

## COUNCIL SUMMONS

You are hereby summoned to attend a Meeting of the COUNCIL OF THE CITY AND COUNTY OF SWANSEA to be held in the Council Chamber, Civic Centre, Swansea on Tuesday, 6 January 2015 at 5.00 pm

The following business is proposed to be transacted:

1. **Apologies for Absence.**
2. **Disclosures of Personal and Prejudicial Interests.** 1 - 2
3. **Minutes.** 3 - 16  
To approve and sign as a correct record the minutes of the Ordinary meeting of Council held on 2 December 2014.
4. **Announcements of the Presiding Member.**
5. **Announcements of the Leader of the Council.**
6. **Public Questions.**  
Questions must relate to matters on the open part of the Agenda of the meeting and will be dealt within a 10 minute period.
7. **Public Presentation - Swansea Bay Region Race Equality Council.**
8. **Reports of the Cabinet Member for Enterprise, Development & Regeneration.**
  - 8.a Review of Planning Committee Structures & Scheme of Delegation & Response to the Welsh Government Consultation Documents Published with the Wales Planning Bill. (6 October 2014) 17 - 62
9. **Report of the Cabinet Member for Environment and Transportation.**
  - 9.a Local Transport Plan. 63 - 70
10. **Report of the Cabinet Member for Finance & Strategy.**
  - 10.a Adoption of Council Tax Reduction Scheme. 71 - 79
11. **Report of the Cabinet Member for Transformation & Performance.**
  - 11.a Membership of Committees. 80 - 81
12. **Joint Report of the Presiding Member, Monitoring Officer and Head of Democratic Services.**
  - 12.a Amendments to the Constitution. 82 - 97
  - 12.b Election of Chair of the Democratic Services Committee for the remainder of the 2014-2015 Municipal Year.
13. **Councillors' Questions.** 98 - 101
14. **For Information Report. (Not For Discussion)**
  - 14.a Written Responses to Questions asked at the Last Ordinary Meeting of Council. 102 - 106



Patrick Arran  
Head of Legal, Democratic Services & Procurement  
Civic Centre  
Swansea

Thursday, 18 December 2014

**To: All Members of the Council**

## Disclosures of Interest

To receive Disclosures of Interest from Councillors and Officers

### Councillors

**Councillors Interests are made** in accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea. You must disclose orally to the meeting the existence and nature of that interest.

**NOTE:** You are requested to identify the Agenda Item / Minute No. / Planning Application No. and Subject Matter to which that interest relates and to enter all declared interests on the sheet provided for that purpose at the meeting.

1. If you have a **Personal Interest** as set out in **Paragraph 10** of the Code, you **MAY STAY, SPEAK AND VOTE** unless it is also a Prejudicial Interest.
2. If you have a Personal Interest which is also a **Prejudicial Interest** as set out in **Paragraph 12** of the Code, then subject to point 3 below, you **MUST WITHDRAW** from the meeting (unless you have obtained a dispensation from the Authority's Standards Committee)
3. Where you have a Prejudicial Interest you may attend the meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, **provided** that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. In such a case, you **must withdraw from the meeting immediately after the period for making representations, answering questions, or giving evidence relating to the business has ended**, and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration (**Paragraph 14** of the Code).
4. Where you have agreement from the Monitoring Officer that the information relating to your Personal Interest is **sensitive information**, as set out in **Paragraph 16** of the Code of Conduct, your obligation to disclose such information is replaced with an obligation to disclose the existence of a personal interest and to confirm that the Monitoring Officer has agreed that the nature of such personal interest is sensitive information.
5. If you are relying on a **grant of a dispensation** by the Standards Committee, you must, before the matter is under consideration:
  - i) Disclose orally both the interest concerned and the existence of the dispensation; and
  - ii) Before or immediately after the close of the meeting give written notification to the Authority containing:

- a) Details of the prejudicial interest;
- b) Details of the business to which the prejudicial interest relates;
- c) Details of, and the date on which, the dispensation was granted; and
- d) Your signature

## **Officers**

### **Financial Interests**

1. If an Officer has a financial interest in any matter which arises for decision at any meeting to which the Officer is reporting or at which the Officer is in attendance involving any member of the Council and /or any third party the Officer shall declare an interest in that matter and take no part in the consideration or determination of the matter and shall withdraw from the meeting while that matter is considered. Any such declaration made in a meeting of a constitutional body shall be recorded in the minutes of that meeting. No Officer shall make a report to a meeting for a decision to be made on any matter in which s/he has a financial interest.
2. A "financial interest" is defined as any interest affecting the financial position of the Officer, either to his/her benefit or to his/her detriment. It also includes an interest on the same basis for any member of the Officers family or a close friend and any company firm or business from which an Officer or a member of his/her family receives any remuneration. There is no financial interest for an Officer where a decision on a report affects all of the Officers of the Council or all of the officers in a Department or Service.

## CITY AND COUNTY OF SWANSEA

### MINUTES OF THE COUNCIL

HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, SWANSEA. ON  
TUESDAY, 2 DECEMBER 2014 AT 5.00 PM

**PRESENT:** Councillor J P Curtice (Deputy Presiding Member) presided

<b>Councillor(s)</b>	<b>Councillor(s)</b>	<b>Councillor(s)</b>
J C Bayliss	T J Hennegan	C L Philpott
P M Black	C A Holley	J A Raynor
J E Burtonshaw	P R Hood-Williams	T H Rees
M C Child	B Hopkins	I M Richard
R A Clay	D H Hopkins	C Richards
U C Clay	L James	P B Smith
A C S Colburn	Y V Jardine	R V Smith
D W Cole	A J Jones	R J Stanton
A M Cook	J W Jones	R C Stewart
S E Crouch	M H Jones	D G Sullivan
J P Curtice	S M Jones	G J Tanner
N J Davies	E T Kirchner	C Thomas
A M Day	A S Lewis	C M R W D Thomas
P Downing	D J Lewis	M Thomas
C R Doyle	R D Lewis	L G Thomas
V M Evans	C E Lloyd	L J Tyler-Lloyd
W Evans	P Lloyd	G D Walker
E W Fitzgerald	K E Marsh	L V Walton
R Francis-Davies	P M Matthews	T M White
F M Gordon	P M Meara	N M Woollard
J A Hale	H M Morris	
J E C Harris	G Owens	

135. **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors N S Bradley, W J F Davies, J Newbury, B G Owen, D Phillips, M Theaker and D W W Thomas.

136. **MINUTES.**

**RESOLVED** that the following Minutes be approved and signed as a correct record:

- 1) Extraordinary Meeting of Council held on 4 November 2014;
- 2) Ordinary Meeting of Council held on 4 November 2014.

137. **DISCLOSURES OF PERSONAL AND PREJUDICIAL INTERESTS.**

The Head of Legal, Democratic Services and Procurement gave advice regarding the potential personal and prejudicial interests that Councillors and / Officers may have on the agenda.

The Head of Democratic Services reminded Councillors and Officers that the "Disclosures of Personal and Prejudicial Interests" sheet should only be completed if the Councillor / Officer actually had an interest to declare. Nil returns were not required. Councillors and Officers were also informed that any declarable interest must be made orally and in writing on the sheet.

In accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea the following interests were declared:

- 1) Councillors T J Hennegan, G J Tanner, C M R W D Thomas and G D Walker declared a Personal Interest in Minute 141 "Public Presentation - The Swansea Canal Society";
- 2) Councillors A M Day, V M Evans, R Francis-Davies, F M Gordon, J A Hale, T J Hennegan, C A Holley, C E Lloyd, P M Meara, M Thomas and N M Woollard declared a Personal Interest in Minute 142 "Care and Social Services Inspectorate Wales (CSSIW) - Performance Evaluation Report 2013-2014";
- 3) Councillor M Thomas declared a Personal Interest in Minute 142 "Care and Social Services Inspectorate Wales (CSSIW) - Performance Evaluation Report 2013-2014" and stated that he had dispensation from Standards Committee;
- 4) Councillors J C Bayliss, P M Black, J E Burtonshaw, M C Child, A C S Colburn, D W Cole, S E Crouch, A M Day, P Downing, C R Doyle, V M Evans, W Evans, E W Fitzgerald, J E C Harris, T J Hennegan, C A Holley, B Hopkins, D H Hopkins, L James, J W Jones, M H Jones, S M Jones, E T Kirchner, A S Lewis, D J Lewis, R D Lewis, P Lloyd, P M Matthews, P M Meara, G Owens, C L Philpott, J A Raynor, I M Richard, C Richards, P B Smith, R J Stanton, R C Stewart, D G Sullivan, G J Tanner, C W R W D Thomas, M Thomas, L G Thomas, L J Tyler-Lloyd, G D Walker, L V Walton and T M White declared a Personal Interest in Minute 144 "Swansea Local Development Plan Proposed Deposit Plan Allocations and Settlement Boundary Review";
- 5) Councillor P R Hood-Williams declared a Personal and Prejudicial Interest in Minute 144 "Swansea Local Development Plan Proposed Deposit Plan Allocations and Settlement Boundary Review" and withdrew from the meeting prior to its consideration;
- 6) Councillors S M Jones, I M Richard and G D Walker declared a Personal Interest in Minute 149 "Review of Polling Districts, Polling Places and Polling Stations";
- 7) Councillor K E Marsh and L James declared a Personal and Prejudicial Interest in Minute 150 "Councillors' Questions" and withdrew from the meeting prior to its consideration.

138. **ANNOUNCEMENTS OF THE PRESIDING MEMBER.**

**1) Condolences**

**a) Natalie Thomas, wife of Councillor Des W W Thomas (Presiding Member)**

The Deputy Presiding Member referred with sadness to the recent death of Natalie Thomas, wife of Councillor Des W W Thomas.

She stated that the funeral would be taking place at 1.30 p.m. on Thursday, 11 December in St. Mary's Church, Swansea. The burial would be at 2.45 p.m. in Oystermouth Cemetery followed by a wake at Langland Brasserie.

All present were asked to stand as a mark of respect and sympathy.

**2) Welcome Councillor Peter N May**

The Deputy Presiding Member welcomed Councillor Peter N May to his first Council meeting following his recent election success at the Uplands By Election on 20 November 2014.

**3) Veterans**

The Deputy Presiding Member welcomed a number of Veterans from a number of different Services. She stated that they were present in order to collect a photograph of their recent visit to the Liberty Stadium, where they watched the Swans beat Arsenal which coincided with the Remembrance Day Commemorations.

The Veterans present were Freddy Edwards, Albert Evans, Les Jones, Bryan Meadows, Tom Simmonds and Howard Thomas.

The Deputy Presiding Member, Leader of the Council, Armed Forces Member Champion and Lord Mayor were present to present them with their photos.

**4) SPARK Youth Centre, Blaenymaes - Road Safety Wales Video Competition**

The Deputy Presiding Member stated that a group of young people from the Spark Youth Centre, Blaenymaes had been helping to launch a nationwide drink drive campaign for Christmas. They have put together a hard hitting video depicting the perils of drinking and driving.

The 2014 drink drive video was put together by Blaenymaes youngsters Lisa Cullen and Cerys Rosser of the SPARK Youth Centre. Their video was titled 'Truth or Dare'.

She congratulated the young people involved with the SPARK Youth Centre, Blaenymaes for being named the Regional winner of the All-Wales drink drive

campaign which takes place each year and is organised by the Police. This is the third time that one of their videos has won this award.

She stated that the video would be shown on the big screen in Castle Gardens from 28 November 2014 onward during the Christmas period and urged everyone to try and see it.

**5) White Ribbon Campaign Award**

The Deputy Presiding Member stated that she was delighted to announce that Swansea has been awarded White Ribbon Status showing the Council's commitment to support the aims of the White Ribbon Campaign: Never to commit, condone, or remain silent against violence against women.

The international White Ribbon Campaign was launched in 1991 by a group of men in Canada to show their opposition to violence against women.

The award of the White Ribbon Status to Swansea is testament to the close working relationship between all partner agencies and groups in the City who are committed to tackling domestic violence.

Domestic violence is never the victim's fault and it is important that we raise awareness and encourage people to report the crime.

Ali Morris, the Authority's Domestic Abuse and Sexual Violence Strategy Co-ordinator was present to receive the award.

**6) Councillor M H Jones - Council Procedure Rule 17 "Rules of Debate"**

The Deputy Presiding Member stated that as Councillor M H Jones had an illness causing pain when rising to a standing position. As a result of this, she was suspending Council Procedure Rule 17.2 "Rules of Debate - Standing When Speaking" for Councillor M H Jones until further notice. This was in order to allow Councillor M H Jones to take part in debate without having to stand.

**139. ANNOUNCEMENTS OF THE LEADER OF THE COUNCIL.**

**1) Local Government Reform**

The Leader of the Council stated that the Authority did not submit a voluntary merger application to the Public Services Minister instead it outlined our preference for an Authority based on the City Bay Region. He stated that he had met with the Public Services Minister, Leighton Andrews A.M. and that the Authority's suggestion would be considered.

**2) Development Advisory Group**

The Leader of the Council stated that the inaugural meeting took place on Monday, 24 November 2014. It was a positive step towards reviewing the strategy for the City Centre.



3) **Councillor D W W Thomas, Presiding Member**

The Leader of the Council stated that he and the Lord Mayor had been in contact with Councillor D W W Thomas following the recent death of his wife Natalie Thomas. The Leader of the Council stated that Councillor Thomas wished to thank all for their kind messages and cards.

4) **Roger Smith, Appointment as a Deputy Lord Lieutenant**

The Leader of the Council congratulated former Councillor Roger Smith on his recent appointment as a Deputy Lord Lieutenant.

5) **Councillor A M Day, Chair of Scrutiny Programme Committee**

The Leader of the Council stated that Councillor A M Day had resigned as Chair of the Scrutiny Programme Committee due to family commitments. He thanked Councillor A M Day for his dedication and hard work during his period as Chair.

6) **United Nations Convention on the Rights of the Child (UNCRC)**

The Leader of the Council stated that the City and County of Swansea Council was the first local authority in the UK to voluntarily make a public commitment to children's rights. Unicef UK Ambassador and Welsh actor Michael Sheen joined children and representatives from the Council to launch a trailblazing children and young people's rights scheme at Pentrehafod Comprehensive School.

The event saw pupils at the school celebrate Universal Children's Day and the 25<sup>th</sup> Anniversary of the United Nations Convention on the Rights of the Child (UNCRC).

7) **Flying Start**

The Leader of the Council stated that Butterflies Flying Start was run by the Council in Blaenymaes. He stated that it had won praise for its ability to bring the best out of children and help them mingle with others, and in particular its assistance in identifying the learning challenges faced by one little boy.

Butterflies Flying Start has been named the all-Wales winner in the inaugural 'Stars In Their Lives' award, which aims to highlight the amazing contribution made to youngsters in their crucial early years by Flying Start professionals across Wales. These include health visitors, midwives, parenting workers, early language specialists, and other childcare and development workers.

8) **Mike Davies, Parent Support Worker**

The Leader of the Council stated that Parent support worker Mike Davies, from Fforestfach, who helps dads make lives better for their children has been awarded the 'Stars in their Lives' in recognition of the life-changing support he has given hundreds of families in the city.

He was named the regional winner for Swansea and West Wales for his outstanding contribution to parenting groups in the area aimed specifically at supporting fathers, as part of the Dads Team.

9) **Child and Family Social Workers**

The Leader of the Council stated that the Council has been the Welsh pioneer for a fresh approach to protecting children called Signs of Safety. It involves social workers working closely with vulnerable children and their families to help them build on their strengths while keeping young people safe and supported.

The success story that's been developed in Swansea has attracted admiration from practitioners from around the world, including Signs of Safety co-creator Andrew Turnell at a conference in Perth, Australia.

Three of the Swansea Child and Family Services team who have been using Signs of Safety within Swansea Council's Fostering Services travelled to Perth to demonstrate how the use of the Signs of Safety approach is supporting positive outcomes for Looked After Children.

140. **PUBLIC QUESTIONS.**

A number of questions were asked by members of the public. The relevant Cabinet Member responded accordingly. Those questions requiring a written response are listed below:

- 1) Tony Beddow submitted a written question in advance of the meeting as per Council Procedure Rule 26 "Public Presentations and Question Time" asking the Services for Adults and Vulnerable People Cabinet Member questions in relation to Minute 142 "Care and Social Services Inspectorate Wales (CSSIW) - Performance Evaluation Report 2013-2014".

*The CSSIW report states in its first paragraph that "The Council is making significant progress with its plans for transformational change within adult and children's services and has gained strong political and corporate support for the changes being undertaken".*

*In relation to the planned increase in the availability of home care referred to on page 20 in the first right hand box of the table, would she be able to confirm the scale of the increase in carer hours that were delivered in the third quarter of 2014 compared with the same period in 2013?*

The Services for Adults and Vulnerable People Cabinet Member stated that a written response would be provided.

141. **PUBLIC PRESENTATION - THE SWANSEA CANAL SOCIETY.**

Nigel Worthington and Martin Davies gave a presentation on the Swansea Canal Society. They stated that the Society was formed in 1981 and became a Registered Charity in 2004. The Society is run by volunteers

They stated that the Canal is owned by the Canal and River Trust and the Society work closely in partnership with them. The Swansea Canal is a two hundred and twenty year old structure of immense importance to the Lower Swansea Valley. It is no longer the sixteen mile industrial supply line from Abercraf to the City of Swansea, but the existing six miles in water are the home to otters and bats; kingfishers, dippers, and ducks; moths, butterflies and beetles. Many of its bridges, aqueducts and locks are listed buildings or scheduled ancient monuments and part of Swansea's unique heritage. The canal's mainly rural setting gives pleasure to walkers, cyclists, joggers, and runners alike. This is a linear water park that all should be proud of and the Society aims to improve that amenity for everyone's benefit.

