are in agreeance/authorised to assess if a representation is valid.
Cancellation of Club Gaming/Club Machine Permits		x	
Applications for other permits		Where objections have been made and not withdrawn	Where no representations have been received/representations have been withdrawn/authorised to dispense with a hearing if all parties are in agreeance/authorised to assess if a representation is valid.

Matters to be dealt with	Full Council	Licensing Sub-Committee	Officers
Cancellation of licensed premises Gaming Machine Permits		x	Authorised to cancel a permit, with the holder having the right to a hearing at the Sub-Committee.
Consideration of temporary use notice			Consideration/authorised to dispense with a hearing if all parties are in agreeance/authorised to assess if objection is valid.
Decision to give a counter notice to a temporary use notice		x	
Small Society Lotteries		x	Registration, Refusal and revocation of a lottery registration with the applicant/holder having the right to a hearing at the Sub-Committee.



**CITY & COUNTY OF CARDIFF  
DINAS A SIR CAERDYDD**

**COUNCIL: 26 NOVEMBER 2015**



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**CABINET PROPOSAL**

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**TREASURY MANAGEMENT MID-YEAR REPORT 2015-16**

***Annexes A&B to Appendix 1 to this report are not for publication as they contain exempt information of the description in Paragraphs 14 and 21 of Schedule 12A of the Local Government Act 1972.***

**Reason for this Report**

1. To inform Members of the Council's treasury management activities since 1 April 2015 and the position as at 30 September 2015.

**Background**

2. The Council's treasury management activities are governed by legislation and a Code of Practice developed by the Chartered Institute of Public Finance and Accountancy (CIPFA) updated in 2011.

**Issues**

3. In the budget report of February 2010, Council adopted CIPFA's revised Treasury Management Code by formal acceptance of the Four Clauses of Treasury Management and Treasury Management Policy Statement as Council policy. In accordance with these policies, this report provides members with a mid year update of Treasury Management activities as at 30 September 2015. Council requires the scrutiny of the accounting, audit and commercial issues of its Treasury Management Strategy and Practices to be undertaken by the Council's Audit Committee. The mid-year monitoring report and supporting Annexes are attached as Appendix 1 and is referred to Council on the 26 November 2015 after consideration by the Cabinet.
4. The report also updates members on borrowing undertaken by the Council to exist the Housing Finance Subsidy system in April 2015 following confirmation from Welsh Government (WG) and HM Treasury of the terms of the settlement ("buy out").

**Reasons for Recommendations**

5. Council policy requires the Treasury Management Mid Year Report 2015-16 update to be submitted to Council.

## **Legal Implications**

6. No direct legal implications arise from this report.

## **Financial Implications**

7. The Council's treasury management activities are undertaken in accordance with the policies adopted by Council and under professional codes of conduct established by CIPFA, the Welsh Government and the Corporate Director Resources as part of Treasury Management Practices. This report is part of a suite of reports that members receive on the Council's treasury management activities during the course of a year. Whilst there are no direct financial implications arising from this report, the risks involved with treasury management are continuously reviewed in conjunction with the Council's treasury management advisors.

## **RECOMMENDATION**

Council is recommended to

1. note the Treasury Management Mid Year Report 2015-16 (Appendix 1)
2. note the final position on Housing Finance reform that allowed the Council to exit the Subsidy system following acceptance of a voluntary agreement between the Council and Welsh Government.

## **THE CABINET**

12 November 2015

The following Appendix is attached:-

- Appendix 1: Treasury Management Mid Year Report 2015-16
- Annexe A – Investments at 30 September 2015
  - Annexe B – Investment Charts at 30 September 2015
  - Annexe C – Maturity Analysis of borrowing as at 30 September 2015
  - Annexe D – Housing Revenue Account Subsidy (HRAS) System Exit
  - Annexe E – Glossary of Treasury Management terms

## Appendix 1

**Annexes A&B to this Appendix are not for publication as they contain exempt information of the description in Paragraphs 14 and 21 of Schedule 12A of the Local Government Act 1972.**

## Treasury Management Mid-Year Report 2015-16

The City of Cardiff Council



## **Introduction**

- 1.1 Treasury management activities are the management of an organisation's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.
- 1.2 The Council carries out its treasury management activities in accordance with a code developed for public services in 2011 by the Chartered Institute of Public Finance and Accountancy (CIPFA) as well as Council approved policies and clauses adopted by Council in February 2010.
- 1.3 In accordance with these policies, this report provides members with a mid year update of Treasury Management activities as at 30 September 2015 and covers:-
  - the economic background to treasury activities
  - investments
  - borrowing
  - debt rescheduling
  - compliance with treasury limits and prudential indicators
  - strategy update for remainder of year.
- 1.4 Annexe E includes a glossary which defines key terms used in this report. During 2015/16, Audit Committee has received periodic updates on the position and performance of Treasury Management and the issues included in the report below. In addition Council received in September 2015 the Annual Report on the Outturn for Treasury Management for 2014/15.

## **Economic Background**

- 2.1 Growth forecasts for the UK economy remain positive, however these have recently been tempered by concerns of slower global growth and weakness in stock markets. Inflation measured by Consumer Price Index (CPI) remains low at close to 0%. This is as a result of reduced oil, clothing and energy prices with this supporting increased household spending. However, for any recovery to become more balanced and sustained in the longer term, the view is that there needs to be a move away from dependence on consumer expenditure and the housing market.
- 2.2 The following table gives the Council's treasury management advisors, latest forecast of bank rate and Public Works Loan Board (PWLB) borrowing rates: The start of the increases in Bank Rate are assumed to be towards in the second quarter of 2016/17, with any increases at a more gradual rate than previously expected.

	Sep-15	Mar-16	Mar-17	Mar-18
Bank Rate	0.50%	0.50%	1.00%	1.75%
5yr PWLB rate	2.30%	2.50%	3.00%	3.40%
10yr PWLB rate	2.90%	3.20%	3.70%	4.10%
25yr PWLB rate	3.40%	3.80%	4.20%	4.60%
50yr PWLB rate	3.40%	3.80%	4.20%	4.60%

- 2.3 It can be seen from the table that the cost of borrowing is significantly in excess of the rates that are available from investments. Whilst there have been fluctuations, borrowing rates remain at similar levels to when the Treasury Strategy was approved in February 2015. Whilst geo-political events can have short term impacts on rates, the long term forecast is for PWLB rates to rise due to the high volume of debt issuance in the UK.
- 2.4 Increased confidence in UK growth, higher inflation expectations and reversal of quantitative easing measures could result in increases in borrowing rates. Conversely re-emergence of problems in heavily indebted European economies, geopolitical risks such as in the Middle East, could result in safe haven flows back to the UK, reducing borrowing rates.

