

# Public Document Pack



Neuadd y Sir  
Y Rhadyr  
Brynbuga  
NP15 1GA

Dydd Mercher, 17 Hydref 2018

## Hysbysiad o gyfarfod:

### Cyngor Sir

Dydd Iau, 25ain Hydref, 2018 at 2.00 pm,

## AGENDA

*Prayers will be said prior to the Council meeting at 4.55pm. All members are welcome to join the Chairman for prayers should they wish to do.*

Eitem No	Eitem	Tudalennau
1.	Ymddiheuriadau am absenoldeb	
2.	Fforwm Agored i'r Cyhoedd	
3.	Datganiadau o Fuddiant	
4.	Cyhoeddiad y Cadeirydd a derbyn deisebau	1 - 2
5.	Cyflwyniad i'r Cyngor - Datblygiad Fy Ffrindiau a'i lwyddiant hyd yma.	
6.	Rhestr o Gynigion	
6.1.	<b>Oddi wrth y Cynghorydd Sirol D. Batrouni</b>  Bod Cynghorwyr Sir Fynwy yn credu y dylai pob aelod o staff a gyflogir gan y Cyngor, naill ai'n uniongyrchol neu'n anuniongyrchol, cael cynnig contract parhaol os ydynt yn gweithio lleiafswm rheolaidd o oriau dros gyfnod o ychydig fisoedd.	
6.2.	<b>Oddi wrth y Cynghorydd Sirol Phil Murphy</b>  Mae'r Cyngor hwn:  Yn nodi bod Llywodraeth Cymru wedi cael cynnydd o 5.6%, sef £1.2 biliwn yn ei chyllideb gan Lywodraeth y DU ar gyfer 2019/20.  Yn difaru penderfyniad Llywodraeth Cymru i leihau gwariant Llywodraeth Leol gan 3.2%, ar gyfartaledd, mewn termau real.	

Yn difaru ymhellach bod Sir Fynwy unwaith eto wedi cael y toriad dyfnaf o unrhyw awdurdod lleol yng Nghymru, gan golli £962,000 ac yn mynegi pryder am yr effaith y gallai toriadau Llywodraeth Cymru ei chael ar addysg, gofal cymdeithasol a gwasanaethau hanfodol eraill ar gyfer pobl Sir Fynwy.

Yn galw ar Lywodraeth Cymru i ailystyried ei blaenoriaethau ar fyrder i osgoi toriadau niweidiol mewn gwasanaethau lleol.

### **6.3. Oddi wrth y Cyngorydd Sirol A. Davies**

Bod y cyngor hwn yn cymryd camau brys i ddarparu'r adnoddau angenrheidiol i gynnal adolygiad manwl o'n systemau caffael presennol gyda'r bwriad o nodi a gweithredu arbedion posibl o ran costau.

### **6.4. Oddi wrth y Cyngorydd Sirol M. Feakins**

Mae effeithiau ailbrisiu ardrethi busnes gan Lywodraeth Cymru bellach yn cael eu teimlo ledled ein sir. Mae masnachwyr yn ein trefi, yn gyffredin ag eraill ledled y DU, yn wynebu pwysau digynsail yn sgil newidiadau mewn arferion siopa, yn enwedig cystadleuaeth gan gwmnïau masnachu ar y rhynggrwyd. Mae ailbrisiad Llywodraeth Cymru wedi rhoi pwysau ychwanegol ar ein masnachwyr canol tref yn Sir Fynwy. Ni all fod yn iawn fod gwerthoedd ardrethol manwerthwyr yng Nghaerdydd wedi dangos gostyngiad o bron 10% ar gyfartaledd tra bod y rhai yn Sir Fynwy wedi cynyddu mwy nag 11%; fwy na dwywaith lefel unrhyw awdurdod yng Nghymru.

Mae'r cyngor hwn yn galw ar Lywodraeth Cymru, gyda'i phwerau trethu newydd, i ddileu'r system ardrethi busnes sydd wedi dyddio a rhoi yn ei lle system sy'n deg i bawb ac sy'n rhoi gobaith i ganol ein trefi yn y dyfodol.

## **7. Cwestiynau'r Aelodau:**

### **7.1. O'r Cyngorydd Sirol D. Batrouni i'r Cyngorydd Sirol R. Greenland**

Faint o Wleddoedd Nadolig sydd wedi'u harchebu yng Nghastell Cil-y-coed eleni?

### **7.2. O'r Cyngorydd Sirol D. Batrouni i'r Cyngorydd Sirol R. John**

Sawl ysgol yn Sir Fynwy sydd wedi derbyn y rhaglen hyfforddi dysgu gydag Awtistiaeth?

### **7.3. O'r Cyngorydd Sirol J. Pratt i'r Cyngorydd Sirol P. Murphy**

Pam mae'r cyllid ar gyfer y flwyddyn nesaf o Lywodraeth Cymru yn ostyngiad o 1% pan mae'r Ysgrifennydd Gwladol, Y Gwir Anrh Alun Cairns AS wedi cytuno ar becyn ariannu newydd i Gymru sy'n rhoi £120

	am bob £100 a werir yn Lloegr? A yw'r Cynghorydd Murphy yn cytuno nad yw'r ffaith bod y Weinyddiaeth Lafur yn rhoi'r bai ar San Steffan yn adlewyrchiad cywir o'r sefyllfa a pha gynrychiolaeth yr ydym yn ei gwneud i Lywodraeth Cymru ym Mae Caerdydd i fynnu setliad gwell i drigolion Sir Fynwy?	
<b>7.4.</b>	<b>O'r Cynghorydd Sirol y Parchedig M. Lane i'r Cynghorydd Sirol R. John</b>	
	Pa gamau mae'r awdurdod yn eu cymryd i baratoi ar gyfer cyflwyno gofal plant 30 awr am ddim o Ionawr 2019?	
<b>7.5.</b>	<b>O'r Cynghorydd Sirol A. Easson i'r Cynghorydd Sirol B. Jones</b>	
	O ran craffu ar broses dreulio gwastraff bwyd anaerobig Blaenau'r Cymoedd, sef cydweithrediaeth rhwng yr awdurdod hwn a Chynghorau Bwrdeistrefi Blaenau Gwent a Thorfaen, a yw'r Cynghorydd Jones, yr Aelod Cabinet sy'n gyfrifol, yn hyderus bod y gwaith yn ddichonadwy? A yw'n hyderus bod gwaith craffu gan y pwyllgor Dethol Cymunedau Cryf (o'r broses gaffael a gynhaliwyd gan yr awdurdod arweiniol) wedi meddu ar yr holl ffeithiau a oedd yn ymwneud ag opsiynau ar gyfer gweithredu?	
<b>8.</b>	<b>I gadarnhau cofnodion cyfarfodydd y Cyngor Sir ar 20fed Medi 2018</b>	3 - 14
<b>9.</b>	<b>Derbyn cofnodion cyfarfod y Pwyllgor Archwilio a gynhaliwyd ar 5ed Gorffennaf 2018</b>	15 - 20
<b>10.</b>	<b>Derbyn cofnodion cyfarfod y Pwyllgor Gwasanaethau Democrataidd a gynhaliwyd ar 16eg Gorffennaf 2018</b>	21 - 24
<b>11.</b>	<b>Adroddiadau Prif Swyddog Gofal Cymdeithasol, Diogelu ac Iechyd</b>	
<b>11.1.</b>	<b>Datganiad Polisi Hapchwarae a Chynigion ar gyfer Casinos</b>	25 - 90
<b>12.</b>	<b>Adroddiadau'r Prif Swyddog Adnoddau</b>	
<b>12.1.</b>	<b>Ystyried a ddylid gwahardd y wasg a'r cyhoedd o'r cyfarfod wrth ystyried yr eitem fusnes ganlynol yn unol ag Adran 100A o Ddeddf Llywodraeth Leol 1972, fel y'i diwygiwyd, ar y sail ei bod yn ôl pob tebyg yn cynnwys datgelu gwybodaeth eithriedig fel y'i diffinnir ym Mharagraffau 12 a 14 o Ran 4 o Atodlen 12A i'r Ddeddf (barn y Swyddog Priodol ynghlwm).</b>	91 - 92
<b>12.2.</b>	<b>Adnewyddu Bloc J a chynllun maes parcio Neuadd y Sir - darpariaeth cyllideb ychwanegol</b>	93 - 108

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## Prif Weithredwr

## CYNGOR SIR FYNWY

MAE CYFANSODDIAD Y PWYLLGOR FEL SY'N DILYN:

Cynghorwyr Sir:

P. Clarke  
D. Batrouni  
D. Blakebrough  
M. Powell  
V. Smith  
D. Dovey  
A. Easson  
R. Edwards  
D. Evans  
P.A. Fox  
R.J.W. Greenland  
L. Guppy  
R. Harris  
J. Higginson  
G. Howard  
S. Howarth  
D. Jones  
P. Jones  
S. Jones  
S.B. Jones  
P. Jordan  
P. Murphy  
B. Strong  
F. Taylor  
A. Watts  
A. Webb  
K. Williams  
J.Becker  
L.Brown  
A.Davies  
L.Dymock  
M.Feakins  
M.Groucutt  
R.John  
L.Jones  
M.Lane  
P.Pavia  
J.Pratt  
R.Roden  
T.Thomas  
J.Treharne  
J.Watkins  
S. Woodhouse

**Gwybodaeth Gyhoeddus**

### **Mynediad i gopiâu papur o agendâu ac adroddiadau**

Gellir darparu copi o'r agenda hwn ac adroddiadau perthnasol i aelodau'r cyhoedd sy'n mynychu cyfarfod drwy ofyn am gopi gan Gwasanaethau Democrataidd ar 01633 644219. Dylid nodi fod yn rhaid i ni dderbyn 24 awr o hysbysiad cyn y cyfarfod er mwyn darparu copi caled o'r agenda hwn i chi.

### **Edrych ar y cyfarfod ar-lein**

Gellir gweld y cyfarfod ar-lein yn fyw neu'n dilyn y cyfarfod drwy fynd i [www.monmouthshire.gov.uk](http://www.monmouthshire.gov.uk) neu drwy ymweld â'n tudalen Youtube drwy chwilio am MonmouthshireCC. Drwy fynd i mewn i'r ystafell gyfarfod, fel aelod o'r cyhoedd neu i gymryd rhan yn y cyfarfod, rydych yn caniatáu i gael eich ffilmio ac i ddefnydd posibl y delweddau a'r recordiadau sain hynny gan y Cyngor.

### **Y Gymraeg**

Mae'r Cyngor yn croesawu cyfraniadau gan aelodau'r cyhoedd drwy gyfrwng y Gymraeg neu'r Saesneg. Gofynnwn gyda dyledus barch i chi roi 5 diwrnod o hysbysiad cyn y cyfarfod os dymunwch siarad yn Gymraeg fel y gallwn ddarparu ar gyfer eich anghenion.

# Nodau a Gwerthoedd Cyngor Sir Fynwy

## Ein diben

Adeiladu Cymunedau Cynaliadwy a Chydnerth

### Amcanion y gweithiwn tuag atynt

- Rhoi'r dechrau gorau posibl mewn bywyd i bobl
- Sir lewyrchus a chysylltiedig
- Cynyddu i'r eithaf botensial yr amgylchedd naturiol ac adeiledig
- Llesiant gydol oes
- Cyngor gyda ffocws ar y dyfodol

## Ein Gwerthoedd

**Bod yn agored.** Rydym yn agored ac yn onest. Mae pobl yn cael cyfle i gymryd rhan mewn penderfyniadau sy'n effeithio arnynt, dweud beth sy'n bwysig iddynt a gwneud pethau drostynt eu hunain/eu cymunedau. Os na allwn wneud rhywbeth i helpu, byddwn yn dweud hynny; os bydd yn cymryd peth amser i gael yr ateb, byddwn yn esbonio pam; os na allwn ateb yn syth, byddwn yn ceisio eich cysylltu gyda'r bobl a all helpu - mae adeiladu ymddiriedaeth ac ymgysylltu yn sylfaen allweddol.

**Tegwch.** Darparwn gyfleoedd teg, i helpu pobl a chymunedau i ffynnu. Os nad yw rhywbeth yn ymddangos yn deg, byddwn yn gwrando ac yn esbonio pam. Byddwn bob amser yn ceisio trin pawb yn deg ac yn gyson. Ni allwn wneud pawb yn hapus bob amser, ond byddwn yn ymrwymo i wrando ac esbonio pam y gwnaethom weithredu fel y gwnaethom.

**Hyblygrwydd.** Byddwn yn parhau i newid a bod yn hyblyg i alluogi cyflwyno'r gwasanaethau mwyaf effeithlon ac effeithiol. Mae hyn yn golygu ymrwymiad gwirioneddol i weithio gyda phawb i groesawu ffyrdd newydd o weithio.