The aims of the Society are:

- To restore the canal to navigable standards;
- To protect its wildlife;
- To promote the heritage and history of the canal;
- To improve the canal environment for the health and benefit of all visitors.

The Leader of the Council, Councillor R C Stewart and Councillor P B Smith gave thanks for the presentation.

142. **CARE AND SOCIAL SERVICES INSPECTORATE WALES (CSSIW) - PERFORMANCE EVALUATION REPORT 2013-2014.**

The Care and Social Services Inspectorate Wales (CSSIW) Area Manager, Leigh Thorne and South West Wales Regional Manager, Angela Williams presented the Performance Evaluation Report 2013-2014.

The Leader of the Council, Councillor R C Stewart welcomed the report and gave thanks for the presentation.

**RESOLVED** that the report be noted.

143. **NATIONAL HOME IMPROVEMENT LOAN SCHEME - POLICY ADDENDUM.**

The Communities and Housing Cabinet Member submitted a report which considered the Welsh Government National Improvement Loan Scheme and sought to adopt the scheme as an addendum to the Private Sector Housing Renewal and Disabled Adaptations: Policy to Provide Assistance 2012-2017.

**RESOLVED** that:

- 1) The National Home Improvement Loan Scheme be approved and added as an addendum to current Council Policy.

144. **SWANSEA LOCAL DEVELOPMENT PLAN PROPOSED DEPOSIT PLAN ALLOCATIONS AND SETTLEMENT BOUNDARY REVIEW.**

The Enterprise, Development and Regeneration Cabinet Member submitted a report which sought approval to consult on the Local Development Plan (LDP) Draft Proposals Map which identifies revised settlement / village boundaries and sites proposed for allocation in the Deposit Plan.

**RESOLVED** that:

- 1) The Draft Proposals Map for the purposes of public consultation and the responses arising used to inform the preparation of the draft Deposit LDP be agreed;
- 2) Details of all new and amended Candidate Sites and proposed masterplans of Preferred Strategy Strategic Sites be publicised as part of the consultation process;
- 3) Officers negotiate the preparation and submission, as appropriate, of applications for residential development on land within settlement boundaries and on Strategic Sites agreed in the LDP Preferred Strategy to seek to address the current housing land supply shortfall.

**(Notes:**

- a) Councillor S M Jones asked whether the consultation period scheduled to end on 16 January 2015 could be extended.

The Leader of the Council stated that he would examine the request but could make no promises of an extension of the consultation period.

- b) Councillor A C S Colburn referred to Appendix 1 "Schedule of Proposed Housing Allocations", Page 45, No. 73, Ref OY016 'Land at Higher Lane, Langland' of the report. He asked why this remained in the plan yet the Council owned land at Thistleboon, Mumbles had been removed?

The Leader of the Council stated that a written response would be provided.

- c) Councillor P M Black referred to Page 38, Paragraph 1.3 of the report. He asked what the sustainable community facilities would be and how the Council will achieve balanced communities?

The Leader of the Council stated that a written response would be provided.

145. **COUNCIL TAX BASE CALCULATION - 2015-2016.**

The Finance and Strategy Cabinet Member presented a report which detailed the calculation of the Council Tax Base for the City and County of Swansea, its Community / Town Councils and the Swansea Bay Port Health Authority for 2015-2016. The Council is required to determine the Council Tax Bases for 2015-2016 by 31 December 2014.

**RESOLVED** that:

- 1) The calculation of the Council Tax Bases for 2015-2016 be approved;
- 2) In accordance with the Local Authorities (Calculation of Tax Base) (Wales) Regulations 1995, as amended, the calculation by the City and County of Swansea Council for the Year 2015-2016 shall be:

**For the whole area** 89,066

**For the area of Community / Town Councils:**

Bishopston	1,947
Clydach	2,566
Gorseinon	3,097
Gowerton	1,962
Grovesend	398
Ilston	315
Killay	2,075
Llangennith, Llanmadoc and Cheriton	492
Llangyfelach	952
Llanrhidian Higher	1,594
Llanrhidian Lower	326
Llwchwr	3,294
Mawr	739
Mumbles	9,596
Penllergaer	1,358
Pennard	1,442
Penrice	432
Pontarddulais	2,268
Pontlliw and Tircoed	1,043
Port Eynon	418
Reynoldston	281
Rhossili	195
Three Crosses	718
Upper Killay	570

**For the area of the Swansea Bay Port Health Authority** 62,000

146. **REFORM OF THE HOUSING REVENUE ACCOUNT SUBSIDY SYSTEM.**

The Finance and Strategy and the Communities and Housing Cabinet Members jointly submitted a report which set out the planned reform of the Housing Revenue Account Subsidy (HRAS) system in Wales. They also set out the implications for the Council and the key actions required by the Council to implement the changes.

**RESOLVED** that:

- 1) The Council enters into the Voluntary Agreement to exit the Housing Revenue Account Subsidy scheme along the lines set out in the report and to undertake sufficient borrowing to meet its share of the settlement;
- 2) Authority is delegated to the Director of Place and the Head of Finance to enter into the Voluntary Agreement and to determine the accounting and debt management policy of legacy and additional borrowing.

147. **MEMBERSHIP OF COMMITTEES.**

The Transformation and Performance Cabinet Member submitted a report which outlined the changes that the Leader of the Council had made to the Authority's Outside Bodies. He stated that an amended report had also been circulated and that he needed to make a further amendment to that document. Those changes as amended are outlined below:

**Outside Bodies**

- 1) **National Waterfront Museum**  
Remove Councillor N J Davies.  
Add Councillor J C Bayliss.
- 2) **Suresprung Board of Trustees**  
Remove Councillor M Thomas.  
Add Councillor J P Curtice.
- 3) **Swansea Economic Regeneration Partnership**  
Remove Councillor S E Crouch.  
Add Councillor R Francis-Davies.
- 4) **Welsh Local Government Association**  
Remove Councillor D Phillips.  
Add Councillor A S Lewis.

Additionally, the report sought approval to amend the membership of Council Bodies.

**RESOLVED** that the membership of the Council Bodies listed below be amended as follows:

- 1) **Business and Administration Cabinet Advisory Committee**  
Remove Councillors B Hopkins and P B Smith.  
Add Councillors T J Hennegan and B G Owen.
- 2) **Licensing Committee**  
Remove Councillor A S Lewis.  
Add Councillor A M Cook.
- 3) **People Cabinet Advisory Committee**  
Remove Councillors U C Clay, A M Cook and J P Curtice.  
Add Councillors D W Cole, B Hopkins and H M Morris.

- 4) **Place Cabinet Advisory Committee**  
Remove Councillors D W Cole and G Owens.  
Add Councillors U C Clay and J P Curtice.
- 5) **Scrutiny Programme Committee**  
Remove Councillor A M Day.  
Add Councillor M H Jones.
- 6) **Standards Committee Vacancy Panel**  
Remove Councillor Y V Jardine.  
Add Councillor J C Bayliss.
- 7) **West Glamorgan Archives Committee**  
Remove Councillor N J Davies.  
Add Councillor T M White.

148. **AMENDMENTS TO THE COUNCIL CONSTITUTION & CONSTITUTIONAL MATTERS.**

The Presiding Member, Monitoring Officer and Head of Democratic Services jointly submitted a report which sought to make amendments in order to simplify, improve and / or add to the Council Constitution in relation to the following areas:

- 1) Part 3 – Terms of Reference;
- 2) Part 4 – Contract Procedure Rules;
- 3) Part 4 – Scrutiny Procedure Rules.

**RESOLVED** that:

- 1) The terms of reference of the Equalities Committee be added to the terms of reference of the Engagement and Inclusion Cabinet Advisory Committee;
- 2) The Equalities Committee be abolished;
- 3) The terms of reference of the Standards Committee Vacancy Panel be amended to be:
  - “1. *To shortlist (if necessary) applicants seeking to be appointed as the Independent Co-opted Members to Standards Committee.*
  2. *To interview applicants seeking to be appointed as the Independent Co-opted Members to Standards Committee.*
  3. *To make recommendation(s) for appointment if appropriate to Council.*

**Note:** *The Standards Committee Vacancy Panel:*

- a) *Shall consist of 5 Members, one of which must be a Lay Member and one of which must be a Community / Town Councillor serving within the boundaries of the City and County of Swansea;*
- b) *Shall be Chaired by a Lay Member appointed by the Monitoring Officer."*

- 4) The changes to the Council Constitution as outlined in the report in relation to Contract Procedure Rules and Scrutiny Procedure Rules be adopted.

149. **REVIEW OF POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS.**

The Returning Officer submitted a report which sought approval for the proposed changes and to agree to further investigation into the possible movement of a number of Polling Station venues. He stated that this report was part of the Review of Polling Districts, Polling Places and Polling Stations.

**RESOLVED** that:

- 1) The responses received in relation to the Polling Districts and Polling Places Review which are summarised at Appendix 2 to the report be noted;
- 2) The final proposals to the Polling Districts and Polling Places as outlined in Appendix 3 of the report be approved;
- 3) The Returning Officer continue to monitor Polling Districts, Polling Places and Polling Stations.

150. **COUNCILLORS' QUESTIONS.**

- 1) Part A 'Supplementary Questions'

Nine (9) Part A 'Supplementary Questions' were submitted. The relevant Cabinet Member(s) responded by way of written answers contained in the Council Summons.

The following question(s) required a written response:

- a) Question 2. Councillor J W Jones asked the following supplementary question(s):

*"I see that in one of the work streams for Sustainable Swansea you mention Social Enterprise ETC as one of the delivery models.*

- i) *What is meant by 'ETC'?*
- ii) *Would all Departments be considered within the scope of a Social Enterprise?*
- iii) *How will Social Enterprises be affected by proposals in the Williams Report?."*



The Transformation and Performance Cabinet Member stated that a written response would be provided.

- b) Question 5. Councillor P M Meara asked the following supplementary question(s):

“i) *Given the Council’s stance on gambling and casinos; how does the New Years Eve Ball with ‘Vegas’ most famous tribute acts performing LIVE, including the king himself! Fabulous fun casino including roulette wheels, black jack, slot machines, american craps and our famous wheel of fortune’ sit with the Council Policy?”*

The Wellbeing and Healthy City Cabinet Member stated that a written response would be provided.

- c) Question 7. Councillor P M Black asked the following supplementary question(s):

“i) *Will the Cabinet Member please outline the timescale for the review of libraries?”*

The Enterprise, Development and Regeneration Cabinet Member stated that a written response would be provided.

- 2) Part B ‘Questions not requiring Supplementary Questions’

One (1) Part B ‘Questions not requiring Supplementary Questions’ were submitted.

151. **WRITTEN RESPONSES TO QUESTIONS ASKED AT THE LAST ORDINARY MEETING OF COUNCIL.**

The Head of Legal, Democratic Services and Procurement submitted an information report setting out the written responses to questions asked at the last Ordinary Meeting of Council.

152. **SCRUTINY DISPATCHES.**

The Chair of the Scrutiny Programme Committee submitted an information report which provided Council with a progress report on various scrutiny activities.

153. **NOTICE OF MOTION FROM COUNCILLORS D PHILLIPS, M THEAKER, R C STEWART, C RICHARDS, M C CHILD, W EVANS, R FRANCIS-DAVIES, J E C HARRIS, D H HOPKINS, C E LLOYD, J A RAYNOR & M THOMAS.**

The following motion was proposed by Councillor M C Child and seconded by Councillor C E Lloyd.

*Council notes that some multinational companies are avoiding billions of pounds of tax from a tax system that fails to make them pay their fair share, whilst many ordinary people face falling household income, rising costs of living and exclusion*

*from benefit or other state support. Council further notes that local governments in developing countries and the UK alike would benefit from a fairer tax system where multinational companies pay their fair share, assisting public authorities around the world to provide quality public services wanted to local people at the point of need.*

*Council calls upon the UK government to listen to the strength of public feeling and act now to end the injustice of tax avoidance by large multinational companies, both in developing countries and the UK.*

**RESOLVED** that the motion as outlined above be approved.

The meeting ended at 7.00 pm

**CHAIR**

# Agenda Item 8.a

## Report of the Cabinet Member for Enterprise, Development & Regeneration

Council - 6 January 2015

### REVIEW OF PLANNING COMMITTEE STRUCTURES & SCHEME OF DELEGATION & RESPONSE TO THE WELSH GOVERNMENT CONSULTATION DOCUMENTS PUBLISHED WITH THE WALES PLANNING BILL (6 OCTOBER 2014)

<b>Purpose:</b>	The report reviews and makes recommendations for changes to the Authority's Planning Committee Structures and Scheme of Delegation and seeks approval of the Authority's response to the Welsh Government consultation documents on "Planning Committees, Delegation and Joint Planning Committees", "Design", "Planning Application Fees" and "Frontloading of the Planning Application Process".
<b>Policy Framework:</b>	Town & Country Planning Act 1990 (as amended)
<b>Reason for Decision:</b>	To approve changes to the Authority's Committee Structures and Scheme of Delegation and approve the Authority's response to Welsh Government consultation.
<b>Consultation:</b>	Finance, Legal and Head of Democratic Services.
<b>Recommendation(s):</b>	It is recommended that:
1)	The current Area 1 and Area 2 Development Control Committee's and Development Management & Control Committee be merged into a single Planning Committee with 12 members;
2)	Where Electoral Divisions have more than one Councillor, only one shall sit on the Planning Committee;
3)	That the quorum should be half (6) of the Committee;
4)	Substitute members are prohibited;
5)	The Scheme of Delegation be amended to reflect the process illustrated at <b>Appendix B</b> and that consequential amendments to the Constitution be carried out;
6)	The content of the consultation response set out in <b>Appendix C</b> be approved.
7)	The Rights of Way and Commons Sub Committee become a Sub Committee of this Planning Committee with its existing terms of reference.
<b>Report Author:</b>	Ryan Thomas
<b>Finance Officer:</b>	Sarah Willis
<b>Legal Officer:</b>	Jonathan Wills

## **1.0 Background**

1.1 The Minister for Housing and Regeneration introduced the Planning (Wales) Bill to the National Assembly for Wales on 6 October 2014 and concurrently issued consultation documents including the following topics:

1. Planning Committees, Delegation and Joint Planning Boards,
2. Review of Planning Application Fees,
3. Frontloading the Development Management System,
4. Design in the Planning Process.

1.2 Responses on these consultation papers are invited by 16 January 2015. This report therefore provides an appraisal and seeks approval of the Authority's response to Welsh Government (WG), as provided at **Appendix C**, and seeks approval of amendments to the Authority's Planning Committee structures and Scheme of Delegation.

## **2.0 Planning Committees, Delegation and Joint Planning Boards**

2.1 The Bill proposes significant changes to the way planning decisions are taken, including provisions which would allow for the standardisation of Planning Committee arrangements and delegation to officers across Wales.

2.2 This consultation, therefore, defines the proposed role of a Planning Committee, makes proposals for a standardised Committee size and structure across Wales and for a National Scheme of Delegation. The consultation also includes proposals for a National Committee Protocol, Joint Planning Boards and Strategic Planning Panels.

## **3.0 Planning Committees**

3.1 Following a comprehensive review of Committees and decision making across Wales, WG have concluded that large planning committees are resource intensive, diminish the valuable role of Councillors as representatives of their community and generate inconsistent decision making as a result of low average attendance and the tensions between respective Electoral Division and Committee roles. WG are clear that the overriding duty of a Committee Member is to the wider community and the whole Authority.

3.2 WG also consider that large committees provide slower as well as inconsistent decision making and refer to estimates that put the cost to the UK economy associated with delays in the planning system at between £700 million and £3 billion a year.

3.3 They also estimate that Authority staff and Councillor costs per Committee to be between £840 for an 11 Member Committee and £1,162 for a 21 Member Committee. The cost to this Authority of its current Committee structure per Committee cycle is, however, estimated at some £6,099 whilst that the average costs of determining an application at Committee is estimated to be twice as much as that for an application determined under delegated powers.

- 3.4 WG, therefore, conclude that small planning Committees are more likely to provide a cost effective, consistent, fairer and more transparent planning service and will allow Councillor training to be more focused, resulting in better trained and robust Committees.
- 3.4 On this basis WG has set a size range of between 11 and 21 Members within which Authorities can choose the Committee size appropriate for their circumstances and allow for apportionment to reflect political composition.
- 3.5 In summary the main WG proposals in respect of Committee size and make up are as follows:
1. The size of the planning committee shall be a minimum of 11 members and a maximum of 21 members,
  2. Where Electoral Divisions have more than one Councillor, only one should sit on the planning committee, in order to allow some Councillors to perform the representative role for local community interests,
  3. Introduce a quorum for decision-making of 50% of the committee,
  4. Prohibit the use of substitute members.
- 3.6 Against this background it should be recognised that the Wales Audit Office (WAO) undertook a review of this Authority's Development Control Service in 2006/07, reporting in September 2008 and in November 2010 specifically reviewed the Council's Committee arrangements following the introduction of additional Area Development Control Committees.
- 3.7 In response the Authority resolved in November 2012 that the current planning governance structure, of two Area Committees and a Development, Management and Control Committee (DM&CC) comprising 72 Members is retained, with annual reviews of performance at the end of each financial year, and that a further review be undertaken in the light of future published Welsh Government guidance.
- 3.8 Reports on performance were presented to DM&CC in August 2013 and 2014. These show a relatively high level of "overturns" at Committee by Councillors and a success rate of defending such decisions at appeal of only 33% in 2013/14.
- 3.9 On the 5<sup>th</sup> September 2014 the Minister for Natural Resources (Carl Sargeant) met with Councillors and officers of this Authority and recommended that its Committee structures and governance arrangements be reviewed to align with current WG proposals.
- 3.12 In this respect WG research indicates that Swansea is the last remaining Authority in Wales with all its 72 Members sitting on its Planning Committee whilst in terms of scale and nature, as a City, clear comparisons can be drawn between this Authority and Cardiff Council who have a total of 75 Members and for many years have operated with a Planning Committee of 12. Newport City Council operate with a Planning Committee of 11 Members.
- 3.13 In addition this Authority's Licensing Committee also operates with a total of 12 members.