### **Investment**

- 3.1 The management of the Council's cash flows may involve temporary lending of surplus funds to low risk counterparties or temporary borrowing pending receipt of income.
- 3.2 The Council's investment priorities are the security and then liquidity of its investments. The Council also aims to achieve the optimum return on its investments appropriate to these priorities.
- 3.3 The Council invests with financial institutions in accordance with criteria approved in the Treasury Strategy. The categories, names, periods and size limits on this list can be extended, varied or restricted at any time by the Corporate Director Resources under delegated powers. Based primarily on Fitch credit criteria and a number of other factors which the Council takes into account, lending to these institutions is subject to time and size limits and credit worthiness continues to be carefully monitored.
- 3.4 Given that bank rates are historically low, and the damping effect on interest rates that the Government's Funding for Lending Scheme and

minimum capital requirements has had on availability of cash to banks, rates of investment return remain low.

- 3.5 At the 30 September 2015, investments stood at £53.45 million. These temporary funds fluctuate daily and arise for a number of reasons, including the timing differences between the receipt of grant and other income and the utilisation of these funds on salaries and other operating costs. It includes the level of reserves, provisions, and other balances. It is also affected by the timing of borrowing and capital expenditure transactions. **Annexe A** shows with whom these investments were held as at 30 September 2015. These were all deemed recoverable.
- 3.6 A selection of performance indicators and benchmarking charts, is included in **Annexe B** as follows:-
- **Counterparty Exposure** displays actual investment against the maximum permitted directly with an organisation. This demonstrates that we are not exceeding any exposure limits.
  - **Remaining Maturity Profile of Investments**. This shows the duration of investments is spread and taking advantage of slightly higher rates for longer term investment up to one year where reasonable to do so.
  - **Investments by Institution**. This expresses the investments held with different institutions as a percentage of the total and shows diversification is sought where possible.
  - **Geographic Spread of Investments** as determined by the country of origin of relevant organisations. All countries are rated AA and above as per our approved criteria, are licensed to take UK deposits. Investments are in Sterling only.
  - **Investments by Financial Sector**. The majority of investments continue to be with banks.
- 3.7 Whilst a difficult figure to forecast due to the uncertainty of the markets, cash flows and the number of variables that impact on the figure, the forecast level of interest receivable from treasury investments for 2015/16 is £300,000 as included in our current projections for capital financing in the Month 6 Budget Monitoring Report. The return achieved since the start of the year is 0.70% compared to the benchmark 7 day London Interbank Bid Rate (LIBID) 0.36%.
- 3.8 The Council currently uses the Debt Management and Deposit Facility (DMADF) as a last resort if no alternative investment opportunities are available. The maximum rates available from the facility are 0.25%.

## **Borrowing**

- 4.1 Long term borrowing is undertaken to finance the Council's Capital Programme and the main sources of borrowing currently are the PWLB

and the Money Markets. The Council does not separate General Fund and Housing Revenue Account borrowing as all borrowing is the liability of the Council.

- 4.2 At 30 September 2015, the Council had £655.9 million of external borrowing predominantly made up of fixed interest rate borrowing from the PWLB payable on maturity.

31-Mar-15			30-Sept-15	
£m	Rate (%)		£m	Rate (%)
418.1		Debt from : PWLB	603.5	
52.0		Market	52.0	
0.4		Other	0.4	
<b>470.5</b>	<b>5.19</b>	<b>Total External Debt</b>	<b>655.9</b>	<b>4.90</b>

#### New borrowing undertaken

- 4.3 In accordance with previous reports to Council, a settlement payment to WG was made on 2 April 2015 of £187 million to exit the Housing Finance Subsidy System. This payment was made by undertaking external borrowing. In accordance with the requirements of the agreement with WG and HM Treasury, the level of borrowing had to generate a required level of interest payable in the first five years, be taken only from the PWLB and be at special rates of interest determined by the PWLB and HM Treasury.
- 4.4 Details of the background to the settlement and financial implications of the settlement are shown in Annexe D, with the strategy adopted in determining the loans and periods being a balance of:-
- meeting the requirements of the settlement agreement
  - minimising the length of loans
  - consideration of existing Council debt to ensure a spread of loan maturities and maintaining a single pool for Council Fund and HRA debt.
- 4.5 The estimated net HRA revenue benefit p.a after capital financing costs is £3.3 million, with any such benefit to be re-invested in existing and new housing stock in accordance with the HRA Business Plan.

#### Maturing Loans in Year

- 4.6 Annexe C shows the maturity profile of the Council's borrowing as at 30 September 2015. The main loans maturities during 2015/16 are PWLB loans of £2 million repaid in the first half of this year, with a further £3.6 million of PWLB loans to be repaid by the end of the financial year.

Unless the Council's Lender Option Borrower Option loans (LOBO's) are required to be repaid early, very little debt matures within the next 10 years.

- 4.7 (LOBO) products are loans to the Council where the lender can request a change in the rate of interest payable by the Council on pre-determined dates. The Council at this point has the option to repay the loan.
- 4.8 The Council has 6 such loan totalling £51 million. And apart from the option to increase rates these loans are comparable to PWLB and have no other complications such as variation in interest rates or complex terms.
- 4.9 Interest rates on the Council's loans range between 3.81% and 4.35% which are not unreasonable and are below the Council's average rate of interest payable. Details of the loans are shown in the table below.

<b>£m</b>	<b>Potential Repayment Date</b>	<b>Option Frequency</b>	<b>Full Term Maturity</b>
6	01/03/2016	6 months	23/05/2067
6	21/11/2015	6 months	21/11/2041
6	21/11/2015	6 months	21/11/2041
6	21/11/2015	6 months	23/05/2067
22	21/11/2015	5 years	23/11/2065
5	05/01/2018	5 years	17/01/2078

- 4.10 LOBO's to the value of £24 million are subject to the lender potentially requesting a change in the rate of interest payable every six months, which could trigger early repayment. This is deemed unlikely and any risk is a manageable refinancing risk as LOBO's form a relatively low proportion of the Council's overall borrowing at 7.8%.

### Borrowing Strategy

- 4.11 If no further borrowing is undertaken, the value of external loans at 31 March 2016 will be £652.3 million. At the same point, the Council's need to borrow for capital expenditure purposes, its Capital Financing Requirement (CFR) is currently forecast to be circa £714 million (General Fund £436 million and HRA £278 million). As the Council undertakes capital expenditure commitments, its CFR rises and as it sets aside money for the eventual repayment of such expenditure (Minimum Revenue Provision), the CFR falls. The level of CFR is dependant on a range of factors including progress in implementing the Capital Programme during the year so this estimate can change. Without any further borrowing this financial year internal borrowing could be £62 million.



- 4.12 The borrowing strategy outlined in the February 2015 budget report indicated that:-

*Whilst investment rates remain lower than long term borrowing rates internal borrowing will be used to minimise short-term costs where possible. The forecast level of internal borrowing as a percentage of the CFR is deemed manageable. However, based on the current forecasts of future capital expenditure plans and high level analysis of the sustainability of internal borrowing from the Council's balance sheet position for future years, external borrowing will be required to be undertaken in the medium term.*

- 4.13 Long term borrowing rates are significantly higher than investment rates which mean that the cost of undertaking any new borrowing would have a negative impact on the revenue budget, accordingly no new borrowing has been undertaken to date. External borrowing may be deferred in order to minimise short term costs by using temporary cash balances to pay for capital expenditure however deferring borrowing is only a short term measure and could expose the Council to higher borrowing rates and costs in the future.
- 4.14 Accordingly, it is proposed to take an element of the Council's borrowing requirement (up to £15 million) during the remainder of this financial year with timing of such determined by the Corporate Director Resources in conjunction with the Council's treasury advisors. This has been factored into the Month 6 revenue budget monitoring position, which shows a projected underspend on external interest costs due to deferring the timing of borrowing. The estimate of interest payable on borrowing for 2015/16 is £32 million.

