

Public Document Pack
Bridgend County Borough Council
Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr



Civic Offices, Angel Street, Bridgend, CF31 4WB / Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB

Legal and Regulatory Services /
Gwasanaethau Cyfreithiol a Rheoleiddiol
Direct line / Deialu uniongyrchol: 01656 643148
Ask for / Gofynnwch am: Mr Mark Anthony Galvin

Our ref / Ein cyf:
Your ref / Eich cyf:

Date / Dyddiad: Wednesday 9 December 2015

Dear Councillor,

COUNCIL

A meeting of the Council will be held in the Council Chamber, Civic Offices, Angel Street, Bridgend on **Wednesday, 16 December 2015 at 3.00 pm.**

AGENDA

1. Apologies for absence
To receive apologies for absence from Members/Officers for the reasons so stated.
2. Declarations of Interest
To receive declarations of personal and prejudicial interest from Members/Officers in accordance with the Members' Code of Conduct adopted by Council from 1 September 2008.
3. Approval of Minutes 3 - 14
To receive and confirm the minutes of a meeting of Council dated 25 November 2015
4. To receive announcements from:
(i) Mayor (or person presiding)
(ii) Members of the Cabinet
(iii) Chief Executive
5. To receive the report of the Leader
6. Gambling Act 2005 Statement of Licensing Principles 2016 - 2019 15 - 70
7. Wales Audit Office - Annual Improvement Report (AIR) on Bridgend County Borough Council September 2015 71 - 110
8. Renewables in the Landscape Supplementary Planning Guidance (SPG) 111 - 128
9. Amendment to the Scheme of Delegation of Functions 129 - 130

Tel/Ffôn: 01656 643643

SMS Messaging/Negeseuon SMS: 07581 157014

Fax/Facs: 01656 668126

Twitter@bridgendCBC

Email/Ebost: talktous@bridgend.gov.uk

Website/Gwefan: www.bridgend.gov.uk

Text relay: Put 18001 before any of our phone numbers for the text relay service

Cyfnwidi testun: Rhwyh 18001 o flaen unrhyw un o'n rhifau ffon ar gyfer y gwasanaeth trosglwyddo testun

- | | | |
|-----|--|-----------|
| 10. | <u>Review of Political Balance - Changes to Committee Membership</u> | 131 - 140 |
| 11. | <u>Information Reports for Noting</u> | 141 - 148 |
| 12. | <u>Urgent Items</u>
To consider any item(s) of business in respect of which notice has been given in accordance with Part 4 (paragraph 4) of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency. | |

Yours faithfully

P A Jolley

Assistant Chief Executive Legal and Regulatory Services

Distribution:

Councillors:

S Aspey
M W Butcher
N Clarke
H J David
G Davies
P A Davies
G W Davies MBE
E Dodd
D K Edwards
L Ellis
N Farr
E P Foley
C A Green
M Gregory
E M Hughes
C J James
P James
R M James

Councillors

R D Jenkins
P John
B Jones
C L Jones
R C Jones
M Jones
D R W Lewis
J E Lewis
J R McCarthy
H E Morgan
L C Morgan
M E J Nott OBE
A D Owen
D G Owen
D Patel
G Phillips
D R Pugh
C Reeves

Councillors

M Reeves
D Sage
C E Smith
J C Spanswick
G Thomas
M Thomas
R Thomas
J H Tildesley MBE
H J Townsend
E Venables
K J Watts
C Westwood
D B F White
P J White
H M Williams
R Williams
M Winter
R E Young

MINUTES OF A MEETING OF THE COUNCIL HELD IN COUNCIL CHAMBER, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON WEDNESDAY, 25 NOVEMBER 2015 AT 3.00 PM

Present

Councillor RE Young – Chairperson

G Thomas	D Sage	HJ David	M Gregory
MEJ Nott OBE	JH Tildesley MBE	PJ White	E Dodd
M Winter	E Venables	M Butcher	N Clarke
G Davies	GW Davies MBE	PA Davies	DK Edwards
EP Foley	EM Hughes	RM James	RD Jenkins
PN John	B Jones	CL Jones	M Jones
RC Jones	DRW Lewis	JE Lewis	JR McCarthy
HE Morgan	AD Owen	DG Owen	G Phillips
DR Pugh	CL Reeves	M Reeves	CE Smith
JC Spanswick	M Thomas	RL Thomas	HJ Townsend
KJ Watts	C Westwood	DBF White	HM Williams
R Williams	LC Morgan	CA Green	N Farr

Officers:

Darren Mephram	Chief Executive
Susan Cooper	Corporate Director - Social Services & Wellbeing
Deborah McMillan	Corporate Director - Education & Transformation
Mark Shepherd	Corporate Director – Communities
Ness Young	Corporate Director – Resources & Section 151 Officer
Andrew Jolley	Assistant Chief Executive Legal & Regulatory Services and Monitoring Officer
Randal Hemingway	Head of Finance & ICT
Gary Jones	Head of Democratic Services
Sarah Daniel	Democratic Services Officer - Committees

547. APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Members/ Officers for the reasons so stated:

Councillor S Aspey – Work Commitments
Councillor C James – Unwell
Councillor P James – Caring responsibilities
Councillor L Ellis – Childcare

548. DECLARATIONS OF INTEREST

None

549. APPROVAL OF MINUTES

RESOLVED: The minutes of the meeting of Council dated 28 October 2015 be approved as a true and accurate record of the meeting subject to the inclusion of Councillor J H Tildesley's vote with regard to minute no.545

550. TO RECEIVE ANNOUNCEMENTS FROM:

Mayor

The Mayor announced that one of his aims for his Mayoral year was to visit different faith groups to demonstrate our support for the multi-cultural society in which we now live. He explained he had the pleasure of visiting the Cardiff Synagogue recently as a guest and observer. He was made extremely welcome and found the whole experience both moving and fascinating. He was privileged to witness the recitation of the Jewish Prayer for the Dead - the Kaddish - which was recited in honour of Remembrance Sunday. This was a memorable experience and one of the highlights of his year so far. The Mayor added that he had invited Rabbi Michael Rose and members of his congregation to visit Bridgend and he looked forward to hosting them soon. He was also shortly due to visit the Salvation Army, and was currently liaising with the Muslim Association to arrange a visit to the mosque in Aberkenfig

As Christmas was advancing fast the Mayor had pleasure in announcing that as part of the charity fundraising, he and the Mayoress would be hosting a "Nearly Christmas Dinner" on the evening of the 20 December at the Heronston Hotel. Tickets were £21 per person and Kate Thomas had kindly agreed to speak about her experiences during her time as Lord Lieutenant. He added he aimed to make the dinner a lovely and enjoyable evening and would be honored if Members would join him. Tickets were available via his charity committee – and added that he appreciated Members support, whether it was attending events, donating prizes or purchasing raffle tickets.

The Mayor confirmed to Members that as agreed at the last Council meeting, he had written as Chair of Council to Prime Minister David Cameron expressing the Council's opinion that the UK Government should abandon the Trade Union Bill and make a commitment to work in partnership with the Trade Union movement to achieve a fairer society. He added that he had received a response to say that the correspondence was under consideration.

Finally, the Mayor informed Members that the Council had recently lost two former councillors and past mayors. Bill Burt sadly passed away not long after he and the Mayoress had recently visited him at Bryn-y-Cae where he was delighted to receive his Ogwr mayoral portrait. The Mayor added that he was a gentleman to the core, and would be greatly missed. His funeral would be held on Monday 30 November at 2.15pm at Coychurch Crematorium and the Mayor was honoured that the family had asked him to say a few words about Bill. He further added that all were welcome at the funeral and later at the Mason's Arms in Bryncethin. The Mayor also passed on the sad news that Granville Walters had died last weekend. Glan, as he was known, was the second Mayor of BCBC and a long serving Councillor and community Councillor, his funeral would be held on 2 December at Coychurch Crematorium. The Leader informed members that he had written to the families of Bill Burt and Glan Walters on behalf of Council expressing their sadness and sympathy. Members and Officers of Council stood for a one minute silence in remembrance of their former colleagues.

Assistant Chief Executive Legal and Regulatory Services

The Assistant Chief Executive Legal and Regulatory Services stated that the political balance of Council would be reviewed at the next meeting following the election of new Councillor Dhanisha Patel.

He also informed members that the Budget Cabinet meeting of 23 February 2016 would be moved to 1 March 2016 and the Budget Council meeting of 2 March 2016 would be moved to 10 March 2016

MEMBERS OF THE CABINET

Deputy Leader

The Deputy Leader began by sharing some good news with members that Archbishop McGrath Catholic High School in Brackla no longer requires monitoring. Inspectors had deemed that the school had made good progress since 2013 in addressing a series of key recommendations for improving performance at key stages three and four, boosting pupil attendance, and enhancing both the quality of teaching and the consistency of provision for developing pupil skills in literacy, numeracy and ICT across the curriculum.

The Deputy Leader added that elsewhere, Abercerdin Primary had won a platinum Eco-Schools award for their efforts which included a school farm, and the governing body at Maesteg Comprehensive had been awarded a bronze mark of quality from the Welsh Government and ADEW.

The Deputy Leader thanked the head teacher, governors, teachers and staff at the school for their efforts and congratulated them on delivering the improvements.

The Deputy Leader announced that six local schools had been selected to help pioneer the development of an innovative new curriculum that would be taught across Wales from 2021. Oldcastle Primary School, Heronsbridge School, Ysgol Cynwyd Sant, Mynydd Cynffig Primary, Pencoed Comprehensive School and Maesteg Comprehensive School would be among those leading on the design of the new curriculum, while Maesteg would also be looking at teachers' training requirements and workloads so that they were given all the necessary support. The schools would be working as part of an all-Wales partnership with local authorities, regional consortia, Estyn, leading academics, employers, Welsh Government and other key stakeholders. A significant feature of the new curriculum was the removal of the current 'key stages' to try and create a more seamless progression through school for all pupils.

The new curriculum would also incorporate a number of exciting new developments that were particularly suitable for the modern world – for example, 'digital competence' would join literacy and numeracy as key elements that teachers would be expected to weave into all lessons across the curriculum, and there would also be a greater emphasis on health and wellbeing. The Deputy Leader added that he was looking forward to seeing the new curriculum develop and was sure that all six schools would play a full role in the delivery.

Cabinet Member Communities

The Cabinet Member – Communities announced that the communities of Porthcawl and Bryncethin had some excellent news recently after the Big Lottery Fund awarded them £50,000 each to develop proposals that if successful were likely to deliver a range of benefits for many generations to come. He stated that the Porthcawl Harbourside CIC project aimed to establish an all-weather community asset and visitor attraction by constructing a five-storey Maritime Centre within the town's harbour quarter using a leasehold transfer of land from Bridgend County Borough Council. With a strong focus on coastal science and maritime-related history, sport, fitness, leisure, community learning and employment opportunities, the project had been invited to develop a stage two application to the CAT2 programme.

The Cabinet Member – Communities informed Council that Bryncethin Community group had been invited to submit a stage two application for their plans to leasehold transfer the local sports pavilion and a large area of land from the Council as well as the former clay pits site. Their proposal involved the creation of three new full-size football / rugby pitches, a cricket pitch, new allotments, a community growing area, a lake suitable for fishing and kayaking, a mountain bike route, a health and wellbeing trail, a camping site and a community building featuring changing rooms, a large activity space, a commercial kitchen, meeting facilities and more. If the second stage bids were successful, both projects stood to receive grant funding of up to £1,150,000.

The Cabinet Member- Communities stated he was pleased to see that Bridgend County Borough had generated not one but two of the seven projects selected by the Big Lottery Fund across Wales, and this aptly demonstrated how the Council and local organisations were working closely together to find new, alternative ways of delivering services for our communities.

Cabinet Member – Adult Social Care & Health & Wellbeing

The Cabinet Member – Adult Social Care & Health & Wellbeing stated that Members may want to let constituents know about the Shared Lives scheme, which the Authority had been promoting recently. This was run by care organisation Ategi in partnership with the Council and let people who have been assessed by Social Services as needing help with accommodation to live with Shared Lives carers instead of within a care home. It was of particular help for vulnerable and disabled adults including people with mental health issues, acquired brain injuries, physical disabilities and older people. Shared Lives carers receive full training, on-going support and good rates of pay, and they do an outstanding job which delivered a significant contribution to the community. The Cabinet Member – Adult Social Care & Health & Wellbeing advised that further information about the Shared Lives scheme was available by visiting www.ategi.org.uk

The Cabinet Member – Adult Social Care & Health & Wellbeing asked if Members knew of any young wheelchair users in their community, they might like to let them know about local opportunities for wheelchair rugby sessions. These had been organized by the Active Young People department in partnership with the organization, Great Britain Wheelchair Rugby, and a taster session was recently held at Bryncethin Sports Centre which gave people the chance to try their hand at the recognized Paralympic sport. The Authority's Disability Sports Officer works closely with local schools and communities to identify ways in which we can help disabled people in the county borough enjoy keeping active, so anyone who would like to find out more can do so by calling 01656 815220 or emailing aypd@bridgend.gov.uk

The Cabinet Member – Adult Social Care & Health & Wellbeing added that members may have seen that the Welsh Government had recently announced that all landlords and agents of private residential property in Wales were now required to be registered or licenced following a change in the law. He advised that it was essentially intended to prevent rogue landlords and agents from letting and managing properties in Wales, he added that the new Rent Smart scheme would raise awareness among landlords, agents and tenants about their respective rights and responsibilities. Landlords and agents have one year to comply with the new scheme before any action is taken. More information was available from the website www.rentsmart.gov.wales or by calling 03000 133344.

Cabinet Member Children's Social Services and Equalities

The Cabinet Member Children's Social Services and Equalities advised members about an innovative new campaign set up by The Girls Network called 'Pass It On' which

seemed very apt the season of goodwill was fast approaching. The campaign focused on encouraging people to be more active and healthy by urging participants to pick three good deeds that could be passed on to others to help improve health and wellbeing in communities across Bridgend County Borough. Cabinet Member Children's Social Services and Equalities stated that it was initially set up to improve participation in physical activity among young girls and women, but had been expanded as the Girls Network also wanted to encourage members of the community to get on board and 'pass it on'.

The scheme was very simple and could involve something small like befriending someone who has low self-esteem, or inviting a friend to go to an exercise class. In return, they would do the same for three other people, and so on. The Girls Network was set up by Bridgend County Borough's Active Young People Department and is largely made up of girls from comprehensive schools across the county borough, as well as other representatives such as the group's ambassador, Bridgend-based Olympian Helen Jenkins. The Cabinet Member Children's Social Services and Equalities added that this was a real 'feel-good' campaign, and although it had been set up to increase the number of girls taking part in physical activity, the authority invited anyone to get involved, as it encouraged all to think about the wellbeing of others to improve lives in our communities. More information was available by calling 01656 815223 or emailing aypd@bridgend.gov.uk 'Pass It On' was also active across social media such as Facebook and Twitter. Members were advised that for further information they could speak to Cabinet Member Children's Social Services and Equalities for further details.

The Cabinet Member Children's Social Services and Equalities stated that this year's White Ribbon campaign was encouraging people to speak out about domestic abuse through a special social media campaign. The campaign featured a large speech bubble which people could use to give their thoughts on the issue of domestic abuse and issue it to Calan DVS across Facebook and Twitter. Calan DVS would then collate and promote the various messages and images that they receive. The White Ribbon campaign would tie in closely with the No-Vember campaign, which was also being organised by Calan DVS, and urged members to give both their full support.

The Cabinet Member Children's Social Services and Equalities stated that members may want to lend their support to this year's Bridge FM Toy Appeal which had been organised by the station in association with the Co-Operative and HMP & YOI Parc. In order to participate members would need to buy a new toy and drop it off at a Co-Op store in Brackla, Cowbridge, Llantwit, Margam, Pencoed, Pontycymmer, Porthcawl or at Pyle Petrol Station. The station would arrange for the toy to be collected, wrapped and distributed to children who may otherwise not receive anything on Christmas morning. Members could find out more information at the Bridge FM website.

Cabinet Member Resources

The Cabinet Member Resources advised members that the pre-Council presentation in December would be on the theme of the Local Transport Plan, and had already been scheduled into member's calendars. He added that its aim was to make members more familiar with the purpose and rationale of the plan. It would explain the process of preparation, and give an overview of the Authority's responsibilities and funding which Members should find very useful and informative.

The Cabinet Member Resources advised that Swansea Council would be hosting a half day regional information session on Gypsies and Travellers on the morning of Wednesday 9 December. The course aimed to ensure that elected members fully understood their responsibilities to gypsy traveller communities under the new Housing (Wales) Act 2014 and Equality Act 2010. The Cabinet Member Resources advised that

if there was sufficient interest, transport would be provided from the Civic Offices. He asked Members to therefore confirm their attendance with Democratic Services as soon as possible so they could make the necessary arrangements.

The Cabinet Member Resources advised that members will have received an email from Gary Jones regarding Personal Emergency Evacuation Plans. He asked if members could indicate to Gary via email whether they required an assessment so that it could be arranged as a matter of priority.

Cabinet Member Regeneration and Economic Development

The Cabinet Member Regeneration and Economic Development announced that together with the Bridgend Tourism Association, Bridgend County Borough Council was looking to recruit 30 volunteers who love their local coastline and countryside so much that they could act as tourism ambassadors for the area. He added that whenever people plan weekend breaks or holidays these days, they scour online reviews to pick up hints and tips of the best places to stay and things to do. The ambassador programme takes that a step further, giving potential visitors a chance to call up a friendly group of people who know the area better than anyone.

The Cabinet Member Regeneration and Economic Development added that the Authority were looking for people who worked either inside or outside of the tourism industry – their most important attributes would be their enthusiasm, passion for the area and ability to shout about it to others. He hoped that members would spread word about this new initiative throughout local communities and that anyone who wanted further information could contact Tracy James Lieberman on tracyjlevents@gmail.com or by calling 077 73 804 470.

The Cabinet Member Regeneration and Economic Development advised that the official launch of the Porthcawl Townscape Heritage Initiative took place last week at the Jennings Building, and doubted that we could have found a more appropriate historic venue than the Grade II listed former harbourside warehouse. The THI scheme was making a total of £1.3 million available between 2014 and 2019 to renovate and refurbish buildings within the historic heart of Porthcawl, and was already transforming the likes of the Customs House and Pilot Tower.

With the launch, Bridgend County Borough was officially one of just two areas in the whole of the UK to have successfully established five different THI schemes, so there was much to feel proud of.

Chief Executive

The Chief Executive stated that Chancellor George Osborne had outlined details of the UK Governments first comprehensive spending review since 2010 and autumn statement earlier in the afternoon. He added that the subsequent debate and analysis was still infolding and would require close scrutiny, but significant developments included the scrapping of plans to phase out working tax credits, no cuts to the police budget and extra funding for the NHS and mental health services.

The Chief Executive also advised that the Chancellor had also announced plans for local authorities to levy a social care precept of up to two per cent in Council tax and has stated that he intends to deliver welfare savings of £12 billion in full and move the UK towards a national living wage.

The Chief Executive advised that in terms of education in England, plans were still going ahead for a new national funding formula for schools as part of what the chancellor had described as being a total financial support package of £10billion. He added that some analysts had estimated that local government funding in England would be cut by £7

billion over the next few years. How Wales' budget would change remained unclear, but there were plans to establish a Welsh "funding floor" which would reportedly guarantee funding of £115 for every £100 spent in England. The block grant to Wales would apparently be almost £15 billion by 2019/20, and income tax powers be partially devolved.

The Chief Executive added that Capital spending looked set to rise by more than £900million over five years. Business rates would be reformed to enable Councils to keep any revenue generated, and the uniform business rates would be scrapped. The Chancellor had also advised that Councils would be able to keep 100 per cent of any receipts they receive from the sale of assets while a rate relief scheme for small businesses would be extended for another year.

The Chief Executive informed Council that of particular interest from the spending review was that UK Government funding has been committed toward the City Deal for the Cardiff Capital Region, although no figure was announced. The Chief Executive added that a large part of the announcement focussed on how the Chancellor planned to double the housing budget to £2billion a year in order to generate 400,000 affordable new homes to rent and buy by 2020 and how the right to buy would be extended to tenants of housing associations.

The Chief Executive added that in more general terms, departmental spending had been cut by 37% on transport, 17% on business, 20% on Culture and 15% on the Environment. He further added that the above was just a quick flavour of what was announced before the meeting of Council commenced and was awaiting to see what further information would be revealed and that the potential implications for Wales would be.

The Chief Executive stated that Members would have seen an announcement from Public Services Minister Leighton Andrews regarding the latest status of proposals for possible local government reorganisation in Wales where he spoke of the publication of the Draft Local Government (Wales) Bill, the likely cost of mergers and what level of long-term savings could be achieved. He stated that at this stage the proposed merger of Bridgend County Borough Council with Merthyr Tydfil and Rhondda Cynon Taff is still high on the table, although it was of course important to note that the proposal remained in a draft form and may be subject to further change. He added that BCBC were examining the assumed costs and savings in greater detail, but as the draft bill run to 600 pages and looked at more than just plans for reorganisation BCBC were also studying it to establish its full scope and potential implications for the future of local government. The Chief Executive further added that as the Authority were still a long way off the creation of any new authorities he had reminded staff of the importance of remaining focussed on taking Bridgend County Borough Council forward in the face of the need to deliver budget reductions of at least £50 over the next few years.

551. TO RECEIVE THE REPORT OF THE LEADER

The Leader announced that following the recent dreadful terrorist attacks in Paris, he advised members he had drafted a letter as Leader to the First Minister expressing the sympathies and concerns of the people of the county borough, and requested that he pass these on in any dealings he may have on the matter. He added that the Mayor had also written directly to the French Consulate, and the authority had observed the national one minute silence with the flags placed at half-mast.

The Leader stated that members may have seen that Welsh Government had confirmed it was due to contribute £580 million towards a City Deal proposal that could be worth up to £1.28 billion. This marked a major commitment and the Leader had recently joined

with the leaders of nine other local authorities to submit an outline of their proposals to the UK Government ahead of the comprehensive spending review. He added that the City Deal would require close working with UK Government, Welsh Government and the private sector, and if successful would deliver many benefits linked to the economy and transport connectivity. It would also improve local productivity, create new jobs and improve the quality of life for people living throughout the South East Wales area. The Leader stated that he was proud that Bridgend County Borough Council was playing a key role in the project, and was looking forward to keeping Members updated on as it progressed further.

Finally, the Leader informed members that not long after the authority first came into being BCBC marked the completion in the Garw Valley of what was then the largest land reclamation project in Europe. He added that he was always impressed at the scale of that project and how it was continuing to benefit local people almost twenty years later, so he was overjoyed to see work begin in the neighboring Llynfi Valley on an ambitious 10 year plan to transform the former Coegnant Colliery and Maesteg Washery site into an all-new community woodland. He advised that as well as creating a range of wildlife habitats and bringing part of the valley back into public use, the project was intended to help reduce the risk of flooding in the area. It would involve the planting of 60,000 broadleaf, ornamental and fruit trees, and the Authority were working closely with Welsh Government, Natural Resources Wales, the Ford Motor Company and Maesteg Town Council on the project. The Leader added that this was going to create a cleaner, greener space that would encourage people to be more active, and was sure to have a long and lasting impact on the lives of local residents as well as visitors.

552. HALF YEAR TREASURY MANAGEMENT REPORT 2015-16

The Head of Finance and ICT provided Members with the Half –Year Treasury Management report. He advised members that the Council was required to operate the overall treasury function with regard to the Code and that it was formally adopted by the Council in February 2012. This included a requirement for the Council to approve a Treasury Management Strategy (TMS) before the start of each financial year which set out the Councils and Chief Financial Officer's responsibilities, delegation and reporting arrangements. He added that Council approved the TMS 2015-16 on 25 February 2015.

The Head of Finance and ICT referred to the table detailed in paragraph 4 of the report and stated that the £19.25 million was due to mature in 2054 and related to the Lender's Option Borrowers Option (LOBO) loans which may be rescheduled in advance of the maturity date. The LOBO rate and term may vary in the future depending upon the prevailing market rates, the lender exercising their option to increase rates at one of the bi-annual trigger points and therefore, the Council being given the option to accept the increase or to repay the loan without incurring a penalty. The current average interest rate for these LOBO's was 4.65% compared to the PWLB Loans average interest rate of 4.70%

The Head of Finance and ICT stated that the long term liabilities figure of £23.62 million at 30 September 2015 included £19.04 million for the Council's Private Finance Initiative (PFI) arrangement (for the provision of a Secondary School in Maesteg) and a new Long Term Liability of £2.40 million relating to a loan from the WG Central Capital Retained Fund for regeneration works within the Llynfi Valley.

The Head of Finance and ICT informed Council that the Bank Rate started the financial year at 0.50% and it had remained at that level from 1 April to 30 September 2015. He added that it was expected to remain at that level for the 2015-16 financial year.

The Head of Finance and ICT stated that Cipfa's Code of Practice for Treasury Management required all Local Authorities to conduct a mid-year review of its treasury management policies, practices and activities. As a result of the review it was not deemed necessary to make any changes to the main parts of the Treasury Management Strategy 2015-16, however, it the review stated it would be beneficial for the Council to make some minor revisions to the Investment Strategy included within the Statement to enable increased flexibility and increase the investment opportunities available to the Council whilst still maintaining security. Following consultation with Alingclose the proposed main changes were:

- Reduce the UK Local Authorities individual counterparty limit from £15 million to £12 million
- Increase the unsecured investments with Building Societies group limit from £5 million to £6 million
- Add additional wording to clarify to the counterparty limits

A Member referred to para 4.4.3 of the report and asked where the favourable cash flows came from and how they compared to previous years. The member also stated that it may be useful in future years to have a pre-Council briefing on the report so members fully understand its content. The Head of Finance and ICT advised that at the same period for the last financial year there was a similar increase in cash flow and this was income received from residents that choose to pay their Council tax up front in the first half of the year. He also advised that training sessions for the Audit Committee on the Treasury Management could be opened up to members if they felt it would be of benefit to them.

RESOLVED: That Council –

1. Approved the changes to the Investment Strategy within the Treasury Management Strategy 2015-16 as highlighted in the report
2. Noted the treasury management activities for the first half of 2015-16
3. Noted the projected Treasury Management and Prudential Indicators for 2015-16

553. 2016-17 COUNCIL TAX BASE

The Head of Finance and ICT reported that under the Local Government Finance Act 1992 (as amended), Council was required to set the tax base upon which council tax was levied by the authority and other precepting bodies. The information was required by Welsh Government to allocate the Revenue Support Grant (RSG) to local authorities and by the Council to calculate the Council tax required to fund the 2016-17 budget.

The Head of Finance and ICT advised that the estimated Council tax base for 2016-17 was £53,247.37 and the estimated collection rate was 97.5% which was 0.5% increase on the previous year. He added that the Council tax element of the Council's budget requirement would be based on the net council tax base for each community area and details of these were attached at appendix A of the report.

A member referred to the table in appendix A of the report and noted that the 97.5% collection percentage was an estimated figure; they stated that members would be better informed if they could see actual figures and not an estimate. The Head of Finance and ICT stated that the figures were an estimate due to the timescales being in the future, he advised that he was able to share actual figures for previous years as a comparison if members preferred.

Members questioned the 0.5% increase in the estimated collection percentage of the Council Tax base and asked if the Town and Community Councils would have more financial resources available to them than previous years. The Head of Finance and ICT explained that the estimated collection percentage was used to calculate the Council's RSG and that the Town and Community Councils would collect 0.5% more Council tax than they did in the previous year.

RESOLVED: 1. Council approved the Council tax base and collection rate for 2016-17 as shown in paragraph 4.1 of the report
 2. Council approved the tax bases for the Community areas set out in Appendix A of the report.