**Gwaith Tîm.** Byddwn yn gweithio gyda chi a'n partneriaid i gefnogi ac ysbrydoli pawb i gymryd rhan fel y gallwn gyflawni pethau gwych gyda'n gilydd. Nid ydym yn gweld ein hunain fel 'trefnwyr' neu ddatrysyr problemau, ond gwnawn y gorau o syniadau, asedau ac adnoddau sydd ar gael i wneud yn siŵr ein bod yn gwneud y pethau sy'n cael yr effaith mwyaf cadarnhaol ar ein pobl a lleoedd.

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## CHAIRMAN'S REPORT 22<sup>nd</sup> September – 17 October

Saturday 22 <sup>nd</sup> September 14.30 p.m.	Cream Tea on the Dean Forest Railway Train Forest Road, Lydney
<b><i>Thursday 4<sup>th</sup> October 11 a.m.</i></b>	<b><i>Citizenship Ceremony Registrar's Office, Usk</i></b>
Thursday 4 <sup>th</sup> October 6 p.m.	GAVO Monmouthshire Volunteer Achievement Awards Ceremony Cwrt Bleddyn Hotel & Spa, Llangybi, Usk
Friday 5 <sup>th</sup> October 7 p.m.	South Gloucestershire Council – Chair's Charity Dinner Pomphrey Hill Pavilion, Bristol
Wednesday 17 <sup>th</sup> October 6.30 p.m.	St David's Hospice Care – Annual General Meeting Blackett Avenue, Newport

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# Public Document Pack Agenda Item 8

## MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of County Council held  
on Thursday, 20th September, 2018 at 2.00 pm

**PRESENT:** County Councillor P. Clarke (Chairman)  
County Councillor S. Woodhouse (Vice Chairman)

County Councillors: D. Batrouni, D. Blakebrough, M. Powell, V. Smith, D. Dovey, A. Easson, R. Edwards, D. Evans, P.A. Fox, R.J.W. Greenland, L. Guppy, R. Harris, J. Higginson, G. Howard, D. Jones, P. Jones, S. Jones, S.B. Jones, P. Jordan, P. Murphy, B. Strong, F. Taylor, K. Williams, L. Brown, A. Davies, L. Dymock, M. Feakins, M. Groucutt, R. John, L. Jones, M. Lane, P. Pavia, J. Pratt, T. Thomas, J. Treharne and J. Watkins

### **OFFICERS IN ATTENDANCE:**

Paul Matthews	Chief Executive
Roger Hoggins	Head of Operations
Nicola Perry	Senior Democracy Officer
Hazel Clatworthy	Sustainability Policy Officer
Mark Hand	Head of Planning, Housing and Place-Shaping
Julie Boothroyd	Chief Officer Social Care, Safeguarding and Health
Matthew Gatehouse	Head of Policy and Governance
Matthew Phillips	Head of Law/ Monitoring Officer
Frances Williams	Chief Officer, Enterprise

### **APOLOGIES:**

County Councillors S. Howarth, A. Watts, A. Webb, J. Becker and R. Roden

#### **2. Declarations of interest**

County Councillor T. Thomas declared a personal, non-prejudicial interest in relation to item 7, Statement of Accounts as a governor at Ysgol Gymraeg y Fenni.

County Councillor A. Easson declared a personal, non-prejudicial interest in relation to Item 7, Statement of Accounts as a governor at Ysgol Yffin and Dewstow Schools.

#### **3. Public Open Forum**

#### **4. Chairman's announcement and receipt of petitions**

We noted the Chairman's announcement.

County Councillor D. Blakebrough presented a petition in respect of speeding traffic and road safety on A466, Llandogo.

County Councillor G. Howard advised Members of an upcoming 50<sup>th</sup> anniversary concert of Monmouth Band taking place on Saturday 22<sup>nd</sup> September 2018 at the Savoy Theatre.

County Councillor R. John delivered a statement in respect of Increasing Welsh Medium Provision Capital Grant. In doing so we heard of Welsh Government funding for a new Welsh Medium school in Monmouth.

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of County Council held on Thursday, 20th September, 2018 at 2.00 pm**

Members reminded of an update delivered to Council on 19<sup>th</sup> April on the progress of the Welsh in Education Strategic Plan (WESP). This had informed Members that the Welsh Government had not approved our WESP and had asked us to develop proposals to expand Welsh medium primary education, specifically in the Monmouth area. The development of WESPs across Wales in this cycle has been longer than before as the Welsh Government looks to deliver its policy commitment of a million Welsh speakers by 2050.

A key part of that strategy is the expansion of Welsh Medium education especially in those areas where there has not been provision previously; in essence it is these areas that must make a larger contribution if the target of a million Welsh speakers is to be achieved. Throughout our consultation process around the WESP and especially through discussions with the Welsh Government and our local Welsh Medium Education Forum it became apparent that the north east of the county was an area that could benefit from investment.

Councillor John announced proposals to create 'seedling' Welsh medium primary school provision in Monmouth with Welsh medium Early Years provision and bilingual childcare. We will also seek to further develop our provision on the Ysgol Y Ffin site in Caldicot. This is 100% grant funded from the Welsh Government to the tune of £2.1million although clearly, in time, there will be a revenue budget consequence as we meet the new school's annual running costs.

He added that he is grateful for the confidence that the Welsh Government has shown in Monmouthshire to deliver this scheme. Officers will now begin the extensive process of progressing this grant approval through to delivery. This will involve the statutory consultation regarding the creation of a new school, thorough scrutiny by our Children and Young People select committee and will be subject to the full planning approval and the procurement process.

Members were asked to be aware that this development does not impinge on the ambitious proposals that we set out in the 21<sup>st</sup> Century Schools Band B proposals. A report will go to Cabinet this autumn to establish the Programme Office that will guide this work through its crucial development stage.

This is again another example of the work we are doing to ensure that learners in Monmouthshire have the very best provision to learn; fit for the new curriculum and fit for the future.

#### **5. MONMOUTHSHIRE - 10 YEARS A FAIRTRADE COUNTY**

Council welcomed representatives of Fairtrade who were in attendance to make Members aware of our commitments as a Fairtrade County.

Following a presentation detailing options of purchasing fairtrade items at supermarkets Members reflected on what was considered an excellent cause.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of County Council held on Thursday, 20th September, 2018 at 2.00 pm

In terms of managing budgets, it was suggested that maybe some people could do something sometimes, and others on a more regular basis.

A suggestion to connect to the plastic free campaign was highlighted.

Members voted to agree the recommendations in the report:

**That members note the report and gain an understanding of our commitments as a Fairtrade County.**

**That members hear from some local Fairtrade town volunteers about how thinking carefully about what we buy can make a difference to the lives of farmers both locally and across the world.**

#### **6. CAPITAL FUNDING APPROVAL FOR THE A40 WYEBRIDGE TRANSPORTATION IMPROVEMENT SCHEME**

Council were presented with a report to seek Members' approval for capital funding of £300k as a contribution towards the proposed traffic and pedestrian improvements on the Wyebridge/A40 which is a joint scheme with Welsh government. The majority of the costs of this scheme will be met by Welsh Government via their pinch point funding programme however a condition of the grant is that MCC make a £300k contribution and also take on the risk of any overspend for the scheme. In addition members are asked to approve and allow for the continuity and employment of WSP consultant engineers to assist with the procurement and supervision of this project.

The Cabinet Member for Finance referred to concerns around the overrunning of the contract, and suggested an amendment to recommendation 5:

That the Cabinet Member, in discussion with the Head of Operations, *Cabinet Member for Finance and Chief Officer for Resources*, negotiate favourable terms of the final agreement with the Welsh Government.

The Leader seconded the amendment, and thanked the Cabinet Member and Officers for Operations for their work.

**Upon being put to the vote, Council resolved to agree the recommendations, with the amendment to recommendation 5:**

**That Members approve a capital expenditure budget of £4.17m for the A40 Wyebridge Scheme.**

**That members approve funding of the above project by the following council resources:**

- £50,000 S106 funding from the former Wyesham Infants School Development.
- £50,000 from MCC ATA allocated funding.
- £200,000 loan to be repaid from the Highways Revenue budget over 20 years.

**This together with the £3.87million funding provided by WG will fund the £4.17m total cost of the project.**

**That Members agree to meet the conditions for funding, that MCC takes on the risk associated with any overspend of the works.**

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of County Council held on Thursday, 20th September, 2018 at 2.00 pm**

**That MCC continue to employ WSP consultant engineers to complete the design, oversee the procurement process and construction of the works in accordance with the ICE conditions of contract and MCC financial regulations.**

**That the Cabinet Member, in discussion with the Head of Operations, Cabinet Member for Finance and Chief Officer for Resources, negotiate favourable terms of the final agreement with the Welsh Government.**

#### **7. STATEMENT OF ACCOUNTS 2017/18**

Council received the report in order to consider and sign off the Council's Statement of Accounts before publication deadline of 30<sup>th</sup> September. The report has been considered by the Council's Audit Committee and is provided to Council with their collective endorsement.

The Cabinet Member commended officers on the completion of the accounts, three weeks ahead of the deadline.

Questions were raised around school deficits to which the Assistant Head of Finance referred to a Monitoring report to Cabinet in July 2018 and changes proposed around the financial discipline around the fair funded document which should mitigate the anticipated forecast pressures within schools.

In response to concerns around borrowing it was explained that alongside traditional borrowing from banks we also borrow from other councils and public institutions that have a surplus cash balance and there are many occasions where we can derive a preferential rate over and above what we would borrow from the bank. Audit Committee receive a report twice a year on the treasury performance and the average rates of both borrowing and lending.

A Member highlighted the significant skill mix across governing bodies of Monmouthshire, and how we rely on those volunteers to help set strategic direction and run our schools. However, questions were raised regarding the support those bodies receive.

Members were assured that Audit Committee had thoroughly scrutinised and approved the accounts.

**Upon being put to the vote Council resolved to agree the recommendations:**

**That the final draft Monmouthshire County Council Statement of Accounts for 2017/18 (Appendix 1), be accepted as a True and Fair view of the Council's Statement of Accounts.**

#### **8. WELLBEING OBJECTIVES AND STATEMENT - ANNUAL REPORT 2017/18**

Council were presented with a report to seek council approval of the Well-being Objectives and Statement – Annual Report 2017/18.

It was noted that the report did not reflect targets for building new properties, and the implications for the wellbeing of Monmouthshire. The Member referred to objective 1 of the plan: to provide children with the best possible start in life to help them achieve better outcomes. The average child poverty in Monmouthshire is 26.1%, being over

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3700 children living in poverty. A factor contributing to this is housing, not just building houses, but building communities.

The Leader of the Opposition raised concerns with delivery of the plan, particularly regarding child wellbeing. He highlighted the areas of poverty in the County and recognised we have the right goals and objective, but as a Council did not deliver. He stated cuts in education of £3.4 million by this administration. To be effective the wellbeing report should reflect the good and the bad.

The Leader responded that we had flat-lined schools funding in this Council and last year increased a portion of the budget spending on education. It was not as much as Council would like but that was a reflection of Welsh Government.

In terms of the plan, a Member referred to childhood obesity, and the relationship with sports development in schools, and how we need to be clear on impact and outcomes.

**Upon being put to the vote Council resolved to agree the recommendation:**

**That the Well-being Objectives and Statement – Annual Report 2017/18 be approved, subject to any final amendments agreed by Council.**

#### **9. ABERGAVENNY TOWN HALL REFURBISHMENT**

Council were presented with a report to seek agreement to proceed with the Abergavenny Town Hall refurbishment proposals to enable the facilitation of a community hub and undertake improvements to the Borough Theatre.

The Cabinet Member clarified that we will be getting a building with an extension on the first floor creating a larger space for a library. This will extend over the market hall but will not affect the running of the market hall once it is there. There will also be a flexible hub space which will be used by the Town Council, and a new Mayor's Parlour. There will be a new passenger lift at the front of the building.

With regards to the Borough Theatre Council have been in consultation with the Arts Council for Wales, and have received some possibilities for funding.

Councillor Thomas welcomed the refurbishment but expressed concerns of market traders around disruption to trading and proposed an amendment *'That this Council ensures that the market traders in Abergavenny Market Hall have an alternative space to continue trading during the refurbishment processes.*

The Head of Commercial and Integrated Landlord Services explained that they had been clear in terms of the specification given to the design team that we want the market to continue to operate throughout the duration of the works. The works would be phased so there will be moves for the One Stop Shop and Hubs. There will be inevitable disruption.

Upon being put to vote the amendment was defeated.

Debate ensued.