### **Debt Rescheduling**

- 5.1 No debt rescheduling or early repayment of debt has been undertaken during the year to date. The main obstacle is the level of premium (penalty) chargeable on early repayment by the PWLB.
- 5.2 Whilst the cost of Premiums can be spread over future years, options for restructuring that have been considered result in an adverse Net Present Value (NPV). Whilst there may have been short terms savings, these were outweighed by potentially longer term costs. In addition and more significantly, the capital programme and investment requirements set by the Council, has a need to undertake additional external borrowing in future years. This is potentially when interest rates are higher, based on current forecasts. Were this not the case and the Council were to have surplus cash balances for a long period of time, then paying such premiums would be cost effective.

## **Compliance with treasury limits and prudential indicators**

- 5.3 During the financial year to date, the Council has operated within the treasury limits and prudential indicators set out in the annual Treasury Management Strategy in February 2015.
- 5.4 Following Housing Finance Reform the Council complies with an indebtedness cap in the Housing Revenue Account of £316.5 million. This will need to be monitored closely as part of the Treasury Strategy and HRA Business Planning process.

## **Strategy update for the remainder of 2015/16**

- 6.1 As identified in the report above, a key issue for the remainder of this year is the timing of additional borrowing in order to not be exposed to a significant level of internal borrowing at the end of the year. Up to £15m will be borrowed in the second half of the year with the potential benefit of reduced rates available as part of the Council's investment in 21<sup>st</sup> Century Schools.
- 6.2 A further update on Treasury Management will be included in an update to the Treasury Management Strategy for 2016/017 as part of the Budget Proposals in February 2016.

## **Annexes**

- Annexe A – Investments at 30 September 2015  
Annexe B – Investment Charts at 30 September 2015  
Annexe C – Maturity Analysis of Borrowing as at 30 September 2015  
Annexe D – Housing Revenue Account Subsidy (HRAS) System Exit  
Annexe E – Glossary of Treasury Management terms

By virtue of paragraph(s) 14, 21 of Part(s) 4 and 5 of Schedule 12A of the Local Government Act 1972.

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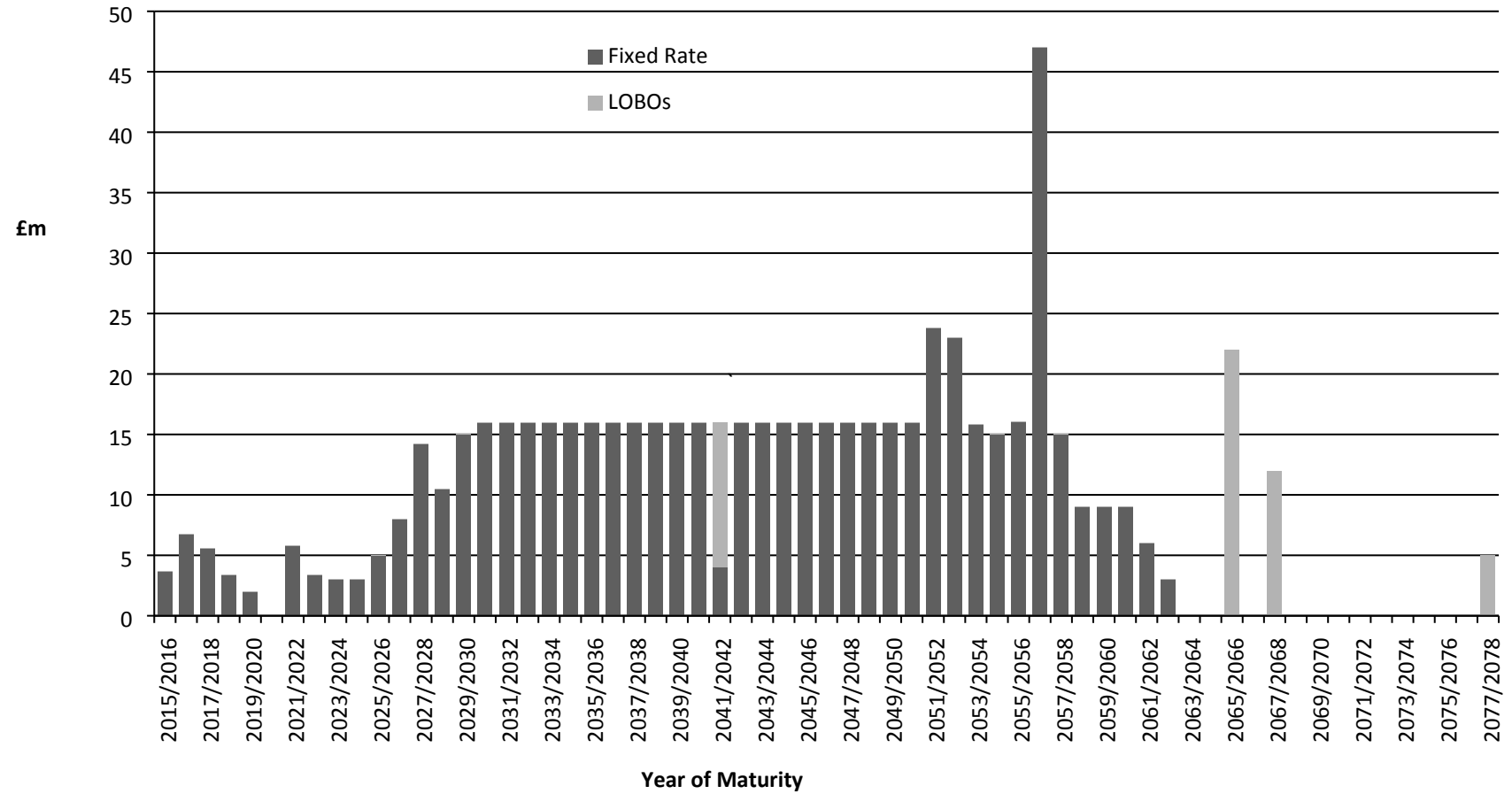
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By virtue of paragraph(s) 14, 21 of Part(s) 4 and 5 of Schedule 12A of the Local Government Act 1972.

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Maturity Profile of Debt at 30 September 2015



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## Housing Revenue Account Subsidy (HRAS) System Exit

### Background

Up to 01 April 2015, eleven Welsh landlord authorities operated within a centralised HRA Subsidy system which was deemed complex, outdated and where a “negative subsidy” was paid to the UK Treasury each year.

The UK Government and Welsh Government reached a final agreement at the end of March 2015 to allow all Councils with housing stock in Wales to leave the centralised HRA Subsidy system. Councils would become responsible for financing their landlord services and housing investment from their income. This is referred to as “self financing”. English Authorities moved to self financing in April 2012.