554. WEBCASTING OF COUNCIL MEETINGS

The Assistant Chief Executive Legal and Regulatory Services submitted a report to Council regarding the progress that had been made in respect of the implantation of webcasting for meetings of Council and its Committees. He explained that the following benefits had been identified that could be achieved from the broadcasting of public meetings:

- Transparent governance and accountability
- Citizen engagement and understanding of the democratic process for example understanding of planning decisions
- Enables the Local Government (Wales) Measure 2011 requirement for engaging public in Scrutiny
- Incentive for high standards of member attendance, engagement and conduct at meetings
- Effective means of communicating to officers and other members information and decisions. Archived meetings could also be a useful part of officer induction and training.
- Opportunities for members to learn from peer observation and inform potential candidates about their role to encourage democratic renewal.

The Assistant Chief Executive Legal and Regulatory Services reminded members that Council approved the recording and broadcasting of meetings and approved initial proposals to take forward the webcasting of meetings on 30 April 2014. Council agreed that to reduce the cost of implementation and operation, the Council Chamber would be used for all webcasts. As a result, work was carried out to improve the displays and update some of the presentation systems within the Council chamber and a pilot webcast had taken place as proof of concept.

The Assistant Chief Executive Legal and Regulatory Services advised that an initial plan based on a formal Committee meeting lasting 3 hours was being proposed which would enable many of the public formal Committees to be webcast before 30 March 2016. As the Development Control Committee was a regulatory Committee and currently had a higher level of public interest than other committees it was proposed that two meetings of that Committee be webcast during that period. The Assistant Chief Executive Legal and Regulatory Services informed Members that additional webcasting refresher training would be provided to members and officers. Training sessions had been provisionally arranged for 4 January 2016 and a further session would be held on 25 January 2016.

RESOLVED: That Council considered the content of the report and approved the implementation of webcasting to Bridgend County Borough Council

555. OVERVIEW AND SCRUTINY ANNUAL REPORT 2014-15

The Assistant Chief Executive Legal and Regulatory Services presented Council with a review of work undertaken by the Overview and Scrutiny function during the period September 2014 – September 2015. He advised that since 2008 there had been a number of incremental changes to the corporate structure. Some changes to the remits of the Committees had been undertaken but these changes had only been to realign the scrutiny Committees to the directorate responsibilities. He added that with the significant challenges faced by the Authority to meet the requirements of the MTFs, savings have had to be made across all departments and Directorates, with scrutiny being no exception.

The Chief Executive Legal and Regulatory Services informed members that following a work programming exercise in 2014 it was identified that there was a significant volume of replication between the scrutiny committees. Members expressed their concerns that this was a duplication of effort and distracted the committees from undertaking effective scrutiny of the service areas. He advised that to address this and other concerns a review of the activities of Scrutiny was undertaken. Proposals were developed in consultation with the Scrutiny Chairpersons which were subsequently collated into a report for presentation to Council in April 2015. The Future Delivery of Effective Scrutiny report proposed a significant number of changes to address the concerns of Members, this included scrutiny of the following topics and to be co-ordinated by the Corporate Resources & Improvement Overview and Scrutiny Committee:

- a. Performance Monitoring
- b. Corporate Plan
- c. Business Planning
- d. Budget Monitoring

The Assistant Chief Executive Legal and Regulatory Services stated to Members that covering reports from the scrutiny officers to the Scrutiny Committees had now ceased. He explained that scrutiny officers had begun to work with the service officers to prepare their reports in accordance with the Committee requirements. He added that the process would continue to be developed and it was hoped that reports presented to the Scrutiny Committees would fully meet their requirements. The involvement of scrutiny officers to support the authors of the reports would also reduce the likelihood of additional requests for information being made by the committee, thereby substantially reducing the considerable amount of time spent by Scrutiny and other officers within the directorates in following up requests for further information.

The Assistant Chief Executive Legal and Regulatory Services explained that Scrutiny activities could be wide ranging and diverse and were not necessarily experienced by stakeholders within the process in a consistent and easily describable way. For example, Research and Evaluation Panels provided a less formal form of interaction between Committee Members and invitees than a traditional Committee meeting setting allows for. However, 'Call-Ins' were a very different experience for invitees and the impact of Scrutiny in these two instances would be specific to each case. He added that striking an effective balance between the 'challenge' and 'support' elements of the Scrutiny function was reliant on Committees building strong working relationships and demonstrating other key skills such as negotiation and influencing, team-working, policy analysis and questioning techniques.

The Assistant Chief Executive Legal and Regulatory Services advised members of the further work that would be carried out by Overview and Scrutiny which was as followed:

COUNCIL - WEDNESDAY, 25 NOVEMBER 2015

- To develop and improve current processes to enable Scrutiny Officers to better track and monitor recommendations once they have been made to Cabinet or Officers.
- Work with senior officers and Cabinet to develop a process to ensure that responses by Cabinet to recommendations from Scrutiny are received in a consistent and timely manner.
- Develop the ability of Scrutiny to communicate effectively with the public and to better facilitate engagement and participation in democratic accountability.

Members thanked the officers for the report and noted that a small amount of staff were relied upon for effective Scrutiny and therefore encouraged collaboration with neighboring authorities. Members also welcomed the future development work for Scrutiny and encouraged engagement with the public.

RESOLVED: Council noted the content of the report

556. URGENT ITEMS

None

The meeting closed at 4.21 pm

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO COUNCIL

16 DECEMBER 2015

CABINET MEMBER FOR REGENERATION AND ECONOMIC DEVELOPMENT

GAMBLING ACT 2005 STATEMENT OF LICENSING PRINCIPLES 2016-2019

Any recommendation expressed in this report reflects only the preliminary view of Cabinet. Where the Cabinet Members participate in the decision making process they will not make a final determination on this matter without consideration of the debate and any other relevant matter.

1. Purpose of Report.

- 1.1 To approve the Council's Statement of Licensing Principles for gambling premises to cover the period 2016-2019.

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

- 2.1 The proposal is required to effectively discharge the functions of the authority to comply with the Gambling Act 2005.

3. Background.

- 3.1 The Gambling Commission is the unified regulator for gambling in Great Britain and it is responsible for granting operating and personal licences for commercial gambling operators. However, the responsibility for licensing individual premises, as well as functions in relation to issuing permits and registrations rests with local authorities. The Gambling Commission issues statutory Guidance on the manner in which local authorities are to exercise their functions under the Gambling Act 2005.
- 3.2 The Council, as a licensing authority must publish, on a three year basis, a Statement of Licensing Principles governing the policy, regulation and decision making process relating to gambling premises. The current Statement of Licensing Principles is due to expire in January 2016. A formal consultation must be undertaken before a new statement is published.
- 3.3 This report outlines the response to the consultation and makes recommendations for revisions to the Statement of Licensing Policy, the approval of which is a Council function. The proposed amendments are shown highlighted in grey within the document.
- 3.4 The consultation process is prescribed by legislation but is extended to include BCBC Members, Town and Community Councils, community groups and consultation via the Council's website. A list of consultees is shown within the draft Statement of Licensing Principles attached as Appendix A to this report.

- 3.5 The Council as a licensing authority carries out a number of regulatory functions including to:
- licence premises for gambling activities (betting shops, bingo, adult gaming centres)
 - grant permits for gaming and gaming machines in clubs and miners' welfare institutes
 - regulate gaming and gaming machines in alcohol-licensed premises
 - grant permits to family entertainment centres (FECs) for the use of certain lower stake gaming machines
 - consider occasional use notices for betting at tracks
 - register small societies' lotteries.
- 3.5.1 The Act sets out three licensing objectives which are central to regulating gambling. These are:
- preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
 - ensuring that gambling is conducted in a fair and open way
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 3.6 The authority cannot take into account other considerations such as moral or ethical objections to gambling. In addition, it is not responsible for regulating remote gambling and cannot therefore adopt policy guidelines in respect of online gambling via the internet, telephone or television.
- 3.7 The Council's primary obligation under Section 153 (1) of the Gambling Act 2005 is to permit the use of premises for gambling insofar as it thinks that to do so is:
- a) In accordance with relevant codes of practice issued by the Gambling Commission;
 - b) In accordance with guidance issued by the Commission;
 - c) Reasonably consistent with the licensing objectives; and
 - d) In accordance with the Licensing Authority Statement of Policy subject to a) to c) above:

The Guidance also emphasises that in seeking to encourage consistency across licensing areas, the Commission does not seek to fetter the discretion that authorities have under the Act to make decisions which reflect local circumstances.

4. Current situation / proposal.

- 4.1 The proposed policy reflects the Fifth Edition of the statutory Guidance published by the Gambling Commission, and there are minor revisions in respect of Council

information and priorities. In addition, there are minor updates to the policies relating to motorway service area premises etc at Section 3.1 and to provisional applications which are set out in Section 3.9.1.

4.2 An officer review of current premises and complaints was undertaken to establish if there were any area-based issues which would inform local policy. Seven complaints were received in the three year period preceding the review, the majority of which related to the siting of machines in non- authorised premises, but no trends or area specific concerns have been identified.

4.3 Social Responsibility

The Gambling Commission has reviewed the social responsibility provisions within the regulatory regime. It publishes the general licence conditions and codes of practice (LCCP) which apply to licensed gambling operators. The review considered better ways of preventing and reducing gambling-related harm, and increasing player protection measures.

From April 2016, gambling operators will be required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises. Local authorities are now able provide an indication of the issues they would expect operators to consider when compiling the risk assessment. These are set out in Section 3.1 of the draft policy at Appendix A and include consideration of the location and layout of premises, staff supervision, and whether there are local concerns regarding young or vulnerable persons.

4.4 In addition, the responses from the consultation are as follows:

4.4.1 The Campaign for Fairer Gambling (CFG) has submitted the following request for consideration.

“As part of your Council’s gambling policy over the next three years, we recommend you contain a statement supporting further regulatory action against FOBTs, with greater powers of control devolved to councils. “

A Fixed Odds Betting Terminal (FOBT) is a machine sited in betting shops, which offers a variety of games, including roulette. Each machine accepts bets for amounts up to a pre-set maximum and pays out according to fixed odds on the simulated outcomes of games. The Gambling Act 2005 classified FOBTs as Category B2 gaming machines. Up to four machines can be sited on betting shop premises. The maximum stake on a single bet is £100 and the maximum prize is £500.

The CFG has proposed that the maximum stake is reduced to £2 along with other measures to mitigate problem gambling. A summary of the concerns forwarded to the Council is attached at Appendix B to this report.

Locally, since the Act came into force in 2005, there have been two additional betting shop licences granted, one in the Brackla Street Centre in Bridgend and on Bridgend Industrial Estate bringing the total to seventeen in the County Borough. However, there have been no complaints received or concerns raised regarding the usage of these machines which would inform a local policy.

The issue of devolving additional powers or changing the stakes and prizes or the number of machines located in a premises is one which requires primary and secondary legislation and is outside the scope of this policy. It is therefore proposed that the subject is kept under review should there be further legislative developments or guidance issued by the Gambling Commission.

- 4.4.2 Gosschalks Solicitors submitted a response on behalf of the Association of British Bookmakers (ABB) which is attached at Appendix C. The ABB represent some of the high street betting operators.

This response raises a number of points relating to the draft statement which are dealt with in turn as follows: The relevant paragraphs are highlighted within the draft document at Appendix A.

In respect of paragraphs 2.4 and 2.4.2, the consultee advises that the policy should reflect that the location of premises and the potential risk associated with locations such as schools is now a matter for the operator to address within the local area risk assessment. This representation is accepted and the paragraph has been amended accordingly.

The consultee advises that in respect of paragraph 2.9.1, the policy should emphasise that the authority will only impose conditions on a licence where there is clear evidence of a need to do so. This is a relevant consideration and the paragraph has been amended accordingly.

Paragraph 3.1 of the draft policy contained a number of suggested issues that an operator might take into consideration when compiling a risk assessment relating to gambling premises. The issue was not meant to be prescriptive, but to give guidance only. The list originally included considering the proximity of places of worship and benefit payment days. The consultee has made representations that neither of these issues are relevant to the licensing objectives. These representations are accepted and the relevant points have been omitted from Paragraph 3.1.

- 4.4.3 Coral Racing Limited also submitted representations which are shown at Appendix D and are addressed in the above-mentioned amendments at paragraph 4.4.2.

5. Effect upon Policy Framework & Procedure Rules.

- 5.1 None

6. Equality Impact Assessment

- 6.1 There are no negative equality implications.

7. Financial Implications.

- 7.1 There are no financial implications to the report.

8. Recommendation.

- 8.1 Council is requested to approve the publication of the Statement of Licensing Principles for gambling premises as attached at Appendix A.
- 8.2 Council is requested to approve the issuing of the statutory notice of publication which will be made available on the Council's website, at County Borough libraries and be placed on the Council's public notice board.

Councillor C E Smith
Cabinet Member
Regeneration and Economic Development

Date 9 December 2015

Contact Officer: Yvonne Witchell
Team Manager - Licensing

Telephone: (01656) 643105
E-mail: Yvonne.Witchell@bridgend.gov.uk

Postal Address Civic Offices, Angel Street, Bridgend, CF31 4WB

Background documents

Gambling Commission Guidance to licensing authorities September 2015 available from www.gamblingcommission.gov.uk

House of Commons Library Fixed Odds Betting terminals by John Woodhouse available from www.parliament.uk/commons-library

This page is intentionally left blank

GAMBLING ACT 2005: BRIDGEND COUNTY BOROUGH COUNCIL



DRAFT STATEMENT OF PRINCIPLES

This document is also available in Welsh
Other formats available on request.

Version 3.0
Date comes into effect:

Note:

Numbering etc will be added to this document following the end of the consultation process

PREFACE

Gambling and betting are regulated by the Gambling Commission, whose duties include the licensing of operators and individuals involved in providing gambling and betting facilities. Bridgend County Borough Council, in its role as a licensing authority has a duty under the Act, to licence premises where gambling takes place and to licence certain other activities, including the registration of small society lotteries.

This document sets out how the licensing authority intends to approach this task. It should be noted that this policy statement will not override the right of any person to make an application, to make representations about an application, or to apply for a review of a licence. Every matter will be considered on its merits and according to the statutory requirements of the Gambling Act 2005.

CONTACT DETAILS

Licensing and Registration, Legal and Regulatory Services
Bridgend County Borough Council
Level Four Civic Offices
Angel Street, Bridgend, CF31 4WB

licensing@bridgend.gov.uk

Telephone: 01656 643643

Website: www.bridgend.gov.uk

The licensing authority has made every effort to ensure accuracy of this document and any typographic errors should be drawn to our attention. Any information contained within is not intended to be a substitute for independent legal advice. Should you have any comments or feedback once this Statement is published please send them to the above address.

Other websites of interest:

www.gamblingcommission.gov.uk

www.gamcare.org.uk

Index

Subject	Page
INTRODUCTORY SECTION	4
CONSIDERATION OF APPLICATIONS	14
PRINCIPLES GOVERNING THE CONSIDERATION OF SPECIFIC CLASSES OF PREMISES OR PERMIT	20
PERMITS / TEMPORARY & OCCASIONAL USE NOTICES	26
DECISION MAKING AND DELEGATION OF FUNCTIONS	32
RIGHTS OF APPEAL AND JUDICIAL REVIEW	34

1.0 INTRODUCTORY SECTION

1.1 The Licensing Objectives

A fundamental principle of this Statement is that in carrying out its functions the Bridgend County Borough Council licensing authority (“the licensing authority”) will perform its functions in accordance with the three licensing objectives set out in the Gambling Act 2005 (“the Act”).

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

This licensing authority will aim to permit the use of premises for gambling so far as it is satisfied that the application is:

- a. in accordance with any relevant code of practice issued by the Gambling Commission under Section 24 of the Act;
- b. in accordance with any relevant Guidance issued by the Gambling Commission under Section 25 of the Act (referred to within this document as “the Guidance”);
- c. reasonably consistent with the licensing objectives subject to a. and b. above ; and
- d. in accordance with the authority’s Statement of Licensing Policy published under Section 349 of the Act subject to a. to c. above.

- 1.2 This Statement 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.

Summary of matters dealt with in this Statement

The regulatory functions for which the licensing authority is responsible are:

- Licensing of premises for gambling activities
- Consideration of notices given for the temporary use of premises for gambling
- Granting of permits for gaming and gaming machines in clubs and miners’ welfare institutes
- Granting of permits to family entertainment centres (FEC) for the use of certain lower stake gaming machines
- Granting of permits for prize gaming
- Consideration of occasional use notices for betting at tracks

- Registration of small societies' lotteries.
- Premises Licence Reviews
- Information provision to the Gambling Commission
- Maintenance of statutory registers

1.3 This Statement relates to all those licensable premises, notices, permits and registrations identified as falling within the provisions of the Act, which include:-

- Casinos;
- Bingo Premises;
- Betting Premises;
- Tracks;
- Adult Gaming Centres;
- Family Entertainment Centres (FEC's);
- Unlicensed FEC gaming machine permits
- Club Gaming and Club Machine Permits;
- Prize Gaming and Prize Gaming Permits;
- Temporary and Occasional Use Notices;
- Registration of small society lotteries;
- Notifications from alcohol licensed premises for the use of two or less gaming machines;
- Provisional Statements.

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

1.4 Geographical area under which the Bridgend County Borough Council licensing authority will exercise functions under the Gambling Act 2005

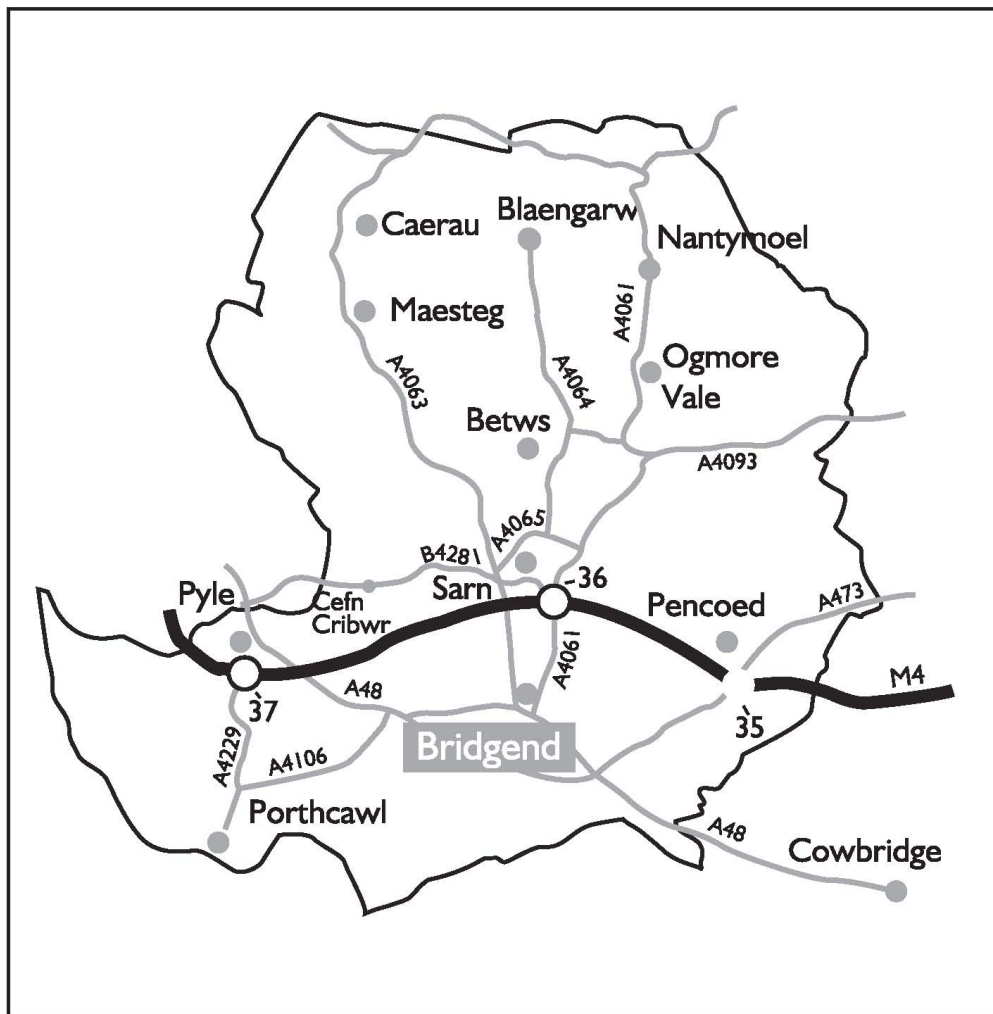
With its Bristol Channel coastline and mix of urban and rural communities, the County Borough lies at the geographical heart of South Wales and has a population of about 133,000. Its land area of 28,500 hectares stretches 20km from east to west and occupies the Llynfi, Garw and Ogmere valleys. The largest town is Bridgend (pop: 39,773), followed by Maesteg (pop: 20,700) and the seaside resort of Porthcawl (pop: 19,238).*source www.bridgend.gov.uk A plan of the area is reproduced below.

Bridgend County Borough Council is currently consulting on the following strategic themes: More up to date information will be published on the Council's website:

1. Supporting a successful economy.
2. Helping people to be more self-reliant.
3. Smarter use of resources.

The geographical area to which this policy applies is:

BRIDGEND COUNTY BOROUGH



BRIDGEND COUNTY BOROUGH COUNCIL
CIVIC OFFICES, ANGEL STREET, BRIDGEND, CF31 4WB.
TEL: 01656 643643 FAX: 01656 668126

□ Crown copyright. All rights reserved (Bridgend County Borough Council Licence Number 100023405, 2006).

The authority has undertaken a local analysis of the gambling profile of Bridgend County Borough Council.

Premises/Permit Type	Number of Premises	Comments
Betting	18	18+
Bingo	2	18+
Adult Gaming Centre	6	18+
Family Entertainment Centre	4	Mixed access with 18+ segregated area
Registered Members Club	27	
Licensed Premises	8	Licensed premises with more than 2 machines
Licensed Premises	82	Automatic entitlement for two machines
Family Entertainment centre (permit)	10	Typically Seaside venues – all age access
Total Number of premises where gambling available	157	

There are also 153 local groups and societies registered to conduct lotteries for fundraising purposes.

1.6 Designation of the body competent to advise on protecting children and other vulnerable persons from being harmed or exploited by gambling (Section 157)

The licensing authority will consider the following principles when designating the body competent to advise on protecting children and other vulnerable persons from being harmed or exploited by gambling:

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

Having regard to the Commission's Guidance, the authority designates the Bridgend Children's Directorate, Safeguarding and Family Support as the most appropriate body to carry out this function.

1.7 How the Council will determine who qualifies as an Interested Party

Interested Parties can make representations to the licensing authority about licensing applications, or apply for a review of an existing licence. An interested party is someone who:

- Lives sufficiently close to the premises and is likely to be affected by the authorised activities or
- Has business interests that might be affected by the authorised activities or
- Represents persons in either category above

When exercising the powers under section 158 of the Act to determine whether a person is an interested party in relation to a premises licence, or an application for a premises licence, the licensing authority will follow the Guidance to Licensing Authorities issued by the Gambling Commission (hereafter referred to in this document as “the Guidance” and comprising all subsequent amendments). It will consider whether a person is an interested party with regard to a particular premises on a case by case basis, judging each on its merits and no rigid rule will be applied in the decision making process.

The principles which may be applied in each case are:

- The size and nature of the premises
- The distance of the premises from the person making the representations
- The potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment)
- The circumstances of the person(s) making the representations. (These are not the personal circumstances of the complainant but the interests of the complainant which may be relevant to the distance from the premises).

In determining whether a person has a business interest that could be affected, the licensing authority may take into account, amongst other things,

- The size of the premises
- The “catchment area” of the premises (how far people travel to visit the premises)
- Whether the person making the representation has business interests in this “catchment area” that might be affected

The authority considers that the following groups come within the category of those who could represent persons living close to the premises, or have business interests that may be affected by it as:

- Trade associations
- Residents’ and Tenants’ associations
- Charities
- Faith Groups
- Medical Practices

- School Head or Governor
- Community Group

The licensing authority will consider persons who are democratically elected as interested parties for example Councillors, AM's and MP's or Town, Community or Parish Councillors.

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.

If individuals wish to approach Councillors to ask them to represent their views, 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 the party should contact Licensing and Registration Section for information.

All parties are reminded that representations must relate to the licensing objectives. If an interested party has difficulty in making representations, they should contact the Licensing Section for advice.

Due consideration will be given to all relevant representations unless they are considered to be frivolous, vexatious or repetitious. The principles which will be applied in the decision making process are likely to be:

- Who is making the representation and whether there is a history of making representations that are not relevant
- Whether the representation relates to the licensing objectives
- Whether the representation is specific to the premises that are subject to the application

Any such decision will be made objectively and not on the basis of any political judgement. Where a representation is rejected a written statement of reasons will be issued.

In the absence of any regulations or statutory provision representations should ideally:

- Indicate the name and address of the person or organisation making the representation
- Indicate the premises to which the representation relates
- Indicate the proximity of the premise to the person making the representation
- Set out the reasons for making the representation
- Advise the licensing authority if any special assistance is required in submitting or making the representation in writing or orally

- Electronic submission of representations is deemed to be equal to written submission

1.8 Representations

Persons making representations should be aware that full disclosure of representations will be made available to applicants and published as part of Council reports to allow for transparency and negotiation between parties. In the event of a hearing, all representations will form part of a public report unless the person making the representations can satisfy the Council that there is a compelling reason not to do so.

Interested parties and responsible authorities are reminded that the Act does not include the prevention of public nuisance as a licensing objective. This is dealt with under separate legislation. The only representations that are likely to be relevant are those that relate to the licensing objectives, or which raise issues set out in this policy, the Guidance or Gambling Commission Codes of practice.

1.9 Responsible Authorities

The responsible authorities for this licensing authority are:

Section to be updated prior to publication

South Wales Police Divisional Police Station "F" Division Bridgend Brackla Street Bridgend CF31 1BZ	
Bridgend County Borough Council Legal and Regulatory Services Public Protection Department Civic Offices Angel Street Bridgend CF31 4WB Telephone: 01656 643260	Bridgend County Borough Council Communities Directorate Regeneration and Development Development Control (Planning) Civic Offices Angel Street Bridgend CF31 4WB Telephone:01656 643155
Bridgend County Borough Council	Health and Safety Executive

Children's Directorate Safeguarding and Family Support Civic Offices, Angel Street, Bridgend CF31 4WB	Government Buildings Phase 1 - Ty Glas Road Llanishen Cardiff CF14 5SH
South Wales Fire and Rescue Service Fire Safety Department Forest View Business Park Llantrisant CF72 8LX	The Gambling Commission Victoria Square House Victoria Square BIRMINGHAM B2 4BP
H. M. Revenue & Customs Ty Nant 180 High Street SWANSEA SA1 5AP	

Please note that the addresses of these bodies may change from time to time and you are advised to contact the Licensing Section before submitting an application.

1.10 Information Exchange and Responsible Authorities

In fulfilling its functions and obligations under the Act the Council will exchange relevant information with other regulatory bodies or responsible authorities and will establish separate protocols with these bodies where applicable. In exchanging such information, the Council will comply with the requirements of data protection, freedom of information, existing Council policies and any Guidance issued by the Gambling Commission. Section 29 of the Act places an obligation on the authority to comply with the Gambling Commission's information requests and the Gambling Commission's website sets out the information exchange protocols in place.

1.11 Regulation and Instituting Criminal Proceedings

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 in that section, the licensing authority will ensure compliance with the terms of premises licences and other permissions which it authorises.

The main enforcement and compliance role for this authority will be in respect of premises and other permissions for which it has responsibility. The Gambling Commission will be the enforcement body for operating and personal licences and concerns about manufacture, supply or repair of gaming machines will be notified to the Gambling Commission.

The principles for regulation will be informed by the Gambling Commission's Guidance and will endeavour to be in accordance with the principles of better regulation.

The principles to be followed are that regulators and regulation should be:

- Proportionate, appropriate to the risk posed, accountable, consistent and transparent.

This licensing authority will adopt a risk-based inspection programme of premises; the following criteria are to be used in determining the level of risk in respect of premises.