The Chair of Stronger Communities Select sought reassurance of engagement with the disabled community so the building can be enjoyed by all. The officer confirmed that they had

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consulted with CARE, who had provided useful feedback, and as designs proceed they will ensure inclusive engagement.

Officers were working with Gwent Police, who were looking to create a presence in Abergavenny, and in terms of our facility they would be looking to relocate the community into the building and works have already begun in the One Stop Shops to accommodate growth of the team.

**Upon being put to the vote Council resolved to agree the recommendations:**

**That Council agrees to proceed with the Abergavenny Town Hall refurbishment scheme utilising the capital funding already allocated within the Capital Programme.**

**That decisions relating to the management of the scheme and award of any contracts are delegated to the Cabinet Member for Resources and Chief Officer, Resources.**

#### **10. ADDRESSING OUR LACK OF A FIVE YEAR HOUSING LAND SUPPLY - MONMOUTHSHIRE'S APPROACH TO UNALLOCATED HOUSING SITES**

Council received a report in order to seek Council's decision on its approach to tackling its housing land supply shortfall, specifically how we deal with planning applications for unallocated sites in advance of the new Local Development Plan being adopted in December 2021. This decision relates to the Monmouthshire Local Planning Authority area only: it does not affect that part of the county falling within the Brecon Beacons National Park.

Ahead of the presentation the Chair welcomed Ms. Helen Ronchetti, a member of the public who requested to speak on the recommendation of the report, which she believed to be contrary to WG decision to suspend paragraph 6.2 however government have stated that it is up to the decision maker to decide the weight it gives to the lack of housing supply. As a resident of Monmouthshire, Ms. Ronchetti believed that continuing to apply paragraph 6.2 undermines the democratic process of allocating land according to the LDP. She urged MCC to seriously consider the impact of continuing to apply paragraph 6.2 despite WG recommendation to dis-apply it.

The Cabinet Member acknowledged the concerns of residents, but recognised the overriding concern that the LDP is not bringing forward the number of houses anticipated. He suggested the wording of the recommendation be amended to use the term '*appropriate weight*' rather than 'considerable weight'.

The Cabinet Member also proposed the following amended recommendation:

*Council will give appropriate weight to our housing land shortfall in considering planning applications. This means that our current housing land supply shortfall will be a material planning consideration when considering planning applications. However, it does not have considerable or over-riding weight, and the 'ground-rules' set out in paragraph 5.17 must be adhered to.*

*This decision ceases to have effect should we regain a five year land supply and/or meet the LDP housing shortfall identified in this report.*

*The size and mix of the proposed dwellings is both suitable for the location and seeks to address our demographic challenges*



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*Any planning permissions will have a reduced lifespan; full planning permissions shall be commenced within 2 years, and outline planning permissions shall be followed by reserved matters within 1 year, with commencement within 1 year of approval of the reserved matters.*

*Applications recommended for approval shall be accompanied by a Unilateral Undertaking by the time they are presented to Planning Committee.*

The Chair called a 10 minutes recess to assess the amendment.

Concerns were raised around the affordable housing gap. The Head of Planning, Housing and Place Shaping explained that we can specify the mix to meet our identified needs, so via this proposal we would have the guaranteed 35% affordable housing, which may be social rented or low-cost home ownership on a flexible basis.

Councillor Howard registered concerns that this could trigger a rush of development proposals of the kind we have always resisted, for good reasons. He added that as far as the democratic process is concerned, and the lack of public participation, this may not send a good message to those who took part in the development of the existing LDP.

The Cabinet Member summed up that our current housing land supply shortfall will be a material planning consideration when considering planning applications.

**Upon being put to the vote Council resolved to agree the amended recommendation:**

**That, when considering planning applications for residential development on unallocated sites, the Council gives 'appropriate weight' to its lack of a five year housing land supply, insofar as those development proposals are otherwise acceptable in planning terms and that the following 'ground rules' are met:**

- Residential development is unacceptable in principle within undefended flood plain (zone C2) or on greenfield sites within defended flood plain (zone C1), as per national planning policy and TAN15;
- Residential development is unacceptable in principle within allocated Green Wedges: the appropriate time to review Green Wedge designations is via the new LDP;
- Residential development is unacceptable in principle on allocated employment sites. Such sites will not be released for housing development unless full compliance with LDP Policy E1 can be demonstrated and there is no realistically likely future demand for the site for employment purposes;
- Unallocated sites are required to deliver 35% affordable housing and no negotiation will be entertained (60% where the development relates to a Main Village);
- The development must be acceptable in other planning terms. If infrastructure is inadequate to support new development, and it cannot be satisfactorily improved via a S106 planning agreement, permission would normally be refused. This includes matters such as highway capacity, school capacity, primary health care and air quality;
- The scale of additional residential development will be considered in the context of the LDP spatial strategy, both in its own right and cumulatively with other approved residential development.
- Development should be restricted to the Main Towns, Severnside, and Rural Secondary Settlements (with the exception of Llanfoist where there shall be no additional development on unallocated sites outside of the new LDP); and small

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60% affordable housing sites in those Main Villages without an allocated site (namely St Arvans and Llandogo).

- The size and mix of the proposed dwellings is both suitable for the location and seeks to address our demographic challenges;
- Any planning permissions will have a reduced lifespan: full planning permissions shall be commenced within 2 years, and outline planning permissions shall be followed by reserved matters within 1 year, with commencement within 1 year of approval of the reserved matters;
- Applications recommended for approval shall be accompanied by a Unilateral Undertaking by the time they are presented to Planning Committee;
- This decision ceases to have effect should we regain a five year land supply and/or meet the LDP housing shortfall identified in this report.

This means that our current housing land supply shortfall will be a material planning consideration when considering planning applications. However, it does not have 'considerable' or 'over-riding' weight, and the 'ground-rules' set out above must be adhered to.

#### 11. MEMBERS QUESTIONS:

##### 11.1. From County Councillor M. Feakins to County Councillor R. John

*Would the Cabinet Member for Children and Young People give an update on how students and staff are settling in to the new Monmouth Comprehensive School?*

Councillor R. John thanked Cllr Feakins for the question and responded that the transition to the new building had gone smoothly and had been hugely positive. It is an exemplary learning environment which will prepare students for new ways of learning in time for the new curriculum. The school enhances the opportunity for excellence with flexible learning spaces to facilitate small and large groups, as well as individual study. The First Minister was shown around last week by two impressive young people, Emily Shields and Luke Rogers, the school's head boy and girl. It was clear to see how proud they were and how well they knew the building, having been involved in the design process. The preparatory work done by staff has been second to none and teachers were ready to exploit the new asset to its fullest potential. On Monday 17<sup>th</sup> September the school opened its doors to nearly 1600 students who expressed positive reactions. Students were taken on guided tours first thing and by 11:30am the normal timetable had begun. It is fully operational with interactive white boards. There are many people to thank including Interserve, Welsh Government, teaching staff and others but particular tribute was paid to the Deputy Headteacher Tim Bird, and on behalf of the Authority Poppy Harris and Phil Kenney who have worked tirelessly to deliver this project in the final stages. The opening of Monmouth means we are half way to achieving this Council's pledge of regenerating our four Secondary Schools.

##### 11.2. From County Councillor L. Jones to County Councillor R. John

*Would the Cabinet Member for Children and Young People provide an update on recent changes to the provision of free school milk?*

Councillor R. John thanked Councillor Jones for the question and responded that we provide every child in foundation phase with a portion of fresh milk each morning. Until July this was provided in a single use plastic bottle with a straw. Across the entire County this meant we were getting through 11500 bottles per week, equating to 500,000 every year in Monmouthshire alone. We have replaced these with glass bottles and no straws resulting in a significant reduction in the amount of single use plastic being used in our schools. It also a lot more cost effective. All milk is locally sourced.

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#### 11.3. From County Councillor P. Pavia to County Councillor R. John

*Will the Cabinet Member for Children and Young People make a statement on the authority's infrastructure investment in Chepstow School?*

Councillor responded that this year we have made significant investments in Chepstow Comprehensive School, including in the budget £200,000 in the renewal of IT facilities. We have invested £50,000 in the renewal of windows, and a further £58,000 which has been delegated to the school in their block grant to invest as they see fit. Last year, through effective budget management, the school concluded the financial year with a surplus of around £150,000. The Cabinet member has worked closely with senior officers to oversee the building works associated with band A of 21<sup>st</sup> Century Schools. Pending clarification from Welsh Government a paper will be brought to Cabinet this autumn to agree the establishment of the project team for band B, a part of their work will be to ensure that both the strategic case and the economic case for the redevelopment of Chepstow are prepared well ahead of the launch of band C.

As a supplementary Councillor Pavia asked if, in terms of commitment, has all the investment money been spent on IT, and infrastructure work?

Councillor John responded that the £200,000 agreed investment has been spent by purchasing 238 pieces of IT equipment for students; 85 new laptops for teachers and supporting equipment; £26,000 on network spending. The commitment to redeveloping Chepstow will be the focus of the team soon to be appointed, we have a four school redevelopment policy and we are half way through that. He recognised the number of challenges faced by Chepstow School and has confidence in the new Headteacher, along with EAS and LA, that he will be able to provide the strong leadership needed for future success.

#### 11.4. From County Councillor P. Pavia to County Councillor P. Fox

*Will the Leader of the Council make a statement about progressing proposals for a Chepstow Bypass?*

The Leader responded that a joint study of the problems and possible solution has been commissioned jointly by MCC and Gloucestershire CC but in full collaboration with Forest of Dean District Council, Highways England and Welsh Government. The study is being undertaken by Capita on behalf of the partners. The study covers the South East of the County generally rather than Chepstow in isolation and looks to plan ahead by better understanding potential development in the Forest and South of Monmouthshire. Any solutions will require cooperation amongst local authorities, and equally with Westminster and WG. The first stage report is nearing completion and it was hoped Members would receive the stage 1 report in November. If this receives a positive response, stage 2 involves a much more detailed research and option appraisal and associated costs. Funding will be considered in preparation of next year's budget.

As a supplementary Councillor Pavia asked what else the Leader thinks he can do to get senior political involvement to positively back the principle of the bypass?

The Leader responded that all partners are involved in the early works, but clear decisions have to be made at a very senior level. It would be quite appropriate for the Leader to ask for a meeting with the Cabinet Secretary

#### 11.5. From County Councillor P. Pavia to County Councillor P. Jones

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*Will the Cabinet Member for Social Care, Safeguarding and Health provide an update on the work the authority is doing with Aneurin Bevan University Health Board to ensure the long-term viability of Chepstow Hospital?*

Councillor P. Jones responded that the plans for Chepstow Community Hospital in the context of the clinical futures work closer to home under Healthier Wales which were working in partnership with ABUHB is an active programme taking place to increase the services offered from Chepstow Community Hospital with a range of new out-patient clinics coming on stream this year. CCH sits as part of an integrated hub network across Monmouthshire, the other hubs being Mardy and Monnow Vale. These hubs are crucial to the delivery of our integrated support to people of Monmouthshire. We are awaiting final confirmation from WG regarding a £99,000 capital investment to remodel parts of the hospital to facilitate delivery of integrated working and further out-patient clinics. In-patient community beds will continue to be provided from CCH. The partnership delivery of services via the hubs is coordinated through the Integrated Partnership Board, reporting to the Regional Partnership Board. Services already introduced to Chepstow so far include piloting frailty assessment bed; a new cardiology arrhythmia outpatient clinic; improved access health visitor clinics; significant redesign of accommodation due to growing integrated older adult community team; child safeguarding team for Caldicot; delivery of evidence-based cognitive stimulation therapy; specialist behavioural support teams. Detail of further far reaching services upcoming was provided. As well as congratulating Julie Boothroyd on her new position of Chief Officer, the Cabinet Member was pleased to announce Eve Parkinson as Head of Adult Services.

As a supplementary Councillor Pavia asked if Councillor Jones agreed that we don't just need to protect the current medical clinical services, we also need to enhance them and look for new opportunities. He asked if she would take these messages back to the working group.

Councillor Jones reminded Councillor Pavia this is an ongoing service and we will try to accumulate as many services as possible, and encourage the Health Board to do likewise. She added there is only so much room in Chepstow and certain areas are quite vast. We need to learn to prioritise and find out what the needs are.