The agreement required authorities to buy their way out of the HRA Subsidy system through a one off payment that is referred to as the ‘settlement figure’ and also imposed a limit on HRA borrowing or an ‘indebtedness cap’.

The move to self financing provides the opportunity for Authorities to use their role as a landlord to help achieve their wider priorities and ambitions within the context of the ring-fenced HRA. These could include economic regeneration, improving health and well being, improving community safety and helping vulnerable people to live independently in the community.

The 11 stock retaining authorities, WLGA and WG worked closely in developing the proposals, documents and guidance of Housing Reform in Wales. Council has been updated on Housing reform by various means including:-

- Audit Committee Report - June 2014
- Community and Adult Services Scrutiny Report – June 2014
- Cabinet Report 17 July 2014
- Cabinet Report 20 Nov 2014
- Council Report 27 Nov 2014, included pre member presentation.
- Budget Proposals 2015/16 Report – February 2015

### Delegation

An approved delegation was in place to enter into a voluntary agreement in accordance with Full Council and Cabinet approval:-

***‘agree to enter into a voluntary agreement to exit the subsidy system and delegate authority to the Director of Communities, Housing and Customer Services in consultation with the Director Corporate Resources and the Cabinet Members for Health, Housing and Wellbeing and for Corporate Services and Performance to***

***conclude the appropriate detail within the voluntary agreement and sign on behalf of the City of Cardiff Council.'***

The voluntary agreement was signed by the Council and Welsh Minister.

## Issues

Details of the final settlement at an all Wales level are shown in the table below:-

	(A) LA HRAS payments 13/14	(B) LA Share of settlement debt	(C) Absolute minimum interest requirement for 1st 5 years	(D) LA Capital Financing charge (2%)	(E) Total annual settlement cost C+D	(F) Better off A-E	Better off %
Anglesey	1,683,063	21,168,714	<b>881,677</b>	423,374	1,305,051	378,012	22%
Caerphilly	6,042,229	75,996,095	<b>3,165,237</b>	1,519,922	4,685,159	1,357,070	22%
<b>Cardiff</b>	<b>14,898,985</b>	<b>187,391,886</b>	<b>7,804,872</b>	<b>3,747,838</b>	<b>11,552,710</b>	<b>3,346,275</b>	<b>22%</b>
Carmarthenshire	6,278,600	78,969,050	<b>3,289,061</b>	1,579,381	4,868,442	1,410,158	22%
Denbighshire	3,183,872	40,045,129	<b>1,667,880</b>	800,903	2,468,782	715,090	22%
Flintshire	6,300,786	79,248,094	<b>3,300,683</b>	1,584,962	4,885,645	1,415,141	22%
Pembrokeshire	6,418,905	80,733,735	<b>3,362,560</b>	1,614,675	4,977,235	1,441,670	22%
Powys	5,758,131	72,422,855	<b>3,016,412</b>	1,448,457	4,464,869	1,293,262	22%
Swansea	5,850,103	73,579,632	<b>3,064,592</b>	1,471,593	4,536,184	1,313,919	22%
Vale of Glamorgan	5,021,342	63,155,896	<b>2,630,443</b>	1,263,118	3,893,561	1,127,781	22%
Wrexham	11,631,007	146,288,914	<b>6,092,933</b>	2,925,778	9,018,712	2,612,295	22%
	<b>73,067,023</b>	<b>919,000,000</b>	<b>38,276,350</b>	<b>18,380,000</b>	<b>56,656,350</b>	<b>16,410,673</b>	<b>22%</b>

The new arrangements mean that from April 2015, the City of Cardiff Council will no longer have to pay c £15m from tenant rents to the Welsh Government then UK Treasury each year. Instead, we have made a one off settlement payment as a “buy out” to the Welsh Government / UK Treasury on 2 April 2015. The overriding principle of the subsidy reform is that no Welsh Authority will be worse off under the new Self Financing Scheme and they would be equally better off.

All eleven local authorities signed their respective agreements and made their required payments.

Key items / extracts from the voluntary agreement are shown below:-

### **Cardiff Council share of Settlement**

The fixed settlement value agreed by WG and HM Treasury at an all Wales level is £919 million. Audited returns from the 11 Welsh authorities of Housing Revenue Account Subsidy (HRAS payments for 2013/14 showed that the net payment to WG / Treasury from authorities was £73.067 million in 2013/14, of

which Cardiff's £14.899 million represented 20.39% of the total. Accordingly Cardiff's share of the all Wales settlement debt value was to be this proportion of £919 million i.e. £187.392 million. The Council borrowed this sum from the PWLB on 31 March 2015 and made a payment of this sum to WG on 2 April 2015 when funds were received.

Details of the amount, period, special rate applicable to the loans and annual interest cost are included in the table below.

<b>Loan Amount £</b>	<b>Maturity Date</b>	<b>Interest Rate %</b>	<b>Annual Interest £</b>
3,213,661.00	28/05/2027	3.76	120,833.65
5,000,000.00	28/05/2029	3.88	194,000.00
10,194,360.00	28/05/2030	3.94	401,657.78
10,000,000.00	28/05/2031	3.99	399,000.00
10,000,000.00	28/05/2032	4.03	403,000.00
1,000,000.00	28/05/2033	4.07	40,700.00
7,000,000.00	28/05/2034	4.11	287,700.00
7,105,347.00	28/05/2035	4.14	294,161.37
8,500,000.00	28/05/2036	4.17	354,450.00
6,792,378.00	28/05/2037	4.19	284,600.64
6,000,000.00	28/05/2038	4.21	252,600.00
9,000,000.00	28/06/2039	4.23	380,700.00
9,000,000.00	28/06/2040	4.24	381,600.00
4,000,000.00	28/06/2041	4.24	169,600.00
10,000,000.00	28/06/2042	4.25	425,000.00
11,000,000.00	28/06/2043	4.25	467,500.00
8,000,000.00	28/06/2044	4.25	340,000.00
8,000,000.00	28/07/2045	4.25	340,000.00
8,000,000.00	28/07/2046	4.25	340,000.00
11,000,000.00	28/08/2047	4.25	467,500.00
1,105,640.00	28/08/2048	4.25	46,989.70
4,000,000.00	26/09/2049	4.24	169,600.00
8,500,000.00	26/09/2050	4.24	360,400.00
6,000,000.00	28/04/2058	4.21	252,600.00
2,000,000.00	28/04/2059	4.21	84,200.00
4,000,000.00	28/04/2060	4.21	168,400.00
6,000,000.00	28/04/2061	4.21	252,600.00
2,980,500.00	28/04/2062	4.21	125,479.05
<b>187,391,886.00</b>			<b>7,804,872.19</b>

### **Cardiff Council Interest and Provision for Debt Repayment**

The deal negotiated by WG with HM Treasury had a requirement to ensure that any agreement was 'fiscally neutral' to the Treasury. In order to minimise the overall level of borrowing to £919 million following local authority concerns and

following clarification of the proposal by WG, HM Treasury required interest payments to total £38.3 million at least in the first 5 years. Cardiff's share of interest at 20.39% is £7.805 million.