Use of licensed premises for the sale and distribution of drugs and the laundering of the proceeds of drugs crimes;

Use of licensed premises for the sale and distribution of illegal firearms;

Use of licensed premises for prostitution or the sale of unlawful pornography;

Use of licensed premises as a base for organised criminal activity;

Use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;

Use of licensed premises for the sale of smuggled tobacco or goods;

The use of licensed premises for the sale of stolen goods.

Where children and/or vulnerable persons are put at risk.

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 licensee or business concerned to seek a local resolution.

Where any party has made valid representations about licensed premises, or a valid application for a licence to be reviewed, the licensing authority is minded to support conciliation meetings to address and clarify the issues of concern. This process will not override the right of any party to ask that the licensing authority consider their valid objections, or for any licence holder or applicant to decline to participate in a conciliation meeting.

The authority recognises that certain operators have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest opportunity, the authority requests that operators provide a single named point of contact who should be a senior individual within the organisation, and whom the authority will endeavour to contact first should any compliance issues arise.

The Council will take account of the guidance issued by the Gambling Commission and any subsequent amendments, in respect of making test

purchases at gambling premises and will also have regard to its own policies and procedures regarding the use of underage test purchasers.

1.12 Integration with existing legislation and local and national strategies

The licensing authority will follow the Guidance issued by the Gambling Commission when determining applications and will not take into account irrelevant matters, i.e. those not related to gambling objectives. In the unlikely event that the licensing authority perceives a conflict between a provision of a Gambling Commission code of practice or the statutory guidance issued by the Commission, and the authority's policy statement, the Gambling Commission's codes and Guidance will take precedence.

The licensing authority will have regard to the Guidance in respect of the relationship between planning permission, building regulations and the granting of premises licences

1.13 The Statement of Licensing Principles will be reviewed in accordance with the provisions of the Act and will serve as a basis for determining licence applications.

1.14 Following consideration of the consultation responses, the Statement was approved at a meeting of Council held on ***** and comes into effect on ***** A copy is available at www.bridgend.gov.uk.

A copy is also available free of charge from the Licensing Section and in other formats on request.

1.15 A list of persons whom the authority has consulted in preparing the statement.

The Council consulted with the following bodies before adopting the Statement:

The Chief Constable:South Wales Police
The Chief Fire Officer: South Wales Fire & Rescue Service
Council Safeguarding and Partnership leads
Town and Community Councils
Bridgend Local Health Board
Faith Groups
Community Safety Partnership members
H. M. Revenue & Customs
Association of British Bookmakers (ABB)
BACTA
British Assoc. of Leisure Parks, Piers & Attractions Ltd.
GAMCARE
The Gambling Commission
Equality groups

Public consultation also took place via the authority's website between 5 October 2015 and 30 November 2015.

1.16 Casinos

This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the full Council. Should the Council pass such a resolution, this licensing authority will consider applications in line with the guidance issued by the Gambling Commission.

1.17 Declaration

In producing the final Statement, the licensing authority has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and responses from those consulted on the Statement. The authority has also had regard to its responsibilities under Section 17 of the Crime and Disorder Act 1998 and the Human Rights Act 1998 (Articles 1, 6, 8 and 10), and legislation to eliminate unlawful discrimination and inequality.

The Council recognizes its diverse responsibilities under equality legislation and will monitor impact of these statutory duties through its various corporate equality schemes and impact assessments. The Statement of Licensing Principles is not intended to duplicate existing legislation and regulatory regimes which already place obligations on employees and operators of gambling establishments.

When discharging its functions, the licensing authority will have regard to the different considerations between the objectives set out in the Licensing Act 2003 and the Gambling Act 2005. When deciding whether or not to grant a licence, the licensing authority will not have regard to the expected demand or need for gambling premises that are the subject of the application.

The Guidance to Local Authorities issued by the Gambling Commission may be revised from time to time and references to criteria etc. set out in this statement are to be construed as referring to the current edition of the Guidance.

2.0 CONSIDERATION OF APPLICATIONS

2.1 Nothing in this Statement will:

Undermine the rights of any person to apply under the Act for a variety of permissions and have the application considered on its individual merits, or

Override the right of any person to make representations on any application or seek a review of a licence or permit where they are permitted to do so under the Act, or

Preclude each case being decided on its merits taking into account the measures proposed by an applicant to address the gambling licensing objectives.

2.2 The licensing authority's primary obligation under section 153(1) of the Act is to permit the use of premises in so far as it thinks that to do so is:

- a. in accordance with relevant codes of practice issued by the Commission
- b. in accordance with guidance issued by the Commission
- c. reasonably consistent with the licensing objectives (subject to (a) and (b) above),

and
- d. in accordance with the Licensing Authority Statement of Policy published by the authority (subject to (a) to (c) above).

2.3 Primary Gambling Activity and Definition of Premises

2.3.1 In considering applications and undertaking its regulatory role the licensing authority will apply the principles and tests set out in the Guidance in respect of the following matters:

- The primary gambling activity of the premises
- The definition of a "premises"
- Multi-purpose sites and multiple licences for a building
- Division of premises and access between premises

Full details are contained in the current Guidance and the licensing authority will have regard to any future revisions of these definitions. The authority will therefore consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

2.3.2 This authority will have regard to the Commission's Guidance in respect of the relationship between planning permission, building regulations and granting of a premises licence.

2.3.3 The licensing authority will be mindful that operators can apply for a premises licence in respect of premises which have still to be constructed or altered and will determine any such application on its merits. The authority will adopt the process of assessment advocated by the Commission in its Guidance. It will also consider imposing an effective date of commencement of the licence or a condition stating when a licence will come into effect, as the case may be, to ensure that premises are constructed in accordance with plans. The authority will consider a physical inspection as an appropriate means of ensuring compliance with any condition imposed.

2.4 Location of premises

2.4.1 This licensing authority will follow the Commission's guidance that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. 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.

2.4.2 When determining applications or reviews the authority will determine each application on its merits and if an applicant can show how risks to the licensing objectives can be mitigated, the licensing authority will take this into account in its decision making.

2.4.3 The licensing authority will give sympathetic consideration to the re-siting of premises within the same locality subject to any representations which highlight a likely negative impact on the licensing objectives.

2.4.4 The licensing authority recommends applicants to consider adopting the British Amusement Catering Trade Association's (BACTA) voluntary codes of practice relating to social responsibility, good practice, training initiatives and age of entry control policies.

2.4.5 The licensing authority recommends that applicants consider BACTA and GamCare codes of policy regarding site self-exclusion to support those persons who have difficulty controlling their gambling.

2.5 Vessels and vehicles

2.5.1 The Act permits premises licences to be granted for passenger vessels. Separate application forms are prescribed for vessels under the Premises Licences and Provisional Statements Regulations. This authority adopts the definition of vessels and vehicles set out in the Act and the criteria set out in the Guidance when considering structures which are an extension of the land, including a pier or a bridge which are to be considered as premises under the Act and all other matters relating to vessels and the waters over which it has jurisdiction to act.

2.5.2 The Act allows pleasure boats to apply for premises licences and the Guidance set out by the Gambling Commission in this and all other matters relating to vessels.

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

2.6.1 The licensing authority will pay due regard to the proposed location of gambling premises in terms of this licensing objective and to the distinctions between serious crime, disorder and nuisance. The licensing authority will only grant a licence application if it is satisfied that crime prevention has been adequately addressed.

2.6.2 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 appropriate such as the provision of door supervisors. The licensing authority will not address issues of nuisance which can be addressed by other relevant legislation or general nuisance issues e.g. parking or anti-social behaviour.

2.6.3 Applicants are encouraged to discuss the crime prevention procedures in their premises with the South Wales Police before making a formal application.

2.6.4 In considering licence applications, the licensing authority will particularly take into account the following:

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

This list is not exhaustive and applicants may propose other measures which will address this licensing objective. Applicants for a premises licence will first need to obtain an operating licence issued by the Gambling Commission. As a result the licensing authority will not be primarily concerned with the suitability of an applicant, but where those concerns do arise, the licensing authority will bring these to the attention of the Gambling Commission.

2.7 Ensuring that gambling is conducted in a fair and open way

2.7.1 The Gambling Commission does not generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way; this will be addressed via operating and personal licences save with regard to tracks, which is explained in more detail below. The authority will, as required, advise the Commission if there is evidence that this objective is not being met.

2.8 Protecting children and other vulnerable persons from being harmed or exploited by gambling

2.8.1 This authority will have regard to the intention of the Gambling Act that, with limited exceptions, children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult-only environments. The objective refers to children from being harmed or exploited by gambling. This means preventing them from taking part in gambling and for there to be restrictions on advertising so that gambling

products are not aimed at children or advertised in such a way that makes them particularly attractive to children, (excepting Category D gaming machines).

The LCCP Codes prescribe how operators must prevent children from using age restricted gaming or gambling activities particularly where gaming machines are licensed. The authority will take all conditions and codes into account when considering applications or undertaking compliance and enforcement activities

2.8.2 Having due regard to the measures set out in the application, and to any relevant representations, the licensing authority may therefore consider 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, training, and siting of ATM's (cash machines).

2.8.4 As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seeking to offer a definition but sets out for regulatory purposes a number of vulnerable groups to may not be able to make informed or balanced decisions about gambling. This licensing authority will consider whether any special considerations apply to this licensing objective on a case by case basis balanced against the objective to aim to permit the use of premises for gambling.

2.9 Considerations relating conditions to be attached to Premises Licences

2.9.1 The licensing authority acknowledges that mandatory conditions are set by the Secretary of State with the intention that no further regulation in relation to that matter is required. Therefore it is considered extremely unlikely that the authority will need to impose individual conditions imposing a more restrictive regime in relation to matters that have already been dealt with by mandatory conditions. The licensing authority will only consider imposing conditions where there is evidence of regulatory concerns of an exceptional nature and any additional licence conditions **will be evidence based** and relate to the licensing objectives.

2.9.2 In addition to any default conditions that may be prescribed by regulation, any conditions attached to licences by the licensing authority 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.

2.9.3 This licensing authority will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

2.9.4 This licensing authority take particular care in assessing applications for multiple premises licences for a building in accordance with the Gambling Commission's Guidance.

DRAFT

2.10 Door Supervisors

2.10.1 Where the authority exercises its discretion to impose a premises licence condition to require entrances to the premises to be controlled by a door supervisor, that person is required to be licensed under the Private Security Industries Act 2001 (PSIA). Each case will be judged on its merits within the overarching Guidance relating to imposing conditions above any Mandatory Conditions.

3.0 PRINCIPLES GOVERNING THE CONSIDERATION OF SPECIFIC CLASSES OF PREMISES OR PERMIT

3.1 In addition to the general principles to be applied when considering applications, the following issues may be considered in appropriate circumstances in respect of the following specific classes of permit or premises.

The Licence Conditions and Code of Practice (LCCP) issued by the Gambling Commission commencing in May 2015 places further onus on premises to complete a risk assessment based on the Social Responsibility code. The authority will have regard to this code when considering applications. Operators may access this information via the Gambling Commission website at www.gamblingcommission.gov.uk

Risk Assessments (with effect from 6 April 2016)

The Gambling Commission and social responsibility code within the LCCP requires gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks. These local risk assessments are specific to the potential harm that gambling may have on one or more of the licensing objectives. They should be specific to the premises, the local area and the community and the licensing authority therefore expects the applicant to have a good understanding of the area in which they either operate, or intend to operate.

It is a mandatory requirement that risk assessments are carried out:

- When there are significant changes in local circumstances
- When there are significant changes at a licensee's premises that may affect their mitigation of local risks
- When applying for the grant or variation of a premises licence

This is not an exhaustive or prescriptive list, but matters that risk assessment may include are:

- The area in which the premises is located/to be located
- Staff training in intervention when a customer shows signs of excessive gambling

- Location and coverage of CCTV cameras and how the system is operated and monitored
- The layout of the premises to allow staff to have an unobstructed view of persons using the premises
- Staff numbers including the supervisory and monitoring arrangements when staff are absent from the licensed area by reason of dealing with customers
- Arrangements for monitoring and dealing with underage persons and vulnerable persons, which may include dedicated trained personnel, leaflets, posters etc.
- Information held by the licensee regarding self-exclusions and incidences of underage gambling
- Arrangements for localized exchange of information regarding self-exclusions and gaming trends
- Setting, including proximity to schools, youth centres, leisure centres, other gambling outlets, refreshment and entertainment type facilities, parks and playgrounds
- Known problems in the area involving young persons such as problems arising from anti-social behaviour

Appropriate Licence Environment

Where gambling facilities are provided at premises as a supplementary activity to the main purpose of the premises e.g. at motorway service areas and shopping malls, the 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.

3.2 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 ensure that under 18 year olds do not have access to the premises. This licensing authority will expect applicants to offer their own measures to meet the licensing objectives, however appropriate measures may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- The display of sources of help for persons with a gambling problem in prominent areas, and in more discreet areas to afford anonymity.
- Self-barring and self-exclusion schemes
- Gaming odds to be clearly displayed on machines
- ATM or other cash machines to be separate from gaming machines

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

3.3 (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 will expect applicants to offer their own measures to comply with the licensing objectives and mandatory conditions; however appropriate measures may cover issues such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring and 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.
- Gaming odds to be clearly displayed on machines
- ATM or other cash machines to be separate from gaming machines

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

3.4 Bingo premises

Bingo is not given a statutory definition in the Act and the licensing authority will have regard to the commonly understood terms of cash bingo and prize bingo laid down in the Guidance.

This licensing authority will have regard to the Gambling Commission's Guidance and Mandatory Conditions relating to the admission of children to premises licensed for bingo.

3.5 Betting premises

Children and young persons will not be able to enter premises with a betting premises licence although special rules will apply to tracks. The licensing authority intends to follow the Commission's Guidance in respect of off course betting and premises licences.

3.6 Tracks

3.6.1 This licensing authority adopts the Guidance set out by the Gambling Commission in terms of definitions of tracks and the grant of premises licences. It 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).

3.6.2 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.

3.6.3 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives; however appropriate measures may cover issues 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-barring and self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare
- Gaming odds to be clearly displayed on machines
- ATM or other cash machines to be separate from gaming machines

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

3.6.4 Plans should make clear what is being sought for authorization under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence. Plans need not be to a particular scale but should be sufficiently detailed to comply with regulations and enable the licensing authority to make an informed judgement about whether the premises are fit for gambling. The authority will have regard to the specific Guidance issued in respect tracks including defining the outer perimeter of a track and the location of betting areas

3.7 Travelling Fairs

3.7.1 The licensing authority adopts the Commission's Guidance on this matter.

3.8 Conditions and avoiding duplication with other legislation

3.8.1 A range of general legislation governing health and safety, disability and race discrimination, employment law and fire safety is already imposed on the

owners of gambling premises. The licensing authority will strive not to duplicate existing regulatory regimes.

3.9 Consideration of Provisional Statements

3.9.1 Section 204 of the 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
- expects to acquire a right to occupy.

The Guidance states that a licence to use premises for gambling should only be issued in relation to a premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future. If the construction of the 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 submitted.

The authority will follow the Gambling Commission guidance in respect of the two stage process for determining an application.

3.9.2 Applicants for premises licences must fulfil certain criteria. They must hold or have applied for an operating licence from the Commission (except in the case of a track), and they must have the right to occupy the premises in respect of which their premises licence application is made. However, these restrictions do not apply in relation to an application for a provisional statement. The licensing authority will not speculate on or otherwise take into account the likelihood of an operating licence being granted in its consideration of the application for a provisional statement.

3.9.3 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 way of representations at the provisional licence stage,
- which, in the authority's opinion, reflect a change in the operator's circumstances,
- where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application.

3.9.4 This must be a substantial change to the plan and licensing authorities will discuss any concerns they have with the applicant before making a decision.

3.9.5 The licensing authority will not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.

3.9.6 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant

authorities or interested parties will 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

4.0 Reviews

4.1 A premises licence may be reviewed by the licensing authority of its own volition or following the receipt of an application for a review. Reviews will be normally be delegated to a Licensing Sub-Committee for determination.

4.2 Consideration of applications for review will be made on the basis of whether the request for the review is relevant to the matters listed below (subject to proviso that each case will be dealt with on merit). Due regard will be given as to whether the request is frivolous, vexatious or repetitious. Representations which may trigger the review process may therefore include:

- Use of licensed premises for the sale and distribution of drugs and the laundering of the proceeds of drugs crimes;
- Use of licensed premises for the sale and distribution of illegal firearms;
- Use of licensed premises for prostitution or the sale of unlawful pornography;
- Use of licensed premises as a base for organised criminal activity;
- Use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;
- Use of licensed premises for the sale of smuggled tobacco or goods;
- The use of licensed premises for the sale of stolen goods;
- Children and/or vulnerable persons are being put at risk.

4.3 In addition, due consideration will be given to the following;

- the grounds are irrelevant;
- the grounds will not cause the Licensing Authority to revoke or suspend a licence or to remove, amend or attach conditions on the Premises Licence;
- the grounds are substantially the same as the grounds cited in a previous application relating to the same premises; or
- the grounds are substantially the same as representations made at the time the application for a Premises Licence was considered.

5.0 PERMITS / TEMPORARY & OCCASIONAL USE NOTICES

5.1 Unlicensed Family Entertainment Centre gaming machine permits

- 5.1.1 The licensing authority does not intend to publish a separate statement of principles for considering applicant suitability for applications for FEC permits under paragraph 7 of Schedule 10 to the Act and, for ease of reference, includes this as part of this policy document.
- 5.1.2 Application for a permit can only be made by a person who occupies or plans to occupy the premises to be used as an unlicensed FEC and, if the applicant is an individual, he or she must be aged 18 or over. Applications for a permit cannot be made if a premises licence is in effect for the same premises.
- 5.1.3 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 of the Gambling Act 2005).
- 5.1.4 The licensing authority adopts the Gambling Commission's Guidance for local authorities in respect of these permits, giving particular weight to child protection issues.
- 5.1.5 An application for a permit is likely to be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC and the applicant can demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - that he or she 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;
- 5.1.6 The licensing authority will have regard to membership of any trade association which has included training and guidance to operators.
- 5.1.7 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:
 - staff training as regards suspected truant school children on the premises;
 - measures and or training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.

- It should be noted that a licensing authority cannot attach conditions to this type of permit.

5.2 (Alcohol) Licensed premises gaming machine permits

5.2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to an automatic entitlement to have 2 gaming machines, of categories C and/or D. The premises merely needs to notify the licensing authority of their intention to make gaming machines available for use. The licensing authority will consider making an Order under Section 284 of the Act if it is satisfied that:

- 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.
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

5.2.2 If a premises wishes to have more than two machines, then it needs to apply for a permit and the licensing authority will consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission, 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 harm or being exploited by gambling
- whether the applicant can 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
- Appropriate notices and signage

5.2.3 As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

5.2.4 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.

5.2.5 It should be noted that the licensing authority may decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for.

5.2.6 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.

5.3 Prize Gaming Permits

5.3.1 The licensing authority does not intend to publish a separate statement of principles for considering applicant suitability for applications for prize gaming permits under paragraph 8 of Schedule 14 to the Act and, for ease of reference, includes this as part of this policy document.

5.3.2 This licensing authority will expect that, when making an application for a prize gaming permit, the applicant should set out the types of gaming that he or she is intending to offer and be able to demonstrate:

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

5.3.3 In making its decision on an application for this permit the licensing authority may have regard to the licensing objectives, the Gambling Commission guidance and relevant representations from the South Wales Police. This will include representations about the suitability of an applicant in terms of relevant convictions, the location of the premises in relation to disorder and child protection issues.

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

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;

- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

5.4 Club Gaming and Club Machines Permits

5.4.1 The licensing authority will have regard to and follow the Commission's Guidance in respect of the grant of Club Gaming and Club Machines Permits

5.4.2 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). The licensing authority will follow the Gambling Commission's Guidance that the grounds on which an application under the process may be refused are:

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

5.5 Temporary Use Notices

5.5.1 Part 9 of the Act sets out the position in relation to temporary use notices. These 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.

5.5.2 The licensing authority will have regard to the Guidance regarding the examples of premises that might be suitable for a temporary use notice which include hotels, conference centres and sporting venues.

5.5.3 The meaning of 'premises' in Part 8 of the Act will be a question of fact in the particular circumstances of each notice that is given. The licensing authority will examine, amongst other things, the ownership/occupation and control of the premises and will follow the criteria set out in the Guidance when assessing applications where it appears that the effect of notices would be to permit regular gambling in a place that could be described as one set of premises.

5.5.4 When considering whether to give notice of objection, the licensing authority will have regard to the licensing objectives and if they consider that the gambling should not take place, or only with modifications, they will give a notice of objection to the person who gave the temporary use notice.

5.5.5 The principles that the authority will apply in issuing a counter-notice will be the same as those in determining premises licence applications. In particular, the licensing authority is aware of the Guidance that it should aim to permit the provision of facilities for gambling under a temporary use notice subject to its view as to whether to do so accords with a Commission code, the Guidance, or its Statement of Policy and is reasonably consistent with the licensing objectives.

5.5.6 The licensing authority will have particular regard to whether the effect of Temporary Use Notices is to permit regular gambling in a place that could be described as one set of premises. Factors such as ownership, occupation and control of the premises will be considered when deciding whether to object to a Temporary Use Notice.

5.6 Occasional Use Notices

5.6.1 Section 39 of the Act provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence. The licensing authority is mindful that the meaning of 'track' in the Act covers not just horse racecourses or dog tracks, but also any other premises on any part of which a race or other sporting event takes place, or is intended to take place (section 353(1)). This means that land which has a number of uses, one of which fulfils the definition of track, can qualify for the occasional use notice provisions (for example agricultural land upon which a point-to-point meeting takes place). Land used temporarily as a track can qualify, provided races or sporting events take place or will take place there. The track need not be a permanent fixture.

5.6.2 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.

5.7 Small Society Lotteries

5.7.1 Applicants for registration are reminded that it is inherent in the definitions that a society must have been established for one of the permitted purposes, and that the proceeds of any lottery must be devoted to those purposes. It is not permissible to establish a society whose sole purpose is to facilitate lotteries – it must have some other purpose. The authority will apply the following tests:

- society status – the society in question must be 'non-commercial'
- lottery size – the total value of tickets to be put on sale per single lottery must be £20,000 or less, or the aggregate value of tickets to be put on sale for all their lotteries in a calendar year must not exceed £250,000. If the operator plans to exceed either of these values then they may need to be licensed with the Commission to operate large lotteries instead.

5.7.2 The authority recommends applicants and prospective applicants obtain the Commission's advisory documents relating to lotteries which are available on the Commission's website.

5.7.3 Applications for small society lottery registrations must be in the form prescribed by the Secretary of State and be accompanied by both the required registration fee and all necessary documents required by the licensing authority to assess the application accordingly.

5.7.4 The authority may ask new applicants for a copy of their terms and conditions or their constitution to establish that they are a non-commercial society. It may also require applicants to provide a declaration, stating that they represent a bona-fide non-commercial society.

5.7.5 The authority will delegate the registration of small societies to licensing officers, subject to its specific process of delegations.

5.7.6 The authority proposes to set out the following grounds for licensing for refusing a small society lottery registration application:

- An operating licence held by the applicant for registration has been revoked or
- an application for an operating licence made by the applicant for registration has been refused, within the past five years, or
- The society in question cannot be deemed non-commercial. Each case will be determined on its merits but an applicant may be required applicants to provide a statement with their application form declaring that they represented a bona-fide non-commercial society, and identifying how the purpose of the society could be established. In some circumstances further supporting information will be sought.
- A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence. The licensing authority may require an applicant to provide an additional statement declaring that they have no relevant convictions that would prevent them from running lotteries.
- Information provided in or with the application for registration is found to be false or misleading.

5.7.7 The licensing authority will only refuse an application for registration after the society has had the opportunity to make representations. These will normally be considered at a formal hearing. The licensing authority will inform the society of the reasons why it is minded to refuse registration and provide it with at least an outline of the evidence on which it has reached that preliminary conclusion in order to enable representations to be made. Representations and objections that may result after such a decision will be handled in the same way that the authority would handle representations relating to other licensing matters. A copy of these procedures will be provided with the initial correspondence.

5.7.8 The licensing authority may determine to revoke the registration of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time.

5.7.9 Revocations will not take place unless the society has been given an opportunity to make representations at a hearing or via correspondence. In preparation for this, the authority will inform the society of the reasons why it is minded to revoke the registration and provide them with the terms of the evidence on which it has reached that preliminary conclusion.

6.0 DECISION MAKING AND DELEGATION OF FUNCTIONS

6.1 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Licensing Committee may delegate certain decisions and functions and has established Sub-Committees to deal with them. Functions which are purely administrative in nature and non-contentious applications will be delegated to Council Officers.

6.2 A Licensing Sub-Committee of three Councillors will sit to hear applications where representations have been received from interested parties and responsible authorities. Ward Councillors will not sit on a panel involving an application within their ward.

6.3 Where a Councillor who is a member of the Licensing Committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision-making process.

6.4 The Licensing Committee will also sit to determine general licensing matters that have been delegated to it by the full Council that are not associated with the Gambling Act 2005.

6.5 The Licensing Sub-Committee will also refer to the Licensing Committee any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

6.6 The Licensing Committee will refer to the full Council any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

6.7 Every determination of a licensing decision by the Licensing Committee or Sub-Committee shall be accompanied with clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the applicant and those who have made relevant representations as soon as practicable.

- 6.8 Nothing in this Statement will override the right of an applicant, responsible authority or interested party to appeal against the decision of a Licensing Sub-Committee.
- 6.9 Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by Council officers, who will make the decisions on whether representations or applications for licence reviews should be referred to the Licensing Sub-Committee. Where representations are rejected, the person making that representation will be given written reasons as to why that is the case.
- 6.10 This form of delegation is without prejudice to Officers referring an application to a Sub-Committee, or a Sub-Committee to Committee, or Committee to Council, if considered appropriate in the circumstances of any particular case.

Matter	Council	Sub-Committee	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate			X
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club		X	

gaming/ club machine permits			
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Determination as to whether a person is an Interested Party			X
Determination as to whether representations are relevant			X
Determination as whether a representation is frivolous, vexatious or repetitive			X

The above delegations relate to the over arching principles of delegation for policy issues and applications for premises licences. Other delegations may be added from time to time and will be available at www.bridgend.gov.uk in accordance with the Council's constitution and Scheme of Delegation to officers and the Commission's Guidance.

7.0 RIGHTS OF APPEAL AND JUDICIAL REVIEW

- 7.1 The avenues of appeal against decisions by a licensing authority are set out in sections 206 to 209 of the Gambling Act 2005.
- 7.2 The licensing authority will give clear and comprehensive reasons for a rejection of an application. The reasons will address the extent to which the decision has been made with regard to the Licensing Authority's Statement of Policy and the Commission's Guidance.
- 7.3 An appeal has to be commenced by the giving of a notice of appeal by the appellant to the Bridgend Magistrates' Court within a period of 21 days, beginning with the day on which the appellant is notified by the licensing authority of the decision being appealed.
- 7.4 Any party to a decision may apply for judicial review if they believe that the decision taken by the licensing authority is:
- illegal – that is beyond the powers available to the licensing authority

- subject to procedural impropriety or unfairness – which is a failure in the process of reaching the decision, such as not observing the ‘rules of natural justice’
- irrational – where a decision is so unreasonable that no sensible person could have reached it (in effect ‘perverse’ or ‘Wednesbury’ unreasonable).

Sources used to prepare the Statement of Principles included:

The Gambling Commission Guidance available at www.gamblingcommission.gov.uk

Census data from www.bridgend.gov.uk

DRAFT

This page is intentionally left blank

From: [REDACTED]
Sent: 04/09/2015 14:57
To: [REDACTED]
Subject: Re: Submission from the Campaign for Fairer Gambling for the review of the Gambling Act 2005 Statement of Principles 2016/19

Date: 04 September 2015

Dear Council Leader,

Re: Submission from the Campaign for Fairer Gambling for the review of the Gambling Act 2005 Statement of Principles 2016/19

As leader of the council, you will know that Licensing Authorities are required under the Gambling Act 2005 (the Act) to publish a statement of the principles which they propose to apply when exercising their functions in respect of gambling activity within their borough.