- 3.14 On this basis, therefore, it is clearly apparent that this Authority's current Planning Committee structure and governance arrangements are at odd's with that of the Council's other Committee structures, all other Authority's in Wales and Welsh Government's proposals.
- 3.15 In response, therefore, it is recommended that WG proposals for the size and make up of Committee, as detailed at paragraph 3.4 above, be adopted by this Authority, and that the Authority's current Committee structure comprising of an Area 1 and Area 2 Development Control Committee and a Development Management & Control Committee be merged into to a single Planning Committee with 12 members.
- 3.16 This approach would, it is considered, be consistent with the Committee size of other City authorities in Wales and the Authority's Licensing Committee, provide proportionality, a positive response to current budgetary constraints and Welsh Government's current agenda for cultural change in the planning system and the decision making process.
- 3.17 The Rights of Way and Commons Sub Committee will become a Sub Committee of the Planning Committee.

#### **4.0 The Role of the Planning Committee**

- 4.1 WG considers that the role of Committee should be to deliver the adopted development plan by making locally strategic planning decisions and by determining those applications:
1. That are identified as major development;
  2. That raise policy issues affecting the delivery of the development plan, such as applications departing from the adopted plan ; and
  3. Where there is quantifiable, community-wide interest in a development which goes beyond protecting the private interests of one person, or group of people, against the activities of others.
- 4.2 In this latter respect WG are of the view that the Planning Committee should not deal with a plethora of minor development proposals, particularly householder development, which have minimal impact upon the wider area and that most applications should be decided by officers under delegated powers, with only exceptional cases being reported to Committee.
- 4.3 Again this development management role appears at odds with the Electoral Division based approach adopted by this Authority and clearly articulated by the Authority in November 2012 which has historically resulted in a relatively large volume of minor and householder applications being considered by Committee to address private interests rather than community wide impacts.

#### **5.0 National Scheme of Delegation**

- 5.1 Welsh Government commissioned research has identified significant differences in the criteria which dictate which applications are determined by committee and which are dealt with under delegated powers.

- 5.2 The inconsistencies in schemes of delegation are considered to provide uncertainty for applicants and developers, particularly those who operate over several local planning authority areas and as a consequence a National Scheme of Delegation is proposed which would provide that all planning applications are to be determined by officers subject to the following exceptions:
1. Departure/contrary to development plan (where officers are minded to approve)
  2. Applications involving an Environmental Impact Assessment (EIA)
  3. LPA employee/Council Member has interest in application
  4. Above a specified development threshold where the size of an application affects whether an application is delegated or not,
  5. Above a specified objection threshold where the size of an application affects whether an application is delegated or not,
  6. Councillor call-in.
- 5.3 There would appear to be little issue with requiring “departure” and EIA applications and, in the interests of transparency, for employee and Member applications to be considered by Committee. WG consider, however, that all ‘major development’ as prescribed in the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 would be an appropriate development threshold which reflects the Committee role as prescribed at paragraph 4.1 above. Alternatively views are sought on whether authorities should have a second option to increase delegation to officers by increasing this threshold to prescribed limits e.g. 20 or more dwellings, a site area of 2 hectare or a floor space of 2,000 sq metres.
- 5.4 This Authority’s current scheme of delegation, however, allows for all forms of development to be considered at officer level unless “called in” by a Councillor or unless a petition of 30 or more names has been submitted and the head petitioner wishes to exercise their right to speak at Committee.
- 5.5 There are concerns, therefore, that the proposed approach could require applications above a certain development threshold to be considered at Committee level which ordinarily would be determined by officers under the Authority’s current scheme of delegation. The second option suggested by WG with the alternative upper thresholds is therefore considered to be more appropriate in this respect.
- 5.6 WG proposals also include an objection threshold where applications which received 20 or more objections from individuals or a petition of 30 or more names could be reported to Committee. Whilst the proposed petition threshold broadly reflects the Authority’s current scheme of delegation a requirement for 20 letters of objection does appear high even for an urban authority such as Swansea and when considered in isolation could exclude significant developments for example, within rural communities from Committee consideration.
- 5.7 WG proposals also seek to retain Councillor call-in as part of the National Scheme of Delegation. However, to ensure that Councillor call-in operates within the parameters of the role of the planning committee as defined in paragraph 4.1 above, limits should, they consider, be exercised over when Councillors may use the function.

- 5.8 In this respect WG favour the option reproduced at **Appendix A** where a call in request is linked to the objection threshold detailed above. Under this option call in requests made within 21 days of Councillor notification would be considered against the objection threshold to ensure that only those applications with a community wide interest could be “call in”.
- 5.9 As detailed above the development threshold would potentially require applications of a certain scale to be determined by Committee which under the Council’s current scheme of delegation would be determined under delegated powers, whilst the objection threshold indicated by WG may be difficult to achieve particularly in rural small rural communities where a development may have a genuine community wide impact.
- 5.10 There is justification, therefore, for some form of flexibility to be built into the process and in this respect it is recommended that in exceptional circumstances the Chair should have the authority to allow a call in request where these thresholds were not met but where there was a quantifiable community wide interest or impact. Equally, however, it is also considered that the Chair should retain current powers to veto a call in request to prevent applications which have limited community wide interest or impact from being considered unnecessarily by Committee.
- 5.11 Similarly, current provisions in the Constitution allow the Head of Economic Regeneration and Planning to refer applications directly to Committee where they are of strategic significance. Whilst this is not recommended by WG it has proven a useful mechanism to resolve any unforeseen public interest issues and should it is considered be retained.
- 5.12 Against this background, therefore it is recommended that the Authority’s Scheme of Delegation be amended to reflect the process detailed at **Appendix B**.

## **6.0 Planning Committee Protocol**

- 6.1 Welsh Government (WG) have identified significant variations in the procedures under which planning committees operate throughout Wales and seek to address these variances by establishing a National Planning Committee Protocol.
- 6.2 The protocol seeks to standardise arrangements for the publication of agendas, audio-visual presentations, identification and room layout together with speaking rights, a standing running order and site visit procedure for the Committee decision making process.
- 6.3 In addition the requirement for a cooling off period for Councillor “over turns” and greater involvement of Councillors in defending any subsequent appeal is also recommended. In this respect the Authority’s “Two Stage Voting Process” and referral process for prescribed applications determined contrary to officer recommendation to be referred is regarded as sufficiently robust, however, with a single Planning Committee any referrals under current procedures would need to be made to Council.



6.4 Mandatory Councillor training and CPD requirements are also recommended together with the development of a clear distinction between a Councillor's role when acting as a decision maker or as a local representative i.e. when acting as a local representative a Committee Member should, it is recommended, step down from the Committee table and join the public gallery.

6.5 A protocol for Councillor involvement in pre-application enquiries and a Councillor Code of Conduct is also recommended, however, Welsh Government have stopped short of introducing legislation to deliver a National Protocol but instead recommend that this be developed by Local Planning Authorities with assistance from WG.

## **7.0 Joint Planning Boards & Strategic Planning Panels**

7.1 This section sets out proposals for joint planning boards to perform a full range of local planning authority functions and for strategic planning panels to prepare strategic development plans for greater than one local authority area.

7.2 It considers how the size and composition of such arrangements can be structured in accordance with the Bill provisions for prescribing the size of planning committees.

7.3 In this respect the proposal that Welsh Ministers determine the size of the joint planning board membership on a population basis and appears acceptable subject to consultation with the constituent Local Planning Authorities.

## **8.0 Review of Planning Application Fees**

8.1 The WG considers that if their vision for the development management system is to be realised they need to ensure local planning authorities (LPA's) have the necessary resources and use these in the most efficient and effective ways.

8.2 In this respect it is considered that the quality and timeliness of the service provided by LPA's is being affected by stretched resources available to the planning services within authorities.

8.3 Three main changes to the system of planning fees are therefore proposed as follows:

1. an increase in fee levels;
2. to provide a refund of the application fee where an application remains undetermined after a period of time,
3. to extend the scope of planning fees.

**The evidence base suggests that the current planning application fee covers on average 60% of the cost of processing and determining an application.**

- 8.4 The Welsh Ministers consider that a LPA should be prepared to pay for activities that are purely or largely for the wider public good (e.g. development plans and enforcement). Application fees reflect the overall cost of handling, administering and deciding the various types of application. The level set is designed to include recovery of direct costs and an apportionment of related overheads.
- 8.5 It is considered that a key element of the LPAs role is to issue accurate and timely decisions. Where this is not achieved applicants can experience delay, frustration and additional cost. The needs of the customer (speed and quality of service) are, therefore, a priority for the LPA.
- 8.6 LPAs have indicated that the current level of planning fees in combination with general budget cuts has affected the service they provide. However, the relationship between resources and service delivery is not a straightforward one. There are complex issues relating to the availability of skills, the exercise of people and time management, and addressing the needs of diverse communities, including the differences in number and type of applications generated by these areas.
- 8.7 The WG propose an increase of 15% across all applications (on the understanding that there is a commitment by LPAs to review their service delivery).

<b>Development</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
Householder (1 dwelling)	£166	£190
Householder (2+ dwellings)	£330	£380
5 Dwellings	£1,650	£1,900

- 8.8 The Independent Advisory Group identified a need for a system of measures to ensure LPAs adopt the improved way of working, including introducing a system of penalties to help address poor performance.
- 8.9 Two measures are proposed that would reflect the fact that service delivery has failed; these are:
- optional direct applications; and,
  - refund of the application fee after a certain time period.

## **9.0 Optional Direct Applications:**

- 9.1 Where there are clear and consistent failures in LPA customer service, it has failed in its role as a planning authority, WG have put forward in the Planning (Wales) Bill, currently before the National Assembly for Wales, powers that will provide the Welsh Ministers with the ability to take direct action where an LPA is deemed poorly performing. Proposals on optional direct applications will be the subject of a separate consultation.

## **10.0 Fee Refund:**

- 10.1 WG considers that it is unreasonable for a LPA to go beyond certain time periods before providing a decision on a planning application. To encourage swifter decisions it is proposed to introduce changes, that, where a planning application remains undecided after a set period of time, the application fee is refunded. As well as encouraging swifter decisions, WG consider that this measure will ensure that; the financial burden on the applicant is reduced.
- 10.2 It is recognised that the determination of an application can be delayed for genuine reasons; requiring further consultations etc, however, WG consider that the LPA should have made a decision on a **'householder'** application within **16 weeks** and within **24 weeks for all others**.
- 10.3 WG place equal weight on both parties being timely, responsible and reasonable in the development management process. Extensions of time would still be available whereby a refund would only be payable 16 or 24 weeks after the agreed extension date.

## **11.0 Other changes to Planning Application Fees**

1. fees for the discharge of planning conditions;
2. the introduction of a fee for confirmation that a condition has been discharged;
3. a standard charge for drafting Section 106 agreements on a sliding scale basis based on complexity;
4. deemed planning application fees;
5. facilitating broadband rollout;
6. amendments to the 'free go';
7. a separate fee category for renewable energy/low carbon applications; and,
8. the division of planning fees for cross authority applications.

## **12.0 Conditions Discharge**

- 12.1 This post decision approval of further information has been identified as a significant barrier to the timely delivery of schemes and a drain on LPA resources. It is estimated that **15% of officer time** is spent dealing with this post decision workload.
- 12.2 The Welsh Government consider that the introduction of a fee will assist in paying for the processing, consultation and determination costs incurred by the LPA. A charge is also seen as providing confidence that the work will be undertaken in a timely manner by the LPA. A fee would be required for each request to discharge a condition or group of conditions.
- £25 for householder; and,
  - £83 for all other applications.

### **13.0 Confirmation Fee**

- 13.1 When selling or raising finance on property, buyers and mortgagees will normally want proof that any conditions attached to planning permissions have been complied with. Non-compliance with or lack of proof of compliance with planning conditions can be a frequent cause of delays in the conveyancing process and can even result in property sales falling through. To cover costs LPAs may charge a fee for this. This would merely be confirmation that no more information needs to be submitted in connection with that condition for approval by the LPA. Fees would be the same as for the discharge of conditions.

### **14.0 Section 106**

- 14.1 The current mechanism for agreeing Section 106 obligations is seen as protracted. There is often a substantial time lag between a resolution to grant planning permission and the issue of the decision notice after the completion of the Section 106 process.
- 14.2 The Advisory Group identify that this stage of the process should be accompanied by a fee and a set timescale. This fee would cover the administrative cost of the LPA legal team responsible for reviewing the agreement.

### **15.0 S174 Appeal**

- 15.1 When a person appeals an enforcement notice served by the LPA, they may appeal on the basis that planning permission ought to be granted for the activities cited in the notice (a ground (a) appeal under s.174(2) of the Town and Country Planning Act 1990). Appealing on this ground is known as a 'deemed planning application'. As the appellant wants the planning merits to be considered through this appeal mechanism, a fee is payable. The size of the fee is double that charged for the equivalent ordinary application for planning permission. Half of the fee is paid to the Planning Inspectorate and is effectively held as a deposit which is refundable if the appeal succeeds on the 'legal' grounds. It is proposed that the fee to accompany a ground (a) appeal will only be paid to the LPA. Where the appeal fails the LPA would retain the entire double fee.

### **16.0 Broadband**

- 16.1 The Welsh Government is committed to the roll-out of broadband across Wales through commercial rollout schemes and the Superfast Cymru programme. To further support the rollout of broadband, WG are now considering ways to help let the public and businesses know where the network has been upgraded. This would involve alterations so that an application covering multiple sites is only charged a single fee, instead of a fee based on the aggregate for each site.

## **17.0 “Free go”**

- 17.1 The current fee regulations provide that following withdrawal, refusal, non-determination or approval of a reserved matters application, the applicant is entitled to submit a revised application without paying a fee. This is known as a ‘free go’ and provides flexibility for applicants. The ‘free go’ still provides many benefits to the planning system as it provides flexibility. For example, applicants may withdraw a reserved matters applications to prepare additional information or importantly, following refusal.
- 17.2 However, where the original reserved matters application has been approved, WG are considering if it is appropriate to allow the applicant the opportunity of a ‘free go’. In this situation, the LPA has determined that the details submitted were acceptable.

## **18.0 Energy Generation Fees**

- 18.1 Energy generation projects are often large scale applications and the 2013 Hyder report states:

*‘The cost of the planning service is clearly significant for renewable and low carbon renewable applications and raises questions on the level of fee income for these applications and whether this adequately reflects the resource and time commitments of LPAs.’*

- 18.2 At present energy generation projects often fall within the Plant and Machinery category of the fee regulations. This schedule does not generate sufficient income to the LPA to allow them to efficiently determine the energy generation applications, however simply increasing fee levels for Section 5, plant and machinery would unfairly impact on those other applications. It is therefore appropriate to review the inclusion of energy generation projects in this category.
- 18.3 Research shows that the current regime is inconsistent in the amount of income received by a LPA compared with applications with a similar scale of impact. WG believe that wind turbines warrant a separate section within the fee regulations. Other energy generation projects are still suited to the current method of charging, based on the area of the development. The larger the development, the larger the fee. However, with wind turbines, the small geographical area of the application site does not lend itself to this model; planning application fees remain low compared with the work required to determine the application. Fees for turbines could be based on output, the number of turbines, turbine height and/ or area. If any of these measures were combined with site area, the original shortfalls with the latter may be overcome.

## **19.0 Cross Boundary Applications**

- 19.1 A planning application may straddle the boundaries of two or more LPAs. As a LPA cannot grant planning permission for a development within the administrative area of another authority, it is necessary for each LPA to receive an application, identifying on the plans which part of the site is relevant to each.

19.2 The WG consider that cross boundary applications should provide a fee to both authorities calculated at the standard rate for the application that is submitted within their area. This would mean that the applicant would pay the fee to each LPA for the development that is within their administrative boundary calculated at the normal rate.

## **20.0 Frontloading the Development Management System**

20.1 These new procedures seek to make the planning application process more effective and efficient by “frontloading” and ensuring applicants are aware of any significant issues before submitting a planning application.

20.2 In this respect the Planning (Wales) Bill introduces new pre-application provisions that place a duty on applicants to carry out pre-application consultation with the community and statutory consultees for major developments, and requires local planning authorities (LPAs) to provide pre-application services to applicants.

20.3 Other provisions in both the Planning (Wales) Bill and the Planning and Compulsory Purchase Act 2004 place duties on statutory consultees to provide “substantive” consultation responses within specified timescales.

## **21.0 Pre-application Consultation**

21.1 Whilst the requirement for pre-application consultation is welcomed, in principle, there are concerns that a prescriptive process which may be onerous for the development industry will deter investment and undermine Welsh Government objectives to create a planning system which acts as a tool to deliver positive change. Not all major developments raise significant issues or controversy requiring extensive pre-application consultation.

21.2 In addition there are also concerns that a focus purely on major development may have an impact, given available resources, upon the ability of statutory consultees and LPA’s to provide a consistent service and facilitate other forms of development which, although classified as minor, cumulatively may have a significant impact upon the economy and environment.

21.3 A more flexible approach perhaps where a range of “front loading” models are available as a toolkit appropriate for all forms of development may be a more appropriate mechanism.

21.4 There would appear to be little opposition to allow a flexible approach at the pre-application stage for consultees to respond, however, a duty to respond within these agreed timescales is seen as integral to the success of this approach as is the requirement for the applicant to provide a pre-application consultation report as part of a subsequent valid planning application and to address the issues identified including any comments made by the Local Planning Authority.