In order to achieve this, the PWLB / HM Treasury issued specific Welsh HRA interest rates which were above existing interest rates and which were to apply to the borrowing. The requirement to meet the required level of interest for at least five years, meant the Council needed to borrow longer term loans in order to make the settlement payment. Whilst these may not normally be the periods of borrowing that would be undertaken, the period for which loans were taken were those required in accordance with the requirements of WG and HM Treasury to exit the subsidy system.

The Minimum Revenue Provision for debt repayment at 2%, as required by WG guidance, would be £3.7 million as shown in the table above. A prudent approach will be adopted to debt repayment following consideration of WG guidance.

With the annual costs of the settlement at £11.553 million, the Council considered the overall proposal put forward was in line with that originally consulted on by WG in June 2014. The annual revenue benefit to the HRA is circa £3.3 million, based on the Council's HRAS payment in 2013/14.

### **Cardiff Council Limit on Indebtedness**

The Council has agreed that, following payment of the Settlement Payment, its HRA Capital Financing Requirement (CFR) shall not exceed an Indebtedness Limit at the 31 March each year. The CFR is an authority's underlying need to borrow for capital expenditure. It measures historic capital expenditure incurred but not yet paid for receipt of grants, contributions and charges to the revenue account via a prudent minimum revenue provision.

The Indebtedness Limit for Cardiff and detailed approach to its allocation was agreed collectively by WG, WLGA and Local authorities and will be sufficient to cover the following:-

- (a) Existing borrowing (CFR) at 31 March 2014. £96,360,476.
- (b) Borrowing requirements, if any, to meet the Welsh Housing Quality Standard. £0.
- (c) 50 per cent of the borrowing identified for new housing supply - provided by the Local Authority in support of its HRA Business Plan and 2014-15. £20,000,000.
- (d) Share of borrowing headroom. £12,801,703.
- (e) Settlement Payment as per a determination issued by WG in accordance with Section 132 of the Housing (Wales) Act 2014. £187,391,886

The Indebtedness Limit for Cardiff can, therefore, be summarised as follows:

Indebtedness Limit = £96,360,476 + £0 + £20,000,000 + £12,801,703 +  
£187,391,886

**Indebtedness Limit = £316,554,065**

Welsh Ministers will use the HRA CFR at the 31 March each year to monitor the Local Authority's compliance with its Indebtedness Limit.

In the event that a Local Housing Authority is found to be in breach of their Indebtedness Limit as at 31 March each year, then the Welsh Government reserves the right to use any funding mechanisms available to pass on any penalty the Welsh Government receives from HM Treasury to the appropriate authority, and require immediate action by the authority to reduce its HRA CFR to within their Indebtedness Limit. The Welsh Government will engage directly with the offending authority to identify the appropriate recovery mechanism.

The Council expects the allocation of any borrowing headroom to be reviewed periodically by WG to ensure its effective utilisation across Wales, particular post achievement of the Welsh Housing Quality Standards by 2020.

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### Glossary of Terms - Treasury

#### **Bank Rate**

The rate of interest set by the Bank of England as a benchmark rate for British banks.

#### **Borrowing**

Loans taken out by the authority to pay for capital expenditure or for the prudent management of the Council's financial affairs, which are repayable with interest.

#### **Counterparty**

One of the parties involved in a financial transaction.

#### **Credit Criteria**

The parameters used as a starting point in considering with whom the council may place investments, aimed at ensuring the security of the sums invested.

#### **Credit Rating**

A credit rating assesses the credit worthiness of an individual, corporation, or even a country. Credit ratings are calculated from financial history and current assets and liabilities. Typically, a credit rating tells a lender or investor the probability of the subject being able to pay back a loan. Ratings usually consist of a long term, short term, viability and support indicators. The Fitch credit rating of F1 used by the Council is designated as "Highest Credit quality" and indicates the strongest capacity for timely payment of financial commitments.

#### **Debt Management Account Deposit Facility (DMADF)**

The Debt Management Office provides this service as part of its cash management operations and of a wider series of measures designed to improve local and central government's investment framework and cash management. The key objective of the DMADF is to provide users with a flexible and secure facility to supplement their existing range of investment options while saving interest costs for central government.

#### **Debt Restructuring**

Debt restructuring is a process that allows an organisation to reduce, renegotiate and undertake replacement debt.

#### **Diversification of Investments**

The process of creating a portfolio of different types of financial instruments with regard to type, price, risk issuer, maturity, etc. in order to reduce the overall risk of the portfolio as a whole.

#### **Duration (Maturity)**

The length of time between the issue of a security and the date on which it becomes payable.

### **External Borrowing**

Money borrowed from outside of the Council.

### **Fitch Credit Ratings**

A commercial organisation providing an opinion on the relative ability of an entity to meet financial commitments, such as interest, preferred dividends, repayment of principal, insurance claims or counterparty obligations. The opinion is usually provided in the form of a credit rating.

### **Fixed Rate**

An interest rate that does not change over the life of a loan or other form of credit.

### **Internal Borrowing**

Money borrowed from within the Council, sourced from temporary internal cash balances.

### **Investments**

The purchase of financial assets in order to receive income and/or make capital gain at a future time, however with the prime concern being security of the initial sum invested.

### **Lender Option Borrower Option Loans (LOBOs)**

Loans to the Council where the lender can request a change in the rate of interest payable by the Council at pre-defined dates and intervals. The Council at this point has the option to repay the loan.

### **Liquidity**

The ability of the Council to meet its financial obligations as they fall due.

### **Market Loans**

Borrowing that is sourced from the market i.e. organisations other than the Public Works Loan Board or a Public Body.

### **Minimum Revenue Provision**

This is the amount which must be charged to the authority's revenue account each year and set aside as provision for repaying external loans and meeting other credit liabilities. The prudent amount is determined in accordance with guidance issued by WG. This has the effect of reducing the Capital Financing Requirement (CFR).

### **Money Market Funds**

An investment fund which pools the investments of numerous depositors, spreading those investments over a number of different products and counterparties.

### **Prudential Code for Capital Finance**

The system introduced on 1 April 2004 by Part 1 of the Local Government Act 2003 which allows local authorities to borrow without Government consent, provided that they can afford to service the debt from their own resources and



that any such borrowing is prudent and sustainable. This requires the preparation and approval of various indicators.

### **Public Works Loans Board (PWLB)**

The Public Works Loans Board is a statutory body operating within the United Kingdom Debt Management Office, an Executive Agency of HM Treasury. PWLB's function is to lend money from the National Loans Fund to local authorities and other prescribed bodies, and to collect the repayments.

### **Security**

Protecting investments from the risk of significant loss, either from a fall in value or from default of a counterparty.

### **Sovereign Credit Ratings**

The credit rating of a country. It indicates the risk level of the investing environment of a country, taking into account political risk and other factors.

### **Specified Investments**

A term defined in WG investment regulations, referring to any investments for less than one year, in sterling, and where the principal sum to be repaid at maturity is the same as the principal sum invested. An investment not meeting the above criteria would be termed a Non-specified investment

### **Sterling**

The monetary unit of the United Kingdom (the British pound).

### **Term Deposits**

A term deposit is a money deposit at a banking institution that cannot be withdrawn for a certain "term" or period of time.