Under the Act, Licensing Authorities are required to consult those who represent the interests of persons who are likely to be affected by the exercise of the authority's functions. The Campaign for Fairer Gambling in conjunction with its more focused Stop the FOBTs campaign has prepared this consultation submission for the consideration of all Local Authority licensing committees with particular regard to dealing with the contentious issue of betting shops and Fixed Odds Betting Terminals (FOBTs/B2 classified gaming machines).

We would appreciate if you could share the important contents of this mailing with your Chief Licensing Officer.

Under the Act, Licensed Betting Offices (LBOs) are allowed a maximum of four B2 category gaming machines offering game content defined as B2 with stakes up to £100 per spin, B3 with stakes up to £2 per spin and category C with stakes up to £1 per spin. Also, the bookmakers have merged two game categories (B2 and B3), so in betting shops you can play a low stake £2 capped slot game that suddenly introduces the player to £10, £20, £30 plus stakes per spin.

Despite increasing evidence of the destructive social impact of high speed, high stake casino gaming in betting shops at stakes up to £100 per spin, the previous coalition government and the current Conservative government have failed to take either decisive or effective action to curb FOBTs.

The recent government response to 93 Councils led by Newham calling for the stakes on FOBTs to be cut to £2 per spin laid the blame for the issue of proliferation of betting shops in town centres and consequently FOBTs, at the door of licencing authorities. Marcus Jones MP, Minister for Local Government, wrote:

"It is perhaps an uncomfortable reality that every one of the betting shops that collectively have given rise to the concern at the heart of the submission relies on a premises licence granted by the local authority itself".

He goes on to advise councils of their existing powers under the licensing process, which many local authorities already recognise as limited in scope.

However, he points to "few" local authorities having so far "made effective use of a provision of the Act that we see as being absolutely critical in managing the local gambling landscape". With this statement he is referring to the three year review of local gambling policy now under way across England, Scotland and Wales by local authorities such as yours.

In his letter to Newham, Marcus Jones MP, criticises councils for drafting “generic” and “template” based statements and that the Gambling Commission “will be placing much greater emphasis on the importance of the statements”.

The Campaign for Fairer Gambling has prepared this submission for consideration as part of your review, taking into account the Minister’s advice and focusing on the most prominent issue of contention for licensing authorities – licensed betting offices and the Fixed Odds Betting Terminals they operate.

Enforcement

The main enforcement and compliance role for a licensing authority in terms of the Act is to ensure compliance with the premises licences and other permissions which it authorises. One strategic methodology to measure compliance is to commission test purchasing of premises and staff employed on those premises to transact gambling.

The Gambling Commission (the Commission) notes that “*it is the responsibility of operators to manage the risks to the licensing objectives that their activities may present*”. Licensing authorities are rightly empowered to undertake test purchasing to ensure measures are being implemented effectively. Under guidance from the Commission, test purchasing to evaluate the effectiveness of measures in place on licensed premises concerning self-exclusion, under age controls, anti-money laundering policies and procedures are within the remit of a licensing authority.

However, in the period 2013/2014 across the whole of England, Scotland and Wales, of the two most highly represented licensed premises in high street locations – licensed betting offices (LBO) and adult gaming centres (AGC) - just 825 instances of test purchasing were recorded as being carried out by licensing authorities. To put this in context 599 (6%), of the 9,137 betting shops (to March 2014) and 226 (14%) of the 1,618 AGCs were subject to test purchasing by licensing authorities. Only 37 Councils carried out test purchasing last year.

In most cases, test purchasing focuses on the “protection of the vulnerable” licensing objective and consists of tests for under age access to gambling on licensed premises. However, the Commission is clear that the scope of test purchasing should include the effectiveness of self-exclusion procedures and anti-money laundering controls as well as under age controls. Money laundering in particular has been repeatedly highlighted as a particular area of concern around FOBTs both low level and more highly-organised incidents that revealed serious weaknesses in operator controls.

Premise Licence Conditions

The Minister for Local Government, in his negative response to the Newham-led call for stakes on FOBTs to be cut to £2 per spin, said: “*The licensing process gives authorities considerable scope to attach conditions to licences where that is necessary to achieve the licensing objectives*”.

The tenth betting shop to open in London’s China Town was subject to attached conditions by the Licensing Authority following concerns from the local community and representations from the Police. They included:

- A. Seating provided for use by customers whilst playing FOBTs must be secured to the floor – this is viewed as anticipating aggressive behaviour from FOBT players who suffer large losses
- B. a comprehensive CCTV system covering internal and external frontage with immediate availability to the police must be fitted
- C. an incident log of all incidents on the premises must be kept

- D. minimum 11.5 mm thickness security glass must be fitted to the service area
- E. a “behind the counter” attack alarm must be fitted and each member of staff must be issued with and required to carry on their person a personal fob attack alarm
- F. maglocks fitted to entrance and exit points and even toilet doors.
- G. a minimum of two staff to be present post 8 pm in the evening.

Whilst these measures have some merit in addressing the potential incidents that now occur in betting shops, they are indicative of an escalation in anti-social behaviour as a consequence of gambling activity in these licensed premises. In the first nine months of 2014, Police call outs to betting shops were already up by over 20% on the previous year.

The one condition that Licencing Authorities seem hesitant to impose and, when they do - as per Westminster - is done in a relatively lack lustre manner, is requiring an adequate number of staff on the premises. The number of people employed in the betting sector has fallen by 9,700 since 2008. The industry now staffs most LBOs with just one person. This is particularly risky for staff and undermines industry claims to be promoting “responsible gambling” and “player protection measures” when they absolve responsibility for their premises to one person, generally young and female, working for not much more than minimum wage levels.

No other gambling sector employs lone staffing as a standard policy. It is perceived as irresponsible to leave licensed premises, on which gambling is transacted, under the management and operation of one person. It is within the remit of licencing authorities to impose minimum staffing levels as a condition attached to LBO premises licences.

Locally determined conditions are recommended by the Commission who says; *“Where there are specific, evidenced risks or problems associated with a particular locality, or specific premises or class of premises, a licencing authority will be able to attach individual conditions to address this. That will be a matter for them in the light of local circumstances.”*

However, unlike the conditions attached to the new Soho betting shop that deal with issues that predominantly occur inside the premises, often disturbances occur outside the premises, causing a nuisance for other businesses or residential occupiers. Acts of vandalism against betting premises, youths gathering outside and anti-social behaviour upon leaving betting shops are common cause for concern and complaint. However, Licensing Authorities are unable deal with these issues under their licensing responsibilities. As the Commission notes: *“Unlike the Licensing Act, the Gambling Act does not include, as a specific licencing objective, the prevention of public nuisance. Any nuisance associated with gambling premises should be tackled under other relevant legislation.”* Hence the imposition of conditions to deal with problems emanating from betting shops but occurring outside of the premises is limited in scope.

It is estimated over 100 betting shops per week suffer attacks on FOBTs with very few instances being reported to the Police. These are criminal acts of vandalism always occurring as a consequence of heavy cash losses from FOBT usage. As Licensing Authorities are responsible for gambling activity that takes place on the premises it is perfectly warranted for a condition to be attached to individual or all licensed premises under the licencing authorities’ remit, for the recording and reporting of all such incidents. This would not be considered a regulatory burden and is in keeping with the LA responsibility of keeping crime out of gambling.

Despite the Minister for Local Government pointing to conditions as providing “considerable scope”, in the area of greatest concern, that of high stake, high speed FOBTs, a Licencing Authority has no control or powers. Section 172(10) of the Act provides that conditions may not relate to gaming machine categories, numbers, or method of operation and section 171 prevents an authority imposing conditions in relation to stakes, fees, winnings or prizes.

Section 181 of the Act however contains an express power for licencing authorities to restrict the number of *betting machines*, their nature and circumstances in which they are made available for, by attaching a licence condition to a betting premises licence. These are not defined under the act as FOBTs. Section 181 of the Act refers to these machines as “accepting bets on real events” and betting operators now refer to them as Self Service Betting Terminals (SSBTs). Like the introduction of FOBTs, no controls over numbers per premises have been agreed and it is left to Licencing Authorities, if they see fit, to control their numbers under guidance pertaining to floor space, service counter positions and ability of staff to monitor their use.

There are now estimated to be in excess of 5,000 SSBTs sited in betting shops and this is increasing each month. As with FOBTs, SSBTs are contributing to the further erosion of jobs in betting shops (down 9,700 since 2008) with one operator, Trafalgar Leisure, providing five SSBTs and four FOBTs at each of its licensed premises but they did not offer any human facing over-the-counter betting facilities.

The Gambling Commission lost in their attempt to declare these betting premises as providing “insufficient facilities for betting” and the consequence is that a betting shop will still be a betting shop even if it is used for no other purpose than making machines available for use on premises.

It is essential that Licensing Authorities have particular concern to the development of SSBTs in betting premises and in particular the content made available on what have been deemed “betting machines” and use their powers under section 181 of the Act to control and monitor their proliferation.

Closing note

It is clear to Councils and Councillors that their ability to deal with and curb the proliferation of betting shops in town centres and high streets, as well as controlling the quantity of FOBTs available is severely restricted under the 2005 Gambling Act. Despite the Minister for Local Government’s view that licencing authorities are not making sufficient use of existing powers.

It is proposed to give Scotland the power to vary the number of FOBTs in new betting premises and, subject to amendments in the Scotland Bill, this could be extended as a retrospective power. No such power for Licensing Authorities in England and Wales is proposed just a continual reference to “existing powers”.

The view of the Campaign for Fairer Gambling is that the power to vary the number of FOBTs should be devolved to all Local Authorities and their Licensing Committees as is proposed for Scotland. However, it is not the quantity of machines that essentially creates the problem as can be seen from the latest Gambling Commission statistics.

Sector/Machines	Terminals	Yield (millions)	Yield Share
Betting Shops/B2	34,874	£1,613.60	68%
Bingo B3/4/C/D	52,506	£292.24	12%
Casino B1/2/3	2,925	£166.26	7%
AGC B3/4/C/D	50,530	£306.09	13%
Totals	140,835	£2,378.19	

Figures from the Gambling Commission Industry Statistics to September 2014




All gaming machines other than B2/FOBTs are capped at £2 and under per spin. It is the capacity for large losses that is facilitated by such a high staking capacity (£1 to £100 rather than 25 pence up to £2 as on most other gaming machines) that is the core of the problem regarding the B2 casino content.

As part of your Council's gambling policy over the next three years, we recommend you contain a statement supporting further regulatory action against FOBTs, with greater powers of control devolved to councils.

We urge all councils to support Newham in their action under the Sustainable Communities Act calling for the stakes on FOBTs to be brought in line with all other high street gaming machines at £2 per spin.

If you would like further information, please visit www.stopthefobts.org or contact us at info@stopthefobts.org to discuss in more detail.

Yours sincerely,

  
The Campaign for Fairer Gambling
www.fairergambling.org / www.stopthefobts.org

 Press Officer

email: 

telephone: 

This page is intentionally left blank



GOSCHALKS
SOLICITORS

Appendix C

Licensing and Registration Section
Bridgend County Borough Council
Civic Offices
Angel Street
Bridgend
CF31 4WB

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / SDS / 097505.00004
#GS490861
Your ref:
Date: 25 November 2015

Dear Sir/Madam,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council's review of its gambling policy statement.

The ABB represents over 80% of the high street betting market. Its members include large national operators such as William Hill, Ladbrokes, Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

This response will explain the ABB approach to partnership working with local authorities, it will detail its views on the implementation of the new LCCP requirements, from April 2016, relating to operators' local area risk assessments and their impact on the licensing regime and will then make specific comment with regard to any statement(s) of concern/that are welcomed in your draft policy.

The ABB is concerned to ensure that any changes are not implemented in such a way as to fundamentally change the premises licence regime through undermining the "aim to permit" principle contained within s153 Gambling Act 2005.

The current regime already adequately offers key protections for communities and already provides a clear process (including putting the public on notice) for representations/objections to premises licence applications. The recent planning law changes effective since April 2015 have also already increased the ability of local authorities to consider applications for new premises, as all new betting shops must now apply for planning permission.

It is important that any consideration of the draft policy and its implementation at a local level is put into context. There has recently been press coverage suggesting that there has been a proliferation of betting offices and a rise in problem gambling rates. This is factually incorrect.

Over recent years betting shop numbers have been relatively stable at around 9,000 nationally, but more recently a trend of overall downwards decline can be seen. The latest Gambling Commission industry statistics show that numbers as at 31 Mar 2015 were 8,958 - a decline of 179 from the previous year, when there were 9,137 recorded as at 31 March 2014.

As far as problem gambling is concerned, successive prevalence surveys and health surveys reveal that problem gambling rates in the UK are stable (0.6%) and possibly falling.

Working in partnership with local authorities

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

There are a number of examples of the ABB working closely and successfully in partnership with local authorities.

LGA – ABB Betting Partnership Framework

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA). This was developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms and established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the *“...desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be.”*

The framework built on earlier examples of joint working between councils and the industry, for example the Ealing Southall Betwatch scheme and Medway Responsible Gambling Partnership.

In Ealing, the Southall Betwatch was set up to address concerns about crime and disorder linked to betting shops in the borough. As a result, crime within gambling premises reduced by 50 per cent alongside falls in public order and criminal damage offences.

In December last year, the Medway Responsible Gambling Partnership was launched by Medway Council and the ABB. The first of its kind in Britain, the voluntary agreement allows anyone who is concerned they are developing a problem with their gambling to exclude themselves from all betting shops in the area.

The initiative also saw the industry working together with representatives of Kent Police and with the Medway Community Safety Partnership to develop a Reporting of Crime Protocol that is helpful in informing both the industry, police and other interested parties about levels of crime and the best way to deal with any crime in a way that is proportionate and effective.

Lessons learnt from the initial self-exclusion trial in Medway have been incorporated into a second trial in Glasgow city centre, launched in July this year with the support of Glasgow City Council, which it is hoped will form the basis of a national scheme to be rolled out in time for the LCCP deadline for such a scheme by April 2016.

Jane Chitty, Medway Council's Portfolio Holder for Planning, Economic Growth & Regulation, said: *"The Council has implemented measures that work at a local level but I am pleased to note that the joint work we are doing here in Medway is going to help the development of a national scheme."*

Describing the project, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, Cllr Paul Rooney said: *"This project breaks new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator."*

Primary Authority Partnerships in place between the ABB and local authorities

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities.

These Partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the Partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015.

By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

Local area risk assessments

With effect from 6th April 2016, under new Gambling Commission LCCP provisions, operators are required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated.

Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy and local area profile in their risk assessment, and these must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or a new premises licence.

The ABB is concerned that overly onerous requirements on operators to review their local risk assessments with unnecessary frequency could be damaging. As set out in the LCCP a review

should only be required in response to significant local or premises change. In the ABB's view this should be where evidence can be provided to demonstrate that the change could impact the premises' ability to uphold the three licensing objectives.

Although ABB members will be implementing risk assessment at a local premises level, we do not believe that it is for the licensing authority to prescribe the form of that risk assessment. We believe that to do so would be against better regulation principles. Instead operators should be allowed to gear their risk assessments to their own operational processes informed by Statements of Principles and the local area profile.

The ABB supports the requirement as set out in the LCCP, as this will help sustain a transparent and open dialogue between operators and councils. The ABB is also committed to working pro-actively with local authorities to help drive the development of best practice in this area.

Local Area Profiles – Need for an evidence based approach

It is important that any risks identified in the local area profile are supported by substantive evidence. Where risks are unsubstantiated there is a danger that the regulatory burden will be disproportionate. This may be the case where local authorities include perceived rather than evidenced risks in their local area profiles.

This would distort the "aim to permit" principle set out in the Gambling Act 2005 by moving the burden of proof onto operators. Under the Act, it is incumbent on licensing authorities to provide evidence as to any risks to the licensing objectives, and not on the operator to provide evidence as to how they may mitigate any potential risk.

A reversal of this would represent a significant increase in the resource required for operators to be compliant whilst failing to offer a clear route by which improvements in protections against gambling related harm can be made.

We would also request that where a local area profile is produced by the licensing authority that this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.

Concerns around increases in the regulatory burden on operators

Any increase in the regulatory burden would severely impact on our members at a time when overall shop numbers are in decline, and operators are continuing to respond to and absorb significant recent regulatory change. This includes the increase to 25% of MGD, changes to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

Moving away from an evidence based approach would lead to substantial variation between licensing authorities and increase regulatory compliance costs for our members. This is of particular concern for smaller operators, who do not have the same resources to be able to put

into monitoring differences across all licensing authorities and whose businesses are less able to absorb increases in costs, putting them at risk of closure.

Such variation would in our opinion also weaken the overall standard of regulation at a local level by preventing the easy development of standard or best practice across different local authorities.

Employing additional licence conditions

The ABB believes that additional conditions should only be imposed in exceptional circumstances where there are clear reasons for doing so - in light of the fact that there are already mandatory and default conditions attached to any premises licence. The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statements as to the need for evidence.

This would further increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities.

Specific Policy Comments

The draft statement of principles starts with a statement that indicates that the fundamental principle of the statement is that in carrying out its functions, the Licensing Authority will promote the three licensing objectives. It is important that there is no confusion between the Licensing Act 2003 and Gambling Act 2005 regimes. Under Gambling Act 2005, the Licensing Authority is required to "have regard" to the licensing objectives whilst applications and the operation of licensed premises must be "reasonably consistent" with the licensing objectives. The only body upon whom Gambling Act 2005 confers a duty to promote the licensing objectives is the Gambling Commission.

Paragraph 2.4 of the draft statement of principles explains the Licensing Authority's approach to location of premises and paragraph 2.4.2 indicates that the Licensing Authority will consider very carefully applications in proximity to schools, leisure centres and premises used specifically or to a large degree by young or vulnerable persons. The statement of principles should be clear that there is no higher evidential burden when premises fall where applications are made within such areas and in any event, these matters will be taken into account by the local area risk assessment undertaken from 6th April 2016. Those risk assessments will acknowledge potential risks to the licensing objectives and detail mitigation measures, policies and procedures in place to address those risks.

The ABB welcomes the statement of paragraph 2.9.1 that the Licensing Authority will only consider imposing conditions where there is evidence of regulatory concerns of an exceptional nature. It is important that the statement of principles is clear that conditions will only be imposed where there is evidence of a need to do so is made.

We respectfully submit that the draft statement of principles would be assisted by an indication that the starting point for consideration for any application is that it will be granted subject only to

the mandatory and default conditions as these are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives.

Paragraph 3.1 introduces the risk assessments which must be taken from 6th April 2016 and provides a list of matters that may be included within that risk assessment. We respectfully submit that this list be redrafted as it contains matters that have no bearing whatsoever on the licensing objectives such as gaming trends that may mirror days for financial payments/ or benefit payments and the proximity of premises to places of worship. The requirement is to address risks to the licensing objectives. Benefit payment days and the proximity of churches/ places of worship will have no impact whatsoever on the licensing objectives and therefore these should be removed from the list.

Conclusion

The industry fully supports the development of proportionate and evidenced based regulation, and is committed to minimising the harmful effects of gambling. The ABB is continuing to work closely with the Gambling Commission and the government to further evaluate and build on the measures put in place under the ABB Code for Responsible Gambling, which is mandatory for all our members.

ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, we already do this successfully in partnership with local authorities now. This includes through the ABB Code for Responsible Gambling, which is mandatory for all our members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff. We would encourage local authorities to engage with us as we continue to develop both these codes of practice which are in direct support of the licensing objectives.

Yours faithfully,



GOSSCHALKS

Licensing and Registration,
 Legal and Regulatory Services,
 Bridgend County Borough Council,
 Level Four,
 Civic Offices,
 Angel Street,
 Bridgend,
 CF31 4WB

30th November 2015

Dear Sir,

Consultation on Bridgend County Borough Council's Statement of Principles – Gambling Act 2005

Coral Racing Limited is most grateful to be given the opportunity to respond to this consultation exercise. Coral was one of the first national bookmakers to be licensed under the Betting and Gaming Act of 1960, and so has been operating the length and breadth of the UK for over 50 years. Its premises comprise locations in the inner city, on the high street, in suburbs and in rural areas, and in areas of both high and low deprivation. It now operates 1850 betting offices across Great Britain, which comprise about 20% of all licensed betting offices. It is, therefore, a highly experienced operator.

Coral Racing Limited are broadly supportive of the document. Your statement correctly notes that the Board when considering applications are still required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives'. Please note that when judging applications, the Council should not take into account of any moral objections to gambling and most Council's include a sentence to this effect.

Coral Racing Limited recognise the requirement to supply risk assessments with future applications and variations (requirement is from 6th April 2016) and we are pleased to see this information included and referenced with the relevant sections.

Coral's experience is that, through all it does, it achieves an exemplary degree of compliance, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced with future premises licence applications, Coral believe that these should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed.

We do wish to politely highlight that Coral knows of no evidence that the location of a licensed betting office within the proximity of schools and similar locations mentioned in the statement (section 2.4 & within the new risk assessment section 3.0) causes harm to the licensing objectives. We do appreciate that such locations are included within Gambling Commission guidance to councils.

Coral's general experience, in common with other bookmakers, is that children are not interested in betting, and in any case the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises. There are very many examples of betting offices sited immediately next to schools and colleges as well as being near other leisure activities which are mentioned within the risk assessment section and no evidence whatsoever that they cause problems. We do appreciate that the licensing board have



Coral Racing Limited

One Stratford Place, Montfichet Road, London E20 1EJ

Registered Office: New Castle House, Castle Boulevard, Nottingham NG7 1FT

Registered in England No. 541600

Tel: 020 3288 7000 Fax: 020 3288 7050

a  company

flexibility in this regard when granting licences but caution against any inference of a link between the location & proximity of schools to betting shops and problem gambling.

The reason for Coral's caution against making such perceptions is that it already operates systems which ensure that the licensing objectives are strongly promoted across its estate.

For example:

- Coral benefits from an operating licence granted by the national regulator, the Gambling Commission. Therefore, its corporate systems for the promotion of the licensing objectives have been approved by the Commission, which continues to exercise vigilance in this regard through inspections and examination of regulatory returns.
- Coral is subject to the Licence Conditions and Codes of Practice, which are effectively the national code of operation to ensure that the licensing objectives are promoted.
- It carries out health and safety risk assessments pursuant to its legal obligations. These assessments are shortly to be extended so that formal compliance assessments are conducted.
- It conducts risk assessments in relation to Exposure to Violence, Aggression and Conflict (EVAC assessments).
- It operates the assessment principles of the Safe Bet Alliance, the national code for safe premises. It was one of the architects of the code.
- It operates the ABB's Code for Responsible Gambling, and again was one of the architects of that code.
- It operates an extensive compliance manual, upon which all staff members are trained. Copies are available for your inspection if required.
- It contributes to the Responsible Gambling Trust, which seems to promote responsible gambling who in-turn contribute to GamCare, the national problem gambling charity.

If we can provide any further information, we would be pleased to do so.

Yours faithfully,



John Liddle
Director of Development – Coral Retail

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO COUNCIL

16 DECEMBER 2016

REPORT OF THE CHIEF EXECUTIVE

WALES AUDIT OFFICE – ANNUAL IMPROVEMENT REPORT (AIR) ON BRIDGEND COUNTY BOROUGH COUNCIL SEPTEMBER 2015

1. Purpose of Report.

- 1.1 To introduce the report of the Auditor General to Council (attached as Appendix 1).

2. Connection to Corporate Improvement Objectives / Other Corporate Priority.

- 2.1 The report includes an assessment of whether the Council met statutory continuous improvement duties contained within the Local Government (Wales) Measure 2009. It focuses on the Council's delivery of its improvement objectives that were defined for 2014-15 and its planning of improvement for 2015-16.

3. Background.

- 3.1 Each year, the Auditor General is required to audit the improvement planning and reporting arrangements of each Welsh improvement authority and prepare an Annual Improvement Report (AIR) to summarise the findings.
- 3.2 For 2014-15, the Auditor General undertook improvement assessment work under three themes: performance; use of resources; and governance. Individual projects undertaken by the Wales Audit Office and other regulators are listed on pages 5-6 of the attached report.
- 3.3 The report also includes a summary of the key findings from reports issued by the Care and Social Services Inspectorate Wales (CSSIW), Her Majesty's Inspectorate for Education and Training in Wales (Estyn) and the Welsh Language Commissioner.

4. Current situation / proposal.

- 4.1 The overall conclusion of the report is positive, as follows:

The Council continued to make progress in delivering improvements in its priority areas and recognises the need to support improvement of children's services; its forward planning arrangements and track record suggest it is well placed to secure improvement in 2015-16 (p.5 of the attached report).

- 4.2 Headline findings under each theme are summarised below:

Performance

- National indicators for 2013-14 showed a mixed picture of performance with a particular fall in performance in children's services indicators.
- The Council is driving improvement in education.
- The Council has made some progress in addressing the key areas for improvement identified by the Care and Social Services Inspectorate Wales but significant challenges remain.
- The Council is delivering most aspects of environmental health services above or at minimum standard.
- The Council made good progress in committing its discretionary housing payments but it is not able to judge the effectiveness of its work in addressing the impact of welfare reform.
- The Council continues to take action to extend the provision of Welsh in the delivery of its services.

Use of resources

- The Council has complied with its responsibilities relating to financial reporting and use of resources (audit of the Council's accounts).
- The Council is maintaining a robust approach to its Medium Term Financial Strategy.
- Council arrangements for identifying and making savings demonstrate most of the factors required for achieving success.

Governance

- The Council has successfully adopted alternative methods of service delivery in the past, is currently managing them effectively and is exploring options for the future.
- Arrangements for meeting safeguarding responsibilities to children were adequate.

4.3 The Auditor General did not make any statutory recommendations, but made 13 specific proposals for improvement. A summary of the key findings is included in the attached report (p.7) so is the summary of the proposals for improvement (p.9)

5. Effect upon Policy Framework & Procedure Rules.

5.1 There is no effect upon the Policy Framework and the Procedure Rules.

6. Equality Impact Assessment.

6.1 No equality impact assessment has been undertaken as the Auditor General's Annual Improvement Report is essentially a retrospective assessment of the Council's performance.

7. Financial Implications.

7.1 There are no financial implications in this report.

8. Recommendation.

8.1 That Council notes the Annual Improvement Report produced by the WAO.

Darren Mepham
Chief Executive
29 November 2015

Contact Officer: Yuan Shen, Corporate Improvement Manager
Telephone: (01656) 643224
E-mail: yuan.shen@bridgend.gov.uk

Postal Address Ravens Court, Bridgend, CF31 4AP

Background documents

None

This page is intentionally left blank



WALES AUDIT OFFICE
SWYDDFA ARCHWILIO CYMRU

Annual Improvement Report 2014-15

Bridgend County Borough Council

Issued: September 2015

Document reference: 452A2015



This Annual Improvement Report has been prepared on behalf of the Auditor General for Wales by Steve Barry and Helen Keatley under the direction of Jane Holownia.

Huw Vaughan Thomas
Auditor General for Wales
Wales Audit Office
24 Cathedral Road
Cardiff
CF11 9LJ

The Auditor General is independent of government, and is appointed by Her Majesty the Queen. The Auditor General undertakes his work using staff and other resources provided by the Wales Audit Office Board, which is a statutory board established for that purpose and to monitor and advise the Auditor General. The Wales Audit Office is held to account by the National Assembly.

The Auditor General audits local government bodies in Wales, including unitary authorities, police, probation, fire and rescue authorities, national parks and community councils. He also conducts local government value for money studies and assesses compliance with the requirements of the Local Government (Wales) Measure 2009.

Beyond local government, the Auditor General is the external auditor of the Welsh Government and its sponsored and related public bodies, the Assembly Commission and National Health Service bodies in Wales.

The Auditor General and staff of the Wales Audit Office aim to provide public-focused and proportionate reporting on the stewardship of public resources and in the process provide insight and promote improvement.