## **22.0 Pre-application Services**

- 22.1 The value of pre-application advice can not be underestimated and the proposal that all development proposals that require planning permission are provided with such a service is welcomed as is the requirement for a statutory pre-application enquiry form which it is recommended should be accessed preferably via the Planning Portal.
- 22.2 Whilst this Authority already maintain spatial records of pre-application enquiries with public access to its service on the Authority's web site a statutory requirement that this should be or remain the case does seem unnecessarily onerous and inflexible as is the requirement that a written response from the LPA must contain certain information. It should be for individual Authorities to determine how they best deliver this service set against best practice guidance from Welsh Government and/or National performance indicators.
- 22.3 Similarly, the prescribed process involving 21 day and 28 day timescales for the provision of a written response and a meeting respectively does not mean that a service will be provided that meets the needs of the applicant. In this respect most Authority's already provide pre-application advice to prescribed service levels and timescales. Again a more flexible rather than a prescriptive approach, linked to a scale of fees and agreed timescales and levels of service, would be a more appropriate mechanism to deliver a quality service.
- 22.4 It should be recognised that, in the current economic climate, where the Authority seeks to maximise income opportunities, fee charging for pre-application enquiries will not necessarily increase the resources available to provide an improved service. The level of fee should, therefore, be proportionate to the service provided not just in terms of officer time but also speed and extent of the response required by the applicant.
- 22.5 This Authority currently provides a free pre-application advice service and weekly householder surgery coupled with up-to-date supplementary planning guidance, however, use of the service for householder development is relatively low and fee charging would, it is considered, further reduce applicant contact and the quality of submissions. An increase in the planning application fee for householder development beyond 15% would have the dual benefit of encouraging contact at the pre-application stage and increasing fee income accordingly.

## **23.0 Statutory Consultees**

- 23.1 Efforts to define the nature of a statutory response and the necessary timescales are welcomed but again a prescriptive approach without the opportunity for flexibility as circumstances arise could be counterproductive. Similarly a monitoring framework for the quality of service is also seen as a positive step, however, it is not clear what mechanisms, if any, are built into the process to deal with poor performance.

## **24.0 Design in the Planning Process**

- 24.1 The Bill proposes significant changes to the way planning decisions are taken, including provisions to remove the mandatory requirement for Design and Access Statements (DAS) from primary legislation. However the requirement for DAS will remain in secondary legislation in order to continue the requirement for DAS in the short term whilst more effective ways to raise design standards in the planning process are considered.
- 24.2 This consultation therefore, seeks the views of stakeholders on how to support national planning policy on design and facilitate the delivery of good design, and communicate it, through the planning system without the future requirement for DAS.

## **25.0 Design and Access Statements (DAS)**

- 25.1 The requirement to submit a DAS is set out in legislation; they are a mandatory requirement for many planning applications. The DAS is a communication tool that must explain how both good and inclusive design principles have been considered and applied from the outset of the development process. Part of the requirements relate to access which is covered under Building Regulations Part M – Access to and use of buildings which provides guidance on external and internal access to the buildings and the use of their facilities.
- 25.2 It was anticipated by the Welsh Government that the mandatory requirement to submit DAS's in 2009 would add value to the planning and design process and would enable various stakeholders (such as local authorities, applicants, local communities and access groups) to engage more effectively in the process, and improve awareness of the various issues that should be considered. It was envisaged that DAS would therefore result in an improvement in the quality, sustainability and inclusiveness of development.
- 25.3 A report published by the Welsh Government in 2010 highlighted key criticisms of DAS, such as perceptions regarding the process and additional costs, and recommended that the scope and content of DAS should be clarified in order to speed up and improve the validation of planning applications.
- 25.4 More recently, the Welsh Government's Framework for Action on Independent Living (launched September 2013) also cited DAS as being ineffective in promoting the consideration of inclusive access issues through the design process. The Framework included a commitment to undertake a review of the effectiveness of DAS including how they relate to the access requirements under Building Regulations.
- 25.5 Further research into the effectiveness of DAS in influencing the final design of development proposals as part of the planning application process was then commissioned. This also included consideration of the role of future Building Regulation requirements (Part M Access). The research 'Review of Design and Access Statements in Wales' was published in November 2013 and the report makes recommendations for refining and improving the DAS process.



## 26.0 Review of Design and Access Statements in Wales (2013)

- 26.1 The nine recommendations of the report set out how legislation, guidance and procedures can be amended to improve the credibility and efficiency of the process. The primary recommendations, which would require changes to subordinate legislation, are summarised as follows:
- Retain DAS as a communication tool, but only as a mandatory requirement for applications within certain categories (e.g. listed buildings/designations) and above certain dwelling/size thresholds (e.g. over 10 dwellings)
  - Expand Building Regulations (Part M) to include all external areas within the boundary of the development.
- 26.2 The remaining recommendations advise an array of best practice measures such as promoting effective pre-application meetings with developers and the use of stronger planning conditions. In applications below set thresholds, it is recommended that local planning authorities engage with building control colleagues or improved inspectors earlier in the process. This is to ensure that access issues that would affect the design of a proposal are considered from the outset.
- 26.3 The recommendations outline a possible way forward, based on retaining the mandatory requirement for DAS for large applications, to deliver the Welsh Government's commitment to good and inclusive design. However, the research has highlighted that there is no significant evidence that DAS are important in attaining good design and that they have done very little to broaden applicants' perception of inclusive access. While DAS have benefits as a communication tool, the Welsh Government is not convinced that this is sufficient reason to retain them as a mandatory requirement for many planning applications and considers that resources should be focussed on alternative ways of securing good design and inclusive access.

## 27.0 Purpose of the Consultation Paper

- 27.1 The preparation of a Planning (Wales) Bill provided an opportunity to review both the requirement and the process, including how DAS sit alongside Building Regulation access requirements. The Framework for Action on Independent Living research paper forms part of the evidence base underpinning the Positive Planning consultation paper and asked the question 'Should the mandatory requirement for DAS be removed?'
- 27.2 Following careful analysis of the consultation responses and taking into account the key findings highlighted in the research, the Planning (Wales) Bill proposes the removal of the mandatory requirement for DAS from primary legislation. The rest of the Design in the Planning Process consultation paper examines, in light of this proposal, the work currently being undertaken in relation to design on a national level and seeks views on how to support existing policies on design and inclusive access, and mainstream the delivery of good design through the planning system, without the need for DAS.
- 27.3 The recommended responses to the various set questions that make up the consultation are set out in **Appendix C**.

## **28.0 Financial Implications**

- 28.1 The proposals will have resource implications in terms of fee income and where this is the case, these are referenced in the response to the consultation paper (**Appendix C**).
- 28.2 Amendments to Committee structures and governance arrangements will result in cost and efficiency savings in the decision making process as referenced in paragraph 3.2 and 3.3 above.

## **29.0 Legal Implications**

- 29.1 The draft Planning (Wales) Bill and consultation papers contain the WG proposals to modernise the planning system in Wales through changes to primary legislation, secondary legislation and guidance. The Bill contains numerous references to elements of that process including planning appeals, development planning and the rights of individuals.

### **Background Papers:**

Report to Council 22 November 2012 – Response to the WAO Report: Review of Planning Committee Arrangements;

Planning (Wales) Bill;

Welsh Government Consultation: Planning Committees, delegation and joint planning boards – 6 October 2014.

Welsh Government Consultation: Review of Planning Application Fees – 6 October 2014.

Welsh Government Consultation: Frontloading the Development Management System – 6 October 2014.

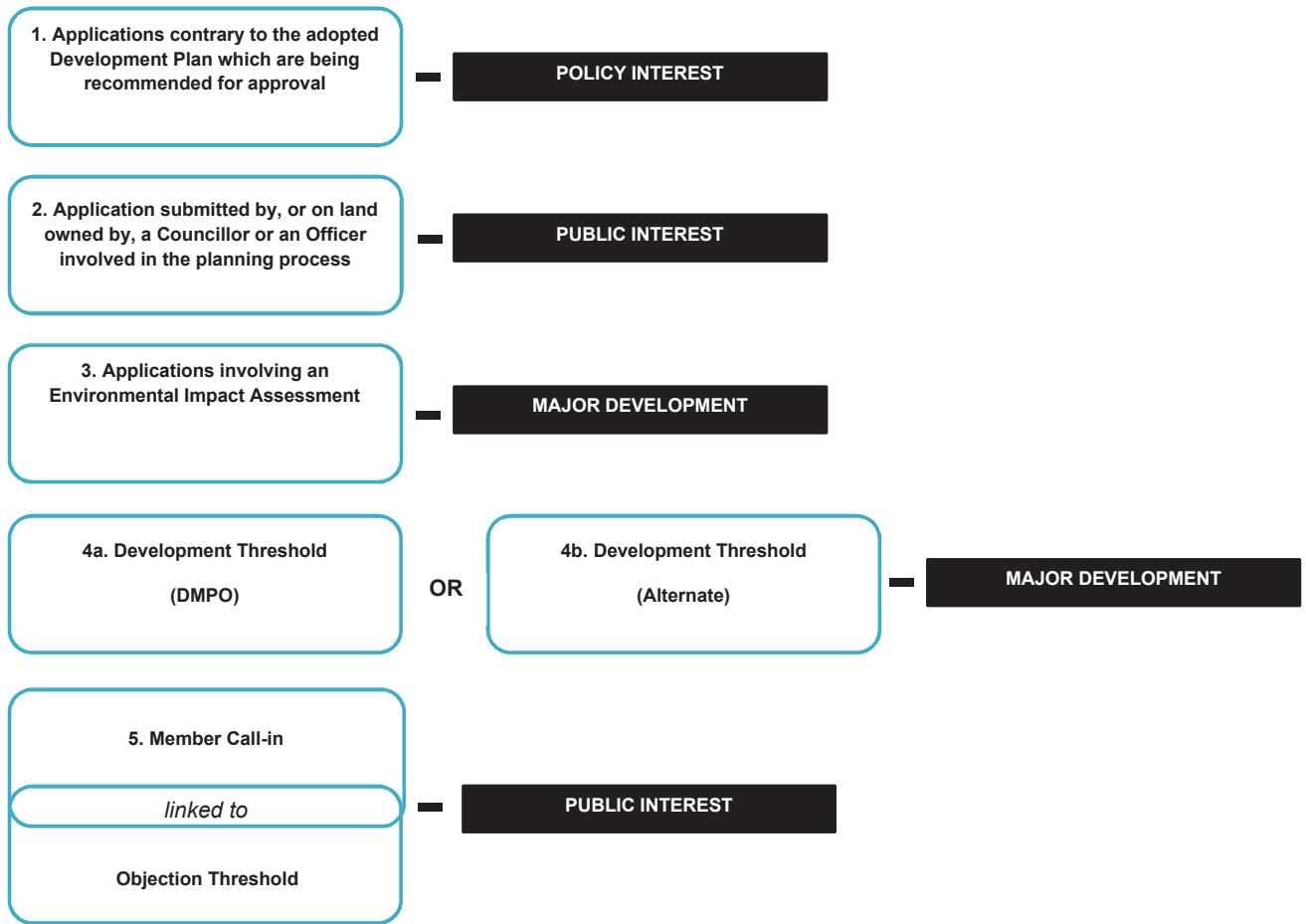
Welsh Government Consultation: Design in the Planning Process – 6 October 2014.

### **Appendices:**

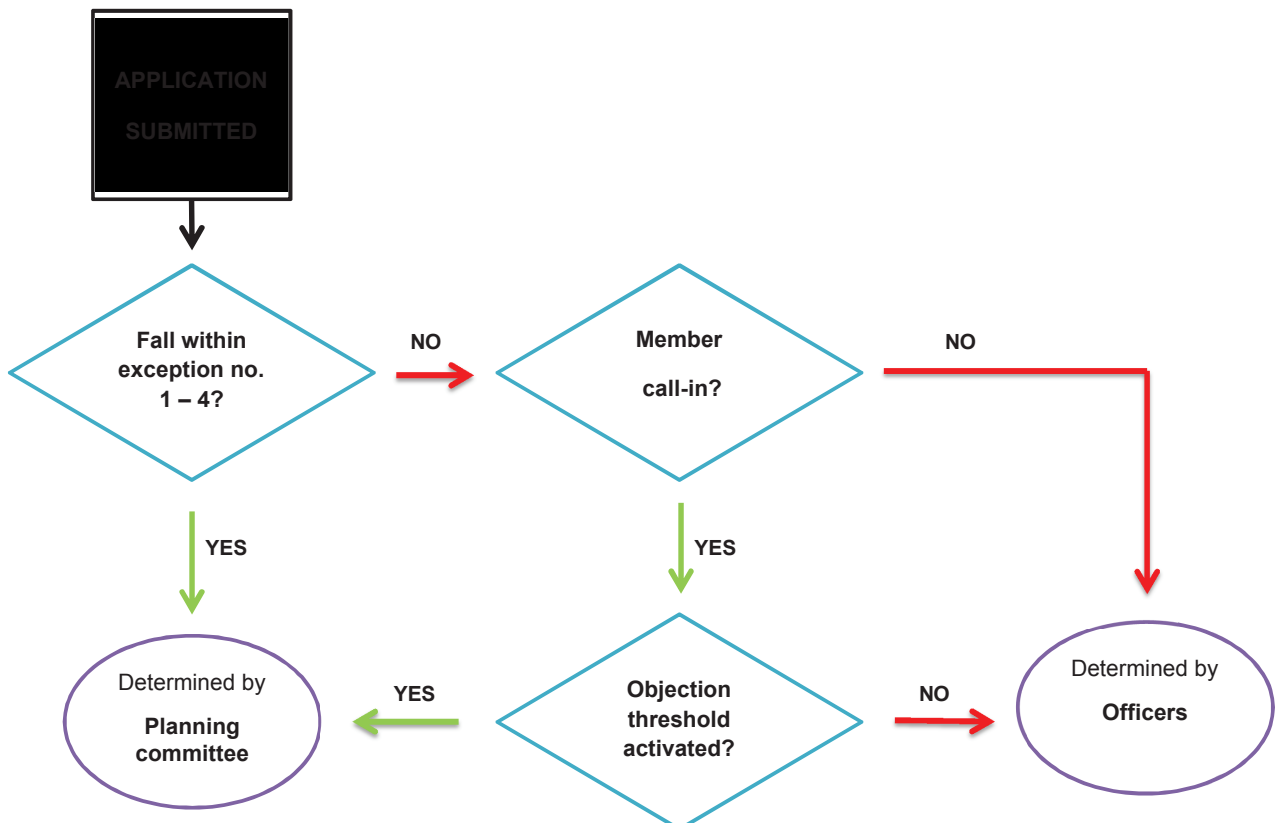
**Appendix A** – National Scheme of Delegation Structure and Flow Charts,  
**Appendix B** – Proposed Scheme of Delegation Structure and Flow Charts,  
**Appendix C** – Consultation Response Form.

Option 2 – Member call-in linked to objection threshold:

Structure

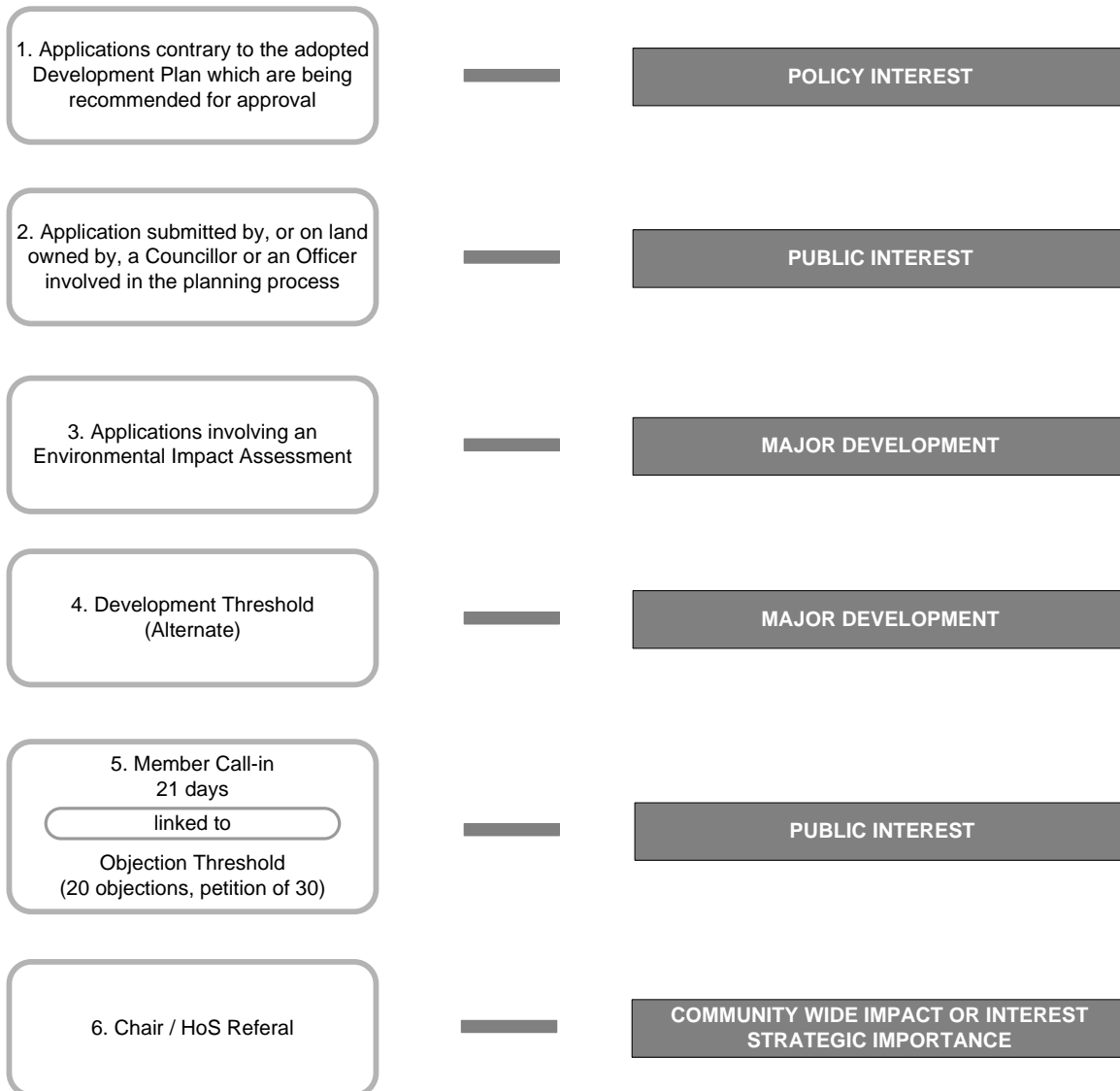


Process

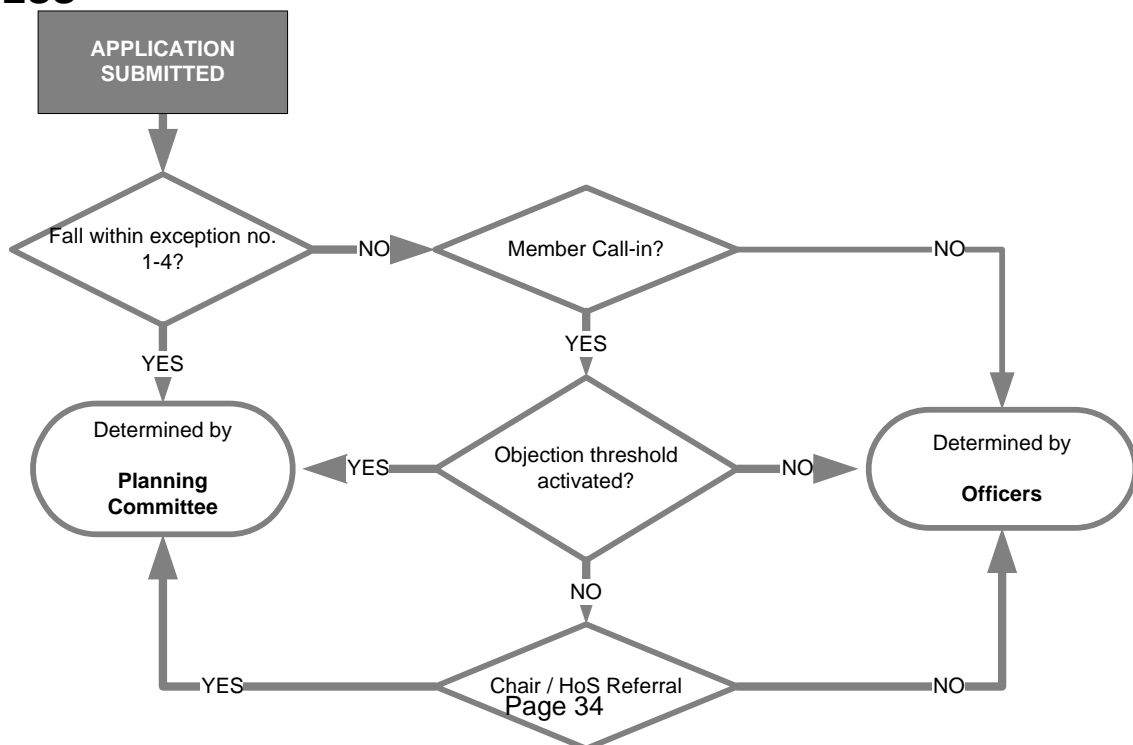


Member Call-In linked to objection threshold:

**STRUCTURE**



**PROCESS**



## Consultation Response Form

### Planning committees, delegation and joint planning boards

#### Planning Committees

<b>Q1</b>	<b>Do you agree that the size of the planning committee should be limited to a minimum of 11 members and a maximum of 21 members?</b>	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>In November 2012 this Authority resolved that the current planning governance structure of 2 Area Committees and 1 Development, Management and Control Committee of 72 Members is retained, with annual reviews of performance at the end of each financial year, and a further review in the light of future published Welsh Government guidance.</p> <p>It is clear that current Welsh Government proposals conflict with the previously expressed political will of the Council to involve ward members in the development of planning policy and the taking of planning decisions which affect their wards. The Authority maintains that this remains a legitimate mechanism for the delivery of the objectives of the Development Plan.</p> <p>It is clear, however, that the Authority's Committee structure is at odds with all other Authority's in Wales and current Welsh Government proposals and that this conflicts with the underlying objectives of the Wales Planning Bill to provide consistency throughout Wales. As a consequence this Authority has resolved to amend its current Committee structure to form a single Planning Committee with a total of 12 Members.</p>				

<b>Q2</b>	<b>Do you agree that where wards have more than one elected member only one should sit on the planning committee?</b>	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments: Yes</p>				

<b>Q3</b>	<b>Do you agree with introducing a quorum of 50% (rounded up where the total committee size is an odd number) for decision-making?</b>	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: <b>Yes. A lower percentage would place a significant burden on a small number of Members to make decisions on key strategic applications.</b>				

<b>Q4</b>	<b>Do you agree that the use of substitute members on the planning committee should be prohibited?</b>	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: <b>Yes. In the interests of consistency.</b>				

**The role of the planning committee**

<b>Q5</b>	<b>Do you agree with the development management role of the planning committee outlined above?</b>	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: <b>See comments at Q1 above. This Authority maintains that the ability of ward members to make decisions on all application types, subject to suitable measures to prevent abuse of the system has proven a legitimate mechanism for the delivery of the objectives of the Development Plan.</b>				

**National Scheme of Delegation**

<b>Q6</b>	<b>Do you agree with the inclusion of an exception that requires all applications that are contrary to the adopted development plan which are being recommended for approval to be determined by the planning committee? If not, please explain the reasons.</b>	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: <b>Yes.</b>				

<b>Q7</b>	<b>Do you agree with the inclusion of an exception that requires all applications involving an EIA to be determined by the planning committee? If not, please explain the reasons.</b>	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Yes.				

<b>Q8</b>	<b>Do you agree with the inclusion of an exception relating to applications made by members, LPA staff and their spouses, partners and close relatives? If not, please explain the reasons.</b>	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Yes in the interests of transparency.				

<b>Q9</b>	<b>Do you agree that the development threshold should be 'major development' as prescribed in the Town and Country Planning (Development Management Procedure) (Wales) Order 2012? If not, please explain the reasons and suggest an alternative threshold.</b>	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Not all major applications raise issues which necessitate consideration by Committee. Flexibility should be built into the scheme of delegation to allow such applications to be determined under delegated powers.				

<b>Q10</b>	<b>Do you agree that LPAs should have the choice of two development thresholds?</b>	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: See comments at Q9. Flexibility should be built into the scheme of delegation to allow such applications to be determined under delegated powers.				

<b>Q11</b>	<b>Do you agree that the national scheme of delegation should include an exception based on an objection threshold?</b>	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Yes.				

<b>Q12</b>	<b>If yes, is 20 letters from different people in different addresses and/or a petition with 30 signatures appropriate to establish that there is a genuine community-wide interest in the development?</b>	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: A petition of 30 signatures is consistent with this Authority's current scheme of delegation however a threshold of 20 letters appears high. Flexibility should be built in to allow this threshold to be reduced at a Local Planning Authority level to account for local variations for example between urban and rural authority's where the population and density of development may dictate the volume of objections.				

<b>Q13</b>	<b>Is it necessary to limit member call-in? If not, please specific the reasons.</b>	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The Authority recognises that without limitation applications can be called to Committee unnecessarily. Call in should therefore be linked to the thresholds referred to above with flexibility at a local level.				

<b>Q14</b>	<b>Should delegation panels be introduced as measure to validate member call-in requests?</b>	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Chair referral would be a useful mechanism to consider a call in request which did not meet the necessary criteria but non the less raised issues which should rightly be considered by Committee.				



<b>Q15</b>	<b>Should member call-in be linked to another exception? If not, please specific the reasons and provide a suggested alternative measure.</b>	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: No.				

### Joint Planning Boards

<b>Q16</b>	<b>Do you agree that the Welsh Ministers should have the authority to determine the size of the joint planning board membership, providing that size is consistent with that for planning committees?</b>	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Yes. Subject to full consultation with the constituent Authorities.				

<b>Q17</b>	<b>Do you agree with the proposed population formula for establishing the numbers of members from contributing planning authorities to form the joint planning board?</b>	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Yes. Subject to each Authority also providing corresponding resources.				

### Financial Impacts

<b>Q18</b>	<b>Do you have any comments to make about the partial Regulatory Impact Assessment at Annex 1? Are the assumptions made realistic? If not, what figures would be more appropriate?</b>	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: It is not clear on what basis the costs referred to have been calculated. The value of direct member involvement in decisions which affect their ward has not been fully assessed.				

## **General**

We have asked a number of specific questions. If you have any related issues or comments which we have not specifically addressed, please use this space to report them:

**None**

# Review of Planning Application Fees

<b>Q1a</b>	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The accompanying Regulatory Impact Assessment states that since 2009, the costs associated with design and development process have increased by 7% as a result of inflation. Against this backdrop, local authority settlements have decreased by 8% since 2009 and planning application fee income will continue to only cover 60% of the costs associated with processing and determining applications.

With this in mind, and with future funding cuts likely in the foreseeable future for Local Authorities, it is questionable whether this 15% increase will actually result in an improved service as opposed to maintaining the current status quo.

A higher percentage increase should be seriously considered if the Welsh Government is serious about increasing resources in LPAs and improving service as per the consultation document.

<b>Q1b</b>	If not, what do you consider to be a more appropriate change, if any?
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Comments:

If the WG are committed towards resourcing Local Authorities to improve performance, then the increase in fees needs to reflect this. As stated above, the % increase should be higher otherwise there is little/ no difference in real terms since 2009 particularly as applications have increased in complexity since this time.

<b>Q2a</b>	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

The document states that "Performance of the LPA is a priority for the Welsh Government, especially where the LPA has not delivered a service to its customers."

However, achieving sustainable development should be the key priority (as a statutory duty) and refunds will not invariably achieve this aim. Too much emphasis is placed on the speed of the decision, but quicker decisions won't necessarily mean sustainable decisions or better decisions. LPAs are encouraged to consider new ways of working/ thinking but the WG are not adopting the same principles themselves but revert to punishments to exact change.

With fear of having to give substantial refunds, LPAs may be minded to refuse applications which will result in appeal/ resubmission, and the overall result will be delay in gaining permission.

In addition, during the assessment of the application, the LPA will incur costs and it is likely they will have undertaken significant work to get to a point where they can make a recommendation on a scheme. Delays generally mean time and negotiation and are required for genuine reasons.

Applicants have the right of appeal against non-determination at any point after the statutory period and this is considered an appropriate mechanism if decisions are being delayed. Providing cost recovery for written representations appeals as is being considered could provide appropriate recourse for unreasonable delays.

<b>Q2b</b>	If you do not agree, what other options are available?		
<p>Comments:</p> <p>If improving the LPA performance is a key priority, then WG should be looking at ways to genuinely improve performance rather than a simple exercise of punishing poorly performing authorities as this will not necessarily produce the expected results. Quicker decisions may result in more refusals.</p> <p>Amendments that could make the scheme acceptable may not be progressed which will lead to refusal, resubmissions or appeals and take longer to get a positive outcome as well as costing everyone in the process more time and money.</p> <p>It would be more beneficial for WG to help LPAs that are 'underperforming' for example in terms of temporary secondments or a "critical friend" to help review procedures and advise on improvements/ lessons learnt elsewhere in Wales. This would help facilitate lasting change in LPA's.</p>			

<b>Q3a</b>	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>As outlined above, the City and County of Swansea do not agree with the penalty system proposed. The core principle should be Sustainable Development, not quick decisions/ development.</p> <p>If the refund proposals are taken forward, then they should ONLY be applicable where pre-application advice has been given on an application.</p> <p>This would enable the LPA to advise on the acceptability of a scheme and suggest amendments/ further information and would enable the LPA to make an earlier decision if this information is not forthcoming as part of the application submission.</p>				

**Q3b** If you do not agree, what do you consider to be an appropriate time?

Comments:  
 Again, it is not considered that this approach will have the desired effect. There shouldn't be specific time requirements - applicant can appeal non-determination and apply for costs if the LPA is acting unreasonably in making a decision.

<b>Q4a</b>	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:  
 Consideration of information takes both time and resources to discharge, and can require both internal and external consultation. This approach may encourage developers to submit information upfront which enables all information to be considered at the same time.

The submission of information at different times (potentially over a 5 year period) can take significant time to review the necessary requirements of a condition and an approach supporting front-loading of the system is to be welcomed.

However, it is recommend that a maximum number of conditions is included within one fee (for example 5 separate conditions) to ensure that the cost of discharging conditions is recovered by the Authority.

Alternatively, fee levels should be increased to ensure LPA's recover costs appropriately, a fee of £83 to discourage a large number of complex conditions particularly in relation to major developments would not be a reasonable level of cost recovery.

**Q4b** If you do not agree, what do you think constitutes an appropriate amount?

Comments:  
 It would appear that the fee of £83 is based on the fee for the Non Material Amendment and was calculated as half of the fee for a S73 application (which is set to increase). This fee should also be increased by the same percentage and should apply to each condition to ensure it more closely reflects the cost of processing by the LPA.

<b>Q5</b>	Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?
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Comments:

Once again, this approach does not result in an improved service and depends on the level of information submitted in the first place and 3<sup>rd</sup> parties in terms of responses from statutory consultees. Often conditions are requested by 3<sup>rd</sup> parties and without a response within the relevant time period, the LPA is unable to discharge the relevant condition. The applicant has a right of appeal if desired and cost recovery from written representation appeals would appear to resolve this issue rather than a refund which appears to give little consideration as to why the condition could not be discharged within this time frame.

<b>Q6</b>	Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Requests (especially historic requests) can take time to confirm and Officer time should be recompensed. This should become easier over time if the 'live' decision notice is progressed.

<b>Q7a</b>	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The complexity of S106 agreements can vary significantly depending on the nature of a scheme and can involve significant officer time in negotiating the precise wording of the agreement, trigger points, reviews etc. It therefore may be more beneficial to set a minimum fee and have a set fee per hour with a requirement for any additional fees to be evidence based. Fees should also be set for reviewing unilateral undertakings submitted with further provision (a set hourly rate) for additional work over and above the initial review.

<b>Q7b</b>	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
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Comments:

The fee should be evidence based, set after consultation with various legal departments in Councils to ascertain the time and cost required to prepare an agreement and the different issues encountered in the process.

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

**Serving an Enforcement Notice is a last resort following discussion and negotiation. Applicant's are normally advised that they have a right to submit a planning application and notices are only served if this advice is not heeded. The LPA would be equipped to deal with this administration and the retention of any fee would offset the cost of the LPA that is required when fees have to be returned.**

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

**Subject to the actual definition of a specified area - cabinets should be within close geographical proximity within a set distance of one another or street and not just within a certain ward/ town etc.**

Q9b	If you have answered no, please explain why.
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Comments:

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

**If a Local Authority has concerns with a scheme then they will seek amendments during the application process. If an applicant wishes to take forward the RM application to determination, then they should not be able to have a free go. They have the option of progressing it or withdrawing it if they wish.**

**Any further submission should require a new fee. The Local Authority would incur more costs if the developer has a free go and this approach would allow the developer greater flexibility in drawing up their plans from the outset.**

**The improvements to the planning system aim to promote frontloading the**

system whereas this approach would allow greater flexibility and little extra cost to the applicant/ developer as well as adding greater confusion to the whole process to members of the public and greater cost on the LPA. This is not conducive to improving resources within LPAs.

**Q10b** If you have answered no, please explain why.

Comments:  
See above.

<b>Q11a</b>	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:  
Energy generation development fees should be split between wind energy (on-shore and off-shore) and other energy generation schemes.

It is also recommended that the WG pursue the introduction of fees for LPAs dealing with NSIP projects as under the current regime, Local Planning Authorities receive no fee despite applications/ inquiries taking up considerable officer time at all levels. This reduces time to process fee paying applications. Similarly, a fee should be payable to the LPA for work undertaken on Developments of National Significance in their area.

<b>Q11b</b>	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:  
Wind farm applications can be complex applications but the site area alone doesn't produce a fee that covers the significant work involved in dealing with these applications.

**Q11c** What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?

Comments:  
The Local Planning Authority would concur that a combination of site area and maximum power output should be included as the fee should therefore reflect the level of complexity of the proposed scheme. This would appear to offer the simplest and most effective solution.