#### **11.6. From County Councillor P. Pavia to County Councillor R. Greenland**

*Will the Cabinet Member for Innovation, Enterprise and Leisure make a statement on the work the authority is doing to support businesses in Chepstow?*

Councillor Greenland responded that our economic development unit, Monmouthshire Business and Enterprise works closely with all of the chambers of commerce and Chepstow is no exception. In July 2017 the chamber in Chepstow undertook a report on the town centre which identified various problems and we have been working, as a Council, to help them with issues like cleansing, waste and signage. One issue being business rates was believed to be outdated and the system should be changed. He added that we will continue to lobby Welsh Government to look at the whole problem of business rates, as in Chepstow there are a number of businesses are facing closure because of their high rates. He explained we continue to promote any empty spaces that are available to businesses, and work with all businesses to ensure we encourage as many people as possible to visit our towns. We are also engaged in work with Visit Monmouthshire, and look to work with coach operators. We work with Business Wales and Superfast Business Wales both to help existing businesses and in order to offer help and assistance to any other businesses that are looking to come into the town. The Cabinet Member recognised the huge problems being faced in town centres, and the effect of internet shopping. We should take the removal of bridge tolls as an opportunity to promote our town centres.

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of County Council held on Thursday, 20th September, 2018 at 2.00 pm**

As a supplementary Councillor Pavia asked if the Cabinet Member will give a commitment to examine some new opportunities to boost footfall leading up to Christmas, and piloting some more short-term parking in the town.

#### **12. To receive the minutes of County Council meeting held on 26th July 2018**

The minutes of the meeting of County Council held on 26<sup>th</sup> July 2018 were approved and signed by the Chairman.

**The meeting ended at 5.50 pm**

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# Public Document Pack Agenda Item 9

## MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Audit Committee held  
at Council Chamber - Council Chamber on Thursday, 5th July, 2018 at 2.00 pm

**PRESENT:** County Councillor J. Higginson (Vice Chairman)

County Councillors: A. Easson, P. Murphy, B. Strong, J. Watkins,  
M. Feakins, M. Lane, S. Woodhouse and V. Smith

### **OFFICERS IN ATTENDANCE:**

Mark Howcroft	Assistant Head of Finance
Andrew Wathan	Chief Internal Auditor
Peter Davies	Chief Officer, Resources
Robert Tranter	Head of Legal Services & Monitoring Officer
Wendy Barnard	Democratic Services Officer
Terry Lewis	Wales Audit Office
Marie Bartlett	Finance Manager
Ian Saunders	Head of Tourism, Leisure, Culture and Youth

### **ALSO IN ATTENDANCE:**

Gayle Monk                                      Anthony Collins (Solicitors)

### **APOLOGIES:**

Mr. P White and P. Clarke

#### **1. Declarations of Interest**

Item 7: Draft Statement of Accounts - County Councillor A. Easson declared a personal, non-prejudicial interest as a member of the Monmouthshire Farm School Endowment Trust.

#### **2. Public Open Forum**

No members of the public were present.

#### **3. To confirm minutes of the previous meeting**

The minutes of the meeting were confirmed as a true record. It was noted that a form of words was agreed with Councillor Easson and the Clerk to resolve a query.

Members expressed concern about the size of the agenda bundle questioning what is expected of Committee Members. The Chief Officer, Resources accepted that the accounts and other reports had made the agenda a lengthy document but the role of Committee Members is to take an overview and identify salient points.

It was further queried if Members are suitably equipped to review the accounts and make comments. It was agreed that if a training need is identified, further training can be arranged.

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Reassurance was provided that the accounts process is signed off in September and a draft is scrutinised prior to that time. Members with specific queries were offered assistance from the Assistant Head of Finance prior to consideration of the final accounts in September.

It was queried if the Committee scrutinises the accounts after they are audited and confirmed that Members should take into account the auditor's view.

#### **4. To note the Action List from 24th May 2018**

The Action List from the last meeting was noted.

- Unsatisfactory Audit Opinions: Appropriate officers will be invited to attend the Audit Committee meeting on 13<sup>th</sup> September 2018 regarding compliance with the Bribery Act.
- Peer Review report: This will be presented on the 13<sup>th</sup> September 2018.
- Annual Governance Statement: This was circulated to all Committee Members following the last meeting and is on the agenda today for challenge and discussion
- Implementation of Internal Audit Opinions: 3 significant opinions were not implemented related to Outdoor Education, Benefits and Community Meals. A verbal update was provided as below and progress will be followed up and reported upon later in 2018/19:
  1. Outdoor Education: The recommendation was that consideration was to be given to the impact of MCC potentially reducing the level of funding; and also not adhering to the agreed funding methodology. Consultation was to be undertaken with other parties over the funding reduction to establish a level of funding going forward. Upon follow up, these discussions had not taken place.
  2. Benefits: The recommendation was that an advanced warning system should be implemented to establish any risk to employees when visiting properties. This had not been implemented.
  3. Community Meals: The recommendation was that training should be up to date so that staff can safely carry out their roles. The Manager couldn't demonstrate any progress.
- 14 Exclusion of Press and Public - minutes of meeting of 18<sup>th</sup> December 2017 - update on events. This matter has been resolved.

#### **5. Treasury Outturn Report 2017/18**

The Assistant Head of Finance introduced the report. Following this, Members asked questions.

A Member asked for clarification about the statement "£5.9m of 3 year debt from a Local Authority was taken out in 2017/18 to reduce interest rate risk to an acceptable level". It was clarified that this is in relation to maintaining a balanced portfolio of an assortment of short, medium and long term investment to protect against variation in interest rates.

A Member asked if the Assistant Head of Finance had full mandate to act as necessary in terms of treasury management in the short, medium and long term. It was confirmed that Officers work within the treasury strategy and agreed performance indicators. These are monitored by Audit Committee in update reports so that Members are satisfied that Officers are working within the criteria and flexibility provided.

In relation to Brexit, it was questioned if the strategy can be altered if more flexibility is needed. It was explained that the strategy is reviewed annually and changes can be considered at that time. The Cabinet Member added that treasury management advisers, Arlingclose will provide advice as required nearer the time.



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The recommendation that Members note the results of treasury management activities and the performance achieved in 2017/18 in the report and appendices was agreed.

#### **6. Draft Statement of Accounts 2017/18**

The Assistant Head of Finance/Deputy Section 151 Officer presented the report and answered questions as follows.

A Member questioned the situation regarding school deficits, particularly Caldicot School, Monmouth Comprehensive School and King Henry VIII Comprehensive School and asked what the future strategy will be. It was responded that, technically, at end of the financial year, the schools still had surplus budgets. The Month 2 monitoring reports will be reported to Cabinet with a preferred strategy before the Summer recess. It was agreed that there is a trend of schools using their reserves rather than replenishing them. The Cabinet Member confirmed that the authority is actively monitoring school budgets and discussions are in progress with each of the schools' staff.

He reported that Chepstow School budget is back in surplus, King Henry VIII Comprehensive School is making progress to address the deficit and meaningful discussion is in progress with Monmouth Comprehensive School. Additionally, it was noted that the timescale for recovery plans has been extended from three to five years.

It was explained that Chepstow School resolved the adverse financial position because the governing body took responsibility for the deficit and recovery plan.

A Member questioned the statistic that 93.7% of main roads are in a good or acceptable condition. It was responded that this information is provided by service departments, and noted that there are criteria to define good and acceptable standards. More information is available in performance reports.

As per the recommendations, the draft Monmouthshire County Council Statement of Accounts for 2017/18, as presented for audit, was reviewed and the draft statements of accounts listed below were reviewed:

- Draft Monmouthshire County Council Welsh Church Act Fund;
- Draft Monmouthshire Farm School Endowment Trust Fund; and
- Draft Llanelly Hill Social Welfare Centre Accounts

#### **7. Annual Governance Statement**

The Chief Internal Auditor presented the report stating that the draft Annual Governance Statement sits alongside the Statement of Accounts. The draft was circulated to Members prior to the meeting and comments have been incorporated. The draft document will be signed off at the same time as the statement of accounts.

A Member asked if the Annual Governance Statement could be condensed to be a more accessible document.

It was agreed that the Audit Committee had opportunity to contribute to the appropriateness and content of the draft Annual Governance Statement and endorsed it.

#### **8. Review of Reserves Outturn**

The Assistant Finance Officer/Deputy Section 151 Officer presented the report.

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A Member queried if the cost of insurance premiums had decreased. It was confirmed that a tendering exercise a number of years ago, splitting an overarching policy into individual elements, resulted in savings in the region of £200,000 at the time. Premiums are also reviewed annually in relation to claims.

It was queried if account had been taken of the Alternative Delivery Model (ADM) and responded that it takes into account the £155,000 facilitation costs. The project plan and related decisions going forward will influence the eventual cost.

The report was noted.

#### **9. Internal Audit Outturn Report 2017/18**

The Chief Internal Auditor introduced the report, the purpose of which was for the Audit Committee to receive and consider the Annual Audit Outturn Report for 2017/18. The report is an opportunity to provide feedback on the findings of audit work undertaken in the course of the year and to provide commentary on the performance of the audit team.

The key points were:

- The Chief Internal Auditor has to give an overall opinion on the adequacy of the internal control environment operated within the systems and establishments of Monmouthshire County Council.
- The audit opinions were revised at the beginning of 2016/17 to reflect a better understanding of the level of assurance obtained; these are shown at Appendix A.
- 40 audit opinions were issued during 2017/18 ranging from Substantial to Limited (the opinion categorisation changed in 2016/17 to provide a more meaningful level of assurance). The overall opinion was Reasonable, which indicates the systems were adequately controlled, although risks identified which could compromise the overall control environment. Improvements required.
- 8 reviews were given Limited assurance.
- The Internal Audit team achieved 82% of the agreed 2017/18 audit plan against a target of 80%.

Members asked questions and responses were supplied as follows:

- Referring to the 8 limited opinions, it was commented that 3 of the limited opinions had a high risk rating and an update was requested in respect of:
  1. Borough Theatre, Abergavenny;
  2. Events; and
  3. Compliance with Bribery Act

It was responded that the next scheduled six monthly Unsatisfactory Audit Opinions report to Audit Committee will provide the detail requested.

In response to a further question about when the status of the opinion changes, it was explained that the level of risk is determined annually, based on a range of factors, as either high, medium or low. The status will be changed when the follow up report has been actioned and the agreed recommendations have been implemented. An "Implementation of Audit Recommendations" report is also supplied to Audit Committee to track follow up work. Any unfavourable opinions will have a second audit in 2018/19 to ensure matters of concern have been improved. This will be reported back to Audit

## MONMOUTHSHIRE COUNTY COUNCIL

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Committee. Where there has been no improvement, the Committee may invite the responsible officers to attend a meeting to justify why there has been no improvement.

A Member asked if, on this basis, the Borough Theatre Trust should be invited to attend a meeting. It was confirmed that an Audit follow up would take place in the first instance.

The committee endorsed the report.

#### **10. Internal Audit Plan 2018/19**

The Chief Internal Auditor presented the report. There were no questions and the Internal Audit Plan for 2018/19 was approved.

#### **11. Governance Arrangements for Proposed Alternative Delivery Model for Tourism, Culture, Leisure and Youth**

The ADM Project Team – Finance Lead provided a presentation. Gayle Monk, Anthony Collins (Solicitors), was available to answer questions from Committee Members.

A Member asked if there was confidence that HMRC wouldn't criticise this arrangement as a tax avoidance scheme. It was confirmed that there is confidence that it is not the intention behind this structure as there are other good reasons unrelated to tax, noting that there has been recent scrutiny of local authorities and public bodies to ensure that they are not avoiding tax. The intention behind the two vehicles is to work in a way that is appropriate for the services that will be delivered. The charity is tax efficient but appropriate for genuinely charitable services delivered for public benefit. The Teckal part enables a company structure to change culture and change the way services are delivered but in a way that is in line with the procurement rules.

The Member noted that there is jointly chaired senior management instead of separate management for each entity for tax and legal reasons. Clarification was provided that the intention is to ensure there is consistency in service delivery recognising that when the charity is set up, the key delivery vehicle will be the grant funding agreement. It was speculated that in the future that the charity, being independent from the council, may separate out.

The Member expressed concern that it could appear to be a group structure or holding company and it could be asked what its purpose is - potentially leading to an answer of tax. He suggested separate management for each side. He asked if the cost of governance been explored. It was explained that there is an additional post built into the Company Secretary role for both companies and additional support in terms of democratic support in the authority and externally. Trustee expenses have also been taken into account and it is believed that there is enough capacity within existing structures to deliver. Some central support is sought as well.

The Member added that the cost of running dormant companies is expensive and it may be prudent to set up the minor companies later to save the cost until needed. It was agreed that advice would be sought accordingly.

A Member asked a question about the articles of association; the assets for the charitable arm e.g. Caldicot Castle, Tintern Station etc. and if there would be a trading arm for buying into the assets. It was clarified that the Nelson collection is considered to be part of Monmouth Museum. It was questioned which physical assets will be owned by the charity and clarified that the assets will remain in the ownership of the county. The companies will run the services on behalf of the authority. The new companies will not be in a position to buy assets. There will be negotiation with the Council around leasing agreements making clear that the ADM will not be able to sub-let without the permission of Council.