Contents

Summary report	4
Purpose of this report	4
The Council continued to make progress in delivering improvements in its priority areas and recognises the need to support improvement of children's services; its forward planning arrangements and track record suggest it is well placed to secure improvement in 2015-16	5
2014-15 performance audit work	5
Headlines – a summary of key findings	7
Proposals for improvement and recommendations	8
Detailed report	10
Performance	11
Use of resources	17
Governance	20
Appendices	
Appendix 1 – Status of this report	23
Appendix 2 – Audit of the Council's 2014-15 Improvement Plan	24
Appendix 3 – Audit of the Council's assessment of 2013-14 performance	26
Appendix 4 – Annual Audit Letter	28
Appendix 5 – National report recommendations	30
Appendix 6 – Useful information about the Council's resources	35

Summary report

Purpose of this report

- 1 Each year, the Auditor General is required to audit the improvement planning and reporting arrangements of Welsh councils, fire and rescue authorities and national park authorities, and to assess whether each authority will meet statutory continuous improvement duties¹. This work has been undertaken on behalf of the Auditor General by staff of the Wales Audit Office. **Appendix 1** provides more information about the Auditor General's powers and duties in local government.
- 2 In addition, the Auditor General undertakes an in-depth corporate assessment at each authority on a cyclical basis (currently at least once every four years). In the intervening years, in addition to audits of improvement planning and reporting, the Wales Audit Office, on behalf of the Auditor General, will keep track of developments and focus further assessment work on a number of key themes, developed in discussion with each authority.
- 3 This Annual Improvement Report (AIR) summarises the audit work undertaken at Bridgend County Borough Council (the Council) since the last such report was published in May 2014. This report also includes a summary of the key findings from reports issued by 'relevant regulators', namely: the Care and Social Services Inspectorate Wales (CSSIW); Her Majesty's Inspectorate for Education and Training in Wales (Estyn); and the Welsh Language Commissioner (the Commissioner). Nonetheless, this report does not represent a comprehensive review of all the Council's arrangements or services. The conclusions in this report are based on the work carried out at the Council by relevant external review bodies and, unless stated otherwise, reflect the situation at the point in time that such work was concluded.
- 4 Taking into consideration the work carried out during 2014-15, the Auditor General will state in this report whether he believes that the Council is likely to make arrangements to secure continuous improvement for 2015-16.
- 5 This statement should not be seen as a definitive diagnosis of organisational health or as a prediction of future success. Rather, it should be viewed as providing an opinion on the extent to which the arrangements currently in place are reasonably sound insofar as can be ascertained from the work carried out.
- 6 We want to find out if this report gives you the information you need and whether it is easy to understand. You can let us know your views by e-mailing us at info@audit.wales or writing to us at 24 Cathedral Road, Cardiff, CF11 9LJ.

¹ Duties and requirements contained within the Local Government (Wales) Measure 2009 (the Measure).

The Council continued to make progress in delivering improvements in its priority areas and recognises the need to support improvement of children’s services; its forward planning arrangements and track record suggest it is well placed to secure improvement in 2015-16

7 The Auditor General has based this conclusion on the performance audit work carried out during the year by the Wales Audit Office and the inspection work of other regulators. The projects undertaken, together with the resultant findings and proposals for improvement, are summarised below.

2014-15 performance audit work

8 In determining the breadth of work undertaken during the year, we considered the extent of accumulated audit and inspection knowledge as well as other available sources of information including the Council’s own mechanisms for review and evaluation. For 2014-15, we undertook improvement assessment work under three themes: performance; use of resources; and governance. Individual projects undertaken by the Wales Audit Office and the other regulators during the year included:

Project name	Brief description	Dates [when the work was carried out]
Wales Audit Office Study of Performance Management Arrangements	The effectiveness of the Council’s performance management arrangements.	October to December 2014
Wales Audit Office Study: Delivering with Less: The Impact on Environmental Health Services and Citizens	All-Wales review of the impact of financial pressures on the environmental health services and citizens.	April 2014 to January 2015
Wales Audit Office Review of Discretionary Housing Payments	The Council’s performance and effectiveness in administering Discretionary Housing Payments (DHP).	January to March 2015
CSSIW Performance Evaluation Report 2013-14	CSSIW’s review of the performance of the Council’s adult and children’s services.	April to October 2014
Estyn Monitoring Visits	An update on the Council’s progress to address areas requiring improvement as identified by Estyn in October 2012.	March 2014 and December 2014

Project name	Brief description	Dates when the work was undertaken
Welsh Language Commissioner Review	A review of the Council's adherence to Welsh language standards.	July to August 2014
Wales Audit Office Study: Financial Planning Review	Review of the Council's financial position and how it is budgeting and delivering on required savings.	July to September 2014
Wales Audit Office Study: Arrangements for Identifying and Making Savings	The effectiveness of the Council's current and planned future approach – to making savings.	January to March 2015
Wales Audit Office Evaluation of Alternative Models of Service Delivery	An assessment of how well prepared the Council is to evaluate future options for service delivery.	April to July 2015
Wales Audit Office Study: Arrangements to Support Safeguarding of Children	All-Wales review of councils' arrangements to support the safeguarding of children; includes review of the Council's whistleblowing arrangements.	April to October 2014
Wales Audit Office Annual 'Improvement Plan' Audit	Review of the Council's published plans for delivering on improvement objectives.	April to June 2014
Wales Audit Office Annual 'Assessment of Performance' Audit	Review of the Council's published performance assessment, including testing and validation of performance information.	October/November 2014
Audit of Accounts	Review of the Council's financial statements and whether they give a true and fair view of the financial position of the Council and of its expenditure and income for the year.	April to November 2014

Headlines – a summary of key findings

- 9 The table below summarises the key findings of work undertaken by the Wales Audit Office, and the other regulators, in 2014-15.

Theme	Study
Performance	<p>Wales Audit Office: Performance management arrangements. National indicators for 2013-14 showed a mixed picture of performance with a particular fall in performance in children's services indicators. The Council is continuing to focus improvement activity in the right areas and refining its reporting systems.</p> <p>Estyn's final monitoring visit took place in December 2014 and found the Council had made significant progress in implementing the 2012 inspection recommendations and that no further monitoring was required.</p> <p>CSSIW identified the Council had made some progress in addressing key areas for improvement but significant challenges remain.</p> <p>Wales Audit Office: The Council is delivering most aspects of environmental health services above or at minimum standard.</p> <p>Wales Audit Office: The Council made good progress in committing its DHP but it is not able to judge the effectiveness of its work in addressing the impact of welfare reform.</p> <p>Welsh Language Commissioner: The Council continues to take action to extend the provision of Welsh in the delivery of its services.</p>
Use of resources	<p>Wales Audit Office: The Council has complied with its responsibilities relating to financial reporting and use of resources.</p> <p>Wales Audit Office: The Council is maintaining a robust approach to its Medium Term Financial Strategy.</p> <p>Wales Audit Office: Council arrangements for identifying and making savings demonstrate most of the factors required for achieving success.</p>
Governance	<p>Wales Audit Office: The Council has successfully adopted alternative methods of service delivery in the past, is currently managing them effectively and is exploring options for the future.</p> <p>Wales Audit Office: Arrangements for meeting safeguarding responsibilities to children were adequate.</p>
Improvement planning and reporting audits	<p>Wales Audit Office: The Auditor General issued audit certificates stating that the Council had discharged its duties under the Local Government (Wales) Measure 2009 (Appendices 2 and 3).</p>
Audit of accounts	<p>Wales Audit Office: On 10 November 2014, the Appointed Auditor issued an Annual Audit Letter to the Council. The letter summarises the key messages arising from his statutory responsibilities under the Public Audit (Wales) Act 2004 and his reporting responsibilities under the Code of Audit Practice. The Appointed Auditor issued an unqualified opinion on the Council's accounting statements confirming that they present a true and fair view of the Council's financial position and transactions (Appendix 4).</p>

Proposals for improvement and recommendations

- 10 Given the wide range of services provided by the Council and the challenges it is facing, it would be unusual if we did not find things that can be improved. The Auditor General is able to:
 - a make proposals for improvement – if proposals are made to the Council, we would expect it to do something about them and we will follow up what happens;
 - b make formal recommendations for improvement – if a formal recommendation is made, the Council must prepare a response to that recommendation within 30 working days;
 - c conduct a special inspection and publish a report and make recommendations; and
 - d recommend to Ministers of the Welsh Government that they intervene in some way.
- 11 During the course of the year, the Auditor General did not make any formal recommendations. However, lower-priority issues, known as proposals for improvement, are contained in our other reports but may be referred to later on in this report. We will continue to monitor proposals for improvement during the course of our improvement assessment work.
- 12 The Auditor General also makes recommendations that may be relevant to councils in his local government national reports. A list of relevant recommendations contained in reports issued in 2014-15 can be found in [Appendix 5](#).

Proposals for improvement

Proposals for improvement	
Performance	
P1	Explain the reason for an improvement target and the scale of improvement expected.
P2	Review 'measures of success' to ensure they enable an evaluation of intended performance and that the explanation of performance is based upon that measure.
Resources	
Medium Term Financial Strategy	
P3	Further refine 'dashboard' reporting arrangements to enable evaluation of the impact of financial reductions on service quality.
P4	Include more details within the Medium Term Financial Strategy about how it addresses each improvement objective; this would allow the Council to illustrate investment in areas relating to its improvement priorities.
Savings Strategy	
P5	The Council should clarify its medium-term vision and what this means for corporate priorities and the future shape of the Council so that managers can better plan for service changes and cost reductions.
P6	The Council should encourage the wider use of management information by service managers to inform potential savings plans.
Governance	
Alternative methods of service delivery	
P7	Establish preferred options at service level based on the Council's values as a means of providing guidance for options appraisal.
P8	If alternative methods of delivery are to be pursued, ensure strategies provide clarity of purpose and are supported by clear measures of success.
P9	Evaluate the skills and knowledge required to successfully negotiate change of this nature and the means by which the Council will secure such skills and knowledge.
Safeguarding	
P10	Finalise a Corporate Safeguarding Policy that clearly specifies roles, responsibilities and procedures for safeguarding.
P11	Complete the Social Care Strategic Improvement Board review of performance information and produce measures that provide adequate assurance that systems are working effectively.
P12	Ensure that the corporate induction programme for all new staff includes training on safeguarding and child protection issues and the Council's corporate policy on safeguarding.
P13	Identify and agree an appropriate internal audit programme of work for safeguarding.

Detailed report

The Council continued to make progress in delivering improvements in its priority areas and recognises the need to support improvement of children's services; its forward planning arrangements and track record suggest it is well placed to secure improvement in 2015-16



Performance

National indicators for 2013-14 showed a mixed picture of performance with a particular fall in performance in children's services indicators

- 13 The Welsh Government requires all councils to report on a common set of indicators to enable a comparison of performance in key service areas across Wales. Thirty national strategic indicators have been set that cover the Welsh Government's strategic priorities. Councils in Wales have also adopted 14 public accountability measures because they reflect issues of local importance such as support for carers, school attendance and the condition of highways.
- 14 In summary, of the total of 43 indicators and measures where a comparison can be made, results for 2013-14 showed the Council:
 - a was ranked in the top six in Wales for 10 of the 43 indicators;
 - b was ranked in the bottom six in Wales for 17 of the 43 indicators;
 - c improved in 22 of the 43 indicators compared to the previous year;
 - d declined in 21 of the 43 indicators, most notably across children's services indicators; and
 - e achieved significant improvement in three indicators.
- 15 The data has to be treated with caution because it does not necessarily indicate the quality of service provided, nor does it alone, demonstrate that the Council is making the best use of available resources.
- 16 Last year, we reported that the Council had introduced a new performance management framework and that the majority of service management teams were carrying out effective performance reviews. In the past year, the Council has driven further development of these arrangements with a view to ensuring consistency of approach and improving the collection of performance information. Given continuing financial pressures, the Council is also seeking to bring together financial and service delivery information so that it is better able to assess the impact of reduced funding and how effectively it is using its resources.
- 17 In its own performance report, the Council used national indicators and local success measures to help assess performance. Our review of the Council's assessment of its performance last year identified further opportunities for refining systems and introducing greater rigour to performance assessment by:
 - a Being clearer about the reason for setting an improvement target. For example, clarity about whether a target is being set with the objective of achieving 'top' performance; sustaining performance with reduced resources; or to drive relative improvement against previous Council performance.

- b Being more specific about the scale of improvement expected by explaining by 'how much' and 'how well'. For example, the Council reported the proportion of people aged 16 to 18 not in education, employment or training reduced by 2.7 per cent between 2011-12 and 2012-13. The aim was to reduce the proportion so although a reduction was achieved it is not clear whether this was in line with what the Council intended. By specifying the scale of improvement sought, together with the standard expected, the Council will be better placed to assess resource requirements to drive improvement and to make decisions about its priorities in the context of the resources it has available.
- c Reviewing the 'measures of success' and ensuring that the explanation of performance is clearly based upon that measure. For example, the Council has a measure of success that the 'number of visitors to the borough increases' but what it actually reports is the number of visitors to Bridgend town centre and to Porthcawl.

Proposals for improvement: performance

P1	Explain the reason for an improvement target and the scale of improvement expected.
P2	Review 'measures of success' to ensure they enable an evaluation of intended performance and that the explanation of performance is based upon that measure.

The Council is driving improvement in education

- 18 Reflecting its priorities, the Council has sought to provide a degree of protection to education budgets as part of its overall Savings Strategy. Stats Wales data for 2013-14 shows the gross revenue out-turn expenditure on education at £125,811,000. Taking account of inflation, in real terms out-turn expenditure on education² has remained relatively stable since 2011-12.
- 19 The Council was subject to Estyn monitoring, following the outcome of an inspection in October 2012. Estyn's final monitoring visit, which took place in December 2014, found the Council had made significant progress in implementing the inspection recommendations and that no further monitoring was required.
- 20 Estyn found that the Council has put arrangements in place to support pupils and schools and improve performance. The Council has continued to prioritise 'driving up educational achievement' in its corporate improvement plan for 2014-15.

² As measured by Treasury GDP deflators April 2015.

- 21 Furthermore, Estyn noted that over the last two years the rate of improvement for most indicators has been faster than the Wales average. Performance on the Foundation Phase indicator and the main indicators at key stages 2, 3 and 4 that included English or Welsh first language and mathematics were all close to the Welsh averages in 2014. The numbers of pupils achieving five good GCSEs, including English or Welsh first language and mathematics, improved on the previous year, though was 0.7 per cent below the Wales average.

The Council has made some progress in addressing the key areas for improvement identified by the Care and Social Services Inspectorate Wales but significant challenges remain

- 22 Stats Wales data for 2013-14 shows the gross revenue out-turn expenditure on social services was £72,914,000. Taking account of inflation, in real terms out-turn expenditure on social services³ has reduced by £7,096,000 since 2011-12.
- 23 The CSSIW publishes an annual review and evaluation of Council social services, which sets out key areas of progress in the previous year and areas for future improvement. The most recent report about the Council was published in October 2014 and is available at www.cssiw.org.uk.
- 24 The CSSIW reported that the Council has continued to work towards its change agenda and the development of new models of service delivery, in line with the expectations of the Social Services and Wellbeing (Wales) Act 2014.
- 25 The Council has experienced a number of changes to the corporate management team with new appointments to the roles of statutory director of social services and corporate director for children.
- 26 The Council faces particular challenges in respect of improving children's services and is taking action to tackle this. As well as monitoring some of the areas for improvement following on from the previous year, the CSSIW has also identified further challenges facing the service for 2014-15 and will be reviewing progress in its 2015 evaluation report.

The Council is delivering most aspects of environmental health services above or at minimum standard

- 27 'Local environmental services' include environmental health; waste collection and disposal; street cleansing; and cemeteries, cremation and mortuary services. Stats Wales data for 2013-14 shows the gross revenue out-turn expenditure on local environmental services was £16,176,000. In real terms, revenue out-turn expenditure on local environmental services has reduced by £1,715,000⁴ since 2011-12.

³ As measured by Treasury GDP deflators April 2015.

⁴ As measured by Treasury GDP deflators April 2015.

- 28 During 2014, the Auditor General undertook a study of environmental health services across Wales. The study made use of a Best Practice Standards model against which Council officers were asked to evaluate their services. These standards have been adopted by the Chartered Institute of Environmental Health and the all Wales Heads of Environmental Health Group to further define the range of statutory and discretionary environmental health services delivered by councils in Wales. The standards define activity in each of the service areas and set out the characteristics that constitute: a minimum standard service; a good standard of service; and best practice in each of the areas. These broadly reflect the statutory obligations for all environmental health services covering 11 areas of activity.
- 29 Our local summary report was issued to the Council in January 2015. In most environmental health areas, the Council is delivering services that are above minimum standard. Overall, the Council is delivering:
- a 25 per cent of environmental health services to the highest standard compared to an all Wales average of 37 per cent;
 - b 19.9 per cent assessed as being delivered to a good standard compared to an all-Wales average of 30 per cent;
 - c 27.8 per cent at the minimum standard of service set compared to an all-Wales average of 22 per cent;
 - d 5.2 per cent below the minimum standard; and
 - e 22.1 per cent of the services covered were not included within the environmental health services audited.

The Council made good progress in committing its discretionary housing payments but it is not able to judge the effectiveness of its work in addressing the impact of welfare reform

- 30 The Welfare Reform Act 2012 required significant changes to the administration and distribution of benefits and will have a major impact on many citizens. In April 2011, the UK Government embarked on a programme of reform, which will culminate with the phased introduction of universal credit between October 2013 and 2017. A major focus of the UK government's plans are changes to housing benefit, which are aimed at reducing national annual expenditure by around £2.3 billion.
- 31 In January 2015, the Auditor General published his report on how well councils are managing the impact of welfare reform changes on social housing tenants in Wales. His report reviewed the management and use of DHP⁵ by councils in Wales and concluded that the allocation, distribution, administration and use of these payments have significant inconsistencies and weaknesses. Work was also undertaken to review implementation of changes by councils and feedback provided to the Council is being used to improve arrangements locally.

⁵ A discretionary housing payment is a payment people may receive at the discretion of their local authority to provide extra help with housing costs on top of housing benefit.

- 32 In summary, our local feedback identified:
- a The need for a publically available Council policy on DHP that explains how the Council prioritises DHP to supports its work on addressing the impact of welfare reform changes.
 - b The Council's online application form is easy to access but information is limited and only provides basic advice with few examples of what DHP can be used to fund.
 - c The application form is lengthy (eight pages) and asks for detailed information about income and expenditure, which is used to profile the customer's spending patterns. The level and detail of information requested may prevent some applicants from applying because it is could be perceived as onerous.
 - d Positively, the application form can be completed online and submitted to the Council by email. Housing associations have also been provided with an electronic copy of the application form and DHPs are extensively promoted by customer services and housing benefit staff to encourage take-up.
- 33 The Council has systems in place to monitor the amount spent against the amount of money provided by the Department for Work and Pensions. The Council also monitors how many customers have been helped but does not note how many landlords have been assisted to ensure there is good coverage across all sectors and areas. Neither does the Council monitor the impact of DHP payments nor how these funds have helped social housing tenants affected by, for example, the spare room subsidy or those threatened with becoming homeless.
- 34 At the end of January 2015, the Council had spent £302,642 (97 per cent) of its £310,253 allocation from the Department of Works and Pensions. The Council has assisted 890 customers. This indicates that the Council is positively trying to use DHP to support those who need it but needs to link DHP into a wider strategic welfare policy to better demonstrate the impact of its work. In April 2015, most councils in Wales agreed to adopt a uniform approach to the future distribution of DHP payments, in part to address the significant inconsistencies and weaknesses identified in our review.

The Council continues to take action to extend the provision of Welsh in the delivery of its services

- 35 The role of the Commissioner was created by the Welsh Language (Wales) Measure 2011. New powers to impose standards on organisations came into force through subordinate legislation on 31 March 2015. The Commissioner will continue to review Welsh language schemes by virtue of powers inherited under the Welsh Language Act 1993.

- 36 The Commissioner works with all councils in Wales to inspect and advise on the implementation of language schemes. It is the responsibility of councils to provide services to the public in Welsh in accordance with the commitments in their language schemes. Every council is committed to providing an annual monitoring report to the Commissioner outlining its performance in implementing the language scheme. The Commissioner analyses every monitoring report, provides a formal response and collects further information as required.
- 37 The Commissioner reported that an exercise to collect better data about the linguistic skills of staff had been initiated and completed by the end of March 2015. The updated information is to be utilised during the implementation of the Council's Welsh language training plan. The Youth Service held a consultation, in order to identify gaps in provision and to ensure that the linguistic needs of its users are catered for.
- 38 The Adult Social Care Service revisited the issue of external providers' compliance with the requirements of the Welsh Language Scheme, and found evidence of a general improvement in comparison to the findings that were noted during 2012-13.
- 39 The Council has worked in conjunction with Urdd Gobaith Cymru and contributed to the costs of financing an apprentice, in order to provide a range of Welsh-medium sports and exercise classes (including swimming lessons) for children. This provision will be expanded during 2014-15.

Use of resources

The Council has complied with its responsibilities relating to financial reporting and use of resources (audit of the Council's accounts)

- 40 On 10 November 2014, the Appointed Auditor issued an Annual Audit Letter to the Council. The letter summarises the key messages arising from his statutory responsibilities under the Public Audit (Wales) Act 2004 and his reporting responsibilities under the Code of Audit Practice. The Appointed Auditor issued an unqualified opinion on the Council's accounting statements confirming that they present a true and fair view of the Council's financial position and transactions. The Annual Audit Letter can be found in [Appendix 4](#) of this report.

The Council is maintaining a robust approach to its Medium Term Financial Strategy

- 41 In previous annual reports, we have identified positive practice in the Council's medium-term financial management and over the past year, the Council has further refined its arrangements. The Council approved its Medium Term Financial Strategy for 2015 to 2019 on 25 February 2015. The strategy identifies proposals for £39.4 million of the £48.8 million required reductions, including all of the £11.2 million required in 2015-16.
- 42 The Council regularly reviews its Medium Term Financial Strategy and the assumptions made within it. The Medium Term Financial Strategy is linked to other strategies, although the link with the Workforce Planning Strategy could be strengthened and clarified. The Council could also include more information as to how investment is helping the Council achieve its improvement priorities. The Council is also in the process of refining performance reporting arrangements to enable it to more easily identify how service savings are impacting upon service delivery.

Proposals for improvement: Medium Term Financial Strategy

P3	Further refine 'dashboard' reporting arrangements to enable evaluation of the impact of financial reductions on service quality.
P4	Include more details within the Medium Term Financial Strategy about how it addresses each improvement objective; this would allow the Council to illustrate investment in areas relating to its improvement priorities.

Council arrangements for identifying and making savings demonstrate most of the factors required for achieving success

- 43 The Council's Medium Term Financial Strategy sets out how the Council plans to use its resources over the next four years to support the achievement of its corporate priorities and statutory duties. The Council has estimated that it must find £48.8 million of savings over the next three years. The budget reductions are challenging and a number of proposals are dependent on changing the way in which services are provided. As part of this savings requirement, the budget for 2014-15 includes reductions of £11.274 million. The Council has established a Bridgend Change Programme to help it meet its savings and service change commitments.
- 44 The Council's Budget Research and Evaluation Panel reviews budget proposals, focusing specifically on the budget pressures and budget savings proposals for the year ahead. In view of the scale of savings needed, enhanced budget and performance monitoring has been introduced. The Council requested that we tested the enhanced arrangements for their effectiveness.
- 45 We tested arrangements against three key factors that research has shown supports effective savings programmes:
- a The quality of leadership, assessing whether there was evidence of:
 - effective executive-level sponsorship able to overcome internal barriers and build an appetite for change; and
 - the political will to be bold, open minded and not restricted to a narrow view of what can, or should, be changed.
 - b The quality of governance arrangements, assessing whether there was evidence of:
 - strong governance of the savings programme with senior level oversight and effective reporting structures;
 - a dedicated resource to manage the savings programme, for example a clearly accountable programme manager and programme support; and
 - 'tools' to allow effective management of the programme, for example an opportunities tracker, a validation process, a risks log and benefits tracking.
 - c The quality of challenge, assessing whether there was evidence of:
 - sufficient independent challenge that ensured an open-minded approach when considering options;
 - analysis that identifies service minimums (standards and costs) before deciding on changes;
 - benchmarking and learning from others; and
 - strong business cases that allowed informed decision making.

- 46 We found strengths in leadership in respect of elected members and managers understanding the savings they need to make in the medium term and an appetite for change. We also identified a need to establish a vision of the future shape of the Council and the impact on corporate priorities so that members and managers can base planning for service changes and cost reductions upon this vision. The Council has recognised this and has been reviewing its corporate priorities.
- 47 We found that the Council had sound governance arrangements in place for managing its savings programme. The Council uses a savings programme tracker that is reviewed on a monthly basis by each directorate, every six weeks by the Senior Management Team collectively (ie corporate directors plus heads of service), and quarterly via the Corporate Performance Assessment process. Quarterly budget monitoring reports are submitted to, and reviewed by, Cabinet and scrutiny. The Council has a good track record of delivering identified savings within year against the planned actions it approved and an effective corporate framework which links corporate objectives to financial planning.
- 48 We found some strengths in a challenge process that included Cabinet members, Scrutiny members and senior managers in the consideration and development of options. This has included a recognition of the need to include additional detail about proposals to explain their impact, so that members can better understand the likely impact on service. Like many other councils, the Council has also recognised the need to develop a thorough understanding of what each service costs, related to the service standard provided and its performance, and compared to other similar service providers. Whilst the Council has a robust approach to performance monitoring, there is inconsistent use of management information such as unit costs, and caseload comparators to determine the costs of services and inform decision making.
- 49 We made two proposals for improvement:

Proposals for improvement: Savings Strategy

Leadership

- P5 The Council should clarify its medium-term vision and what this means for corporate priorities and the future shape of the Council so that managers can better plan for service changes and cost reductions.

Challenge

- P6 The Council should encourage the wider use of management information by service managers to inform potential savings plans.

Governance

The Council has successfully adopted alternative methods of service delivery in the past, is currently managing them effectively and is exploring options for the future

- 50 The Council has recognised that the prospect of continuing significant financial pressures brings with it the need to consider the possibility of changing methods of service delivery in order to achieve the required savings and ultimately long-term financial sustainability. Legislative changes are also drivers to change. For example, the Wellbeing of Future Generations Act 2015 requires the Council to think more about the long term, work with people and communities and other agencies, looking to prevent problems and take a more joined-up approach.
- 51 The Council requested that we assess its readiness for considering alternative methods of service delivery. In order to do so, we looked at the Council's track record, how well it was managing services that were currently being delivered by other means and how new options were being assessed.
- 52 We found that the Council:
- a has successfully adopted alternative models of service delivery in the past;
 - b has effective arrangements in place to review performance of services being delivered by alternative methods; and
 - c is open minded about initial suggestions for alternative options of service delivery.

Proposals for improvement – alternative methods of service delivery

P7	Establish preferred alternative delivery options at service level based on the Council's values as a means of providing guidance for options appraisal.
P8	If alternative methods of delivery are to be pursued, ensure strategies provide clarity of purpose and are supported by clear measures of success.
P9	Evaluate the skills and knowledge required to successfully negotiate change of this nature and the means by which the Council will secure such skills and knowledge.

Arrangements for meeting safeguarding responsibilities to children were adequate

- 53 The Council has a statutory duty to have in place safeguarding arrangements, which include strategic planning, support and guidance for all providers of relevant services in its area, and the direct provision of some services itself. In particular, it has a duty to work in partnership with others to secure the safeguarding and well-being of children in their area, principally by means of the Local Safeguarding Children Board.
- 54 The Auditor General undertook a national study to assess the safeguarding arrangements councils in Wales have in place. The study also included the provision of individual reports to each council.
- 55 The study found strengths in the Council's arrangements but also identified areas where they could be improved. Strengths included:
- a The use of the All Wales Policies and Procedures to guide work on safeguarding of children. This was supported by a suite of related policies and procedures. These include policies for grievance, disciplinary, adult education safeguarding and taxi licensing. A Corporate Safeguarding Policy was being developed and the aim is to emphasise that safeguarding is 'everyone's business'.
 - b Various systems were in place to monitor, review and challenge performance. The Council's Social Care Strategic Improvement Board was reviewing the performance information it uses to evaluate how well it is performing with the aim of identifying more meaningful measures to judge success.
 - c Scrutiny arrangements for safeguarding were good and the Chair of the Children and Young People Overview and Scrutiny Committee was aware of the importance of safeguarding. There was evidence of this committee influencing policies and strategies agreed by the Portfolio Lead for Children.
 - d The senior leadership team had a good awareness of safeguarding and the subject is a standing item on each joint Corporate Management Board and Cabinet monthly meeting.
 - e There was evidence that the Council was learning from its evaluations and making improvements accordingly.
 - f The Council was taking appropriate action to improve its compliance with data protection legislation.
 - g Overall, whistleblowing arrangements were generally sound, but some weaknesses in training needed to be addressed. Clear guidelines for managers on application of the policy have also been published.