<b>Q12a</b>	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:  
**The Local Planning Authority would concur with the approach that each LPA should receive a fee based on the development proposed within their area.**

<b>Q12b</b>	If you have answered yes, how should this matter be addressed?
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Comments:  
**See above.**

<b>Q13</b>	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:  
**The RIA states that since 2009, the costs associated with design and development process have increased by 7% as a result of inflation. During this time planning fee levels have remained static, and so of the 15% increase in planning application fees, inflation is considered to form 7%.**

**The document states that it is expected that such an increase will allow authorities to ensure their resources are appropriately allocated within their service - with this in mind, it would be advisable to review fees on a bi-annual basis in the future to ensure LPAs continue to have sufficient resources rather than decreased real-term resources over a 5 year period (such as the case since 2009).**

<b>Q14</b>	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
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Comments:  
**Finally, it is recommended that there should be a separate fee for a S73 application to amend a condition relating to a scheme for major development. Currently the cost of an application is £166, but as the S73 application is a new application, the notification requirements remain the same as for a major application and invariably the cost of advertising the application in the press results in the application costing the LPA significantly more than it received in fee income, before the application is even considered.**

**Similarly, WG should lobby for a change to the English fee structure to require fees to be payable to LPAs for NSIP projects in their area given the time and resources required to consider these applications as well as the fees payable to**

**PINS for these applications.**

**Given that Developments of National Significance will require significant LPA involvement and work, a fee should be payable to the LPA for this work. It is suggested that this is included/ considered as part of this consultation exercise.**

**Finally, any updated/ consolidated regulations should be supplemented by an updated fee circular for clarity.**

# Frontloading the development management system

## Type of development affected

<b>Q1</b>	Do you agree that all “major” development should be subject to pre-application consultation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Yes in principle, subject to a statutory requirement in terms of validation as outlined in Section 2.16. The Pre-Application Consultation report would also have to be meaningful in terms of addressing issues including those raised by the LPA rather than generic responses and phrases which are often used currently in Design and Access Statements.</p> <p>However it is not clear whether a Pre-Application Constlation report would be required for all development proposals subject to statutory pre-application requirements or just major developments. This requires clarification.</p> <p>The are also concerns that a focus purely on Major development will have an impact upon the delivery of minor development given the availability of scare resources.</p>				

## Publicising the development proposal

<b>Q2</b>	Do you agree that the issue of neighbour letters and site notices should follow the guidance in Circular 32/92? If not, how should the notification process operate?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>I would suggest that Cicular 32/92 should be updated to reflect legislative and modern communication changes since it was prepared.</p> <p>Not all major developments, however, raise issues or controversy requiring extensive pre-application consultation and a flexible approach perhaps where a range of "front loading" models are available as a toolkit appropriate for all forms of development may be a more appropriate mechanism.</p>				

<b>Q3</b>	Do you agree that 21 days is an appropriate timescale to allow responses to pre-application consultation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Yes, although there would appear little opposition to allow a flexible approach to allow consultees to respond within longer timescales as agreed with the applicant.</p>				

<b>Q4</b>	Would LPA offices be an appropriate location for viewing a hard copy of the plans and supporting information? If not, where should hard copies of plans and supporting information be made available for public viewing?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

There is a danger that LPA's will be drawn into furnishing this process in terms of providing access to and copies of plans and documents or for providing advice to the public at a stage when there may be little or no involvement from officers.

The Authority currently provides access to files electronically on line or at its reception via a dedicated PC and does not currently have facilities to routinely hold large volumes of paper files for public inspection at its reception. It may be possible for the LPA to publish pre-application enquiries on its web site but only upon receipt of a valid pre-application enquiry and an appropriate fee. There is potential, however, that this approach will generate confusion amongst the public as to the respective roles of the LPA and the applicant in this part of the process. Involvement in pre-application consultation with the public should be confined to the applicant.

Preference should initially be for access to plans and supporting documents to be provided by the applicant on line, if not via the applicants own web site then via the Planning Portal. Hard copies could be provided by the applicant at request and at their expense. The formal consultation requirements as part of the planning application process already draws significant resources from LPA budgets and this should not be compounded by the proposed system of front loading.

### Consultation with “specified persons” (statutory consultees)

<b>Q5</b>	Do you agree that 21 days is an appropriate timescale for consultees to respond?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

**Yes**

<b>Q6</b>	Should provision be made for a time extension when this is agreed in writing between the developer and consultee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

There may be occasions when the 21 day deadline can not be met for sound reasons and where an agreed extension would enable a key or fuller response to be provided prior to application submissions whilst enabling to plan their workload and give them greater certainty regarding the receipt of a substantive response. This would also

reduce the likelihood of rushed responses that miss key issues due to unnecessary time constraints.

**Duty on the developer to provide a pre-application consultation report (PAC)**

<b>Q7</b>	Are there any other issues that should be included in the pre-application consultation report? If so, please identify these issues and explain why they should be included in the PAC.	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments: A PAC should address any issues raised by the LPA as part of the pre-application enquiry process.</p>			

**The pre-application enquiry form**

<b>Q8</b>	Do you agree that the information specified in paragraph 3.4 will be sufficient to allow the LPA to respond?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments: If elevations/ plans are required to be provided then they would need to be to a recognised scale/ sufficiently accurate to allow for a meaningful and accurate response.</p>				

**Maintaining records of the pre-application service**

<b>Q9</b>	Do you agree that LPAs should maintain spatial records of pre-application enquiries?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments: This Authority maintains spatial records of pre-application enquiries with public access to its service on the Council website but a statutory requirement that this should be or remain the case seems unnecessary and inflexible.</p>				

## The LPA response

Q10	Should the written response from the LPA contain any other information?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Responses should give a summary of what will be required to be submitted with any subsequent application including giving an indication of the fee and the necessary plans/ documents that should accompany the application.</p> <p>The LPA don't agree that an offer of an hour long meeting is necessary. The requirement for a meeting at every opportunity would increase the burden on LPAs with little real benefit. Where the applicant wants to discuss a pre-application response, they should be able to request a meeting (with an associated fee).</p>				

## Timescale for response

Q11	Do you agree that 21 days provides the LPA with sufficient time to provide a written response that meets the requirements set out in paragraph 3.10?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>LPAs may need to seek comments from other departments before being able to respond to pre-application enquiries. It would be reasonable to give consultees 21 days to respond to the LPA (as noted elsewhere in the consultation) and it may then take additional time to collate all responses and provide a comprehensive response. This would be critical where S106 contributions would need to be outlined in terms of scope and amount to give the developer a degree of certainty.</p>				

## Meeting

Q12	Do you agree that the timescales and process for the pre-application meeting is appropriate?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>As stated above, it is not considered that a mandatory meeting is always required or should always be offered. The applicant should be given an opportunity at the start of the process to advise whether they would like a written response or a meeting. If the applicant wants both, then an additional charge should be levied to cover Officer time. This approach would reduce unnecessary meetings and the burden on LPA's.</p>				

## Fees for the statutory pre-application service

<b>Q13</b>	Do you agree that the fee for the statutory pre-application service should be based on existing discretionary charges? If not, how should fees for the statutory pre-application service be calculated?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Fees should be based on the type of development proposed with a sliding scale approach for developments of different types as this would reflect the amount of work required to respond. For example, there could be various fees for general enquiries, one dwelling (minor), 2-9 dwellings (non-minor), 10-49 dwellings (major) and 50+ dwellings (strategic). These fees would reflect the amount of work required in order to respond. It would also seem appropriate for various fees for each development based on the requirements of the developer - providing a fee for a written response, a meeting, both a written response and a meeting and any subsequent meetings/ letters. The pre-application fee schedule categories should be similar for other developments in terms of changes of use, retail, commercial and leisure developments and their scale.</p>				

<b>Q14</b>	Should householder development proposals that are submitted to the statutory pre-application service be exempt from a fee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>Local Authorities are being placed under increasing pressure and should be able to recover the cost of providing pre-application advice on householder applications if required. Providing this service can take considerable officer time and there are benefits to members of the public of receiving this service. This Authority currently provides a free pre-application advice service and weekly householder surgery coupled with up-to-date supplementary planning guidance, however, use of the service for householder development is relatively low and fee charging would, it is considered, further reduce applicant contact and the quality of submissions. An increase in the planning application fee for householder development beyond 15% would have the dual benefit of encouraging contact at the pre-application stage and increasing fee income accordingly.</p>				

### Substantive responses

<b>Q15</b>	Do you agree with our definitions of “substantive response”?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments: Subject to the provision within criterion (iii) being amended to "and/or" with regards to criteria a) and b) to enable consultees to provide an indication of what would be required to overcome/ reduce objections/ concerns (if at all possible).</p>				

### Timescales for response

<b>Q16</b>	Do you agree that 21 days is a reasonable timescale for statutory consultees to provide a “substantive response” to consultation requests?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments: Yes</p>				

### Performance reports

<b>Q17</b>	Do you have any comments on the content of the performance report?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments: The report should include information/ data if new issues were raised at application or post-application stage to assess the effectiveness of pre-application/ application responses. There may be a need for these issues to be clarified/ explained in the future if this is a significant issue.</p>				

### Other

<b>Q18</b>	We have asked a number of specific questions. If you have any related queries or comments which we have not addressed, please use this space to report them.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments: None.</p>				



## Design in the Planning Process

<b>Q1</b>	<b>Design Quality</b>	<b>X</b>
Is the planning system effectively delivering the five key objectives of good design? Give reasons for your answer.		
<b>Yes</b>		
<b>Neither Yes nor No</b>		<b>X</b>
<b>No</b>		

<b>Q1</b>	<b>Further Comments</b>
<p><b>Access</b> – Access for all to buildings is typically guided by the requirements of Building Regulations and Planning Officers typically defer to these requirements. As a result, access is sometimes left to later stages by the applicant rather than being addressed as an integral element of the planning process.</p> <p><b>Character</b> – The majority of Planning Officers typically appraise the character of an area through their site visits and address issues of character through negotiation during the planning process if the applicant/design team have not made an accurate or thorough assessment and understanding of the local context. However there can be inconsistencies in terms of the weight placed on the importance of maintaining and enhancing good aspects of character. Areas where there are not immediately obvious character features of the locality are more problematic and poor design is often justified on the basis of a lack of character.</p> <p><b>Community Safety</b> – This objective is often met through the provision of tried and tested approaches to layouts (e.g. perimeter blocks) as well as principles of good design such as providing natural surveillance and good lighting on streets. However the typical objectives of good design such as choice of routes, connected layouts, people utilising the street for social gathering and informal play etc are often at odds with the Crime Prevention Design Advisors who seek more controlled, target hardened environment with limited pedestrian routes, culs-de-sac etc.</p> <p><b>Environmental Sustainability</b> – This objective was previously aided by the various requirements of the Code for Sustainable Homes as part of the planning process, however only those areas specifically related to building fabric and operational use (water efficiency) etc of individual buildings are now considered under the Building Regulations. Further consideration should be given to strategic issues of sustainability such as assessments of and enhancement to ecology, trees etc as well as to promoting larger scale and joined up SUDs networks.</p> <p><b>Movement</b> – Promotion of sustainable means of travel is difficult to achieve in small scale development due to lack of influence on changing/improving public transport infrastructure. Levels of sustainable travel in such cases are typically location reliant. One area where sustainable travel could be improved for such schemes is through dedicated provision for cycle storage. In terms of large scale development schemes there is more scope for influencing the provision of new bus routes etc, however it does not appear that in many cases that developers are engaging with transport operators early in the process nor is this engagement being encouraged through the planning system.</p>	

<b>Q2</b>	<b>Local Development Plans</b>	<b>X</b>
	Do you agree that a national development management policy on design would be beneficial?	
	<b>Yes</b>	
	<b>Neither Yes nor No</b>	<b>X</b>
	<b>No</b>	

<b>Q2</b>	<b>Further Comments</b>
<p>This depends on the approach to such a policy. An overly broad requirement to ensure good design is sought will have no further benefit than the requirements as currently set out in TAN 12: Design. However a stronger national statement on achieving schemes that are good enough to approve (ie the quality test) rather than poor enough to refuse (harm test) would effectively raise the bar for design negotiations.</p>	

<b>Q3</b>	<b>Supplementary Planning Guidance</b>	<b>X</b>
	Are area and site specific plans, such as masterplans, being used to positively plan for key development? Can you highlight areas of good practice?	
	<b>Yes</b>	<b>X</b>
	<b>Neither Yes nor No</b>	
	<b>No</b>	

<b>Q3</b>	<b>Further Comments</b>
<p>We are using masterplans and associated sets of 'on plan' principles to set the framework for outline applications for large housing schemes as such plans can be conditioned as part of the planning consent. Such plans are useful as they are flexible to accommodate future changes if necessary whilst also providing a clear site structure, an 'up to' number of dwellings as well as a set of guiding principles.</p> <p>We will be developing Master planning Principles and Framework Master plans for the candidate strategic sites emerging through the Local Development Plan process. This will provide a firm basis for sustainable place making as well as greater certainty for local communities and developers alike.</p>	

<b>Q4</b>	<b>Supplementary Planning Guidance</b>	<b>X</b>
Do you agree that the Welsh Government should produce practice guidance on the process of site analysis to inform the development of well designed proposals?		
<b>Yes</b>		<b>X</b>
<b>Neither Yes nor No</b>		
<b>No</b>		

<b>Q4</b>	<b>Further Comments</b>	
This could be useful for both planning officers and development teams. In particular such a document should be promoted to developers and applicants with reference to this embedded into exiting planning documents such as PPW and TANs etc. in order to ensure it is used. This would need to cover the regular scenario where an area doesn't have a distinct character or a positive character and how in these instances to promote good design. This practice guidance needs to be backed up by training sessions for officers, elected members and other decision makers such as the Planning Inspectorate.		

<b>Q5</b>	<b>Front Loading / Pre-applications</b>	
How can we ensure that pre-application discussions assist in the improvement of design quality and inclusive access of development? Can you highlight areas of good practice?		
<p>For larger scale developments this would be by including as far as possible all relevant parties and external consultants in an initial round table meeting to talk though the various requirements of each and any issues that may arise as a result of these initial talks. This would provide a clearer and more joined up response from the outset which in addition to flagging up most/all issues affecting the design would also help to speed up the planning process once this is formally begun. However there are likely to be resource and logistical issues arranging meetings with large numbers of people from different organisations which may conflict with providing a quick response up front.</p> <p>For smaller applications a short question/tick box form to be completed by the applicant which highlights potential issues arising at the site (Drainage conditions etc) as well as another to be completed by the planning authority to highlight planning constraints such as Conservation Areas and TPO trees etc would allow the LPA to make a quicker assessment of the likely issues on site and seek responses from the necessary department/consultants early.</p>		

<b>Q6</b>	<b>Planning Applications</b>	
Other than further training or additional practice guidance what additional tools would assist you in assessing the quality of design in planning proposals?		

It is considered that an additional validation requirement embedded into the application submission checklist list to ensure that submitted plans and elevations accurately highlight the nearby surrounding context is needed. Often plans and elevations are submitted which treat the proposals in isolation with no indication of surrounding buildings, trees etc.

A means of communicating and disseminating best practice would be very helpful. For example there are no national bench marks with regard to large scale housing developments. These are not featured on the Design Commission for Wales web site.

<b>Q7</b>	<b>Access</b>	<b>X</b>
Do you agree that the amendments to the 1APP form will ensure inclusive access issues are considered in development proposals?		
<b>Yes</b>		<b>X</b>
<b>Neither Yes nor No</b>		
<b>No</b>		

<b>Q7</b>	<b>Further Comments</b>
Mostly. However there may still be a number of application forms where this question is left black/unanswered which are registered and then found to have inclusive access issues at a later date.	

<b>Q8</b>	<b>Access</b>	
What information or other measure would assist local planning authorities assess planning proposals in terms of inclusive access?		

Inclusive access requirements vary depending on building types and are covered under Building Regulations. Therefore if proposals are flagged as having inclusive access issues then these could initially be passed onto Building Regulations Officers or local access forum to comment on the possible options for meeting any inclusive access requirements. Once comments/options have been provided then Planning Officers can assess the proposals in conjunction with a better understanding of the requirements for the development.

**Q9**

**Design Commission for Wales and Planning Advisory and Improvement Service**

How can the PAIS and DCfW mainstream good design and inclusive access in the planning process?

Mandatory Design Review would be beneficial for strategic or significant development schemes for development types which could have a considerable impact on quality of life such as housing, mixed use, city/town centre redevelopment etc.

A series of Design Commission design training/seminars for all Local Authority Planning Officers which draw on national and local examples of good design would be beneficial. This did happen a number of years ago but the DCfW seems to have shifted focus away from 'front line' design issues faced by LPAs.

A more pro-active approach to the promotion of good design:

1. Part of this could be through the production and distribution of annual or bi-annual newsletters to all LPA's highlighting key projects, examples of good or innovative design, high quality international design approaches, lessons to learn etc.
2. Setting up a national forum of architects, conservation architects, engineers, landscape architects, planners, public art artists, regeneration officers and urban designers to discuss approaches to design and to gain a better understanding of competing interests which influence design.
3. Possibly a national Design Award scheme (beyond the Architecture Medal for the Eisteddfod)

**Q10**

**Design Skills and Good Practice**

How can we continue to raise the design skills of local authority officers and members and what further specific training is required?

Start with a national skills audit to identify the design 'champions' (in many Councils there are officers that give informal design advice but are recognised in this way – eg Conservation Officers)

Further training on the following would be beneficial:

- Site Assessment training.
- Understanding Context training.
- Contemporary Design training.
- Historic Environment & Conservation Area training.