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It was questioned why they had been classed as an asset if they are in the ownership of the Council. The Cabinet Member agreed that the articles of association could convey the impression that the assets would be transferred to the company and suggested that this point needs to be addressed. It was explained that the proposal is that the council would lease the asset to the charity. The lease would be an asset of the charity.

A Member questioned the leasing aspect and asked for assurance that residents will retain access to the Country Park. It was confirmed that there will no change for residents. The Member asked about the Teckal company and scrutiny arrangements. It was responded that there was an expectation that the Teckal company will visit relevant select committees e.g. for statutory services, the same as any executive function. It was added that there will be a management agreement in place to add to the annual monitoring process.

The Chief Internal Auditor noted that this arrangement is within a public sector environment and questioned the statement that, in terms of governance and strategic association, a shareholder agreement will be used "to avoid transparency", and questioned why this is necessary. It was responded that the intention is not to avoid it being a public document but to make it a more flexible arrangement as it is a more straightforward process to change a shareholder's agreement than to change the company's articles of association. The shareholder's agreement can be made a public document.

In response to a question, it was explained that implementation will be in December as long as all the documentation is in place.

A Member asked if all the entities will be VAT registered and it was confirmed that they would have separate VAT registrations.

The recommendation was for Members to reassure themselves that the draft Governance arrangements for the ADM are as expected and are satisfied with the process to date was accepted subject to the amendments arising from comments today. The Recommendation was approved.

#### **12. Forward Work Programme**

The Forward Work Programme was noted.

#### **13. To note the date and time of the next meeting as 13th September 2018 at 2.00pm**

**The meeting ended at 3.35 pm**

# Public Document Pack Agenda Item 10

## MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Democratic Services Committee held  
on Monday, 16th July, 2018 at 2.00 pm

**PRESENT:** County Councillor D. Evans (Chairman)  
County Councillor (Vice Chairman)

County Councillors: D. Dovey, M.Groucutt, S. Woodhouse, F. Taylor  
and J.Watkins

### **OFFICERS IN ATTENDANCE:**

John Pearson	Local Democracy Manager
Nicola Perry	Senior Democracy Officer
Matthew Gatehouse	Head of Policy and Governance
Paul Matthews	Chief Executive

### **APOLOGIES:**

Councillors T.Thomas, L.Dymock, G. Howard, L.Jones and P. Clarke

#### **1. Declarations of interest**

There were no declarations of interest.

#### **2. Public Open Forum**

There were no matters for the public open forum.

#### **3. To approve minutes of previous meeting**

The minutes of the meeting of Democratic Services Committee held on 4<sup>th</sup> June 2018 were approved and signed by the Chair.

#### **4. Designated Head of Democracy**

The Chief Executive was in attendance to present a report in order to comply with the requirements of the Local Government (Wales) Measure 2011 with regard to the requirement to designate an officer to undertake the statutory role of Head of Democratic Services following the recent senior leadership realignment.

It was recommended that the Head of Policy and Governance be designated as statutory Head of Democracy for the purposes of the Local Government (Wales) Measure 2011.

The Committee resolved to agree the recommendation.

#### **5. Response to Assembly Inquiry on Diversity in Local Government**

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of Democratic Services Committee held on Monday, 16th July, 2018 at 2.00 pm**

The Head of Policy and Governance presented a report to enable members to discuss the issue of diversity in local government and provide a response to the consultation issued by the National Assembly to inform its inquiry on the subject.

The response to the consultation is based on a small number of conversations with Monmouthshire councillors who have come forward to share their views of some of the difficulties they have experienced and how this could impact on our ability to attract and retain people in the role of councillor.

Councillors were also able to submit individual responses to the inquiry which will allow for more personalised experiences and perspectives to be shared.

During discussion:

Members recognised the importance of communicating with young people, and the benefits of reducing the voting age to 16. A suggested response to the inquiry was that as a Council we work with young people and their organisations to increase and promote their participation.

We were informed that the response captures the views of 6 councillors. Officers did not canvas councillors, but used shared experiences.

A Member expressed disappointment in the lack of interest from Welsh and Local Government. She felt it important to note that when we talk of diversity, it is not just protected characteristics but also diversity of experience, such as professional and personal, socio-economic differences.

It was felt that there should be a clear explanation around the calculation of the remuneration figure.

The Committee agreed the recommendation that subject to amendments, the response be submitted on behalf of the Council.

#### **6. Car Parking Arrangements at County Hall**

Response noted.

#### **7. Council and Cabinet Forward Work plan**

Members noted the Council and Cabinet Forward Work Plan. In doing so it was agreed that the Committee should further explore selected items, in terms of public engagement, particularly on contentious issues, and develop a relationship with Communications.

Cabinet Member, Councillor S. Jones was in attendance, to speak on Democracy Week 15<sup>th</sup> to 21<sup>st</sup> October 2018. Members had reflected on the positive event held with young people the previous year, and hoped to replicate in 2018. As well as a young person's democracy day, it was suggested that we hold a debating competition among primary schools. Further ideas were welcomed in readiness for a meeting with Engage 2 Change on 5<sup>th</sup> August 2018.

The Chair of CYP suggested that an item be added to the CYP agenda for the meeting due to take place during Democracy Week.

The Cabinet Member suggested that she would undertake a mapping exercise to identify opportunities, and report back to the Committee.

#### **8. To note date and time of next meeting as Monday 24th September 2018 at 2pm**

**MONMOUTHSHIRE COUNTY COUNCIL**

**Minutes of the meeting of Democratic Services Committee held  
on Monday, 16th July, 2018 at 2.00 pm**

Noted.

**The meeting ended at 3:00pm**

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## MONMOUTHSHIRE COUNTY COUNCIL REPORT

**SUBJECT:** Statement of Gambling Policy and Proposals for Casinos

**DIRECTORATE:** Social Care, Safeguarding and Health

**MEETING:** Full Council

**Date to be considered:** 25<sup>th</sup> October 2018

**DIVISION/WARDS AFFECTED:** All Wards

### 1. PURPOSE:

- 1.1 To consider the Council's existing resolution to not permit casinos within the County Of Monmouthshire.
- 1.2 To agree the Council's 'Statement of Gambling Policy 2019'.

### 2. RECOMMENDATION(S):

- 2.1 To refuse any casino applications made under the Gambling Act 2005, and stated within the Authority's Gambling Policy.
- 2.2 To adopt the 'Statement of Gambling Policy 2019' for Monmouthshire County Council, provided in Appendix A (changes to the existing policy is highlighted in red).

### 3. KEY ISSUES

- 3.1 Each Local Authority, under the provisions of Section 154 of the Gambling Act 2005, must issue a policy which will determine how they will discharge their functions. The current policy held by this Authority under the Gambling Act was approved at Full Council on 19<sup>th</sup> November 2015. There is a duty to review the policy every three years. The new policy will be required to commence on 31<sup>st</sup> January 2019, in accordance with the Act. This report sets out the procedure and proposed policy statement and includes the principle to refuse any casino applications.
- 3.2 The Council will need to consider firstly if they wish to continue with the resolution not to have a casino within the County. The decision on this will then be inserted into the revised Gambling Policy that will be published on 31<sup>st</sup> January 2019.
- 3.3 140 casinos were permitted across the UK to continue to operate under 'grandfather rights' when the Gambling Act came into force on 1<sup>st</sup> September 2007. Central Government, upon the advice of the Casino Advisory Panel, permitted a further 8 large and 8 small casinos, which have all been duly issued. There is currently no further provision for more casinos to be allocated. However, the Council still needs to consider the course of action they wish to take with casinos, and place this within the Gambling Policy. Reference would be made to the Policy should one of the 8 large or 8 small casinos become available, or if Central Government changes their stance on casinos and increases the permitted numbers.
- 3.4 Before any licence for a Casino is granted the Casino Advisory Panel will advise Central Government that the area is in need of regeneration. Monmouthshire would also have to satisfy them that this is the case along with the type of area, social impact, community benefits and unique characteristics. However, before a decision is made to go against the current stance not to have casinos within the County, Members should be aware of

the 'Chief Medical Officer for Wales Annual Report 2016-2017 – Gambling with our health' <http://gov.wales/topics/health/professionals/cmo/reports/?lang=en> and their concerns relating to Gambling. This is referred to in the Future Generation report attached as Appendix B.

3.5 With regards to the Policy and how the Council will discharge their functions, it must contain objectives regarding the following:-

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

The Council will also need to have regard to any relevant Code of Practice issued by the Secretary of State, guidance issued by the Gambling Commission, how they exercise their functions consistent with the objectives and in accordance with the policy itself.

3.6 The Policy must be approved by Full Council and can last for a period of three years, in accordance with Section 154(2) of the Gambling Act 2005. It further states within Section 349 that prior to approval consultation must take place with:-

- The Police
- The Fire Authority
- One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area, and
- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act.

3.7 The revised policy must be published and in place for commencement on 31<sup>st</sup> January 2019. The Gwent Licensing Forum, which consists of Council Licensing Officers, Gambling Commission and Public Health covering the areas of Monmouthshire, Torfaen, Caerphilly, Blaenau Gwent and Newport, has worked on formulating a policy to incorporate any legal changes and best practice. The proposed Policy has been endorsed by the Gwent Licensing Forum with the aim of all five Authorities adopting this Policy, subject to changes pertinent to each Authorities area and character.

3.8 At the Licensing and Regulatory Committee on 12<sup>th</sup> June 2018, Members agreed in principle to retain the current resolution not to issue casino licences within the County of Monmouthshire prior to consideration at Full Council. They further agreed at this meeting to review the 'Statement of Gambling Policy 2019', following the consultation period of this document, which ended on 31<sup>st</sup> August 2018.

3.9 The required consultation in accordance with 3.6 above was duly carried out. A response was received by Public Health Wales (Gwent) team and the Aneurin Bevan University Health Board. Both Health responses requested the Policy consider if there is a cluster of gambling premises, if alcohol is served nearby, if a premises would be near vulnerable groups, that staff should have training to deal with such groups before a gambling premises licence is granted. They also recommended that gambling premises provide details of services available to deal with problem gambling.

- 3.10 The Gwent Licensing Forum were informed of the response to the Policy in 3.9 above and Licensing of Newport City Council agreed to changes to the Policy to accommodate the recommendations.
- 3.11 At the Licensing and Regulatory Committee on 18<sup>th</sup> September 2018, Members considered the consultation responses in 3.9 above, and the views of Newport City Council, and agreed to revise the 'Statement of Gambling Policy 2019' which is now attached as Appendix A. They recommended this revised Policy be adopted, subject to approval at Full Council on 25<sup>th</sup> October 2018.

#### **4 REASONS:**

- 4.1 The policy is necessary to guide consistent decisions and takes account of guidance.
- 4.2 There is a need to take account of collaborative approaches.
- 4.3 To ensure that applications with no relevant information to consider can be dealt with without unnecessary delay.
- 4.4 To enforce the provisions of the Gambling Act 2005 effectively.

#### **5. RESOURCE IMPLICATIONS:**

- 5.1 Any additional costs will be absorbed within our existing licensing budget.

#### **6. WELLBEING AND FUTURE GENERATIONS IMPLICATIONS**

- 6.1 The 'Future Generations' template is attached as Appendix B. In summary, currently the Authority has a resolution not to permit casinos within the County. If this resolution was to be lifted, it may promote excessive gambling within casinos. This may in turn impact on those who are vulnerable or addicted to gambling.
- 6.2 If the resolution not to permit casinos is maintained, this protects children and so contributes positively to the wellbeing of existing and future generations.
- 6.3 It is a statutory requirement to compile a Gambling Policy, as outlined in Section 3. Although not a 'proposal' (therefore not requiring full assessment), it does contribute positively to protecting children and other vulnerable persons from being harmed or exploited by gambling.

#### **7. CONSULTEES:**

- SLT
- Cabinet Members
- Chairs of Select Committee
- Head of Legal Services
- Relevant bodies as outlined in 3.6 and 3.7 above
- The Licensing and Regulatory Committee (12<sup>th</sup> June 2018 and 18<sup>th</sup> September 2018)

#### **8. BACKGROUND PAPERS:**

Gambling Act 2005.

Gambling Commission Guidance issued under Section 349 of the Gambling Act 2005.

#### **9. AUTHOR:**

Linda O'Gorman

Principal Licensing Officer

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monmouthshire  
sir fynwy

## **Gambling Act 2005 Statement of Licensing Policy 2019**

**January 2019**

Further information can be obtained from:  
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Monmouthshire County Council  
Abergavenny Community Education Centre  
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Abergavenny  
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Tel: 01873 735420  
Email: [licensing@monmouthshire.gov.uk](mailto:licensing@monmouthshire.gov.uk)  
Website: [www.monmouthshire.gov.uk/licensing](http://www.monmouthshire.gov.uk/licensing)

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# 1. Statement of Licensing Policy

## 1.1 Introduction

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

This Policy Statement takes effect on 31<sup>st</sup> January 2019. This Licensing Authority will update and publish a new Licensing Policy whenever necessary but in any case within 3 years of the date of this Policy, and will fully consult with partners, trade associations and residents groups as appropriate at that time, any representations received will be considered at that time.