Proposals for improvement: safeguarding

P10	Finalise a Corporate Safeguarding Policy that clearly specifies roles, responsibilities and procedures for safeguarding.
P11	Complete the Social Care Strategic Improvement Board review of performance information and produce measures that provide adequate assurance that systems are working effectively.
P12	Ensure that the corporate induction programme for all new staff includes training on safeguarding and child protection issues and the Council's corporate policy on safeguarding.
P13	Identify and agree an appropriate internal audit programme of work for safeguarding.

Appendix 1 – Status of this report

The Local Government (Wales) Measure 2009 (the Measure) requires the Auditor General to undertake an annual improvement assessment, and to publish an annual improvement report, for each improvement authority in Wales. This requirement covers local councils, national parks, and fire and rescue authorities.

This report has been produced by staff of the Wales Audit Office on behalf of the Auditor General to discharge his duties under section 24 of the Measure. The report also discharges his duties under section 19 to issue a report certifying that he has carried out an improvement assessment under section 18 and stating whether, as a result of his improvement plan audit under section 17, he believes that the authority has discharged its improvement planning duties under section 15.

Improvement authorities are under a general duty to ‘make arrangements to secure continuous improvement in the exercise of [their] functions’. Improvement authorities are defined as local councils, national parks, and fire and rescue authorities.

The annual improvement assessment is the main piece of work that enables the Auditor General to fulfil his duties. The improvement assessment is a forward-looking assessment of an authority’s likelihood to comply with its duty to make arrangements to secure continuous improvement. It also includes a retrospective assessment of whether an authority has achieved its planned improvements in order to inform a view as to the authority’s track record of improvement. The Auditor General will summarise his audit and assessment work in a published annual improvement report for each authority (under section 24).

The Auditor General may also, in some circumstances, carry out special inspections (under section 21), which will be reported to the authority and Ministers, and which he may publish (under section 22). An important ancillary activity for the Auditor General is the co-ordination of assessment and regulatory work (required by section 23), which takes into consideration the overall programme of work of all relevant regulators at an improvement authority. The Auditor General may also take account of information shared by relevant regulators (under section 33) in his assessments.

Appendix 2 – Audit of the Council’s 2014-15 Improvement Plan

Certificate

I certify that I have audited Bridgend Council’s (the Council) Improvement Plan in accordance with section 17 of the Local Government (Wales) Measure 2009 (the Measure) and my Code of Audit Practice.

As a result of my audit, I believe that the Council has discharged its duties under section 15(6) to (9) of the Measure and has acted in accordance with Welsh Government guidance sufficiently to discharge its duties.

Respective responsibilities of the Council and the Auditor General

Under the Measure, the Council is required to prepare and publish an Improvement Plan describing its plans to discharge its duties to:

- make arrangements to secure continuous improvement in the exercise of its functions;
- make arrangements to secure achievement of its improvement objectives; and
- make arrangements to exercise its functions so that any performance standard specified by Welsh Ministers is met.

The Measure requires the Council to publish its Improvement Plan as soon as is reasonably practicable after the start of the financial year to which it relates, or after such other date as Welsh Ministers may specify by order.

The Council is responsible for preparing the Improvement Plan and for the information set out within it. The Measure requires that the Council has regard to guidance issued by Welsh Ministers in preparing and publishing its plan.

As the Council’s auditor, I am required under sections 17 and 19 of the Measure to carry out an audit of the Improvement Plan, to certify that I have done so, and to report whether I believe that the Council has discharged its duties to prepare and publish an Improvement Plan in accordance with statutory requirements set out in section 15 and statutory guidance.

Scope of the Improvement Plan audit

For the purposes of my audit work I will accept that, provided an authority meets its statutory requirements, it will also have complied with Welsh Government statutory guidance sufficiently to discharge its duties.

For this audit I am not required to form a view on the completeness or accuracy of information, or whether the Improvement Plan published by the Council can be achieved. Other assessment work that I will undertake under section 18 of the Measure will examine these issues. My audit of the Council’s Improvement Plan, therefore, comprised a review of the plan to ascertain whether it included elements prescribed in legislation. I also assessed whether the arrangements for publishing the plan complied with the requirements of the legislation, and that the Council had regard to statutory guidance in preparing and publishing its plan.

The work I have carried out in order to report and make recommendations in accordance with sections 17 and 19 of the Measure cannot solely be relied upon to identify all weaknesses or opportunities for improvement.

Huw Vaughan Thomas

Auditor General For Wales

CC: Leighton Andrews, Minister for Local Government and Government Business

Steve Barry, Manager

Helen Keatley, Performance Audit Lead

Appendix 3 – Audit of the Council’s assessment of 2013-14 performance

Certificate

I certify that I have audited Bridgend Council’s (the Council) assessment of its performance in 2013-14 in accordance with section 17 of the Local Government (Wales) Measure 2009 (the Measure) and my Code of Audit Practice.

As a result of my audit, I believe that the Council has discharged its duties under sections 15(2), (3), (8) and (9) of the Measure and has acted in accordance with Welsh Government guidance sufficiently to discharge its duties.

Respective responsibilities of the Council and the Auditor General

Under the Measure, the Council is required to annually publish an assessment which describes its performance:

- in discharging its duty to make arrangements to secure continuous improvement in the exercise of its functions;
- in meeting the improvement objectives it has set itself;
- by reference to performance indicators specified by Welsh Ministers, and self-imposed performance indicators; and
- in meeting any performance standards specified by Welsh Ministers, and self-imposed performance standards.

The Measure requires the Council to publish its assessment before 31 October in the financial year following that to which the information relates, or by any other such date as Welsh Ministers may specify by order.

The Measure requires that the Council has regard to guidance issued by Welsh Ministers in publishing its assessment.

As the Council’s auditor, I am required under sections 17 and 19 of the Measure to carry out an audit to determine whether the Council has discharged its duty to publish an assessment of performance, to certify that I have done so, and to report whether I believe that the Council has discharged its duties in accordance with statutory requirements set out in section 15 and statutory guidance.

Scope of the audit

For the purposes of my audit work I will accept that, provided an authority meets its statutory requirements, it will also have complied with Welsh Government statutory guidance sufficiently to discharge its duties.

For this audit I am not required to form a view on the completeness or accuracy of information. Other assessment work that I will undertake under section 18 of the Measure may examine these issues. My audit of the Council's assessment of performance, therefore, comprised a review of the Council's publication to ascertain whether it included elements prescribed in legislation. I also assessed whether the arrangements for publishing the assessment complied with the requirements of the legislation, and that the Council had regard to statutory guidance in preparing and publishing it.

The work I have carried out in order to report and make recommendations in accordance with sections 17 and 19 of the Measure cannot solely be relied upon to identify all weaknesses or opportunities for improvement.

Huw Vaughan Thomas

Auditor General For Wales

CC: Leighton Andrews, Minister for Local Government and Government Business

Steve Barry, Manager

Helen Keatley, Performance Audit Lead

Appendix 4 – Annual Audit Letter

Councillor M E J Nott
The Leader
Bridgend County Borough Council
Civic Offices
Angel Street
Bridgend
CF31 4WB

Dear Councillor Nott

Annual Audit Letter – Bridgend County Borough Council 2013-14

This letter summarises the key messages arising from my statutory responsibilities under the Public Audit (Wales) Act 2004 as the Appointed Auditor and my reporting responsibilities under the Code of Audit Practice.

The Council complied with its responsibilities relating to financial reporting and use of resources

It is the Council's responsibility to:

- put systems of internal control in place to ensure the regularity and lawfulness of transactions and to ensure that its assets are secure;
- maintain proper accounting records;
- prepare a Statement of Accounts in accordance with relevant requirements; and
- establish and keep under review appropriate arrangements to secure economy, efficiency and effectiveness in its use of resources.

The Public Audit (Wales) Act 2004 requires me to:

- provide an audit opinion on the accounting statements;
- review the Council's arrangements to secure economy, efficiency and effectiveness in its use of resources; and
- issue a certificate confirming that I have completed the audit of the accounts.

Local authorities in Wales prepare their accounting statements in accordance with the requirements of the CIPFA/LASAAC Code of Practice on Local Authority Accounting in the United Kingdom. This code is based on International Financial Reporting Standards.

On 29 September 2014, I issued an unqualified audit opinion on the accounting statements confirming that they present a true and fair view of the Council's financial position and transactions. My report is contained within the Statement of Accounts. The key matters arising from the accounts audit were reported to members of the Audit Committee in my Audit of Financial Statements report on 25 September 2014.

This report stated that:

- we had no concerns about the qualitative aspects of your accounting practices and financial reporting, although we identified the need to review the approach to the valuation of the Council's property portfolio to be able to ensure and demonstrate that the carrying value of assets is not materially different to fair value at each year-end;
- we did not encounter any significant difficulties during the audit; and
- there were no significant matters discussed and corresponded upon with management which we needed to report.

Officers have agreed actions to address this property portfolio issue in future years.

I am satisfied that the Council has appropriate arrangements in place to secure economy, efficiency and effectiveness in its use of resources

My consideration of the Council's arrangements to secure economy, efficiency and effectiveness has been based on the audit work undertaken on the accounts as well as placing reliance on the work completed as part of the Improvement Assessment under the Local Government (Wales) Measure 2009. The Auditor General will highlight areas where the effectiveness of these arrangements has yet to be demonstrated or where improvements could be made when he publishes his Annual Improvement Report.

I issued a certificate confirming that the audit of the accounts has been completed on 29 September 2014.

The financial audit fee for 2013-14 is currently expected to be in line with the agreed fee set out in the Annual Audit Outline.

Yours sincerely



Darren Gilbert
KPMG LLP

For and on behalf of the Appointed Auditor

Appendix 5 – National report recommendations 2014-15

Date of report	Title of review	Recommendation
May 2014	Good Scrutiny? Good Question!	R1 Clarify the role of executive members and senior officers in contributing to scrutiny.
		R2 Ensure that scrutiny members, and specifically scrutiny chairs, receive training and support to fully equip them with the skills required to undertake effective scrutiny.
		R3 Further develop scrutiny forward work programming to: <ul style="list-style-type: none"> • provide a clear rationale for topic selection; • be more outcome focused; • ensure that the method of scrutiny is best suited to the topic area and the outcome desired; and • align scrutiny programmes with the council's performance management, self-evaluation and improvement arrangements.
		R4 Ensure that scrutiny draws effectively on the work of audit, inspection and regulation and that its activities are complementary with the work of external review bodies.
		R6 Ensure that the impact of scrutiny is properly evaluated and acted upon to improve the function's effectiveness; including following up on proposed actions and examining outcomes.
		R7 Undertake regular self-evaluation of scrutiny utilising the 'outcomes and characteristics of effective local government overview and scrutiny' developed by the Wales Scrutiny Officers' Network.
		R8 Implement scrutiny improvement action plans developed from the Wales Audit Office improvement study.
		R9 Adopt Participation Cymru's 10 Principles for Public Engagement in improving the way scrutiny engages with the public and stakeholders.

Date of report	Title of review	Recommendation
July 2014	Young people not in education, employment or training - Findings from a review of councils in Wales	R1 Together with partners, map and review expenditure on NEETs services to better understand the resources required to deliver the Framework.
		R2 Clarify their strategic approach to reducing the proportion of 19 to 24 year olds who are NEET as well as their approach for 16 to 18 year olds.
		R3 Focus on young people with significant or multiple barriers to engaging with education, employment or training rather than those who are more likely to re-engage without significant additional support.
		R4 Develop their objectives and targets for reducing the number of young people NEET so that they can be held to account and their work aligns with the Welsh Government's targets and objectives.
		R5 Ensure that elected members and partners fully understand that councils have a clear responsibility for leading and co-ordinating youth services for 16 to 24 year olds.
		R6 Improve the evaluation of the effectiveness and relative value for money of the services and interventions in their area that are intended to reduce the proportion of young people who are NEET.

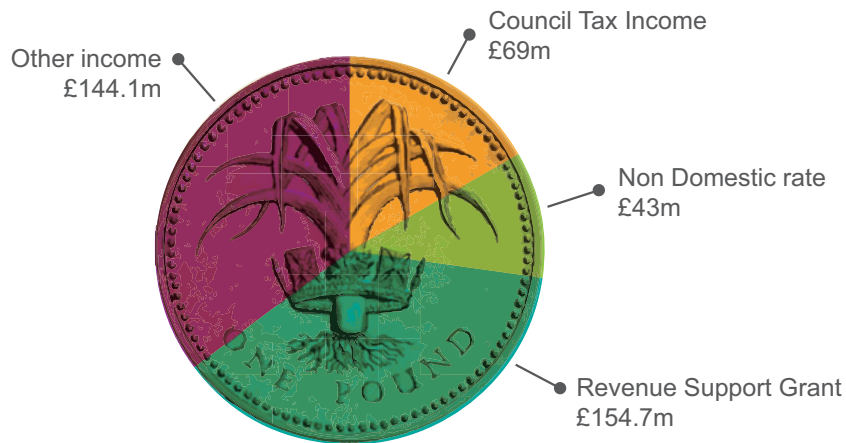
Date of report	Title of review	Recommendation
October 2014	Delivering with less – the impact on environmental health services and citizens	<p>R1 Revise the best practice standards to:</p> <ul style="list-style-type: none"> • align the work of environmental health with national strategic priorities; • identify the wider contribution of environmental health in delivering strategic priorities of the Welsh Government; and • identify the benefit and impact of environmental health services on protecting citizens.
		<p>R2 Provide scrutiny chairs and members with the necessary skills and support to effectively scrutinise and challenge service performance, savings plans and the impact of budget reductions.</p>
		<p>R3 Improve engagement with local residents over planned budget cuts and changes in services by:</p> <ul style="list-style-type: none"> • consulting with residents on planned changes in services and using the findings to shape decisions; • outlining which services are to be cut and how these cuts will impact on residents; and • setting out plans for increasing charges or changing standards of service.
		<p>R4 Improve efficiency and value for money by:</p> <ul style="list-style-type: none"> • Identifying the statutory and non-statutory duties of council environmental health services. • Agreeing environmental health priorities for the future and the role of councils in delivering these. • Determining an 'acceptable standard of performance' for environmental health services (upper and lower) and publicise these to citizens. • Improving efficiency and maintaining performance to the agreed level through: <ul style="list-style-type: none"> – collaborating and/or integrating with others to reduce cost and/or improve quality; – outsourcing where services can be delivered more cost effectively to agreed standards; – introducing and/or increasing charges and focusing on income-generation activity; – using grants strategically to maximise impact and return; and – reducing activities to focus on core statutory and strategic priorities.
		<p>R5 Improve strategic planning by:</p> <ul style="list-style-type: none"> • identifying, collecting and analysing financial, performance and demand/need data on environmental health services; • analysing collected data to inform and understand the relationship between 'cost: benefit: impact' and use this intelligence to underpin decisions on the future of council environmental health services; and • agree how digital information can be used to plan and develop environmental health services in the future.

Date of report	Title of review	Recommendation
January 2015	Managing the Impact of Welfare Reform Changes on Social Housing Tenants in Wales	<p>R1 Improve strategic planning and better co-ordinate activity to tackle the impact of welfare reform on social-housing tenants by ensuring comprehensive action plans are in place that cover the work of all relevant council departments, housing associations and the work of external stakeholders.</p>
		<p>R2 Improve governance and accountability for welfare reform by:</p> <ul style="list-style-type: none"> • appointing member and officer leads to take responsibility for strategic leadership on welfare reform and be accountable for performance; and • ensuring members receive adequate training and regular briefings on welfare reform to be able to challenge and scrutinise performance and decisions.
		<p>R3 Ensure effective management of performance on welfare reform by:</p> <ul style="list-style-type: none"> • setting appropriate measures to enable members, officers and the public to judge progress in delivering actions; • ensuring performance information covers the work of all relevant agencies and especially housing associations; and • establishing measures to judge the wider impact of welfare reform.
		<p>R4 Strengthen how welfare-reform risks are managed by creating a single corporate-level approach that co ordinates activity across the Council and the work of others to provide adequate assurance that all the necessary and appropriate actions to mitigate risk are taking place.</p>
		<p>R5 Improve engagement with tenants affected by the removal of the spare-room subsidy through:</p> <ul style="list-style-type: none"> • the provision of regular advice and information on the options open to them to address the financial impact of the change in their circumstances; • the promotion of the ‘Your benefits are changing’ helpline; and • the provision of support to tenants specifically affected by the removal of the spare-room subsidy to participate in regional/national employment schemes.

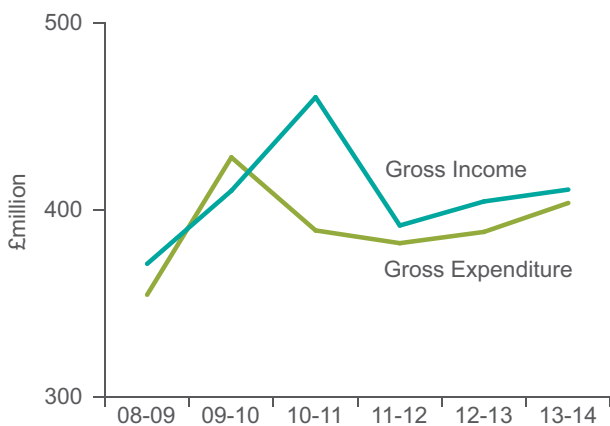
Date of report	Title of review	Recommendation
January 2015	<p>Managing the Impact of Welfare Reform Changes on Social Housing Tenants in Wales</p>	<p>R7 Improve management, access to and use of Discretionary Housing Payments by:</p> <ul style="list-style-type: none"> • establishing a clear policy or guide that is available in hard copy and online to the public that sets out the Council's policy and arrangements for administering Discretionary Housing Payments; • clearly defining eligible and non-eligible housing costs covered by Discretionary Housing Payments in application forms, policy documentation and applicant guidance leaflets; • clearly setting out the maximum/minimum length of time that such payments will be provided; • setting and publishing the timescale for the Council making a decision on Discretionary Housing Payments applications; • including information within public literature on the Council's policy for right to review or appeal of a decision and the timescales and process to be followed in deciding on these; and • clearly define the priority groups for Discretionary Housing Payments in public literature to ensure that those seeking assistance, and those agencies supporting them, can assess whether such payments are a viable option to address their housing and financial needs.

Appendix 6 – Useful information about the Council’s resources

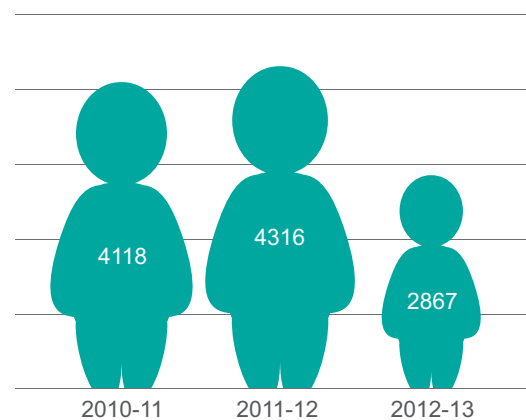
Total Gross Income 2013-14



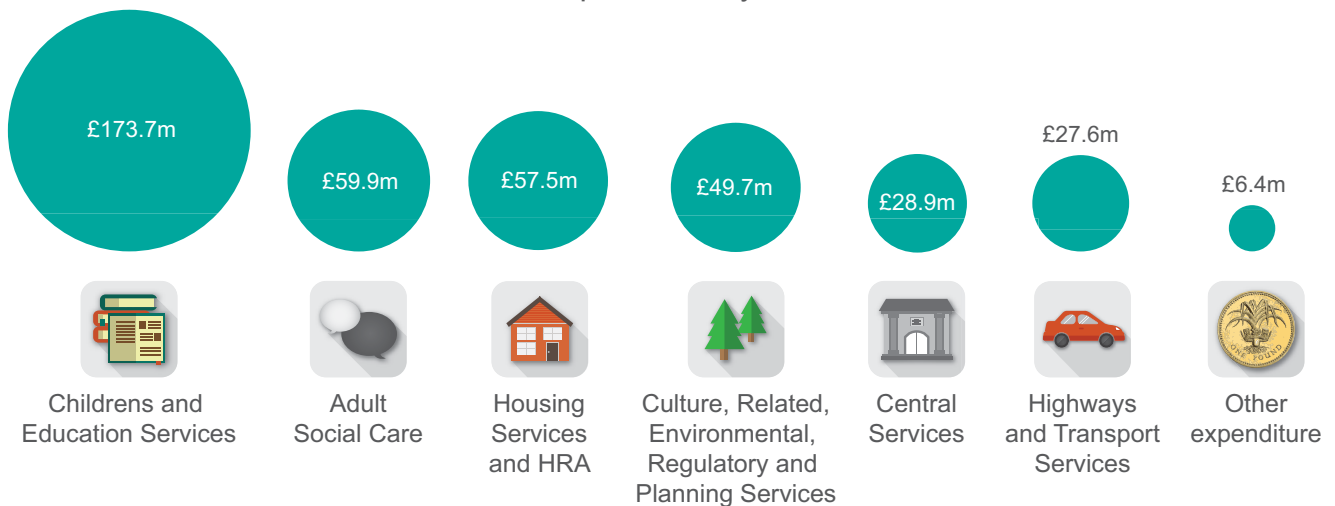
Total Income and Expenditure



Number of whole time equivalent staff 2010-11 to 2012-13



Total Gross Expenditure by service area



Wales Audit Office
24 Cathedral Road
Cardiff CF11 9LJ

Tel: 029 2032 0500

Fax: 029 2032 0600

Textphone: 029 2032 0660

E-mail: info@audit.wales

Website: www.audit.wales

Swyddfa Archwilio Cymru

24 Heol y Gadeirlan

Caerdydd CF11 9LJ

Ffôn: 029 2032 0500

Ffacs: 029 2032 0600

Ffôn Testun: 029 2032 0660

E-bost: post@archwilio.cymru

Gwefan: www.archwilio.cymru

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO COUNCIL

16 DECEMBER 2015

REPORT OF THE CORPORATE DIRECTOR – COMMUNITIES

RENEWABLES IN THE LANDSCAPE SUPPLEMENTARY PLANNING GUIDANCE (SPG)

1. Purpose of Report

- 1.1 To seek approval to adopt Renewables in the Landscape –SPG 20 as Supplementary Planning Guidance (SPG) to the adopted Local Development Plan (LDP). The document can be viewed at the following link:

<https://democratic.bridgend.gov.uk/documents/s7522/SPG20%20Renewables%20in%20the%20Landscape%20FINAL%20VERSION%20FOR%20COMMITTEE.pdf>

A hard copy of the document can be viewed in the Members Lounge.

2. Connection to Corporate Improvement Plan / Other Corporate Priorities

- 2.1 The adoption of this Supplementary Planning Guidance will assist in the implementation of policies within the adopted Bridgend Local Development Plan the Council's statutory land-use planning document.

3. Background

- 3.1 The purpose of the Renewables in the Landscape SPG is to provide a strategic-level assessment of the relative sensitivities of the County Borough's landscapes to different scales of wind and solar energy developments. It includes general guidance for developers to follow as well as information tailored to each of Bridgend's 15 Landscape Character Areas. It also acts as a 'first-step' in helping to direct developments, strategically to the least sensitive landscapes.
- 3.2 On the 16th October 2014 the Development Control Committee resolved to approve draft SPG20 – Renewables in the Landscape, as the basis for public consultation; authorised officers to make appropriate arrangements for public consultation; and to await a further report on the outcome of the consultation process.
- 3.3 A 6 week period of public consultation was held between 23 October 2014 and 4 December 2014. The consultation was advertised in the following ways:
- A Statutory notice placed in the Glamorgan Gazette on 23 October 2014;
 - Consultation documents were available for inspection with representation forms at every library in the County Borough and at the Civic Offices, Angel Street, Bridgend;
 - A press release was issued at the start of the consultation;
 - Information on the consultation, including all the documentation, representation forms and the facility to make representations electronically was placed on the Council's website; and

- An electronic access link to the documentation was sent to approximately 400 targeted consultees, including Community Councils, planning consultants/energy operators with details on how to respond.

4. Current Situation

- 4.1 By the end of the consultation period 6 individuals and external organisations submitted comments. Two additional organisations (NRW and Suncredit) submitted responses after the close of the consultation period. All of the representations received have been considered and responses to each have been prepared. These are attached as Appendix1. The original representations can be viewed by members at the Planning Department.
- 4.2 A number of comments received were 'non-specific' drawing to the Council's attention good practice in properly considering material planning issues, in particular with respect to environmental risk and impact on heritage assets. Such matters are considered to be more appropriately dealt with at any future planning application stage of development.
- 4.3 A large number of comments from one objector related to specific wording and alternative descriptions. These are considered not to be justified, given the evidence, strategic-level nature of the assessment and the fact that the comments are also open to interpretation.
- 4.4 Other representations, question the fundamental 'role' of the SPG and argue that it should be broadened to include other energy sources and other locational determinants for energy proposals. These objections misinterpret what is the primary purpose of the SPG which is to focus on the relative landscape sensitivities of the County Borough.
- 4.5 As such it is was considered that the representations received should not result in any amendments to the document.
- 4.6 On the 15th October 2015, the Development Control Committee considered each of the representations received, endorsed the suggested reasoned responses, approved the decisions and actions (not to amend the document as a result of the consultation) and recommended that Council adopts the document for publication.
- 4.7 Following this recommendation from Development Control Committee, the Council is now formally requested to adopt the document as Supplementary Planning Guidance to the LDP.

5. Effect upon Policy Framework & Procedure Rules

- 5.1 This SPG expands upon the existing land-use planning policy framework contained within the adopted Local Development Plan providing officers and developers more guidance with respect to proposals for wind and solar energy development.
- 5.2 The SPG will represent a material consideration in the determination of future planning applications.

6. Equality Impact Assessment.

- 6.1 An Equalities Impact Assessment Screening has been undertaken and the proposed recommendations are unlikely to have an impact on equality issues.

7. Financial Implications

- 7.1 None.

8. Recommendations

- 8.1 That Council adopts SPG20 – Renewables in the Landscape as Supplementary Planning Guidance to the adopted Bridgend Local Development Plan.