### **UK Government Gilts**

Fixed-interest debt securities issued or secured by the British Government. Gilts are always denominated in sterling though the Government occasionally also issues instruments in other currencies in the Eurobond market or elsewhere.

### **Variable Rate**

An interest rate that changes periodically in line with market rates.

### **Yield**

The annual rate of return paid out on an investment in securities, expressed as a percentage of the current market price of the relevant securities.

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**COUNCIL:**

**26<sup>th</sup> NOVEMBER 2015**

**CONSTITUTION COMMITTEE RECOMMENDATIONS – BUDGET MEETING PROCEDURE RULES, E-PETITIONS & CONSTITUTION AMENDMENTS**

**REPORT OF THE DIRECTOR GOVERNANCE & LEGAL SERVICES**

**Reason for this Report**

1. To enable Council to consider the recommendations of the Constitution Committee in respect of:
  - (i) the Budget Meeting Procedure Rules;
  - (ii) E-Petitions; and
  - (iii) Various Constitution amendments.

**Background**

2. The Constitution Committee is responsible for reviewing the Council's Constitution and making recommendations to Council in respect of amendments required.
3. At its meeting on 19<sup>th</sup> November 2015, the Constitution Committee considered various constitutional issues and proposed amendments; and this report sets out recommendations made by the Constitution Committee for approval or information of full Council.

**Issues**

Budget Meeting Procedure Rules

4. The Budget Meeting Procedure Rules were adopted by Council on 27<sup>th</sup> January 2011 on the recommendations of the Constitution Committee, and revised in January 2012.
5. At its meeting on 19<sup>th</sup> November 2015, the Constitution Committee reviewed the Budget Meeting Procedure Rules (**Appendix A**) to consider whether the current Rules remain fit for purpose, or whether any amendments should be made.
6. Members discussed the Speaking Order and Conduct of Debate (Rule 5), and agreed that whilst there should be no change to the maximum number of speakers (45), proportionally allocated between the groups, the Committee

would recommend to Council the removal of provision for each Cabinet member to speak for 4 minutes (after the Cabinet Member with responsibility for Finance and the Leader). Instead, it was suggested that Cabinet members (other than the Cabinet Member for Finance and the Leader) should be given the same speaking rights as any other Member, during the general budget debate (3 minutes each). Accordingly, the Committee recommended that Rule 5(i) should be amended by deletion of the words 'Each Other Cabinet Member, 4 minutes'.

7. Different views were expressed about how arrangements could be changed to improve the budget development process in future, and the Committee agreed to receive a further report on options for consideration in this regard, including potentially bringing the budget timetable forward to allow earlier engagement and negotiation with opposition groups. Any recommended changes in this regard will be reported to a future Council meeting, to take effect for purposes of the 2017/18 budget.

### E-Petitions

8. The Constitution Committee has considered the Council's provisions relating to petitions and agreed that a mechanism for on-line petitions (electronic or 'e-petitions') should be made available. Such a facility would provide another avenue through which the public can make the Council aware of specific concerns, thereby facilitating public engagement with the democratic process. It was noted, however, that e-petitions may not be legally valid for particular statutory purposes, such as a petition for a directly elected Mayor, without express statutory provision.
9. The Committee was advised that a facility for e-petitions could be made available within the new Committee Management System ('Modern.gov'), without additional cost implications, and resolved to approve the activation of this facility. It was noted, however, that the provision of the Council's e-petition facility would not in itself prevent the recognition or acceptance of other petitions, electronic or otherwise.
10. The Committee was advised that best practice recommends the adoption of a formal Petition Scheme, setting out how the Council will deal with petitions; and a draft Petition Scheme was considered. It was agreed that the draft Scheme would be amended in light of experience of the operation of the e-petition facility and any other relevant issues; and reviewed at the Committee's next meeting.

### Constitution Updates

11. The Committee considered constitution amendments in respect of the following:  
  
Single Licensing Authority functions under Part 1 of the Housing (Wales) Act 2014
12. As Members may be aware, the City of Cardiff Council has been designated as the Single Licensing Authority (SLA) for the whole of Wales for purposes of

administering and enforcing a centrally administered scheme of registration and licensing of landlords and agents in Wales, pursuant to Part 1 of the Housing (Wales) Act 2014.

13. The Cabinet considered a report on this matter at its meeting on 19<sup>th</sup> March 2015, and agreed to delegate authority to the Corporate Director to address the responsibilities of Cardiff, as Single Licensing Authority; and instructed the Monitoring Officer to make consequential amendments to the Scheme of Delegations.
14. Accordingly, the Constitution Committee recommended to Council the amendment of the Scheme of Delegations (Section 4F) by inserting a new delegation to the Director with responsibility for this matter, as follows:

*“To make all necessary arrangements, in consultation with the Cabinet Member, Environment and with advice as necessary from the Corporate Director Resources and the Director Governance and Legal Services, to enable the Council to discharge its functions as Single Licensing Authority under Part 1 of the Housing (Wales) Act 2014.”*

#### Webcasting of Council meetings

15. The Constitution Committee considered the webcasting of Council and Committee meetings at its July meeting and noted that the Council Meeting Procedure Rules refer to the ‘official recording’ of Council meetings, with no requirement for Members’ specific consent, although in practice such consent had been sought as a courtesy. The Committee recommended the webcasting of Council meetings should continue without seeking express consent at each meeting, and this was approved by full Council on 23<sup>rd</sup> July 2015.
16. In order to reflect this position and for the avoidance of any doubt, at its November meeting the Committee recommended that the Council Meeting Procedure Rules, Rule 32, be amended by inserting text as follows:

“32 RECORDING OF MEETINGS OF THE COUNCIL

- (a) **Council meetings shall be webcast** (‘the official recording’). Other than the official recording, no recording shall be made of the proceedings of meetings of the Council whether audio or visual and by whatever method except with the express authorisation of the meeting.”

#### Councillor Resignation and Notice of Vacancy

17. The Committee was advised that the Council’s administrative arrangements for dealing with a Councillor’s resignation and the resultant vacancy (in accordance with Part V of the Local Government Act 1972, ‘the LGA 1972’) are not correctly reflected in the Scheme of Delegations. The Committee recommended amendments to the Scheme of Delegations in order to reflect the established arrangements, specifically to provide that a Member’s resignation notice is to be delivered to the Chief Executive, as the Proper Officer of the Council for this purpose (pursuant to section 84 of the LGA 1972); and that the Returning Officer then has responsibility for issuing the

requisite Public Notice of Vacancy (required under section 87(2) of the LGA 1972) and for receiving a notice calling for an election (under section 89(1) of the LGA 1972).

### **Legal Implications**

18. The Local Government Act 2000 and the Local Authority Constitution (Wales) Direction 2002 requires the authority to keep its constitution up to date. The recommended changes to the Constitution set out in paragraphs 6, 14, 16 and 17 of this report require the approval of full Council, pursuant to Article 14.2(a) of the Constitution.
19. Other relevant legal implications are set out in the body of the report.

### **Financial Implications**

20. There are no direct financial implications arising from this report and in the event that they do arise they will need to be contained within the budgets allocated for each function covered in this report

### **Recommendations**

Council is recommended to:

1. note the recommendations of the Constitution Committee set out in this report; and
2. approve the recommended Constitution amendments set out in paragraphs 6, 14, 16 and 17 of the report.