However where updates are required due to changes in national legislation, statutory guidance or contact details the council reserves the right to amend this policy without consultation where it is necessary to ensure the policy reflects national legislation or statutory guidance.

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

The Council has a legal obligation to comply with all legislation that promotes equality it has a policy in place to promote equality to all. The Planning and Public Protection Service Area has its own equalities framework which is available for inspection on our website. Licensing of persons and premises under the Gambling Act 2005 will actively promote equality of service and enforcement to all members of the community.

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

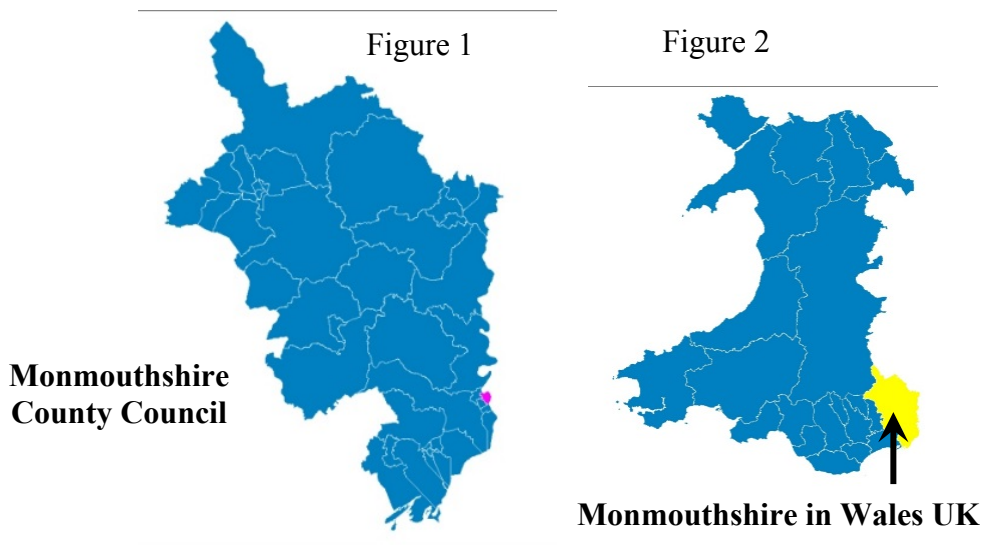
The council acknowledges that it may need to depart from this Policy and from the guidance issued under the Act in individual and exceptional circumstances, and where the case merits such a decision in the interests of the promotion of the licensing objectives. Any such decision will be taken in consultation with the appropriate legal advisors for the Licensing Authority, and the reasons for any such departure will be fully recorded.



## 1.2 Profile of Monmouthshire

The County of Monmouthshire is mainly rural in character. The County has five main towns namely Monmouth, Abergavenny, Caldicot, Chepstow and Usk, which are surrounded by numerous villages, each with their own individual character.

The area has a population of approximately 92,100. Monmouthshire is not densely populated, there is approximately 1 person per hectare, although there are concentrations of housing in some areas.



## 1.3 Objectives

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

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

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

The Council is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling insofar as it thinks it:

- **In accordance with any relevant code of practice issued by the Gambling Commission;**
- **In accordance with any relevant guidance issued by the Gambling Commission;**
- **Reasonably consistent with the licensing objectives;**
- **In accordance with the Council's Statement of Licensing Policy.**

#### **1.4 The Licensing Authority Functions**

The Council is required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences;
- Issue Provisional Statements;
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
- Issue Club Machine Permits to Commercial Clubs;
- Grant permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres;
- Receive notification from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines;
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines;
- Register small society lotteries below prescribed thresholds;
- Issue Prize Gaming Permits;
- Receive and endorse Temporary Use Notices;
- Receive Occasional Use Notices;
- Provide information to the Gambling Commission regarding details of licences issued (see section below on information exchange);
- Maintain registers of the permits and licences that are issued under these functions.

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

The Council recognises that the licensing function is only one means of promoting delivery of the three objectives and should not therefore be seen as a means for solving all problems within the community. The Council will therefore continue to work in partnership with neighbouring authorities, Heddle Gwent Police, the Community Safety Partnership, **Public Health**, local businesses, local people and those involved in child protection to promote the

licensing objectives as outlined. In addition, the Council recognises its duty under Section 17 of the Crime and Disorder Act 1998, with regard to the prevention of crime and disorder.

## **1.5 Consultation**

The Council has consulted widely upon this Statement before finalising and publishing. A list of those persons consulted is provided below, in line with the Act and the Gambling Commission's Guidance. Further details, together with a list of comments made and the consideration by the Council of those comments is available on request.

- The Chief Officer of Police;
- The Fire Authority;
- Representatives of the holders of various licences for premises within the County who will be affected by this Policy;
- Bodies representing businesses and residents in the County;
- Departments (including Responsible Authorities) within the Council with an interest in the licensing of gambling;
- Local Safeguarding Children Board;
- County Councillors
- Community and Town Councils;
- Other organisations as appear to be affected by licensing matters covered by this Statement;
- H.M. Revenue and Customs.
- **Local Health Board**

Consultation took place between **18<sup>th</sup> June 2018** and **31<sup>st</sup> August 2018** and, as far as practicable, the Council followed the Consultation Principles issued by the government which is available at <https://www.gov.uk/government/publications/consultation-principles-guidance>

This policy was approved at a meeting of the Full Council on **XXXX 2018** and was published on **3<sup>rd</sup> January 2019**, as well as being available at [www.monmouthshire.gov.uk](http://www.monmouthshire.gov.uk)

## **1.6 Responsible Authorities**

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

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

In accordance with the Gambling Commission's Guidance this Council designates the **Social Care, Safeguarding and Health Department** for this purpose. Details of the bodies identified under the Act that are to be treated as Responsible Authorities are available via the Council's website.

### **1.7 Interested Parties**

Interested Parties can make representations about licence applications, or apply for a review of an existing licence based on the three licensing objectives as detailed in paragraph 1.3 of this Policy Statement.

An Interested Party is someone who:-

- (a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- (b) Has business interests that might be affected by the authorised activities; or
- (c) Represents persons in either of the two groups above.

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

Each case will be decided upon its merits. This Council will not apply a rigid rule to its decision-making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities. It will also consider the Gambling Commission's Guidance that "business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices **and Local Health Board**.

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

If individuals wish to approach Councillors to ask them to represent their views, then care should be taken that the Councillors are not part of the Licensing and Regulatory Sub-Committee dealing with the licence application or in any other way have a personal interest that would preclude them from participating in a hearing. If there are any doubts then please contact the Licensing Section.

### **1.8 Exchange Of Information**

The principle that the Council will apply in respect of the exchange of information between it and the Gambling Commission and those bodies listed in Schedule 6 of the Act is that it will act in accordance with the provisions of the Gambling Act 2005 which includes the provision that the Data Protection Act 1998 will not be contravened. The Council will also have regard to any guidance issued by the Gambling Commission to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

## **1.9 Enforcement**

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

- Proportionate: regulators should only intervene when necessary, remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

As per the Gambling Commission's Guidance to Licensing Authorities, the Council will endeavour to avoid duplication with other regulatory regimes so far as possible.

The Council has adopted and implemented a risk-based inspection programme, based on:

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

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

The council will take account of the Gambling Commissions guidance document 'Approach to Test Purchasing' when considering making test

purchases at gambling premises. The council will also follow its own policies and procedures regarding the use of underage test purchasers.

The Council also keeps itself informed of developments as regards the work of the Better Regulation Delivery Office in its consideration of the regulatory functions of local authorities.

### **1.10 Fundamental Rights**

Under the terms of the Act any individual/company may apply for a variety of permissions and have their applications considered on their individual merits. Equally, any Interested Party or Responsible Authority has a right to make relevant representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Act.

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

### **1.11 Integrating Strategies and Avoiding Duplication**

By consulting widely prior to this Policy Statement being published, the Council will take full account of local policies covering crime prevention, culture, transport, planning and tourism as part of an integrated strategy for the Council, Police and other agencies. Many of these strategies may not be directly related to the promotion of the three licensing objectives, but may indirectly impact upon them.

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

### **1.12 Sustainable Development Community Strategy**

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

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

Local strategic partnerships, typically involving the police, local authorities, local health boards, and representatives from education, business and the voluntary sector organisations, are responsible for the achievement of locally set objectives.

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

## 2. Premises Licences

### 2.1 General Principles

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

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

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

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

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

- In accordance with any relevant code of practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with this Policy Statement.

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

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare;
- Measures/training for staff on how to deal with children on the premises, for example, suspected truancy from school.

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

It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for Premises Licences" and also that unmet demand is not a criterion for a licensing authority.

The Licence Conditions and Code of Practice (LCCP) issued by the Gambling Commission places **the** onus on **licence holders** to complete a risk assessment. The council will have regard to this when considering applications. This is covered in detail in Section 6 of this statement.

***Definition of "Premises":***

Premises is defined in the Act as "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building/plot will be the subject of an application for a licence. But, that does not mean that a single building plot cannot be the subject of separate premises licence, e.g. the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important



consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer.

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

The Council takes particular note of the Gambling Commission’s Guidance for local authorities which states that licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular, they should be aware of the following –

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

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

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

## **2.2 Appropriate Licence Environment**

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

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

Where gambling facilities are provided at premises as a supplementary activity to the main purpose of the premises; e.g. motorway service areas and shopping malls, the council will expect the gambling area to be clearly defined to ensure that customers are fully aware that they are making a choice to enter into the gambling premises, and that the premises is adequately supervised at all times.

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

The Gambling Commission's Guidance for relevant access provisions for each premises type is reproduced in Appendix A:

### **2.3 Premises "ready for gambling"**

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

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

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

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

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

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

### **2.4 Other Considerations**

#### ***Location:***

The Council is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing

objectives are relevant to its decision making. As per the Gambling Commission's Guidance for local authorities, the Council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this Statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

### ***Planning***

The Gambling Commission Guidance to Licensing Authorities states:

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

The Council will not take into account irrelevant matters as per the above guidance. In addition, the Council notes the following excerpt from the Guidance:

- When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

### **2.5 Duplication with other Regulatory Regimes:**

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

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

planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

## **2.6 Licensing Objectives:**

Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the Council has considered the Gambling Commission's Guidance to licensing authorities and some comments are made below.

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

The Council is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does, however, envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime, the Council will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. The Council is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.

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

The Council has noted that the Gambling Commission states that it does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be addressed via operating and personal licences. There is, however, more of a role with regard to tracks, which is explained in more detail in the "tracks" section.

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

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

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

As regards the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs”. The Council will consider this licensing objective on a case by case basis.

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

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

In particular operators must ensure that;

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

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

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

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

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

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

## **2.7 Bet-Watch:**

The council encourage and will support local operators to create and maintain an information sharing network to discuss issues of problem gamblers that are

identified. This will also be an opportunity for operators to discuss issues with the licensing officers.

## 2.8 Conditions:

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

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

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

Conditions the Council may impose on a licence could include;

### Security conditions

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

### Anti-social behaviour conditions

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

### Underage controls

- Customers under 21 will have to provide ID;
- No machines in the Unlicensed Family Entertainment Centre to be sited within one metre of the Adult Gaming Centre entrance;

- Staff training records or certified copies should be available at the premises for inspection.

#### Player protection controls

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

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

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

The Council will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- All such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- Only adults are admitted to the area where these machines are located;
- Access to the area where the machines are located is supervised;
- The area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- At the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

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

The Council is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this Council will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

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

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

## **2.9 Door Supervisors:**

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

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

## **2.10 Adult Gaming Centres**

The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Council that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

Where gambling facilities are provided at premises as a supplementary activity to the main purpose of the premises; e.g. motorway service areas and shopping malls, the council will expect the gambling area to be clearly defined to ensure that customers are fully aware that they are making a choice to enter into the gambling premises and that the premises is adequately supervised at all times.

## **2.11 (Licensed) Family Entertainment Centres**

The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Council, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. **The applicant for a Family Entertainment Centre provide evidence that a suitable criminal record check with the Disclosure and Barring Service (DBS) has been conducted on all staff in his/her employment.**

**Children and young persons are permitted entry to licensed FECs but are not permitted to play Category C machines. The Council expects the applicant to ensure that there will be sufficient measures in place to prevent under 18 year olds having access to the adult only gaming machine areas. The Council will**



expect applicants to meet the licensing objectives and comply with all mandatory conditions and Codes of Practice issued by the Gambling Commission.