Mark Shephard
Corporate Director Communities
December 2015

Contact Officer

Susan Jones
Development Planning Manager
Telephone Number: 01656 643169, e-mail: susan.jones@bridgend.gov.uk

Background documents

Renewables in the Landscape SPG

**APPENDIX 1 –
RENEWABLES IN THE LANDSCAPE
CONSULTATION RESPONSES**

Renewables in the Landscape Supplementary Planning Guidance Consultation Responses

Organisation	Section No.	Page No.	Representation	Reasoned response	Decision and Action
The Coal Authority			<p><u>Background on The Coal Authority</u> The Coal Authority is a Non-Departmental Public Body sponsored by the Department of Energy and Climate Change (DECC). The Coal Authority was established by Parliament in 1994 to: undertake specific statutory responsibilities associated with the licensing of coal mining operations in Britain; handle subsidence claims which are not the responsibility of licensed coalmine operators; deal with property and historic liability issues; and provide information on coal mining.</p> <p>The main areas of planning interest to the Coal Authority in terms of policy making relate to:</p> <ul style="list-style-type: none"> • the safeguarding of coal in accordance with the advice contained in The National Planning Policy Framework and Planning Practice Guidance in England, Scottish Planning Policy in Scotland, and Minerals Planning Policy Wales and MTAN2 in Wales; • the establishment of a suitable policy framework for energy minerals including hydrocarbons in accordance with the advice contained in The National Planning Policy Framework and Planning Practice Guidance in England, Scottish Planning Policy in Scotland, and Minerals Planning Policy Wales and MTAN2 in Wales; and • ensuring that future development is undertaken safely and reduces the future liability on the tax payer for subsidence and other mining related hazards claims arising from the legacy of coal mining in accordance with the advice in The National Planning Policy Framework and Planning Practice Guidance in England, Scottish Planning Policy in Scotland, and Planning Policy Wales and MTAN2 in Wales. <p><u>Background on Coal Mining Issues in Bridgend</u> <u>Coal Mining Legacy</u> As you will be aware, the Bridgend area has been subjected to coal mining which will have left a legacy. Whilst most past mining is generally benign in nature, potential public safety and stability problems can be</p>	<p>The Council welcomes the comments from the Coal Authority however the principle function of the SPG is to provide guidance in the assessment of impacts for wind turbines and solar farms within the different landscapes of the County Borough. The Council is aware of the significant issues of mining legacy within the County Borough and these will be taken account of as material considerations as part of the planning application process, with appropriate consultation with the Coal Authority at that stage. This is reinforced in paragraph 1.8 of the SPG which states that "...when considering planning applications for renewable energy developments the LPA will consider all material considerations relevant to the determination of the planning application."</p> <p>The Council will take into account the advice provided by the Coal Authority and the need to provide a Coal Mining Risk Assessments as part of the planning application process where necessary.</p>	No change.

Organisation	Section No.	Page No.	Representation	Reasoned response	Decision and Action
			<p>triggered and uncovered by development activities.</p> <p>Problems can include collapses of mine entries and shallow coal mine workings, emissions of mine gases, incidents of spontaneous combustion, and the discharge of water from abandoned coal mines. These surface hazards can be found in any coal mining area, particularly where coal exists near to the surface, including existing residential areas.</p> <p>Within the Council area there are approximately 1,814 recorded mine entries and around 159 coal mining related hazards have been reported to The Coal Authority. A range of other mining legacy features are present, in total The Coal Authority High Risk Development Area covers approximately 15% of the Council area.</p> <p>Mine entries may be located in built up areas, often under buildings where the owners and occupiers have no knowledge of their presence unless they have received a mining report during the property transaction. Mine entries can also be present in open space and areas of green infrastructure, potentially just under the surface of grassed areas. Mine entries and mining legacy matters should be considered by Planning Authorities to ensure that site allocations and other policies and programmes will not lead to future public safety hazards. No development should take place over mine entries even when treated.</p> <p>Although mining legacy occurs as a result of mineral workings, it is important that new development recognises the problems and how they can be positively addressed. However, it is important to note that land instability and mining legacy is not always a complete constraint on new development; rather it can be argued that because mining legacy matters have been addressed the new development is safe, stable and sustainable.</p> <p><u>Surface Coal Resources, Deep Coal Resources, Development and Prior Extraction</u></p> <p>As you will be aware, the Bridgend area contains coal resources which are capable of extraction by surface mining operations. In addition there are deep coal resources which are licenced for extraction by underground methods.</p> <p>Whilst renewable energy is classified as temporary</p>		

Organisation	Section No.	Page No.	Representation	Reasoned response	Decision and Action
			<p>development it can have an impact on the sterilisation of mineral resources. Although it is not necessary to consider the impact on the sterilisation of surface coal resources due to national policy in MTAN2, consideration does need to be had to the potential relationship between wind turbines and any operational or proposed underground coal workings. Care needs to be taken to prevent operational sterilisation of the actual or planned underground workings due to the costs associated with potential subsidence liability that may arise with wind turbines. This is because wind turbines by their very nature are structures which require absolute stability.</p> <p><u>Specific Comments on the Bridgend Supplementary Planning Guidance - Renewables in the Landscape (Draft)</u></p> <p>The comments and/or changes which The Coal Authority would like to make or see in relation to the above document are:</p> <p>Representation No.1</p> <p>Site/Policy/Paragraph/Proposal – Wind Turbines</p> <p>Comment – The Coal Authority would like to see the following wording included: <i>“Coal mining legacy exists in areas of Bridgend, The Coal Authority has defined ‘Development High Risk Areas’ within these areas in accordance with the requirements of the Welsh National Validation List it will be necessary for a planning application to be accompanied by a Coal Mining Risk Assessment. Wind turbines should not be located directly over mine entries or within their zones of influence, this should be considered in the detailed site layout. It may be necessary to incorporate remedial measures to ensure that the ground is safe and stable where other mining legacy features are present. Consideration also needs to be had to the potential relationship between wind turbines and any operational or proposed licenced underground coal workings. Care needs to be taken to prevent operational sterilisation of the actual or planned licenced underground workings due to the costs associated with potential subsidence liability that may arise with wind turbines sited over underground workings.”</i></p> <p>Representation No.2</p>		

	Organisation	Section No.	Page No.	Representation	Reasoned response	Decision and Action
				<p>Site/Policy/Paragraph/Proposal – Solar PV</p> <p>Comment – The Coal Authority would like to see the following wording included: <i>“Coal mining legacy exists in areas of Bridgend, The Coal Authority has defined ‘Development High Risk Areas’ within these areas in accordance with the requirements of the Welsh National Validation List it will be necessary for a planning application to be accompanied by a Coal Mining Risk Assessment. Solar PV farms should not propose to site and panels directly over mine entries or within their zones of influence, this should be considered in the detailed site layout. Detailed layouts should propose to fence off the zones of influence of mine entries to prevent public safety issues arising from delivery plant accidentally traversing over the mine entries.”</i></p> <p>CONCLUSION The Coal Authority welcomes the opportunity to make these comments. We are, of course, willing to discuss the comments made above in further detail if desired and would be happy to negotiate alternative suitable wording to address any of our concerns.</p>		
2	Glamorgan Gwent Archaeological Trust			<p>Thank you for consulting us on this. We welcome the SPG for this type of energy provision, as both wind turbines and solar farms have both a direct physical impact on buried and upstanding archaeological remains, and also an indirect visual impact.</p> <p>We make the following comments regarding detailed points in the document:</p> <p>1.3: Archaeological and Historical Sites: there are hundreds of sites on the Bridgend Historic Environment Record curated by GGAT. Less than 2% of these are on average Scheduled Ancient Monuments: Cadw have responsibility for the SAMs and must be consulted if any development is proposed that may impact them. For sites with non-statutory designations, archaeological mitigation work may be required both pre and post determination to ensure that development complies with Planning Policy Wales Chapter 6: Conserving the Historic Environment, and the Welsh Office Circulars 60/96 and 61/96. Early consultation with GGAT Archaeological Planning, as the advisors to Bridgend County Borough Council, is advisable.</p>	<p>The Council welcomes the comments from Glamorgan Gwent Archaeological Trust (GGAT) and the advice provided regarding the protection of and potential impacts of renewable energy development on the County Borough's many varied heritage assets. Any potential impact will be properly considered as a material consideration at the pre-application and planning application stage of development through early engagement and appropriate consultation with CADW, GGAT and the Council's conservation officers to understand the issues and/or mitigate any adverse effects of development. This will ensure compliance with policies in the LDP, PPW, Welsh Office circulars and the forthcoming Heritage Act.</p> <p>In addition figure 2.3 and location maps within the SPG identifies the extent and location of a number of significant historic designations and heritage assets in the</p>	No change.

	Organisation	Section No.	Page No.	Representation	Reasoned response	Decision and Action
				<p>2.1 Landscape. This should not be confused with a Registered Historic Landscape, or Registered Parks and Gardens. The Register is compiled by Cadw, ICOMOS and NRW and any developments of a large scale within a Registered area may need an ASIDOHL report undertaken and submitted (Assessment of the Impact of a Development on a Historic Landscape: guidance is available online from Cadw's website which details methodology http://cadw.wales.gov.uk/docs/cadw/publications/LandscapeRegisterGoodPractice_EN.pdf). The landscape assessment quoted in the document dates from the Landmap exercise and whilst it is comprehensive and includes aspects of historic landscape, does not relate solely to Registered Landscapes.</p> <p>The impact of a development on the setting of Scheduled Ancient Monuments, Listed Buildings and archaeological features without statutory designations also has to be taken into consideration, and Cadw have produced Conservation Principles, to provide further detailed guidance when dealing with such issues, details at: http://cadw.wales.gov.uk/docs/cadw/publications/Conservation_Principles_EN.pdf.</p> <p>It should also be noted that archaeological features and finds exist outside Registered and Scheduled areas and may require pre-planning and conditioned archaeological mitigation. All archaeological work undertaken in relation to planning issues should be undertaken to the Standards and Guidance of the Institute for Archaeologists and it is our policy to recommend that either a Registered Organisation with the IfA or a member with MIfA level membership should undertake the work. Thank you for the opportunity to comment, please do not hesitate to contact us if you require further advice or information.</p>	<p>County Borough within each Landscape Character Area and as such these are taken account of in the sensitivity assessments.</p>	
3	South Wales Police			In relation to the SPG I have no observations to make.		
4	Suzy Davies, AM			<p>I will not be submitting a detailed response to the consultation but I would be grateful if the following points might be taken into account when the responses are being considered.</p> <ol style="list-style-type: none"> 1. Supplementary guidance specific to exploratory applications for gas extraction. Clearly not a renewable source of energy, but should the guidance on renewable energy 	<p>The Council welcomes the comments received. With respect to the issue of exploratory proposals for gas extraction it should be noted that this SPG provides guidance and a consistent approach to the assessment of the visual impact of proposed developments for wind turbines and solar farms, within the context of the different and varied landscapes of the</p>	No change.

	Organisation	Section No.	Page No.	Representation	Reasoned response	Decision and Action
				<p>cover the balance a Council may need to strike between different sources, not lease between different renewable sources? Essentially, TAN 8 is also just guidance and the 93/7% split in favour of on-shore wind and can be overcome by a greater local preference for other renewably sourced energy.</p> <p>2. Heritage landscape. There is already guidance on this but Welsh Government will be bringing forward its draft Heritage Act soon. That will have implications for scatter sites and sites which contribute to specific sense of place. Although the new legislation will not be available before your work is completed, how will the new guidance provide for potential strengthening of protection of sites of heritage interest.</p>	<p>County Borough. It is not the function of this SPG to explore the balance or preference for different energy sources, including for gas extraction.</p> <p>With respect to the protection of heritage landscapes and all other heritage assets within the context of the emerging Heritage Act, any impact of renewable energy developments will be properly considered as a material consideration as part of the planning application process. This will be achieved through early engagement and appropriate consultation with the Council's conservation officers and will ensure compliance with policies in the LDP, PPW, Welsh Office circular and the forthcoming Heritage Act. Please also see GGAT response above.</p>	
5	WYG Group			<p>The following comments relate to LCA 8: Ogmere Forest and Surrounding Uplands (pages 100-105 of the draft SPG).</p> <p>LCA8: Key Landscape Characteristics</p> <ol style="list-style-type: none"> 1. (Second bullet) The hill summits referred to are outside the character area and within the forestry plantations on Mynydd Williams Meyrick and Mynydd Ton (which are located in Rhondda Cynon Taf). 2. (Tenth and eleventh bullets) In our opinion, the Daren y Dimbath SSSI and the Bwlch y Clawdd Dyke (which is at the very northern tip of LCA 8) cannot be regarded as key landscape characteristics of LCA 8. 3. The evidence of the coal mining heritage in the area is much more characteristic than isolated heritage or ecological features. 4. (Thirteenth bullet) "The only settlements are occasional small villages ..." In our opinion, occasional or scattered farms are a key characteristic of the LCA and not villages. The only 'villages' in the LCA are Glynogwr and other small clusters of properties along the A4093, which defines the southern boundary 	<p>LCA8: Key Landscape Characteristics</p> <ol style="list-style-type: none"> 1. Mynydd William Meyrick trig point is on the boundary line of Bridgend and Rhondda Cynon Taf and is considered as being within BCB. There are also extensive tracts of mountain top areas well in excess of 500m and above the prominent ridgeline and escarpment within the north-eastern part of the LCA. 2. Disagree. 3. Coal mining heritage as evidenced in the landscape is noted in bullet point 12 of the Key Landscape Characteristics. 4. Disagree – the description acknowledges the existence of scattered farmsteads as a key characteristic. 5. Disagree – this is an accurate description in this context of conveying a sense of 	<p>No change.</p> <p>No change.</p> <p>No change.</p> <p>No change.</p>

Organisation	Section No.	Page No.	Representation	Reasoned response	Decision and Action
			<p>of the LCA.</p> <p>5. (Fifteenth bullet) “A largely unsettled and inaccessible landscape...” Large swathes of the LCA are open access land, especially the upland; those parts of the LCA that are not access land are generally the lower level enclosed agricultural land, which are crossed by public footpaths and the bridleways.</p> <p>6. There is no mention in the Key Landscape Characteristics section of the existing wind turbines at Pant-y-wal and Fforch Nest. Do these not contribute to these characteristics? Please note that the front cover of the final report on <i>Landscape Character Assessment for Bridgend County Borough</i> (LUC, July 2013) is of these existing wind farms. It seems odd, therefore, that they should not be mentioned in this section.</p> <p>LCA8: Landscape Sensitivity Assessment for Wind Energy Development</p> <p>7. Skylines: This refers to the “turbines featuring prominently” (that is, “easily seen without the need for close examination of the landscape”). Given this, it is more surprising that they are not mentioned at all in as a “key landscape characteristic”.</p> <p>8. Scenic and special qualities: The reference “...these could be affected to a degree by wind energy development...” infers, correctly, that these effects are not significant.</p> <p>9. Summary of landscape sensitivity: This refers to the “remote character” of the LCA. Although there is a sense of remoteness, the “human influences” extend beyond those quoted: the mining remains, conifer forestry, etc extend to the northern part of the area, which seems to be identified in the LCA as less affected by human influences.</p> <p>10. Summary of landscape sensitivity: This says: “Human influence is greater in the southern half of the LCA.” In fact, the existing Pant-y-wal and Fforch Nest wind farms are located in the centre of the LCA not its southern half.</p>	<p>‘inaccessibility’ due to elevation, remoteness and wildness, unrelated to ‘access’ in the traditional sense via networks of footpaths and bridleways.</p> <p>6. The descriptors focus on the key ‘inherent’ qualities of the landscape rather than acknowledging whether it is influenced by the presence of existing or proposed renewable energy developments (refer to paragraph 2.23 of the SPG). The existence of recent wind farms of Fforch Nest and Pant y Wal is however acknowledged under the ‘skyline’ assessment criteria within the eastern part of the LCA, as a landscape attribute.</p> <p>LCA8: Landscape Sensitivity Assessment for Wind Energy Development</p> <p>7. The descriptors focus on the key ‘inherent’ qualities of the landscape rather than acknowledging whether it is influenced by the presence of existing or proposed renewable energy developments (refer to paragraph 2.23 of the SPG). The existence of recent wind farms of Fforch Nest and Pant y Wal is however acknowledged under the ‘skyline’ assessment criteria within the eastern part of the LCA, as a landscape attribute.</p> <p>8. Comment noted – however it is not ‘inferred’ in the statement that effect on scenic and special qualities are not going to be significant as this can only be determined on a case by case basis.</p> <p>9. The existing wording adequately</p>	<p>No change.</p> <p>No change.</p> <p>No change.</p> <p>No change.</p>

Organisation	Section No.	Page No.	Representation	Reasoned response	Decision and Action
			<p>11. Summary of landscape sensitivity: The statement “complex undulating landform and variation in scale”, occurs only on the side slopes of the area, but seems to have been applied to the <u>whole</u> area. The existing wind turbines at Pant-y-wal and Fforch Nest are on an upland plateau.</p> <p>12. Sensitivity to different turbine heights: The assessment of very large (111-150m) turbines in this LCA as M-H (red) is disputed. The existing turbines are 115m and therefore fall in this category: nowhere in this assessment is the change regarded as “significant”.</p> <p>13. Commentary on different cluster sizes: The conclusion of “highly sensitive” is disputed. The existing turbines “fit” with the landscape.</p> <p>Overall strategy for wind energy development (outside the SSA)</p> <p>14. The reference to the overall strategy being “in line with TAN 8” is inappropriate. TAN8 identified a much larger SSA than the “refined” SSA now included in the LDP. Moreover, TAN8 Annex D paragraph 8.4 notes that: “Within and immediately adjacent to the SSAs, the implicit objective is to <u>accept</u> landscape change <u>i.e. significant change in landscape character</u> from wind turbine development” (underlining added). LDP Policy ENV18 expressly allows for wind farm developments outside the refined SSA.</p> <p>LCA-specific guidance for development</p> <p>15. (First bullet) In our opinion, no part of the LCA could be described as “remote from human influences”; even the northernmost part is bounded by the Bwlch road, with popular car park, aside from the extensive conifer plantations, evidence of past mining, views of urban settlements in the valleys, etc.</p> <p>16. (Third bullet) “The panoramic views from summits...”: as noted above, the summits are within the forestry plantations on Mynydd William Meyrick and Mynydd Ton (in Rhondda</p>	<p>addresses the point of human influences on the landscape including within the northern part of the LCA.</p> <p>10. Paragraph 2.23 makes it clear that the results of the sensitivity assessment are not influenced by the presence of existing or proposed renewable energy developments in the landscape, it focuses on the inherent landscape sensitivity. As such the Council consider the ‘summary’ is accurate in its overall assessment.</p> <p>11. The Council consider the ‘summary’ is accurate in its overall assessment. The existence of plateau areas within the landscape is recognised in the first bullet point in the LCA8: Key Landscape Characteristics:-</p> <ul style="list-style-type: none"> • “Highly undulating plateau and ridge landscape of the Upper Coal measures...” <p>12. Paragraph 2.23 makes it clear that the results of the sensitivity assessments are not influenced by the presence of existing or proposed renewable energy developments in the landscape, including the very large operational and proposed turbines within LCA8.</p> <p>13. The Council agree with the commentary conclusion, that the landscape of LCA8 is likely be highly sensitive to ‘very large’ clusters of wind turbines (more than 25).</p> <p>14. The reference to the overall strategy being ‘in line with TAN8’ is not inappropriate. TAN8 makes it explicit (Paragraph 2.4</p>	<p>No change.</p> <p>No change.</p> <p>No change.</p> <p>No change.</p>

Organisation	Section No.	Page No.	Representation	Reasoned response	Decision and Action
			<p>Cynon Taf); the views are available from the ridge-tops and plateaux.</p> <p>Guidance for siting multiple developments with the LCA</p> <p>17. The guidance seeks wind turbines of “similar” scale etc, but note that wind turbines of different scales are already seen together at Taf Ely/Mynydd Portref and it is not apparent in the views available – and as consented development, “acceptable”.</p>	<p>refers) that the, 7 SSAs across Wales were ‘broad brush’ and that the subsequent refinement exercise was a matter for LPAs to undertake in a robust manner. This has resulted in refined SSA boundaries which are delineated on the adopted Bridgend LDP Proposals Map. Outside of these areas the TAN8 objective is to maintain the landscape character i.e. no significant change to landscape character from wind turbine development, (as is stated in the SPG’s overall strategy for LCA8 by maintaining the key landscape characteristics). The strategy notes that it is accepted that change to landscape character could result from wind energy development within the ‘refined’ Northern Uplands SSA, where wind energy developments are already present (or consented).</p> <p>15. Remote from human influence is a relative term to describe varying levels and different aspects of human influence across the LCA. As noted in the Landscape Sensitivity Assessment, a large part (42%) of the LCA falls within the Northern Uplands Special Landscape Area, as identified by Policy ENV3(2) of the adopted LDP. This SLA, especially away from valley settlements has an exposed and wild character, where intrinsically human influence is less evident than other parts of the LCA outside of the SLA.</p> <p>16. Disagree. The summit of Mynydd William Meyrick is adjacent to the forestry area and therefore views are extensive.</p>	<p>No change.</p> <p>No change.</p>

	Organisation	Section No.	Page No.	Representation	Reasoned response	Decision and Action
					17. Disagree – General guidance for the siting of multiple developments, in seeking wind turbines be of similar scale and design when seen together is considered to represent sound advice. Such guidance is also recognised by other similar design guidance relating to the siting of windfarms in the landscape. The existence of different scales of wind turbines as seen in Taff Ely and elsewhere maybe considered 'acceptable' on a case-by-case basis, but their existence should not be allowed to dilute this SPG's overall strategy guidance.	
6	RWE			<p>This response is made on behalf of RWE Innogy UK Ltd to Bridgend County Borough Council's consultation on the Renewables in the Landscape Supplementary Planning Guidance.</p> <p>RWE Innogy UK is a leading developer and operator of renewable electricity generation projects in Wales. We currently operate a wide portfolio of projects in Wales and the UK including onshore and offshore wind farms, hydroelectric projects and biomass generation.</p> <p>Generally, the SPG prepared by BCBC is a well written and well-structured document. The SPG provides useful, evidenced guidance on matters which are expected to be considered by developers of renewable energy projects and, equally, by the Local Planning Authority in making decisions on such projects. The objective nature of the SPG is welcomed and it is made clear throughout that each project will be dealt with on a case-by-case basis.</p>	The Council welcomes the comments from RWE Innogy UK.	No change.
7	Natural Resources Wales			<p>A few interim comments on this SPG:</p> <p>a) How does the study relate to the Gillespies LLP guidance on LVIA requirements and Landscape Sensitivity and Capacity? The assessment criteria are slightly different to the Gillespies study?</p> <p>b) Do the assessment criteria relate to</p>	The purposes of the SPG and Gillespies Guidance on LVIA requirements are very different. The primary purpose of the SPG is to provide a strategic-level assessment of the relative sensitivities of the County Borough's landscapes to wind (and solar) energy developments and act as a 'first step' in helping to direct developments, strategically to the least sensitive	No change. However the Council will investigate to improve map resolution in the final document as they appear on the Councils website.

	Organisation	Section No.	Page No.	Representation	Reasoned response	Decision and Action
				<p>LANDMAP and if so how? It is assumed that this is through the Bridgend Landscape Character Assessment.</p> <p>It would be helpful if the scale parameters for wind turbines matched the LLP Gillespies (& NRW draft guidance) for the small, medium, large, very large categories, rather than used slightly different parameters.</p> <p>c) Para. 3.30 could refer to the Gillespies LLP guidance on appropriate ZTVs?</p> <p>d) The maps for each LCA and keys are not easy to read – could be the resolution?</p>	<p>landscapes. The SPG is 'indicative' and is not intended to replace site-level assessments i.e. LVIA or be used in isolation to make decisions on individual applications or to decide whether an EIA is required or not.</p> <p>The primary function of the Gillespies guidance is to help LPAs determine whether an EIA will be required for a particular development. However the Gillespies document is usefully cross referenced in the SPG in paragraph 3.14, with respect to what is required when submitting a planning application.</p> <p>Because the documents have very different primary purposes it would be of no benefit to use common 'scale' and 'cluster' parameters, as any number of combinations of proposal could occur between the two.</p> <p>With respect to the assessment criteria's relationship with LANDMAP it is confirmed that this formed the basis for the desktop study to determine the Landscape Character Area boundaries.</p> <p>It is noted that the quality of the maps within the document make the key difficult to read and the Council will endeavour to improve the resolution of the maps before final publication of the document.</p>	
8	Suncredit			<p>The SPG is an admirable, welcome and proactive step by BCBC to help developers such as ourselves select the most suitable sites for solar farms and ensure that their site design and layout are well thought out and fit into the landscape. However, we believe that the SPG is one dimensional as is it founded entirely on landscape sensitivity analysis and ignores many other real world drivers that dictate where and how solar farms can be sited and developed. Consequently, if the flawed foundation of the SPG is not appropriately and adequately addressed it will preclude many potentially good solar sites from coming forward and being developed to the detriment of the many Council policies</p>	<p>The primary purpose of this SPG is to provide guidance and a consistent approach to the assessment of the visual impact of proposed developments for wind turbines and solar farms within the context of the different and varied landscapes of the County Borough.</p> <p>It is not a primary function of the document to identify suitable areas for development although the guidance can act as a 'final step' in helping to direct developments, strategically to the least sensitive</p>	No change.

Organisation	Section No.	Page No.	Representation	Reasoned response	Decision and Action
			<p>designed to promote, maximise and encourage the rapid growth of renewable energy.</p> <p>Our biggest concern is that the SPG has failed to recognise, reflect and accommodate the reality of the size and scale of current UK solar farm developments. The SPG effectively imposes a maximum size for a solar farm of 15ha = @ 5MW as the landscape sensitivity analysis suggest that there is no area, location or site within BCBC that is acceptable from a landscape sensitivity perspective for any larger schemes. The attached SolarBuzz pie chart shows that only 6% of the solar farms developed in Q4 2013 and Q1 2014 were below 5MW. So, blind adherence to the SPG would effectively reject 94% of the UK's recent solar farm developments. The SPG clearly does not accord with reality especially as the BCBC planning officers have recommended that the 28ha 15MW Court Colman solar farm be approved when compliance to the SPG would result in it being considered a totally inappropriate site for a solar farm.</p> <p>Most responsible solar farm developers adhere and comply to the 4 stage development process set out on p51 of the SPG:</p> <p>Stage 1 Policy context Stage 2 Landscape sensitivity Stage 3 Detailed siting and design considerations Stage 4 Cumulative impacts</p> <p>So, it is extremely frustrating that the SPG does not provide any assistance to solar farm developers in identifying suitable areas or sites for development. The SPG is essentially a negative guide as it entirely focuses on excluding areas from solar development rather than trying to identify suitable locations for development. In the context of BCBC's renewable energy policies this is not helpful and must be addressed.</p> <p>The SPG completely ignores the biggest key driver and constraint to the siting and development of solar farms – grid availability and capacity. The location and availability of a cost effective grid connection will inevitably drive and require compromises in the location, siting, design, layout and visibility within the landscape of any solar farm development. The SPG fails to recognise that such compromises are inevitable and so must be accommodated by any planning guidance if</p>	<p>landscapes.</p> <p>It is not the intention of the SPG to entirely exclude areas from solar development and the document makes it clear throughout that each proposal will be dealt with on its merit and on a case-by-case basis.</p>	

Organisation	Section No.	Page No.	Representation	Reasoned response	Decision and Action
			<p>commercial solar projects are to be forthcoming.</p> <p>For your information, we attach a GoogleEarth constraints analysis that shows that there is no fear of BCBC being submerged under a sea of solar panels as it clear that there are only a very limited number of viable locations and sites for commercial scale solar farm projects. Unfortunately, these potential “real world” sites do not accord or overlap very well with the “theoretical” siting guidance of the SPG. The mismatch between our “real world” constraints analysis and the SPG preferential areas is that we have taken into consideration some of the key solar drivers and constraints that have been completely ignored by the one dimensional SPG analysis:</p> <ul style="list-style-type: none"> 1 Steep slopes 2 North facing slopes 3 Agricultural land grade classifications 4 Forestry and woodland areas <p>Of particular note in the SPG is that the land identified and designated as being most suitable for even small scale solar projects is largely Grade 2 agricultural land and as such would not be considered or put forward for development by any responsible solar developer.</p> <p>In short, the SPG is fundamentally and inherently flawed as strict adherence to its guidelines would result in no commercial scale solar farms planning applications ever being consented. It is a NIMBY’s charter! We are certain that this is not what BCBC envisaged when it was drawn up. Consequently, we request that BCBC rethink the SPG to develop some more practical and pragmatic guidance founded upon the “real world” solar constraints and overlaying and interweaving these with the landscape sensitivity analysis to arrive at some pragmatic and useful guidance. The object and intent of the SPG must surely be to facilitate commercial solar farm schemes to ensure BCBC’s renewable energy policies and targets are attained whilst ensuring that they are well sited, well designed and not too obtrusive in the landscape. To achieve this will entail compromises that are not envisaged or considered acceptable under the current draft SPG.</p>		

Late Representations Received

Organisation	Section No.	Page No.	Summary of Representations	Reasoned response	Decision and Action

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO COUNCIL

16 DECEMBER 2015

REPORT OF THE MONITORING OFFICER

AMENDMENT TO THE SCHEME OF DELEGATION OF FUNCTIONS

1. Purpose of Report

1.1 To seek Council approval to amend the Scheme of Delegation of Functions.

2. Connection to Corporate Improvement Plan / Other Corporate Priority

2.1 The Scheme of Delegation of Functions provides the authority for Cabinet Members and Officers to undertake their respective duties. The Scheme therefore directly affects the ability of the Authority to process the Corporate Improvement Plan and all Corporate Priorities.