**Marie Rosenthal**

**Director Governance and Legal Services (Monitoring Officer)**

19 November 2015

Appendix A            Budget Meeting Procedure Rules

Background papers

Constitution Committee reports, 'Budget Meeting Procedure Rules'; 'E-Petitions'; and 'Constitution Updates', 19 November 2015

## **PART 4 – RULES OF PROCEDURE**

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### **BUDGET MEETING PROCEDURE RULES**

#### **1 BUDGET MEETINGS**

Budget meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Budget meetings will be held in accordance with the Council Meeting Procedure Rules, subject to the variations set out in these Budget Meeting Procedure Rules.

#### **2 TIME AND PLACE OF MEETINGS**

The time and place of meetings will be determined by the Council or in the case of meetings called under Council Meeting Procedure Rule 4(a)(ii) by the Chair and in the case of meetings called under Rule 4(b) by the Proper Officer and notified in the summons.

The Proper Officer may in case of urgency or at the request of the Chair vary the date, time and place of meetings, subject to proper notice of the change being given.

#### **3 NOTICE OF SUMMONS TO MEETINGS**

The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least three clear days before a meeting, the Proper Officer will send a summons (notice of meeting) signed by him or her by post to every Councillor or leave it at their usual place of residence or at some other place specified by notice in writing given by the Councillor to the Proper Officer. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

#### **4 CABINET BUDGET REPORT**

The Cabinet Budget report shall enable the Cabinet:-

- (a) to submit to Council their proposal of the estimates of expenditure and income in order to set the Council Tax in accordance with the Local Government Finance Act 1992;
- (b) to recommend to Council on the strategy and plan for the control of the Authority's borrowing and capital expenditure for the forthcoming year (the Annual Treasury Management Strategy);
- (c) to recommend to Council the adoption of CIPFA's Treasury Management Code of Practice 2009 by formal acceptance of the Four Clauses of Treasury Management and Treasury Management Policy Statement as Council policy;

- (d) to recommend to Council the Prudential Code Indicators and the Council's Minimum Revenue Provision Policy;
- (e) to set the rent levels for Housing Revenue Account properties, service charges and management fees for leaseholders; and
- (f) to agree the rates and Charges for Council services.

**Comment [NG]:** Constitution Committee 19/11/15 recommended that Cabinet Members be allocated 3 mins to speak in accordance with the time allocated to all Members speaking to reports

## 5 SPEAKING ORDER AND CONDUCT OF DEBATE

A maximum of 45 speakers will be allocated proportionally between political groups. The allocation of speakers will be notified to Whips in advance of the Budget meeting. Any 'independent' Member who is not affiliated to any party or group will also be allowed to speak in the general debate. The speaking order will be as follows:

- (i) Cabinet Proposals (including any alternative proposals as per Rule 25(a)(vi) of the Council Procedure Rules)

Cabinet Member with responsibility for Finance	10 minutes
Leader of the Council	4 minutes
Each Other Cabinet Member	4 minutes

- (ii) Party Group Finance Spokespersons/Movers of alternative proposals (as per Rule 24A or Rule 25(a)(vii) of the Council Procedure Rules, as appropriate.

The Finance Spokesperson of each opposition political group and the seconder of any alternative proposal will then be invited to speak in rotation by reference to each of the political groups in size order (largest group first).

**(If more than one amendment is to be moved by one political group then all such amendments will be moved by the relevant Finance Spokesperson at the same time)**

Opposition Group spokesperson:	5 minutes
Secunder of any alternative proposal:	3 minutes

- (iii) General Debate on Cabinet proposal and all alternative proposals – including any further alternative proposals moved and seconded. As indicated above the allocation of speakers will be proportionately based per political group and notified to Whips prior to the meeting.



Opposition Group Leaders 4 minutes

Each other speaker 3 minutes

No Councillor, with the exception of the Councillor with the right of reply at the end of the debate, to speak twice during this item.

The debate will be run in accordance with the rules agreed for the consideration of Notices of Motion, and each amendment will be voted on individually.

(iv) Reserving Right to Speak

Any Member, apart from proposers of the Budget or alternative proposals, may reserve the right to speak later in the debate but any such member will only be entitled to speak for 3 minutes during the general debate.

(v) Right of Reply

The Cabinet Member with responsibility for Finance (or the proposer of an approved alternative proposal) will have the right of reply: 5 minutes

## **6 EXCLUSION OF NOTICES OF MOTION AND FORMAL QUESTIONS**

Formal questions from Councillors and Notices of Motion shall not be received and considered and the respective Council Meeting Rules shall accordingly not apply.

For the avoidance of doubt, public questions may be asked (Council Meeting Procedure Rule 18 applies), other reports may be considered and motions during meetings without notice may be moved (Council Procedure Rule 25 applies).

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**REPORT OF DIRECTOR GOVERNANCE AND LEGAL SERVICES**

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**APPONTMENTS TO COMMITTEE VACANCIES**

**Reason for this Report.**

1. To make appointments to Committees to fill current vacancies in accordance with Party Group nominations.

**Background**

2. The Council at its Annual Meeting on 21 May 2015 established its committees and allocated seats to party groups in line with the relevant provisions of the Local Government and Housing Act 1989 (Section 15) and the Local Government (Committees and Political Groups) Regulations 1990. Following a change in the Council's political composition, a revised proportional allocation of seats was agreed by Council on 23 July 2015.
3. The legislation requires the Council to allocate committee seats to political groups in proportion, as far as is reasonably practicable, to the size of those groups on the Council. Once the Council has determined the allocation of seats, it is obliged to make appointments so as to give effect to the wishes of the political group to which the seat has been allocated.
4. Legislation also requires the politically proportional allocation of scrutiny chairs for Councils comprised of several political groups (pursuant to Part 6 of The Local Government (Wales) Measure 2011). The proportional allocation of Scrutiny Committee Chairs was agreed with Political Groups, and approved by Council at its Annual meeting, and then revised at the Council meeting on 23 July 2015 (following the change in the Council's political composition). Once the Council has determined the allocation of Scrutiny Chairs to each political group, the appointment of Scrutiny Chairs is to be made by the relevant political group.

**Issues**

5. Appointments to Committees have been made in accordance with the agreed political balance arrangements and the wishes of political groups. .
6. The following Committee vacancies are to be filled by Council on 22 October 2015, in accordance with nominations from the political groups to which the seats are allocated. Nominations will be reported to Council on the amendment sheet.

<u>Committee</u>	<u>No of Vacancies</u>
Planning Committee	1 vacancy
Audit Committee	1 vacancy
Constitution Committee	1 vacancy
Corporate Parenting Advisory Committee	1 vacancy
Democratic Services Committee	1 vacancy
Community & Adult Scrutiny	3 vacancies
Policy Review & Performance Scrutiny	1 vacancy
Bilingual Cardiff Working Group	3 vacancies
Health & Safety Advisory Group	1 vacancy
Glamorgan Archives Joint Committee	1 vacancy

### **Legal Implications**

7. The legal Implications are set out in the body of this report.

### **Financial Implications**

8. There are there are no additional financial implications arising from this report that have not been included within the Council's budget for 2015/16.