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

- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18

## **2.12 Casinos**

There are currently no casinos operating within the County. Following considerable debate at full Council on XXXX 2018 a resolution was passed not to issue casino licences within the County of Monmouthshire as provided for in section 166 Gambling Act 2005. This resolution may be reviewed as necessary, and at least every three years in line with the adoption of the Statement of Gambling Policy. There is no right of appeal against this resolution. Potential licence applicants should note that as a 'no-casino' resolution has been passed by this Council no applications for casino premises licence will be considered. Any applications received will be returned with a notification that a 'no casino' resolution is in place.

## **2.13 Bingo Premises**

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

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

Children and young people are allowed into bingo premises; however, they are not permitted to participate in the bingo and if category B or C machines are

made available for use, these must be separated from areas where children and young people are allowed.

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

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff or the licence holder; and
- at the entrance to, and inside any such area, notices are prominently displayed indicating that access to the area is prohibited to persons under 18.

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

## **2.14 Betting Premises**

### ***Betting machines:***

#### ***Self Service Betting Terminals (SSBTs):***

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

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

The Council will, as per the Gambling Commission’s Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. The premises should also display notices with contact for help organisations e.g. GamCare.

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

## **2.15 Tracks**

The Council is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, the Council will especially consider the impact upon the third licensing objective (i.e. protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

The Council will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

## **2.16 Gaming Machines:**

There are many categories of gaming machine permitted at licensed and other premises and the number of such machines that may be permitted in each type of gambling premises are set out in the Act. The Council does not have the power to set different limits or further expand or restrict the categories of machine that are permitted. The exception to this is alcohol-licensed premises that hold gaming machine permits, where licensing authorities have discretion to specify the number of permitted gaming machines. In addition, limits are set separately in the Act for certain types of permit issued by licensing authorities. A table setting out gaming machine entitlement at each type of premises is attached at Appendix C.

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

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

### **2.17 Betting Machines:**

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

### **2.18 Applications and plans:**

The Gambling Act **and Regulations** requires applicants to submit plans of the premises with their application, in order to ensure that the Council has the necessary information to make an informed judgement about whether the premises are fit for gambling. They will also be used for the Council to plan future premises inspection activity.

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

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

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

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

### **2.19 Travelling Fairs**

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

The Council will also consider whether the applicant falls within the statutory definition of a travelling fair contained in Section 286 of the Gambling Act 2005.

The 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Council will work with its neighbouring authorities to ensure that land, which crosses our boundaries, is monitored so that the statutory limits are not exceeded.

## **2.20 Provisional Statements**

Developers may wish to apply to this Council for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

Section 204 of the Gambling Act provides for a person to make an application to the Council for a provisional statement in respect of premises that he or she:

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

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

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

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The Council will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage; or
- they reflect a change in the applicant's circumstances.

In addition, the Council may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the Council's opinion reflect a change in the operator's circumstances; or
- where the premises have not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this Council notes that it can discuss any concerns it has with the applicant before making a decision.

### **3. Permits/Temporary And Occasional Use Notices**

These forms of authorisations are as follows;

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

A table setting out gaming machine entitlement is attached at Appendix D.

#### **3.1 Unlicensed Family Entertainment Centre Gaming Machine Permits**

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

Where a premise does not hold a Premises Licence but wishes to provide category D gaming machines, it may apply to the Council 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 and would, therefore, exclude any premises primarily used for any other purposes, e.g. canteens, fast food takeaways, leisure centres, garages and petrol filling stations, taxi offices.

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

The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.

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

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

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

### **3.2 (Alcohol) Licensed Premises Gaming Machine Permits**

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The Council can remove the automatic authorisation in respect of any particular premises if:

- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- Gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- The premises are mainly used for gaming; or
- An offence under the Gambling Act has been committed on the premises.

If a premises wishes to have more than 2 machines, **then an application for a permit must be submitted and the Council must consider that application based upon the licensing objectives, any guidance and codes of practice issued by the Gambling Commission and “such matters as the Council think relevant.”** The Council considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Council that there will be sufficient measures to

ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the Council that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

It should be noted that the Council can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

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

### **3.3 Prize Gaming Permits**

The Council has the right in accordance with this 'Statement of Principles' to specify matters that this authority propose to consider in determining the suitability of the applicant for a permit.

It also specifies that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:-

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

In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

It should be noted that there are conditions in the Gambling Act 2005 by 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.

### **3.4 Club Gaming and Club Machines Permits**

Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machines Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance. Members Clubs and Miners' Institutes and also Commercial Clubs may apply for a Club Machine Permit. A Club Gaming Machine Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

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

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

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

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

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Commercial clubs cannot hold Club Premises Certificates under the Licensing Act 2003 and so cannot use the fast track procedure. As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the

Commission or the police, and the grounds upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

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

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

### **3.5 Temporary Use Notices**

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

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

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices. The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards temporary use notices. The meaning of "premises" in part 8 of the Act is discussed in the Gambling Commission Guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the Council needs to look at, amongst other things, the ownership/occupation and control of the premises.

This Council expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises; as recommended by the Gambling Commission's Guidance to licensing authorities.

### **3.6 Occasional Use Notices**

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

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

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

#### **4. Small Society Lotteries**

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

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

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

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

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

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

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

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

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

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

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

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

Charities and community groups should contact the Council via e-mail to [licensing@monmouthshire.gov.uk](mailto:licensing@monmouthshire.gov.uk) or by letter at Licensing Section, Monmouthshire County Council, Abergavenny Community Education Centre, Old Hereford Road, Abergavenny NP7 6EL to register the lottery and to provide proof the collection is for charitable purposes, to support sporting, athletic or cultural activities.

## **5. Decision Making**

### **5.1 Administration, Exercise and Delegation of Functions**

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

It is considered that many of the functions will be largely administrative in nature with no perceived areas of contention. In the interests of efficiency and cost effectiveness these will, for the most part, be carried out by officers.

The following schedule sets out the recommended delegation of functions and decisions by guidance. The Council may, nevertheless, refer any matter to the Licensing Committee or Sub-Committee.

The schedule of delegation of licensing functions is attached at Appendix B.

### **5.2 Appeals Procedure**

Entitlements to appeal for parties aggrieved by decisions of the Council are set out in Sections 206 to 209 of the 2005 Act. Appeals must be made to the Magistrates Court for the area in which the licensing authority, which has considered the application, is situated.

An appeal has to be commenced by giving notice of the appeal by the appellant to; The Clerk to the Justices, Gwent Magistrates Court, The Law Courts, Faulkner Road, Newport, NP20 4PR, within a period of 21 days, beginning with the day on which the appellant was notified by the Council of the decision to be appealed against.

On determining an appeal, the Court may:

- Dismiss the appeal;
- Substitute the decision appealed against with any other decision that could have been made by the licensing authority;
- Remit the case to the licensing authority to dispose of the appeal in accordance with the direction of the Court.
- Make an order about costs.

### **5.3 Giving Reasons for Decisions**

In anticipation of such appeals, the Council will give comprehensive reasons for its decisions. The Council will address the extent to which decisions have been made with regard to any relevant codes of practice and guidance issued by the Gambling Commission, reasonably consistent with the licensing objectives and in accordance with this Policy Statement.

#### **5.4 Implementing the Determination of The Magistrates' Court**

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

#### **5.5 Complaints against Licensed Premises**

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

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

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

Due consideration will be given to all relevant representations unless they fit the exceptions in 5.6 below.

#### **5.6 Reviews**

Requests for a review can be made by Interested Parties or Responsible Authorities. However, it is for the Council to decide whether the review is to be carried out based upon any relevant codes of practice and guidance issued by the Gambling Commission, reasonably consistent with the licensing objectives and in accordance with this Policy Statement.

The request for the review will also be subject to the consideration by the Council as to whether it is frivolous, vexatious, or whether it will not cause this Council to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

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

Once a valid application for a review has been received by the Council, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was

received by the Council, who will publish notice of the application within 7 days of receipt.

The Council must carry out the review as soon as possible after the 28 day period for making representations has passed.

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

- add, remove or amend a licence condition imposed by the Council;
- exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
- suspend the premises licence for a period not exceeding three months; and
- revoke the premises licence.

In determining what action, if any, should be taken following a review, the Council must have regard to the principles set out in Section 153 of the Act, as well as any relevant representations.

In particular, the Council may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

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

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

## **6. Licensing Conditions and Codes of Practice (LCCP)**

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

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

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

The LCCP contains two types of code provision:

### **Social responsibility code provisions**

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

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

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

### **Ordinary code provisions**

These do not have the status of licence conditions in the case of licensed operators, but set out good practice; these code provisions are in the unshaded boxes in this document.

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

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

### **Risk Assessments - Premises**

The LCCP requires all existing licensees that provide gambling at their premises to assess the local risks to the licensing objectives and have policies, procedures and control measures to reduce those risks. Licensees must take



into account any relevant matters identified in the licensing authorities (gambling) Statement of Policy when making their risk assessments.

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

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

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

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

- Information held by the licensee regarding self-exclusions and incidences of underage gambling,
- Gaming trends that may reflect benefit payments
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends.
- Urban setting such as proximity to schools, commercial environment, factors affecting footfall,
- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.

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

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

Matters relating to children and young persons, including;

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

Matters relating to vulnerable adults, including;

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

Other issues that may be considered could include;

- Matters of faith, including all religious or faith denominations including proximity to churches, mosques, temples or any other place of worship.
- **the economic make-up of an area;**
- **the surrounding night-time economy;**
- **children's homes and care facilities;**
- **the area footfall eg. residential or commercial areas;**
- **banks and ATM nearby;**
- **known anti-social behaviour issues;**
- **housing facilities;**
- **job centres;**
- **hostel and support services for the homeless;**
- **alcohol and drug support facilities;**
- **pawn brokers and payday loan businesses;**
- **other gambling premises;**
- **If there is an existing cluster of gambling premises**
- **mental health facilities;**

- community buildings;
- residential care establishments;
- transport and parking facilities eg. bus stops, taxi ranks, train stations;
- presences of rough sleepers;
- unemployment rates for area;
- types and rates of crime in the area that could impact on the premises
- areas with significant areas of children, eg parks and playgrounds.

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

### **Significant changes to the premises**

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

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

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

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

- The premises operator makes an application for a licence at that premises to provide an activity under a different regulatory regime, for example, to permit the sale of alcohol.

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

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

### **Variation of the premises licence**

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

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

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

### **Regular review of risk assessment**

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

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

### **Local risks and control measures**

There are two specific parts to the risk assessment process:

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

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

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

Operators will already be familiar with identifying risks in relation to health and safety and food hygiene legislation. Risk assessments are also used for security and crime purposes, for example for money laundering and as part of trade association best practice, such as the Safe Bet Alliance.

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

### **Local area risks**

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

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

### **Risk Assessment**

Although gambling is a legal entertainment activity it can, in some locations, have a negative impact on individuals and the wider community. The consideration of the proximity of gambling premises to locations where groups vulnerable to problematic gambling may congregate, e.g. schools, alcohol services, supported housing, will be a priority for the applicant and licensing authority. Monmouthshire Public Service Board has produced a Wellbeing Assessment as part of the Wellbeing of Future Generations Act. The Assessment considers Economic, Social, Environmental and Cultural Wellbeing in the county as a whole whilst also focusing on 5 areas based around : Abergavenny, Monmouth, Chepstow, Caldicot and Central Monmouthshire.

Full details can be found on <http://www.monmouthshire.gov.uk/our-monmouthshire>

Crime data for local area can be obtained from [www.gwent.police.uk](http://www.gwent.police.uk)

(To Insert a list of vulnerable groups and the locations they congregate – awaiting)

### **Gambling operational risks**

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

Gambling operators should identify operational risks in the local area to the licensing objectives and then consider whether there are control measures in excess of those already in place that would mitigate the risk. For example if there is a known illegal drug use in the local area the gambling operator may consider using control measures such as maglocks on the toilet doors or change the design to the toilet to deter people from using it for illegal drug use. It is likely that the identification of risks associated with this element of the assessment will be very similar for all premises with slight variations depending on any specific factors that relate to the premises or the local area.

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

### **Premises design risks**

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

appropriate mitigation in this case may be that the gambling operator closes off one of the doors to prevent it being used as a short cut.

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

### **Interior design risks**

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

Operators should assess the risk presented by the internal layout of the premises and the location of gambling facilities within them. For example, if a gaming machine is placed within the direct line of sight of the cashier counter then staff will be able to monitor player behaviour and undertake interventions if there is a concern over the customers' spending habits. Staff can also monitor the use of the machines and can challenge any customers who are believed to be under the age of 18, or who damage the machines, or who appear to be attempting to launder money. By a simple assessment of the optimum location for these machines, operators can significantly reduce the risk to the licensing objectives.