3. Background

3.1 The Council's Scheme of Delegation of Functions is regularly reviewed to ensure that it remains fit for purpose.

4. Current situation / proposal

4.1 It is proposed that the following amendments are made to the Scheme of Delegations:

"Scrap Metal Dealers Act 2013" be inserted into the legislative provisions listed at Scheme B2, paragraph 2.58;

- Scheme B2, paragraph 2.07 and 2.08 be removed as these powers will now be transferred to the Corporate Director of Communities.
- Scheme B2, the following paragraphs are amended and numbered 6.8 and 6.9 which transfer the powers from the Assistant Chief Executive Legal and Regulatory Services to the Corporate Director of Communities:

6.8	To determine all applications and administrative arrangements in respect of designated grounds and regulated stands under the Safety of Sports Ground Act 1975 and to issue prohibition notices under Section 10 of the Act.
-----	--

6.9	To authorise officers to have power of entry, issue prohibition notices under Section 10 and undertake responsibilities as to implementation and enforcement under paragraphs 10B and 11 of the Safety of Sports Grounds Act 1975.
-----	--

5. Effect upon Policy Framework& Procedure Rules

5.1 The Scheme of Delegation of Functions will require amendment as shown above.

6. Equality Impact Assessment

6.1 There are no equality implications.

7. Financial Implications

7.1 None.

8. Recommendation

8.1 It is recommended that Cabinet note the content of the report and approve the amendments to the Scheme of Delegation of Functions.

Contact Officer: P A Jolley
Assistant Chief Executive Legal and Regulatory Services

Telephone: (01656) 643106
E-mail: Andrew. Jolley@bridgend.gov.uk

Postal Address Level 2,
Civic Offices,
Angel Street,
Bridgend,
CF31 4WB

Background Documents

None

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO COUNCIL

16 DECEMBER 2015

REPORT OF THE MONITORING OFFICER

REVIEW OF POLITICAL BALANCE – CHANGES TO COMMITTEE MEMBERSHIP

1. Purpose of Report.

1.1 The purpose of this report is to:

- advise Council of the outcome of a review of the political balance of the Authority resulting from the election of Cllr D Patel in the Ogmore Vale ward.
- seek approval of the revised political balance.
- receive nominations and appoint the necessary members to Committees to reflect the changes in the political balance.

2. Connection to Corporate Improvement Plan / Other Corporate Priority.

2.1 The establishment of Committees and other bodies will fulfil the requirements of the Constitution and enable the Council to work towards the successful achievement of its Corporate Priorities.

3. Background.

3.1 The Council is required by legislation and the provisions of Part 4 of the Rules of Procedure (Council Procedure Rules) of the Constitution, to undertake arrangements which will continue to facilitate and carry out the decision making processes of the Authority. On 13 May 2015 Council approved the political balance and made appointments to Committees to reflect the political make-up of the Authority.

3.2 On 01 September 2015 Cllr D Hughes (Independent) resigned as the elected member for the Ogmore Vale ward. A by-election was held on 12th November 2015 with Cllr D Patel (Labour) being elected as the new elected member for the Ogmore Vale ward.

4. Current situation / proposal.

4.1 The political composition of Council is now as follows:

Group	No of Cllrs	Percentage
Labour	39	72.22
Independent Alliance	9	16.67
Independent Annibynwr	4	7.41
Plaid Cymru*	1	1.85
Independent*	1	1.85
Totals	54	100

*This is not a group but the details have been included for completeness

- 4.2 Following the review of political balance the membership of committees has been updated to reflect the composition of Council accordingly. The updated political balance figures are shown at **Appendix 1** of the report. The variation of the political balance is between -0.3 seats and + 0.33 seats.
- 4.3 The changes required to committee membership to reflect the revised political balance are as follows:
- 4.3.1 Labour
The Labour Group are required to have an additional 3 seats which have initially been allocated to the Appeals Panel, the Partnerships and Governance and to the Adult Social Care Overview and Scrutiny Committees.
- 4.3.2 Independent Alliance
The Independent Alliance Group is required to reduce its number of seats. It has been initially identified that they should relinquish seats on the Licensing Committee and the Licensing Act 2003 Committee, the Development Control Committee and the Adult Social Care Overview and Scrutiny Committee. In order to maintain the best possible balance the Group has been allocated an additional seat on the Town and Community Council Forum.
- 4.3.3 Independent Annibynwr
No change
- 4.3.4 Plaid Cymru
Plaid Cymru is not a political group of Council, because it has less than 2 Council representatives and is not required to be allocated a specific percentage of Committee seats. Therefore, it is proposed that Cllr RM James remain on the Community Renewal and Environment Overview Scrutiny and Democratic Services Committees. He will no longer be a member of the Appeals Panel but he will become a member of the Development Control Committee.
- 4.3.5 Independent
Cllr L Ellis is a stand-alone independent member and like Plaid Cymru is not required to have a specific percentage of committee seats. Council is requested to maintain his seat on the Appeals Panel, withdraw his seats on the Partnerships and Governance Overview and Scrutiny Committee and on the Town and Community Council Forum and re-allocate a seat on each of the Licensing Committee and the Licensing Act 2003 Committee.
- 4.4 Scrutiny Chairperson Allocation
- 4.4.1 The revised political balance does not impact the allocation of Scrutiny Chairpersons
- 4.5 It should be noted that the political groups can interchange their representatives appointed to committees within the limits shown in Appendix 1. A list of the current membership of the committees is shown at **Appendix 2**. Should any of the existing Chairpersons be removed from any Committee, Council will be requested to appoint a new Chairperson from the revised Committee membership.

4.6 Group Leaders have been informed of these proposals and have not raised any objections or concerns.

5. Effect upon Policy Framework & Procedure Rules.

5.1 The provisions and recommendations of the report accord with the Council's Constitution.

6. Equality Impact Assessment.

6.1 There are no equality implications attached to this report.

7. Financial Implications.

7.1 There are no financial implications

8. Recommendations.

8.1 Council is recommended to:-

- (1) to note the change to the political composition of the Council.
- (2) approve the allocation of seats to political groups in accordance with the political balance rules as set out in **Appendix 1** of the report;
- (3) seek nominations as shown in paragraph 4.3 to be removed from or to be appointed to serve on each of the Committees, Panels and other bodies.
- (4) appoint the nominations identified in Paragraph 8.1 (3) to their respective committees

P A Jolley
Assistant Chief Executive Legal and Regulatory Services & Monitoring Officer
28 May 2014

Contact Officer: **G P Jones**
Head of Democratic Services

Telephone: (01656) 643148

E-mail: Gary.Jones@Bridgend.gov.uk

Postal Address Bridgend County Borough Council,
Civic Offices,
Angel Street,
Bridgend.
CF31 4WB

Background documents

None.

REVISED POLITICAL COMPOSITION OF THE COUNCIL

Committee	Total	Labour			Independent Alliance			Independent Annibynwr			Plaid Cymru			Independent		
		No	%	Change	No	%	Change	No	%	Change	No	%	Change	No	%	Change
Appeals	12	9	75.00	+1	2	16.67		0	0.00			0.00	-1	1	8.33	
Audit Committee	12	9	75.00		2	16.67		1	8.33			0.00			0.00	
Licensing Committee	14	10	71.43		2	14.29	-1	1	7.14			0.00		1	7.14	+1
Licensing Act 2003 Committee	14	10	71.43		2	14.29	-1	1	7.14			0.00		1	7.14	+1
Development Control Committee	18	13	72.22		3	16.67	-1	1	5.56		1	5.56	+1		0.00	
Town & Community Council Forum	19	14	73.68		4	21.05	+1	1	5.26			0.00			0.00	-1
Partnerships & Governance	12	9	75.00	+1	2	16.67		1	8.33			0.00			0.00	-1
Corporate Resources & Improvement	12	9	75.00		2	16.67		1	8.33			0.00			0.00	
Children & Young People	12	9	75.00		2	16.67		1	8.33			0.00			0.00	
Community, Environment & Leisure	12	8	66.67		2	16.67		1	8.33		1	8.33			0.00	
Adult Social Care	12	9	75.00	+1	2	16.67	-1	1	8.33			0.00			0.00	
Democratic Services Committee	11	7	63.64		2	18.18		1	9.09		1	9.09			0.00	
Appointments Committee	6	4	66.67		1	16.67		1	16.67			0.00			0.00	
Totals	166	120	72.29		28	16.87		12	7.23		3	1.81		3	1.81	
Councillors	54	39	72.22		9	16.67		4	7.41		1	1.85		1	1.85	
Variation as %			0.07			0.20			-0.18			-0.04			-0.04	
Variation as Seats(1% = 1.66 seats)	1.66		0.04			0.33			-0.30			-0.07			-0.07	

APPEALS PANEL

1.	Cllr L Ellis	Independent	
2.	Cllr N Clarke	Independent Alliance	
3.	Cllr CA Green	Independent Alliance	
4.	Cllr PA Davies	Labour	
5.	Cllr RD Jenkins	Labour	
6.	Cllr C Westwood	Labour	
7.	Cllr P James	Labour	
8.	Cllr D Lewis	Labour	
9.	Cllr JE Lewis	Labour	
10.	Cllr J McCarthy	Labour	Chairperson
11.	Cllr DBF White	Labour	
12.	Cllr RM James	Plaid Cymru	

AUDIT COMMITTEE

1.	Cllr G Davies	Independent Alliance	
2.	Cllr CA Green	Independent Alliance	
3.	Cllr E Dodd	Independent Annibynwyr	Chairperson
4.	Cllr GW Davies MBE	Labour	
5.	Cllr RC Jones	Labour	
6.	Cllr J McCarthy	Labour	
7.	Cllr JE Lewis	Labour	
8.	Cllr M Reeves	Labour	
9.	Cllr C Westwood	Labour	
10.	Cllr D Sage	Labour	
11.	Cllr CL Jones	Labour	
12.	Cllr DK Edwards	Labour	

LICENSING COMMITTEE /LICENSING ACT 2003 COMMITTEE

1.	Cllr B Jones	Independent Alliance	
2.	Cllr E Venables	Independent Alliance	
3.	Cllr DG Owen	Independent Alliance	
4.	Cllr E Dodd	Independent Annibynwyr	
5.	Cllr P James	Labour	
6.	Cllr RD Jenkins	Labour	
7.	Cllr JE Lewis	Labour	
8.	Cllr HE Morgan	Labour	
9.	Cllr R Williams	Labour	Chairperson
10.	Cllr GW Davies MBE	Labour	
11.	Cllr PA Davies	Labour	
12.	Cllr CJ James	Labour	
13.	Cllr P John	Labour	
14.	Cllr DRW Lewis	Labour	

DEVELOPMENT CONTROL COMMITTEE

1.	Cllr N Clarke	Independent Alliance	
2.	Cllr CA Green	Independent Alliance	
3.	Cllr DG Owen	Independent Alliance	
4.	Cllr M Winter	Independent Alliance	
5.	Cllr JH Tildesley MBE	Independent Annibynwyr	
6.	Cllr GW Davies MBE	Labour	
7.	Cllr PA Davies	Labour	
8.	Cllr RC Jones	Labour	
9.	Cllr DRW Lewis	Labour	
10.	Cllr JE Lewis	Labour	
11.	Cllr HE Morgan	Labour	
12.	Cllr LC Morgan	Labour	
13.	Cllr D Sage	Labour	
14.	Cllr JC Spanswick	Labour	
15.	Cllr G Thomas	Labour	
16.	Cllr M Thomas	Labour	Chairperson
17.	Cllr C Westwood	Labour	
18.	Cllr R Williams	Labour	

TOWN & COMMUNITY COUNCIL FORUM

1.	Cllr L Ellis	Independent	
2.	Cllr S Aspey	Independent Alliance	
3.	Cllr DG Owen	Independent Alliance	
4.	Cllr M Winter	Independent Alliance	
5.	Cllr M Butcher	Independent Annibynwyr	
6.	Cllr EM Hughes	Labour	
7.	Cllr RD Jenkins	Labour	
8.	Cllr CL Jones	Labour	
9.	Cllr HE Morgan	Labour	
10.	Cllr MEJ Nott OBE	Labour	Chairperson
11.	Cllr G Phillips	Labour	
12.	Cllr DR Pugh	Labour	
13.	Cllr C Reeves	Labour	
14.	Cllr M Reeves	Labour	
15.	Cllr D Sage	Labour	
16.	Cllr CE Smith	Labour	
17.	Cllr R Thomas	Labour	
18.	Cllr HJ Townsend	Labour	
19.	Cllr R Williams	Labour	

PARTNERSHIPS AND GOVERNANCE OVERVIEW AND SCRUTINY COMMITTEE

1.	Cllr L Ellis	Independent	
2.	Cllr N Clarke	Independent Alliance	Chairperson
3.	Cllr KJ Watts	Independent Alliance	
4.	Cllr E Dodd	Independent Annibynwyr	
5.	Cllr EM Hughes	Labour	
6.	Cllr M Jones	Labour	
7.	Cllr J McCarthy	Labour	
8.	Cllr HE Morgan	Labour	
9.	Cllr Alex Owen	Labour	
10.	Cllr M Thomas	Labour	
11.	Cllr R Thomas	Labour	
12.	Cllr C Westwood	Labour	

ADULT SOCIAL CARE OVERVIEW AND SCRUTINY COMMITTEE

1.	Cllr N Clarke	Independent Alliance	
2.	Cllr B Jones	Independent Alliance	
3.	Cllr E Venables	Independent Alliance	
4.	Cllr M Butcher	Independent Annibynwyr	
5.	Cllr PA Davies	Labour	
6.	Cllr N Farr	Labour	
7.	Cllr EM Hughes	Labour	
8.	Cllr P John	Labour	
9.	Cllr JE Lewis	Labour	
10.	Cllr LC Morgan	Labour	
11.	Cllr D Sage	Labour	Chairperson
12.	Cllr M Thomas	Labour	

CHILDREN & YOUNG PEOPLE OVERVIEW & SCRUTINY COMMITTEE

1.	Cllr CA Green	Independent Alliance	
2.	Cllr EP Foley	Independent Annibynwyr	Chairperson
3.	Cllr PA Davies	Labour	
4.	Cllr DK Edwards	Labour	
5.	Cllr N Farr	Labour	
6.	Cllr P John	Labour	
7.	Cllr M Jones	Labour	
8.	Cllr G Phillips	Labour	
9.	Cllr R Thomas	Labour	
10.	Cllr C Westwood	Labour	
11.	Cllr DBF White	Labour	

COMMUNITY, ENVIRONMENT AND LEISURE OVERVIEW AND SCRUTINY COMMITTEE

1.	Cllr CA Green	Independent Alliance	
2.	Cllr KJ Watts	Independent Alliance	
3.	Cllr JH Tildesley MBE	Independent Annibynwyr	
4.	Cllr DK Edwards	Labour	
5.	Cllr RD Jenkins	Labour	
6.	Cllr CL Jones	Labour	
7.	Cllr DRW Lewis	Labour	
8.	Cllr J McCarthy	Labour	
9.	Cllr G Phillips	Labour	
10.	Cllr JC Spanswick	Labour	Chairperson
11.	Cllr R Williams	Labour	
12.	Cllr RM James	Plaid Cymru	

CORPORATE RESOURCES & IMPROVEMENT OVERVIEW & SCRUTINY COMMITTEE

1.	Cllr G Davies	Independent Alliance	
2.	Cllr CA Green	Independent Alliance	
3.	Cllr E Dodd	Independent Annibynwyr	
4.	Cllr GW Davies MBE	Labour	
5.	Cllr EM Hughes	Labour	
6.	Cllr RC Jones	Labour	
7.	Cllr DRW Lewis	Labour	
8.	Cllr J McCarthy	Labour	
9.	Cllr C Reeves	Labour	
10.	Cllr M Reeves	Labour	Chairperson
11.	Cllr JC Spanswick	Labour	
12.	Cllr G Thomas	Labour	

DEMOCRATIC SERVICES COMMITTEE

1.	Cllr CA Green	Independent Alliance	
2.	Cllr E Venables	Independent Alliance	
3.	Cllr JH Tildesley MBE	Independent Annibynwyr	Chairperson
4.	Cllr DK Edwards	Labour	
5.	Cllr N Farr	Labour	
6.	Cllr P James	Labour	
7.	Cllr RC Jones	Labour	
8.	Cllr J McCarthy	Labour	
9.	Cllr M Reeves	Labour	
10.	Cllr G Thomas	Labour	
11.	Cllr RM James	Plaid Cymru	

APPOINTMENT COMMITTEE

1.	Cllr CA Green	Independent Alliance	
2.	Cllr JH Tildesley MBE	Independent Annibynwyr	
3.	Cllr MEJ Nott OBE	Labour	Chairperson
4.	Cllr GW Davies MBE	Labour	
5.	Cllr HJ David	Labour	
6.	Cabinet Member Portfolio Holder	Labour	

This page is intentionally left blank

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO COUNCIL

16 DECEMBER 2015

REPORT OF THE MONITORING OFFICER

INFORMATION REPORTS FOR NOTING

1. Purpose of Report.

- 1.1 The purpose of this report is to inform Council of any information reports for noting since its last ordinary meeting.

2. Connection to Corporate Plan / Other Corporate Priorities.

- 2.1 The report relates to the Corporate Priority working together to make the best use of our resources by improving the way we communicate and engage with citizens.

3. Background.

- 3.1 Council has previously agreed to receive a report of this content.

4. Current situation / proposal.

4.1 Information Reports

The information report below has been published since the last ordinary meeting of Council:-

<u>Title</u>	<u>Officer</u>	<u>Date published</u>
2015 Annual Monitoring Report for the Bridgend Local Development Plan (LDP) 2006 - 2021	Corporate Director - Communities	10 December 2015

4.2 Availability of Documents

The above report has been circulated electronically and placed on the BCBC website. A hard copy of the report has also been placed in the Members Room for information and is available on request from Cabinet and Committee Services.

5. Effect upon Policy Framework and Procedure Rules.

- 5.1 This report accords with the relevant Procedure Rules.

6. Equality Impact Assessment.

- 6.1 There are no equality implications attached to this report.

7. Financial Implications.

- 7.1 There are no financial implications regarding this report.

8. Recommendation.

8.1 Council is recommended to note the content of this report.

P A Jolley

Assistant Chief Executive Legal and Regulatory Services and Monitoring Officer

9 December 2015

Contact Officer: M A Galvin
Senior Democratic Services Officer - Committees

Telephone: (01656) 643148

Email: cabinet_committee@bridgend.gov.uk

Postal address: Democratic Services
Legal and Regulatory Services
Level 2 Civic Offices
Angel Street
Bridgend
CF31 4WB

Background documents:

None were used in the production of this report

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO COUNCIL

16 DECEMBER 2015

INFORMATION REPORT OF THE CORPORATE DIRECTOR - COMMUNITIES

2015 ANNUAL MONITORING REPORT FOR THE BRIDGEND LOCAL DEVELOPMENT PLAN (LDP) 2006 - 2021

1. Purpose of Report

- 1.1 To report to Council the findings of the Bridgend County Borough Local Development Plan 2015 Annual Monitoring Report (AMR).

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

- 2.1 The Bridgend Local Plan (LDP) is one of the high level strategies which must be prepared by the Council. The LDP sets out in land use terms those priorities in the Corporate Plan that relate to the development and use of land provided they are in conformity with national and international policy. The AMR monitors whether the LDP and therefore the Council's land use and regeneration objectives are being successfully implemented.

3. Background

- 3.1 Following the adoption of the Bridgend Local Development Plan in September 2013, the Council has a statutory obligation under section 76 of the Planning and Compulsory Purchase Act 2004 to produce an Annual Monitoring Report (AMR).
- 3.2 The 2015 Annual Monitoring Report (AMR) was submitted to the Welsh Government on the 27th October 2015 and this document can be viewed at the following link.

<http://www1.bridgend.gov.uk/media/300480/annual-monitoring-report-2014-2015-final-version.pdf>

- 3.3 Hard copies of the report can be viewed in the Members lounge.
- 3.4 The main aim of the AMR is to assess the extent to which the LDP Strategy and Policies are being achieved. Therefore, the AMR has two primary roles; firstly to consider whether the policies identified in the monitoring process are being implemented successfully; and secondly to consider the plan as a whole against all of the information gathered to determine whether a complete or partial review of the plan is necessary.

The Requirement for Monitoring

- 3.5 In order to monitor the Local Development Plans performance, it needs to be considered against a set of monitoring aims and indicators. Chapter 7 of the LDP sets out the Monitoring Framework that forms the basis of the AMR and provides information that is required to be included by LDP Regulation 37.
- 3.6 In this context the AMR is required to identify policies that are not being implemented and for each such policy:
- Outline the reasons why the policy is not being implemented;
 - Indicate steps that can be taken to enable the policy to be implemented;
 - Identify whether a revision to the plan is required;
 - Specify the housing land supply from the Housing Land Availability Report for that year, and for the full period since the adoption of the plan; and
 - Specify the number of net additional affordable and general market dwellings built in the LPA area for that year, and for the full period since the adoption of the plan.
- 3.7 The LDP Manual supplements this requirement by setting out additional factors that should be assessed in the AMR:
- Whether the basic strategy remains sound (if not, a full plan review may be needed);
 - What impact the policies are having globally, nationally, regionally and locally;
 - Whether the policies need changing to reflect changes in national policy;
 - Whether policies and related targets in the LDP have been met or progress is being made towards meeting them, including publication of relevant supplementary planning guidance (SPG);
 - Where progress has not been made, the reasons for this and what knock on effects it may have;
 - What aspects, if any, of the LDP need adjusting or replacing because they are not working as intended or are not achieving the objectives of the strategy and/or sustainable development objectives; and
 - If policies or proposals need changing, the suggested actions that is required to achieve them.

3.8 Monitoring the Plan also accords with the requirements for monitoring the sustainability performance of the plan through the Strategic Environmental Assessment / Sustainability Appraisal (SEA/ SA).

4. Current Situation

4.1 The Council has a statutory obligation under section 61 of the Planning and Compulsory Purchase Act 2004 to keep all matters under review that are expected to affect the development of its area. In addition, section 76 of the Act requires the Council to produce information on these matters in the form of an Annual Monitoring Report for submission to the Welsh Government. This is the first AMR to be prepared since the adoption of the Bridgend LDP and is based on the period from 1st April 2014 to 31st March 2015 and is required to be submitted to Welsh Government by the end of October 2015.

4.2 There have been many changes since 2013 that will impact on the successful implementation of the LDP; the most notable are the changes in the Welsh Economy and the changes in the regional context. The AMR therefore considers whether the development strategy that underpins the LDP remains valid; and assesses whether or not the Strategy Policies contained in the LDP are being effective in delivering the Development Strategy and meeting the objectives of the plan.

4.3 The LDP Regulations and the LDP Manual specify what the AMR is required to include:

- An Executive Summary;
- A review of changes to national and regional policy and guidance and their implications for the LDP;
- SEA/SA Monitoring based on the SEA/SA Monitoring Framework;
- LDP Monitoring based on the LDP Monitoring Framework;
- Statutory Indicators; and
- Recommendations on the course of action in respect of policies and the LDP as a whole.

Key findings of the Annual Monitoring Process

4.4 An overview of the LDP Monitoring Data for the 1st AMR period provides an interesting insight into the implementation of the LDP over the past 12 months. The key findings are set out below:

- The 2015 Joint Housing Land Availability Study (JHLAS) indicates that 582 new homes were completed during the monitoring period 1 April 2014 to 31 March

2015 and that 4,041 dwellings have been completed in total, during the LDP period 2006 to 2015;

- The 2015 JHLAS indicates that the Council has a housing land supply, assessed against the housing requirement of the Bridgend LDP of 5.4 years;
- Since 2009 880 affordable units have been delivered, 588 of which are general needs affordable dwellings;
- During the monitoring period 1 April 2014 to 31 March 2015 only 0.45 hectares of vacant employment land was developed. During the preceding year 2014 1.63 ha of employment land was developed;
- Within Bridgend Town Centre of the 382 commercial properties surveyed 55 were vacant – representing a vacancy rate of 14.4%;
- Within Porthcawl Town Centre of the 209 commercial properties surveyed 16 were vacant – representing a vacancy rate of 7.7%;
- Within Maesteg Town Centre of the 158 commercial properties surveyed 17 were vacant – representing a vacancy rate of 10.8%;
- Two town centre regeneration schemes have or are in the process of being delivered at Maesteg Town Centre, with the successful implementation of Maesteg Outdoor Market (where 13 out of the 14 units are occupied by retail traders) and within Bridgend Town Centre at 'Riverside' that is subject of a successful 'Vibrant & Viable Places' funding bid which will deliver a commercial and residential scheme;
- Notwithstanding the fact that LDP monitoring does not trigger the need to undertake a Gypsy and Traveller Accommodation Assessment, requirements of the new Housing (Wales) Act 2014 requires each local authority in Wales to undertake an assessment by February 2016 and identify a Gypsy and Traveller site if a need is identified; and
- The County Borough is making a significant contribution to national renewable energy targets. The generating capacity within and immediately adjacent the refined SSA (north of Evanstown) is 79.5 MW (mega watts) which is considerably higher than the estimated capacity within the SSA of 31 MW.

4.5 Chapter 5 of the AMR provides a detailed analysis of the success of the plan to date against the monitoring indicators and factors in terms of delivering sustainable development.

Conclusions

4.6 There is no evidence to suggest there is a need for a full or partial review of the LDP at this time. Whilst the level of growth in some areas is slower than anticipated, evidence collected through the monitoring process clearly suggests that good progress is being made in the delivery of the majority of LDP targets, which must be seen as a positive. This may be attributed in part to the proactive approach the Council has taken to bringing forward its own land for development, accompanied by detailed development briefs, which considerably de-risks development for potential investors. Continued investment into the local economy is required to stimulate the delivery of new employment land and mixed-use regeneration sites by taking a proactive approach with landowners and developers especially where development sites are in the Council's ownership and bring forward new schemes, masterplans and development briefs to facilitate development. The development which has taken place in the County Borough of Bridgend since the adoption of the LDP, together with the projected future investment from the public and private sector will ensure that the LDP is successfully delivered.

4.7 The findings of the Annual Monitoring Report for 2015 suggest that:

1. No full or partial review of the LDP is required at this time; and
2. The actions set out in the AMR will seek to address underperformance are implemented.

5. Effect upon Policy Framework & Procedure Rules

5.1 Following the adoption of the Bridgend LDP, the Council has a statutory obligation under section 76 of the Planning and Compulsory Purchase Act 2004 to produce an Annual Monitoring Report (AMR) to identify whether the policies identified in the monitoring process are being implemented successfully; and to consider the plan as a whole against all of the information gathered to determine whether a complete or partial review of the plan is necessary.

6. Equality Impact Assessment

6.1 There are no direct implications associated with this report. However, any future review of the policies and proposals contained within the Bridgend County Borough Local Development Plan will require an equalities impact assessment to be carried out.

7. Financial Implications

7.1 There are no immediate financial implications as a consequence of this report.

8. Recommendations

8.1 That Council notes the report.

Mark Shephard
Corporate Director Communities

16 December 2015

Contact Officer: Susan Jones
Development Planning Manager

Telephone: (01656) 643169

E-mail: susan.jones@bridgend.gov.uk

Postal Address Development Planning
Communities Directorate
Civic Offices, Angel Street
BRIDGEND CF31 4WB

Background documents

None.