<b>Q11</b>	<b>Design Skills and Good Practice</b>	<b>X</b>
	Is there scope for local planning authorities to work differently or more collaboratively on design issues? Do you know of any existing activity in this area?	
	<b>Yes</b>	<b>X</b>
	<b>Neither Yes nor No</b>	
	<b>No</b>	

<b>Q11</b>	<b>Further Comments</b>
<p>Yes, cross border collaboration on large scale development schemes could be implemented to share resources and knowledge. For example a number of Authorities currently lack appointed urban designers whilst Swansea has 2 qualified urban designers who could be utilised on a consultancy basis for reviewing significant schemes.</p> <p>Also a cross border joint commissioning of design training for all officers could be implemented – this offers economies of scale as opposed to sending individuals on training courses.</p>	

<b>Q12</b>	<b>Design Skills and Good Practice</b>	
	Can you highlight areas of good practice, from Wales or elsewhere, relating to any of the above, which promote and/or lead to the achievement of good design and inclusive access?	
<p>A South Wales Local Authority Urban Designer Network was previously set up which would have helped to promote good design and inclusive access, however this is no longer in existence due to resourcing issues. Such a network or one of wider scope such as that outlined in Q9. would therefore be beneficial in promoting good design and inclusive access.</p>		

<b>Q13</b>	<b>Design and Access Statements</b>	<b>X</b>
	Are there any benefits in retaining the requirement for Design and Access Statements for particular applications?	
	<b>Yes</b>	<b>X</b>
	<b>Neither Yes nor No</b>	
	<b>No</b>	

**Q13 Further Comments**

It is considered that DAS's are beneficial to gaining an understanding of larger scale schemes, listed buildings, complex site schemes (significant level changes, split level designs etc) as well as schemes in areas of special designations. Therefore it is considered DAS's should be retained for:

- All major planning applications
- All minor planning allocations in areas of designated importance (including AoNBs, and Conservation areas)
- Listed Buildings

However the structure of these documents should be altered in the following ways:

- Remove the need for the planning policy section as the majority of the time this section is simply replication of the full UDP/LDP policy text with no analysis of the scheme against these. Furthermore there are cases of these sections missing key policies or referring to the wrong policies. Removing this section will leave the onus of the responsibility of policy assessment on the planning case officer.
- Introduce a requirement to reduce the socio-economic section to a brief list of relevant key bullet points such as clear economic benefits such as identifiable job creation or local shop or service provision etc.
- Introduce a requirement for a thorough context analysis which must include the existing surrounding architecture, building to plot ratio, building heights, roof forms, materials, boundary treatments, parking arrangements and vegetation (trees and hedgerows) to help inform the design.
- Introduce the requirement for a site analysis (opportunities and constraints) plan and a logical and rational progression from this plan to the final design with justification text provided.

The focus of these documents should be to provide a clear indication of a thorough site and context analysis and a logical design which arises from the understanding of these.

<b>Q14</b>	<b>Design and Access Statements</b>	<b>X</b>
	Should the mandatory requirement for Design and Access Statements be removed from secondary legislation? Give reasons for your answer.	
	<b>Yes</b>	
	<b>Neither Yes nor No</b>	
	<b>No</b>	<b>X</b>

**Q14 Further Comments**

No. Subject to the above changes DAS's are certainly beneficial for certain types of development (see above).

**Q15**

**Any Other Comments**

We have asked a number of specific questions. If you have any related issues or ways which design can be improved through the planning system which we have not specifically addressed, please let us know.

The need to transparently monitor design standards/ quality of design and strategic sustainability alongside the current regime of target and deadline based performance indicators as this is a key issue that is currently placing 'delivery' above 'legacy'. This requires the WG to provide clear and consistent measures of design quality assessment across Wales.



## Report of the Cabinet Member for Environment & Transportation

Council – 6 January 2015

### LOCAL TRANSPORT PLAN

<b>Purpose:</b>	To adopt the Local Transport Plan
<b>Policy Framework:</b>	Transport (Wales) Act 2006. The joint Local Transport Plan will replace the Regional Transport Plan 2010 – 2015.
<b>Reason for Decision:</b>	In order that the Local Transport Plan can be adopted as the statutory policy and submitted to the Welsh Government by the deadline of 31 <sup>st</sup> January 2015.
<b>Consultation:</b>	A workshop with key stakeholders in July 2014 and a formal consultation on the draft final document in October 2014. Legal, Finance, Access to Services.
<b>Recommendation(s):</b>	That the joint Local Transport Plan 2015 – 2020 is adopted.
<b>Report Author:</b>	Ben George
<b>Finance Officer:</b>	Ben Smith
<b>Legal Officer:</b>	Sandie Richards
<b>Access to Services Officer:</b>	Phil Couch

#### 1.0 Introduction

1.1 The Welsh Government took on responsibilities for transport as a result of the Transport (Wales) Act 2006 which amends the Transport Act 2000. The Welsh Government prepared a Transport Strategy for Wales in 2008 and a five year National Transport Plan in 2010. The National Transport Plan is currently being “refreshed” and consultation on a 2015- 2020 National Plan is expected shortly. The Government now requires Local Authorities to prepare Transport Plans for the 2015 – 2020 period which are consistent with and support national strategies/plans within their specific area.

## **2.0 Changes to Welsh Governance Requirements**

- 2.1. The former statutory document, the Regional Transport Plan 2010 – 2015, marked a departure from the traditional Local Authority approach to transport policy as the Welsh Government instructed Councils to work together within defined consortium areas. The four consortia areas each prepared a Regional Transport Plan to provide a framework for strategic transport decision making.
- 2.2. The Transport Consortia worked together to not only produce the Regional Transport Plans, but also oversaw the delivery and management of the programme from 2010 to 2014.
- 2.3. The role of the transport consortia was however changed dramatically from January 2014 when the Minister for Economy, Science & Transport wrote to the Local Authorities to advise that revenue support for regional working was to cease, and that the Regional Transport Plans would be replaced by Local Transport Plans for the next term. Despite this the Local Transport Plan guidance makes clear that collaboration on joint plans is still acceptable. A number of Councils including the four Councils within the Swansea Bay City Region have chosen prepare a joint plan..
- 2.4. The four Councils of South West Wales (Carmarthenshire County Council, City & County of Swansea, Neath Port Talbot County Borough Council and Pembrokeshire County Council) , which had formerly worked together as SWWITCH (South West Wales Integrated Transport Consortium), have agreed to continue joint working in the preparation of the Local Transport 2015 – 2020. Whilst the policy and strategy element of the Local Transport Plan is a joint document which covers the four local authority areas, it was decided that the programmes, which contain the projects that are to be delivered under the plan, would be specific to each Local Authority.
- 2.5. The Welsh Government also requires the Local Transport Plan to be endorsed by the City Region Board where one exists.

## **3.0 Prominent Changes from the Regional Transport Plan**

- 3.1. The Welsh Government issued guidance to the Local Authorities in support of the development of Local Transport Plans in May 2014. The guidance made it clear that the Local Transport Plan Strategy and policy was to be a “refresh” of the Regional Transport Plan in order to minimise the timescales for the development of the new policy. Thus the Local Transport Plan is largely an update of the current Plan.
- 3.2. The Regional Transport Plan was subject to a full Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment in order to advise on the potential adverse environmental impacts of the schemes included in the programme. The short timescales and lack of

funding for the development of the Local Transport Plan has meant that it was not possible to undertake a full SEA on this occasion, and rather an SEA Addendum is under preparation. This will not be completed until January 2015, but will not affect the direction and thrust of the Plan but will flag up potential issues to be examined as Plan projects are delivered in future years.

3.3. The Regional Transport Plan programme was developed on the basis of funding levels which were broadly comparable with that experienced in the five years prior to its publication (2005 – 2010). It was therefore anticipated that the South West Wales region could expect to receive a minimum of £109 million over the term of the Regional Transport Plan. Unfortunately funding levels have been far lower and the region has therefore received only £26 million over the past five years. This means few Regional Transport Plan schemes have been delivered over the past five years and a number of schemes will therefore roll forward into the Local Transport Programme. These are listed in appendix 2. There are however a number of new schemes which have been included in the prioritised Local Transport Plan programme. These are:

- City Centre Transport Schemes:
  - Kingsway Public Transport Initiative:
  - Public Transport Links to Employment Sites:
  - City Centre Cycle Network – this scheme was included in the Regional Transport Plan and is in the early stages of delivery. The project will deliver an off-road, traffic-free network for cycling within the city centre and linking to the adjacent strategic cycle network routes.
  - City Centre Air Quality Package: Initiatives which serve to improve the adverse impact of poor air quality within the city centre.
- NCN Links to Residential Areas

3.4. The Welsh Government requires that the programme is prioritised, and as a consequence it is important not to overburden the programme in order to ensure its deliverability.

3.5. There will be future opportunities to add schemes on an annual basis if required.

#### **4.0 Consultation**

4.1. The short timescales which have been imposed upon the Local Authorities by the Welsh Government has meant that Council Officers have been unable to undertake the extensive programme of consultation which had characterised the preparation of the Regional Transport Plan.

4.2. Nonetheless Officers were keen to ensure that the emerging Local Transport Plan was influenced by the views of key stakeholders and interest groups. A consultation workshop was held in July 2014 in order to explain the change in transport policy governance, and what impact

this would have upon the Local Transport Plan. The views of key stakeholders were gathered and incorporated into the emerging Local Transport Plan.

4.3. A second consultation was undertaken in October 2014 when a draft plan was issued to over 70 groups across the region. This was to allow key stakeholders to provide their views on the final draft Local Transport Plan.

4.4. A list of the consultees is included in Appendix 1.

## **5.0 Next Steps**

5.1. The Local Transport Plan will be passing through the approvals process in each of the Councils of South West Wales between November 2014 and January 2015. The Plan will also be put forward for Swansea Bay City Region endorsement as soon as a new cycle of meetings is organised. The Local Transport Plan will then be completed (in terms of the insertion of the SEA material and recommendations) and submitted to the Welsh Government prior to the deadline of 31<sup>st</sup> January 2015.

## **6.0 Equality and Engagement Implications**

6.1. There are no equality and engagement implications in relation to the plan. The schemes which will be delivered through the plan will however be subject to an Equalities Impact Assessment.

## **7.0 Financial Implications**

7.1 Whilst there are no immediate financial implications arising from this report, acceptance of this plan could result in additional expenditure at a future time. Acceptance of the plan does not mean that additional resources will be made available and it should be assumed that future spending needs will need to be contained within existing budget provision.

## **8.0 Legal Implications**

8.1 The Transport Act 2000 as amended by the Transport (Wales) Act 2006 requires local transport authorities to produce a Local Transport Plan (LTP) every five years.

8.2 Guidance is provided by the Welsh Government as to the process local transport authorities need to follow in developing their LTPs.

8.3 The Active Travel (Wales) Act 2013 requires local authorities to have regard to their integrated network maps for active travel when formulating their LTPs.

- 8.4 The LTP should demonstrate the links with other government and public sector areas such as planning, education and health.
- 8.5 The LTP should describe the key transport issues relevant to the local authority and set out specific priorities for the local authority to deliver in the five year period 2015 to 2020 and medium and longer term aspirations up to 2030.
- 8.6 Submission of LTPs is to take place by the end of January 2015. Approval is to be given by the end of February 2015 and publication by the end of March 2015.

**Background Papers:**

Guidance on the Local Transport Plan  
Local Transport Plan 2015 - 2020

**Appendices:**

Appendix 1 – List of Consultees  
Appendix 2 – Local Transport Plan Programme

### Appendix 1 – List of Consultees

Organisation	Name	Sent	Response
Transport operators			
Bus Users Cymru	Margaret Everson	Y	
First Cymru	Justin Davies	Y	
Silcox motors	Bert Dix	Y	
Richards Bros	Simon Richards	Y	
First Great Western	Mark Youngman	Y	
Arriva Trains Wales	Mike Vaughan	Y	
Network Rail	Mark Langman	Y	Y
	Andy Scoggins		
Traveline Cymru	Graham Walters	Y	
Motorcyclists Action Group	Phil McFadden	Y	
Hackney Carriage Assn	Terry	Y	
Private Hire Assn	Wayne Harries	Rejected	
CPT	John Pockett	Y	
Withybush Aripport	Phillip Williams	Y	
Pembrey Aripport		Y	
Swansea Aripport	Roy Thomas	Rejected	
Authorities			
Mid Wales LAs	Ann Elias	Y	
	Chris Wilson		
South East Wales	Kevin Davies	Y	
	Kwaku –opoku-addo		
	Christian Schmidt		
Pembrokeshire Coast NPA	Sarah Middleton	Y	Y
Brecon Beacons NPA	Richard Tyler	Y	
Community Transport Groups			
NPT CT	Claire Smith	Y	
Dansa	Alison	Y	
Community Transport Assn	David Brooks	Y	
PACTO	Debbie Johnson	Y	
Business			
Associated British Ports		Y	
Milford Haven Port Authority	Alec Don	Y	
Stena Line	Carl Milne	Y	
Irish Ferries	Paddy Walsh	Y	
FSB	Dai Davies	Y	
	Julie Williamson		
	Stephen Cole		
	Chris Olchawski		
South Wales Chambers of Commerce	Graham Morgan	Y	
	Steve Garvey		
CBI	Ian Price	Y	
Welsh Manufacturing Forum	Roger Evans	Y	
Neath Business Consortium	Sally Rowlands	Y	

Organisation	Name	Sent	Response
Job Centre Plus	Jocelyn Llewhellin Steve Lewis	Y	
Other public sector			
Swansea University	Prof R. Davies	Y	
University of WTSD	Prof M Hughes	Y	
Pembrokeshire College	Sharon Lusher	Y	
NPT College	Mark Dacey	Y	Y
Gower College	Sue Poole	Y	
PCC Taxi licensing	Sarah Oliver	Y	
NPT Taxi Licensing	Neil Chapple	Y	
Swansea Taxi Licensing	Yvonne Lewis	Y	
Carms Taxi Licensing	Justin Power	Y	
Natural Resources Wales		Y	
SWTRA		Y	
ABMU	Joanne Jones	Y	
Hywel Dda	Peter Llewellyn Mike Odlin	Y	
Miscellaneous			
Age Cymru Swansea Bay	Mary	Y	
Age concern Pembs	Jane Slade	Y	
Menter Cwm Gwendraeth		Y	
Grwp Cefn Gwlad	Catrin Jenkins	Y	
Swansea After care service	Jackie Williams	Y	
Stonewall Cymru	Andrew White	Y	
Heart of Wales Line Forum	David Edwards	Y	
Swansea CVS	Amanda Carr	Y	
Neath Port Talbot CVS	Gaynor Richards	Y	
Carms CVS	Mandy Jones	Y	
Pembs CVS	Sue Leonard	Y	
Sustrans	Ryland Jones	Y	
Wheelwrights	Nick	Y	
Cyclists Tourist Club		Y	
Carmarthen Cycling Group	Phil Snaith	Y	
SWWTP	Gary Davies	Y	
Amman Valley railway Society	Mike Smith	Y	
North Pembs Transport Forum	Hatti Woakes Stephen Hale	Y	Y
PRTA	Peter Absolon	Y	
Horse Riders Assn.	Jan Roche	Y	
Ramblers in Wales		Y	
Swansea Access Forum	Brendon Campbell	Y	
Pembrokeshire Access Group	Alan Hunt	Y	
Port Talbot Access Group	Chris Phillips	Y	
Disability Wales	Rhian Davies	Y	
Swansea Bay Racial Equality council	Taha Idris	Y	

## **Appendix 2 – Local Transport Plan Programme**

- Fabian Way Corridor
- City Centre Cycle Network
- Morfa Distributor Road
- Carmarthen to Swansea Bus Corridor
- Kingsbridge Cycle Link
- Walking & Cycling Links to NCN Routes
- Walking Links to Schools
- Pontarddulais to Grovesend Cycle Route
- Electric Vehicle Charging
- Road Safety Improvements
- Swansea Air Quality Package
- Kingsway Public Transport Initiative
- Swansea Valley to City Centre Bus Corridor
- Strategic Bus Corridors
- Public Transport Enhancement for City Centre Employment
- North Gower Trail
- Landore Park & Ride Extension
- Park & Share Sites on M4
- Swansea West Park & Ride
- Swansea West Access Road
- Investigate Light Rail Schemes



## Report of the Section 151 Officer

Council – 6 January, 2015

### ADOPTION OF THE COUNCIL TAX REDUCTION SCHEME

<b>Purpose:</b>	<ol style="list-style-type: none"><li>1. To explain the requirement to annually consider whether to revise or replace the Council's existing Council Tax Reduction Scheme and the requirement to adopt the scheme by 31 January 2015.</li><li>2. To adopt the Scheme as set out in Section 3 of the report from 2015/16.</li></ol>
<b>Policy Framework:</b>	None
<b>Reason for Decision:</b>	Statutory Requirement
<b>Consultation:</b>	Legal, Finance and Access to Services.
<b>Recommendation:</b>	<p>It is recommended that:</p> <ol style="list-style-type: none"><li>1. The making of the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013 ("the Prescribed Requirements Regulations") by the National Assembly for Wales (NAfW) on 26 November 2013, as amended be noted.</li><li>2. The proposed amendments to "the Prescribed Requirements Regulations" contained in the draft Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) (Regulations) 2015, due to be considered and approved by NAfW on 20 January 2015 be noted</li><li>3. The outcome of the consultation exercise undertaken by the Council on the discretionary areas of the scheme be noted.</li><li>4. The Council adopt the scheme as set out in section 3 of this report and that any amendments to the Regulations made by NAfW are reflected in the scheme.</li></ol>
<b>Report Author:</b>	Rose McCreesh,
<b>Finance Officer:</b>	Mike Hawes

<b>Legal Officer:</b>	Tracey Meredith
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<b>Access to Services Officer:</b>	Sherill Hopkins
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## **1 Background**

- 1.1 Following the abolition of the national Council Tax Benefit scheme on 31 March 2013, responsibility for providing Council Tax support in Wales was devolved to the Welsh Government (WG) and is known as the Council Tax Reduction Scheme (CTRS).
- 1.2 The CTRS for 2013/14 was governed by the CTRS regulations approved by WG on 14 January 2013 which contained a sunset clause limiting their effect to 2013/14 only.
- 1.3 Subsequently on 26 November 2013 NAW approved two sets of regulations. These regulations prescribe the main features of the schemes to be adopted in Wales from 2014/15 :-
  - The Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013 (“the Default Scheme Regulations”)
  - The Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013 (“the Prescribed Requirements Regulations”)
- 1.4 The new regulations contain an obligation that an authority must consider each financial year whether to revise its scheme or to replace it with another scheme. Any revision or replacement must be made no later than 31 January, preceding the financial year for which the revision or replacement scheme will take effect.
- 1.5 The Regulations presently in force do not contain any definition of “revisions” to schemes, nor do they make any distinction as to the possible categories of revision. For example, minor technical changes such as annual up-rating to mirror Housing Benefit up-rating or other changes required by legislation, to reflect consequential amendments to other state benefits, could be considered a revision, which in turn could invoke the requirements in the regulations relating to consultation and adoption of schemes.
- 1.6 Although there is a national scheme for Wales, within the Prescribed Requirements Regulations, there is limited discretion given to the Council to apply additional discretionary elements that are more generous than the national scheme. These are :-
  - The ability to increase the standard extended reduction period of 4 weeks given for example to persons who have ceased to receive

qualifying benefits after they return to work, where they have previously been receiving a Council Tax Reduction that is to end as a result of their return to work;

- Discretion to increase the amount of War Disablement Pensions and War Widows and War Widowers Pensions which is to be disregarded when calculating income of the claimant; and
- The ability to backdate applications for Council Tax Reduction for periods longer than the new standard period of three months before the claim is made.