### **Exterior design risks**

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

### **Control measures**

Depending on the nature of the risk factors, the control measures identified to mitigate the perceived risk may be a combination of systems, design and physical measure. Control measures that relate to systems may be measures that have been put in place through policies and procedures. These can either be systems that apply to all of the operator's premises or systems that have been developed specifically for particular premises to deal with a specific local

risk factor. System control measures may include staff training, security policies and procedures. They may also relate to having security personnel on entrances, implementing membership criteria and/or providing support to local vulnerable groups through financial or other means.

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

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

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

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

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

**Physical:** Magnetic door locks and ID scans.

### **Step 1: Undertaking a local risk assessment**

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

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



## **Step 2: Gambling operation and physical design**

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

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

## **Step 3: Control measures**

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

## **Step 4: Action Plan**

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

## **Completed assessment**

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

## **7. Further Information**

Further information about the Gambling Act 2005, this Statement of Licensing Policy or the application process can be obtained from:

Licensing Section  
Monmouthshire County Council  
Abergavenny Community Education Centre  
Old Hereford Road  
Abergavenny  
NP7 6EL  
Telephone: 01873 735420  
Fax: 01633 644878  
Email: [licensing@monmouthshire.gov.uk](mailto:licensing@monmouthshire.gov.uk)  
Website: [www.monmouthshire.gov.uk/licensing](http://www.monmouthshire.gov.uk/licensing)

Information is also available from:

The Gambling Commission  
Victoria Square House  
Birmingham  
B2 4BP  
Telephone: 0121 230 6666  
Fax: 0121 230 6720  
Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)  
Website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

The Department for Culture, Media and Sport  
2– 4 Cockspur Street  
London  
SW1Y 5DH  
Telephone: 020 7211 6200  
Website: [www.culture.gov.uk](http://www.culture.gov.uk)

## **Appendix A Access to Premises**

### **Casinos**

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

### **Adult Gaming Centre**

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

### **Betting Shops**

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

### **Tracks**

No customer should be able to access the premises directly from:

- a casino;
- an adult gaming centre.

## **Bingo Premises**

No customer must be able to access the premises directly from:

- a casino;
- an adult gaming centre;
- a betting premises, other than a track.

## **Family Entertainment Centre**

No customer must be able to access the premises directly from:

- a casino;
- an adult gaming centre;
- a betting premises, other than a track.

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

## Appendix B Schedule of Delegation of Licensing Functions and Decisions

Matters to be dealt with	Full Council	Sub-Committee	Officers
Three year Gambling Policy	x		
Policy not to permit casinos	x		
Fee Setting – when appropriate (Fee Setting for Premises Licence be delegated to the Licensing and Regulatory Committee,		x	
Application for Premises Licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn/authorised to dispense with a hearing if all parties are in agreeance/authorised to assess if a representation is valid.
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn/authorised to dispense with a hearing if all parties are in agreeance/authorised to assess if a representation is valid.
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representation has been received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn/authorised to

<b>Matters to be dealt with</b>	<b>Full Council</b>	<b>Sub-Committee</b>	<b>Officers</b>
			dispense with a hearing if all parties are in agreeance/authorised to assess if a representation is valid.
Review of a Premises Licence		x	
Revocation of a premises licence for failure to pay annual licence fee			x
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no representations received/representations have been withdrawn/authorised to dispense with a hearing if all parties are in agreeance/authorised to assess if a representation is valid.
Cancellation of club gaming/club machine permits		x	
Applications for other permits		Where objections have been made and not withdrawn	Where no representations received/representations have been withdrawn/authorised to dispense with a hearing if all parties are in agreeance/authorised to assess if a representation is valid.
Cancellation of licensed premises gaming machine permits		x	Authorised to cancel a permit, with the holder having the right to a hearing at the Sub-Committee.
Consideration of temporary use notice			Consideration/authorised to dispense with a hearing if all parties are in agreeance/authorised

Matters to be dealt with	Full Council	Sub-Committee	Officers
			to assess if objection is valid.
Decision to give a counter notice to a temporary use notice		x	
Small Society Lotteries		x	Registration, Refusal and revocation of a lottery registration with the applicant/holder having the right to a hearing at the Sub-Committee.

## Appendix C Definitions

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

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

‘The Act’ means the Gambling Act 2005.

‘The County’ means the County of Monmouthshire.

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

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

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

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

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

‘Vulnerable person’ will not be defined but the assumption is that this group includes people who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

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

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

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

‘Tracks’ means a horse-race course, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place.

## Appendix D Summary of Machine Provisions by Premises

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



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

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

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

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

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

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<p><b>Name of the Officer</b> Linda O’Gorman / David H Jones</p> <p><b>Phone no:</b> 01633 644214 <b>E-mail:</b> <a href="mailto:lindaogorman@monmouthshire.gov.uk">lindaogorman@monmouthshire.gov.uk</a></p>	<p><b>Please give a brief description of the aims of the proposal</b></p> <p>To consider the Council’s existing resolution to not permit casinos within the County of Monmouthshire.</p>
<p><b>Name of Service</b></p> <p>Licensing</p>	<p><b>Date Future Generations Evaluation</b></p> <p>25<sup>th</sup> October 2018</p>


1. **Does your proposal deliver any of the well-being goals below?** Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal.





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Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<p><b>A prosperous Wales</b> Efficient use of resources, skilled, educated people, generates wealth, provides jobs</p>	<p>Generally considered that gambling has a negative impact on the personal wealth of participants.</p>	<p>Would not want to encourage wider scale gambling, as could lead to addiction and financial hardship.</p>
<p><b>A resilient Wales</b> Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)</p>	<p>N/A</p>	
<p><b>A healthier Wales</b> People’s physical and mental wellbeing is maximized and health impacts are understood</p>	<p>Could promote excessive gambling, which may impact on those who are vulnerable/addicted to gambling if Casinos are permitted.</p>	<p>As above.</p>

Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<b>A Wales of cohesive communities</b> Communities are attractive, viable, safe and well connected	Larger scale gambling can be problematic and have a negative impact on local communities.	
<b>A globally responsible Wales</b> Taking account of impact on global well-being when considering local social, economic and environmental wellbeing	The proposal has a positive impact by clearly stating casinos will not be permitted in Monmouthshire.	
<b>A Wales of vibrant culture and thriving Welsh language</b> Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	N/A	
<b>A more equal Wales</b> People can fulfil their potential no matter what their background or circumstances		

## 2. How has your proposal embedded and prioritised the sustainable governance principles in its development?

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 Balancing short term need with long term and planning for the future	A resolution not to permit casinos protects vulnerable people from being harmed or exploited by gambling.	

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p>Working together with other partners to deliver objectives</p>	N/A	
 <p>Involving those with an interest and seeking their views</p>	Gambling addiction is well documented.	
 <p>Putting resources into preventing problems occurring or getting worse</p>	By preventing a casino coming to Monmouthshire protects some of our more vulnerable members of society.	
 <p>Positively impacting on people, economy and environment and trying to benefit all three</p>	As above.	

3. **Are your proposals going to affect any people or groups of people with protected characteristics?** Please explain the impact, the evidence you have used and any action you are taking below.

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	Protects children by not 'normalising' gambling		
Disability	Neutral		
Gender reassignment	“		
Marriage or civil partnership	“		
Race	“		
Religion or Belief	“		
Sex	“		
Sexual Orientation	“		
Welsh Language	“		

4. Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding. Are your proposals going to affect either of these responsibilities? For more information please see the guidance <http://hub/corporatedocs/Democratic%20Services/Safeguarding%20Guidance.docx> and for more on Monmouthshire's Corporate Parenting Strategy see <http://hub/corporatedocs/SitePages/Corporate%20Parenting%20Strategy.aspx>

	Describe any positive impacts your proposal has on safeguarding and corporate parenting	Describe any negative impacts your proposal has on safeguarding and corporate parenting	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Safeguarding	The resolution to not permit a casino contributes positively to protecting children		
Corporate Parenting			

5. What evidence and data has informed the development of your proposal?

The Chief Medical Officer for Wales Annual Report 2016-17 – Gambling with our health’ <http://gov.wales/topics/health/professionals/cmo/reports/?lang=en>

Some of the key points that this report has raised is as follows;

The most important benefit of the gambling industry is the tax revenues, which are considerable in the UK: in 2017 this amounted to £2.7 billion. This income is used by the UK government to help fund its programme for government. However, the economic benefits of gambling need to be balanced against the social and health harms to people who gamble, their family, friends and wider society. While most people who participate in gambling activities do so without any significant problems, for others gambling is problematic; causing damage to their health and to wider society.

The availability of gambling products and platforms to diverse groups, and the developments in the infrastructure of game design, make gambling an immediate and rapidly evolving public health issue. The public health approach aims to improve quality of life for all and to achieve health equity. This focus on equity is necessary as people living in areas of deprivation are more likely to experience gambling-related harm.

The harms caused by gambling for the individual include anxiety, stress, depression, and alcohol and substance misuse. These factors are likely to have a wider impact on family and friends. Further family problems can include ‘money troubles’ and family breakdown, as well as neglect and violence towards any partner or children. There are higher rates of separation and divorce among problem gamblers compared to the general population. Further impacts of gambling include the inability to function at work, and financial problems which can lead to homelessness. The harms from gambling to wider society include fraud, theft, loss of productivity in the workforce, and the cost of treating this addiction. Gambling harm not only affects the individual, but the family and wider society.

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In Wales, 61% of adults (around 1.5 million people) had gambled in the last 12 months. 63% of men and 59% of women report gambling participation in the past 12 months. In Wales, 1.1% of the population (30,000 people) self-reported as having a problem with gambling. A further 3.8% of people in Wales are estimated to be at risk of problem gambling.

The number of casinos in Wales is small and relatively stable. The number of people visiting casinos in the UK has increased significantly in recent years, from 18.2 million visits (2011/12) to 30 million visits (2014/15).

While young people are least likely to gamble, problem and at-risk gamblers make up 2% of people aged 11 to 15, which equates to around 60,000 young people in the UK. Children who experience gambling in the household are four times more likely to gamble themselves than those who do not experience gambling in the household. Young people are spending more time online. Indeed, 18-24 year olds report that they are more likely to have been prompted to gamble by adverts and posts on social media. No organization is specifically dedicated to building resilience in young people and discussing gambling with them. In Wales, 16% of children aged 11-15 had gambled in the last week. The most popular forms of gambling for children were fruit machines and placing bets with friends. Every week, 450,000 children aged 11-15 years old in England and Wales report being involved in gambling. This represents 16% of this age group, compared with 8% consuming alcohol, 6% taking illegal drugs and 5% engaged in smoking. Whilst the harms accrued from each of these behaviours is different, these figures show the scale of gambling being reported in this age group. There is some international evidence from the United States of America that college or university students may be at greater risk of problem gambling than the general population. Universities in Wales often offer support for financial problems and addictions including gambling.



**6. SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?**

Continuing the existing resolution not to permit casinos in the County has a positive impact by protecting children and other vulnerable persons from being harmed or exploited by gambling.

**7. Actions. As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.**

What are you going to do	When are you going to do it?	Who is responsible	Progress
Incorporate resolution into the Authority's Gambling Policy 2019.	By 31/1/2019		

**8. Monitoring: The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.**

The impacts of this proposal will be evaluated on:	By 31/1/2022
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**SCHEDULE 12A LOCAL GOVERNMENT ACT 1972  
EXEMPTION FROM DISCLOSURE OF DOCUMENTS**

**REPORT:** J block refurbishment & County Hall car  
park scheme - additional budget provision  
**AUTHOR:** Debra Hill-Howells  
**MEETING AND DATE  
OF MEETING:** County Council meeting 25.10.18

I have considered grounds for exemption of information contained in the report referred to above and make the following recommendation to the Proper Officer:-

**Exemptions applying to the report:**

Paragraph 14 of part 4 of schedule 12A Local Government Act 1972

**Factors In favour of disclosure:**

Transparency over decision making

**Prejudice which would result if the information were disclosed:**

Release of the budget provision may influence the resulting tender returns for the projects.

**My view on the public interest test is as follows:**

That the information should not be disclosed

**Recommended decision on exemption from disclosure:**

That the Council report is exempt.

**Date:** 25.10.18  
**Signed:** Debra Hill-Howells  
**Post:** Head of Commercial and Integrated Landlord Services

I accept the recommendation made above.

  
\_\_\_\_\_  
Proper Officer -- Peter Davies

Date: 17/10/2018

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of the Local Government Act 1972.

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