### **RECOMMENDATIONS**

That Council is recommended to approve the appointments to the Committee vacancies in accordance with the nominations of the political groups, as set out in the amendment sheet;

### **MARIE ROSENTHAL**

Director Governance and Legal Services  
19 November 2015

Background paper

*Committee Membership List 2015/15 v1.8 22 October 2015*

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**REPORT OF DIRECTOR GOVERNANCE AND LEGAL SERVICES**

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**COUNTRYSIDE RIGHTS OF WAY ACT 2000 – APPOINTMENTS TO  
CARDIFF LOCAL ACCESS FORUM**

**Reason for this Report**

1. To agree the appointment of a new membership to the Cardiff Local Access Forum

**Background**

2. The Countryside and Rights of Way Act 2000 introduced a number of new responsibilities for local authorities ; one of which is the establishment of a Local Access Forum (LAF). The statutory function of the LAF is to advise bodies and others exercising functions conferred by the 2000 Act on issues concerning the improvement of public access to land and other matters as may be prescribed in Regulations
3. The Regulations state that all LAF's have a three year life span from the date of their first meeting and existing members will need to reapply if they wish to continue to be members of the LAF. The Forum should have a minimum of 10 members and a maximum of 20 plus a Chair and Deputy Chair. Where possible membership should be balanced between Landowners and Users and be representative of the community at large.
4. Council at its meeting on 8 December 2012 confirmed the appointment of all applicants received at that time for the third three year term of the LAF. The current LAF's term will cease on the 8 December 2015.

**Issues**

5. The Council has to appoint new members of the Cardiff LAF by December 2015 to maintain the continuity of the Forum and to satisfy the Council's legal obligations. As required by the legislation an advertisement notifying the public of the workings of the LAF and requesting that interested parties apply for membership was placed in local newspapers. The following individuals have applied to become members of the Cardiff LAF:
  - Councillor Bob Derbyshire (Current Chair of LAF, walking, cycling)
  - Diane Davies (Current member; walking)
  - Mike Dean (Current member, walking)

- Mrs. Philippa White (Current member, horse rider, walking)
  - Gordon Hindess (Current member, walking)
  - Miss Angela Giddings (Current member, landowner)
  - Robin Simpson (Current member, walking)
  - Mr. Sam Wilkinson (Current member, walking)
  - Mrs. Jeanne Hyett (Current member, horse rider)
  - Roger Wallington (Current member, walking, cycling)
  - Chris Lewis (New applicant, walking)
  - Margaret Jones (New applicant, walking, cycling)
  - Tony Moon (New applicant, walking, cycling)
  - Caroline Mary Barrett (New applicant, horse rider)
  - Jane Berry (New applicant, horse rider)
  - Miss Kate Ann Dowdall (New applicant, horse rider)
  - Rob Gravelle (New applicant, former Equalities and Access Officer for City of Cardiff Council)
  - Rosamund Lewis (New applicant, horse rider)
6. When making an appointment of persons to serve as members of the Forum the Council must follow Regulation 7. It must also ensure that the membership achieves a reasonable balance between the interests of users of local rights of way or the rights of access conferred by Section 2(1) of the Act and of owners and occupiers of access land over which local rights of way subsist. The Council must take reasonable steps to ensure that the composition of the Forum achieves a fair balance between persons of different genders, races, ages, disabilities and other characteristics
7. In addition to the above list of applicants, the Council is able to nominate one representative from the authority either a Councillor or Officer. The current Council representative is Councillor Bob Derbyshire.
8. All applicants have a genuine interest in being a member of the Cardiff Local Access Forum and have a background such that they can contribute meaningfully therefore it is considered that they should all be appointed as members.

### **Reasons for Recommendations**

9. To enable the Council's statutory duties under the Countryside Rights of Way Act 2000 to be discharged.

### **Legal Implications**

10. The appointment of representatives to outside bodies is a local choice function. The Council had determined that all local choice functions will now be Council functions
11. The Council has a statutory duty to establish the Local Access Forum as required by section 94 (1) of the Countryside & Rights of Way Act 2000. The statutory function of the Forum is to advise bodies and others exercising functions conferred by the Act on issues concerning the improvement of public access to land and other matters as may be

prescribed by the Regulations. Sections 94 and 95 of the Act empower the National Assembly for Wales to make regulations to provide for the establishment and operation of a forum.

12. The Countryside Access (Local Access Forum) (Wales) Regulations 2001 No 4002 provide that a forum must consist of a Chair and Deputy Chair, appointed in accordance with Regulation 12 (i.e. by the forum members themselves), and a Secretary, together with not less than 10 and not more than 20 other members (or such other number of members outside that range as the National Assembly may authorise in writing). The Secretary is not a member of the Forum, and shall be responsible for the administration of the Forum. The Council must appoint one (but may not appoint more than one) member to the Forum, who is either an officer or member of the Council.
13. An appointing authority may, in addition to appointing members in order to fill casual vacancies in the membership of the forum, at any time appoint further members to a forum provided the total number of members, excluding the Chair and Deputy Chair, does not exceed 20 (or such other number as may be authorised by the National Assembly pursuant to regulation 4(1)). The Council must notify the Countryside Council for Wales (the Council) of the names and addresses of all the persons appointed to be members of the Forum, and any changes to the membership forthwith.

### **Financial Implications**

14. The running costs of the Local Access Forum are nominal and an allocation of £2,000 is set aside within the Rights of Way revenue budget to cover costs of a venue and members travelling expenses where appropriate.

### **RECOMMENDATIONS**

The Council is recommended to:

- (1) appoint the following as members of the Cardiff Local Access Forum.
  - Councillor Bob Derbyshire (Current Chair of LAF, walking, cycling)
  - Diane Davies (Current member; walking)
  - Mike Dean (Current member, walking)
  - Mrs. Philippa White (Current member, horse rider, walking)
  - Gordon Hindess (Current member, walking)
  - Miss Angela Giddings (Current member, landowner)
  - Robin Simpson (Current member, walking)
  - Mr. Sam Wilkinson (Current member, walking)
  - Mrs. Jeanne Hyett (Current member, horse rider)
  - Roger Wallington (Current member, walking, cycling)
  - Chris Lewis (New applicant, walking)
  - Margaret Jones (New applicant, walking, cycling)
  - Tony Moon (New applicant, walking, cycling)
  - Caroline Mary Barrett (New applicant, horse rider)

- Jane Berry (New applicant, horse rider)
  - Miss Kate Ann Dowdall (New applicant, horse rider)
  - Rob Gravelle (New applicant, officer of City of Cardiff Council, Equalities & Access)
  - Rosamund Lewis (New applicant, horse rider)
- (2) appoint Jennifer Griffiths, Public Rights of Way Lead Officer, City Operations, or her equivalent, as secretary to the Local Access Forum.  
*[NB The Secretary is not a member of the Forum, but shall be responsible for the administration of the Forum]*

**MARIE ROSENTHAL**

Director Governance and Legal Services  
19 November 2015

Background paper  
*Membership Application Forms*