1.7 The Council adopted a CTRS for 2014/15 on 21 January 2014. It is a requirement of the Prescribed Requirements Regulations that the Council adopts a CTRS by 31 January 2015, regardless of whether it applies any of the discretionary elements set out in paragraph 1.6 above. If the Council fails to make a scheme, then a default scheme shall apply under the provisions of the Default Scheme Regulations. The Council can only apply discretion if it makes its own scheme under the Prescribed Requirements Regulations.

1.8 An amending set of regulations was laid before the NAFW on 11 December 2014, to up rate financial figures used to assess CTR entitlement, in line with the cost of living increases. Unfortunately the calculation of these figures was dependant on the Chancellor's Autumn statement which was announced on 3 December 2014 and also on a set of up rating figures used by the Department of Works and Pensions (DWP). The amending set of regulations also incorporate additional amendments to reflect consequential changes, related to social security benefits and other minor technical changes. Due to the Assembly's procedures which govern the making of the regulations, the amendment regulations are not due to be approved by the Assembly until 20 January 2015. The Council must however take account of the "Amendment Regulations" (The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2015) <sup>1</sup> when adopting the scheme.

<sup>1</sup> These can be accessed at - <http://www.assembly.wales/en/bus-home/Pages/Plenary.aspx?category=Laid%20Document>

## **2 Consultation**

2.1 A consultation exercise on the draft scheme was conducted over the period 12 November 2014 to 11 December 2014 and advertised in a press release. An on-line survey form was placed on the Council website and consultation forms were available at the Contact Centre, District Housing Offices and libraries. Information was also sent to members, precepting authorities and various third sector agencies.

## 2.2 Summary of Responses

- a) A total of 15 responses were received. 5 were completed on line and 10 written responses received.
- b) 14 responses were completed by individuals with 1 indicating they were completing on behalf of an organisation.

## 2.3 Responses to the Three Discretionary Areas

### **I. Ability to Increase the standard Extended Payment Period of 4 weeks.**

Question 1 on the consultation form:		
Discretionary element	Proposal	Responses
The ability to increase the standard extended payment period of 4 weeks given to people after they return to work when they have been in receipt of a relevant qualifying benefit for at least 26 weeks.	The Council proposes that the existing 4 week standard extended payment should remain unaltered. Do you think this is reasonable?	15 responses. 10 said it was reasonable, 2 said it was not. 3 said "don't know".
	If you indicated no to the above, please outline what you consider the period should be?	Of the 2 who thought it was not reasonable, 1 opted for a period of 6 weeks and 1 for 8 weeks

### **II. Discretion to increase the amount of War Disablement and War and War Widows Pensions which will be disregarded when calculating income.**

Question 2 on the consultation form:		
Discretionary element	Proposal	Responses
Discretion to disregard part or the whole amount of War Disablement Pensions and War Widows Pensions when calculating income.	The Council proposes to continue to disregard all of this income, as it is currently disregarded for Council Tax Reduction. Do you think this is reasonable?	15 responses. 9 said it was reasonable, 1 said it was not. 5 answered "don't know"

### **III. Ability to backdate the application of Council Tax Reduction Awards for more than the standard period of 3 months prior to the claim.**

<b>Question 3 on the consultation form:</b>		
<b>Discretionary element</b>	<b>Proposal</b>	<b>Responses</b>
The ability to back date the application of Council Tax Reduction awards for customers for more than the standard period of 3 months prior to the claim.	The Council proposes to keep the maximum back date available to the 3 month statutory period. Do you think this is reasonable?	<i>15 responses.</i>  <i>9 said it was reasonable,</i>  <i>6 said it was not.</i>  <i>0 answered "don't know"</i>
	If not, what period do you think is reasonable?	<i>Of the 6 who thought it was not reasonable, 1 opted for a period 6 months, 4 for 12 months and 1 did not offer a suggestion and indicated they would need more information before doing so.</i>

### **3 Adoption of the Council Tax Reduction Scheme**

3.1 The Council is required to adopt a scheme by 31 January 2015 under the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013 as amended, regardless whether it chooses to apply any of the discretionary elements. If the Council fails to make a scheme then a default scheme will apply under the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013 (as amended).

3.2 As explained in 1.8 above, each year WG needs to amend the CTRS 2013 Regulations to ensure that the assessment calculation for Council Tax Reduction recipients is up-rated in line with Housing Benefit. The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) (Regulations) 2015 were laid on 11 December 2014. As well as the up-rating provisions, these "Amendment Regulations" incorporate additional amendments to reflect consequential changes relating to social security benefits and other technical changes which include:-

- Removing the requirement for Local Authorities to publish a draft scheme and consult interested persons where a Billing Authority revises a scheme in consequence of amendments made to the Prescribed Requirement Regulations. The effect of this amendment is to remove the requirement for Local Authorities to consult in relation to changes made by Welsh Ministers where

authorities have no discretion (as opposed to the discretionary areas of the scheme outlined in 1.6).

- Minor amendments to reflect the introduction of Shared Parental Leave and statutory shared parental pay which replaces additional paternity leave and additional statutory paternity pay from 5 April 2015. Transitional provisions are also provided for those in receipt of paternity pay on 1 April 2015.
- An amendment is included which mirrors changes made to Housing Benefit Regulations to remove automatic entitlement to a Council Tax Reduction for European Economic Area (EEA) jobseekers, who are currently eligible by virtue of being in receipt of income based Jobseeker's Allowance (JSA(IB)). Amendments in the Uprating Regulations remove access to CTRS for EEA jobseekers, however this only applies to those who make a new application for CTRS on or after 1 April 2015 or who cease to be entitled to income based JSA for a period after this date, for example if they enter into temporary employment.
- Minor consequential amendments in relation to definitions around Employment and Support Allowance and references to Universal Credit. Income related Employment and Support Allowance no longer consists of separate contributory and income related allowances, but only of a contributory allowance known as the 'employment and support allowance'. Amendments are also made to insert references to Universal Credit into the 2013 Regulations where there are already references to other income-related benefits.

3.3 It is recommended that the Council adopts a Scheme from 2015/16 under "the Prescribed Requirements Regulations", and any amendments made to those regulations by the "Amendment Regulations, to include all the elements that must be included in the scheme and those discretionary elements set out in the table at Paragraph 3.6 below.

3.4 Part 5 of the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013 (Other matters that must be included in an authority's scheme) identifies which elements of the prescribed requirements of a scheme are minimum only requirements and in respect of which local authorities have an element of discretion.

3.5 Taking account of :

- the consultation responses received relating to the discretionary elements (shown in 2.3 above),
- the current local scheme in relation to the treatment of War Disablement Pensions, War Widows Pensions and War Widowers Pensions for Housing Benefit, which disregards these payments in full,
- the fixed funding available,

The recommendations in relation to the available discretionary elements are as follows in the table below:-

<b><u>Discretionary Elements</u></b> <b>Part 5 - Other Matters that must be included in an authority's scheme</b>	<b>Prescribed Requirement Regulations</b> <b>(Minimum Requirements)</b>	<b>Recommended Details to be Adopted with regard to Discretionary Elements</b>
<p>Ability to increase the standard extended reduction period of 4 weeks given to applicants where they have previously been receiving a Council Tax Reduction that is to end, as they have ceased receiving qualifying benefits as a result of returning to work, increasing their hours of work, or receiving increased earnings.</p> <p><i>Regulation 32 (3) and Regulation 33 (3), para (33) Schedule 1 and para (35) and (40) Schedule 6.</i></p>	4 Weeks	<p><u>Pensioners</u>: The 4 weeks period specified in para (33) Schedule 1 will apply, and</p> <p><u>Non- Pensioners</u>: The 4 weeks period specified in para (35) and (40) Schedule 6 will apply,</p>
<p>Ability to backdate applications of CTR for periods longer than the standard period of 3 months before the claim is made.</p> <p><i>Regulation 34 (4) and Paragraph (3) and (4) of Schedule 13.</i></p>	3 Months	<p><u>Pensioners</u>: The period of 3 months specified in para (3) Schedule 13 will apply,</p> <p><u>Non-Pensioners</u>: The period of 3 months specified in para (4), Schedule 13 will apply,</p>
<p>Ability to disregard more than the statutory weekly £10 of income received in respect of War Disablement Pensions and War Widows Pensions and War Widowers Pensions (disregarded when calculating income of the applicant);</p> <p><i>Regulation 34 (5), Paragraphs 1(a) and 1(b) Schedule 4 and Paragraphs 20(a) and 20(b) of Schedule 9</i></p>	£10	<p><u>Pensioners</u>: The total value of any pension specified in para 1(a) and 1(b) Schedule 4 will be disregarded.</p> <p><u>Non-Pensioners</u>: The total value of any pension specified in para 20(a) and 20(b) Schedule 9 will be disregarded.</p>

#### 4. Equality and Engagement Implications

- 4.1 The WG undertook a comprehensive regulatory impact assessment in respect of the national Council Tax Reduction Scheme regulations, in November 2013.

- 4.2 The Council has undertaken a consultation exercise which assists the Council in satisfying the public sector equality duty in the Equality Act.
- 4.3 A local equality impact assessment (EIA) was carried out by the Council in January 2014, for the 2014/15 scheme and is contained in Appendix 1. As there are no changes to the discretionary areas in the proposed Amendment Regulations, the current year's EIA has been reviewed (with the action plan's progress updated) and no changes to the EIA report are required.
- 4.4 It should be noted that in terms of equality impact there are no significant changes in the scheme recommended from 2015/16 compared to 2013/2014 and 2014/15. As this is a national scheme the Council cannot vary the provisions other than those detailed in 1.6 above. The Revenues and Benefits Take-up Team will continue in its efforts to provide advice to maximise benefit income and signpost and fast-track to the appropriate agencies where appropriate.

## 5. Financial Implications

- 5.1 Welsh local authorities receive a fixed sum provision from WG for the CTRS. This is fundamentally different to the funding received from DWP, for the former Council Tax Benefit scheme, which was demand led and almost fully funded on a pound for pound basis. Any changes that affect the amount of CTR to be paid, for example due to Council Tax increases, increases in customers' CTR entitlement or increases in the number of customers actually claiming CTR, exposes the Council to financial risk, as the shortfall between the amount of CTR paid out and the funding received from WG, result in authorities having to bear the additional cost.
- 5.2 The table below shows the number of current CTR recipients in Swansea, the latest estimate of CTR paid for 2014/15 and the latest estimated shortfall of £714k which has to be met by the Council.

<b>Current CTR Recipients</b>	<b>Current CTR Recipients who receive 100% CTR</b>	<b>Latest estimate of CTR to be paid in 2014/15</b>	<b>Fixed Funding Received from WG for 2014/15</b>	<b>Shortfall between funding and CTR paid to recipients.</b>
25,511	19,616	£19,597,429	£18,882,992	£714,437

- 5.3 The actual amount of CTR funding for distribution in 2015/16 in Wales is detailed in the final settlement made on 10th December 2014. The funding available for the whole of Wales was £244M with this Council's provisional allocation being £18,981M. (an increase of £98k compared to the allocated sum for 2014/15)



- 5.4 The table in 5.2 shows the estimated shortfall between CTR paid out and the fixed funding received from WG for 2014/15.
- 5.5 For every 1% increase in Council Tax levels in 2015/16, the yield will be reduced by an estimated £195,974 to reflect the cost of the CTRS.

## **6. Legal Implications**

The Council is obliged to make a Council Tax Reduction Scheme under the Prescribed Requirements Regulations as amended by 31 January 2015. Although the legislation provides for a default scheme to apply in the absence of the Council making a scheme, the Council is nevertheless under a statutory duty to adopt its own scheme, even if it chooses not to apply any of the discretionary elements.

Section 149 of the Equality Act 2010 requires Local Authorities to have “due regard” to their public sector equality duties when exercising their functions. That includes the need to remove or minimise disadvantages suffered by reason of age, race, or disability or other protected characteristics which the rest of the population may not suffer from. There are no other legal implications other than those already highlighted in this report.

**Background Papers:**  
Equality Impact Assessment

**Appendices:**  
None

# Agenda Item 11.a

## Report of the Cabinet Member for Transformation & Performance

Council – 6 January 2015

### MEMBERSHIP OF COMMITTEES

<b>Purpose:</b>	Council approves the nominations / amendments to the Council Bodies.
<b>Policy Framework:</b>	None.
<b>Reason for Decision:</b>	To agree nominations for Committee Membership.
<b>Consultation:</b>	Political Groups.
<b>Recommendation:</b>	It is recommended that: -  1) any late changes submitted by the Political Groups be approved.
<b>Report Author:</b>	Gareth Borsden
<b>Legal Officer:</b>	Tracey Meredith
<b>Finance Officer:</b>	Carl Billingsley
<b>Access to Services Officer:</b>	N/A

#### 1. Introduction

- 1.1 The Annual Meeting of Council on 8 May 2014, agreed membership of the various Committees/Boards as reflected in the lists submitted by the Political Groups.

#### 2. Changes to Council Body Membership

- 2.1 The Political Groups have indicated that they will have changes to various Council Bodies:
- 2.2 This report has been included on the agenda to facilitate any possible changes.

#### 3. Outside Bodies

- 3.1 The Leader of the Council has indicated that changes will be made. These will be reported at Council for information.

#### 4. Financial Implications

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

## **5. Legal Implications**

5.1 There are no legal implications associated with this report.

**Background Papers:** Local Government & Housing Act 1989, the Local Government (Committees & Political Groups) Regulations 1990.

**Appendices:** None

# Agenda Item 12.a

## Joint Report of the Presiding Member, Monitoring Officer and Head of Democratic Services

Council – 6 January 2015

### AMENDMENTS TO THE COUNCIL CONSTITUTION

<b>Purpose:</b>	To make amendments in order to simplify, improve and / or add to the Council Constitution.
<b>Policy Framework:</b>	None.
<b>Reason for Decision:</b>	A decision of Council is required to change the Council Constitution.
<b>Consultation:</b>	Finance, Legal
<b>Recommendation(s):</b>	It is recommended that:  1) The changes to the Council Constitution as outlined below in relation to  a) Part 2, Article 15 “Review and Revision of the Constitution”; b) Part 3, Scheme of Delegation “Local Choice Functions”; c) Part 4, “Land Transaction Rules”;  be adopted.  2) The People Cabinet Advisory Committee be renamed as the Communities Cabinet Advisory Committee;  3) The Place Cabinet Advisory Committee be renamed as the Services Cabinet Advisory Committee.
<b>Report Author:</b>	Huw Evans
<b>Finance Officer:</b>	Carl Billingsley
<b>Legal Officer:</b>	Patrick Arran / Tracey Meredith

#### 1. Introduction

- 1.1 In compliance with the Local Government Act 2000, the City and County of Swansea has adopted a Council Constitution. A number of issues have arisen since adoption and in order to maintain the aims, principles and procedures set out in Articles 1 and 15 of the Council Constitution, it is proposed that the amendments set out below should be made to the Constitution.

## **2. Delegated Minor Corrections to the Council Constitution**

2.1 There are no delegated minor corrections to the Council Constitution.

## **3. Amendments to the Council Constitution**

3.1 This report outlines a number of suggested amendments to the Council Constitution. The amendments are within the following area of the Council Constitution:

- a) Part 2 - Article 15 'Review and Revision of the Constitution';
- b) Part 3 - Scheme of Delegation;
- c) Part 3 - Terms of Reference.
- d) Part 4 - Land Transaction Procedure Rules.

## **4. Part 2 - Article 15 'Review and Revision of the Constitution**

4.1 Paragraph 15.3.1 "Changes to the Constitution - Approval" states:

*"Changes to the Council Constitution may only be made be Council after consideration of a report by the Presiding Member, Monitoring Officer, Head of Democratic Services and / or Head of Paid Service except where any changes are to make any updates required by:*

- a) *New Legislation or Changes to the Existing Law;*
- b) *Changes to the Officer structure or changes of responsibility within the Officer Structure;*
- c) *The need to correct any administrative or typing errors.*

*Changes to the Constitution which fall under sub paragraphs a), b) or c) may be made solely by the Monitoring Officer".*

4.2 It is recommended that sub paragraph a) be deleted and it be replaced with "a) Legislation".

## **5. Part 3 - Scheme of Delegation - "Local Choice Functions"**

5.1 Function "J9 - Powers related to Public Rights of Way, Commons Registration and Village Green".

5.1.1 Add "Section 53 Wildlife and Countryside Act 1981" to the column titled 'Provision of Act or Statutory Instrument'.

5.2 Function "J10 - Powers related to the Diversion, Extinguishment and Creation of public paths where no objections have been received".

5.1.1 Add "Section 53 Wildlife and Countryside Act 1981" to the column titled 'Provision of Act or Statutory Instrument'.

## **6. Part 3 – People Cabinet Advisory Committee**

- 6.1 It is proposed to rename the People Advisory Committee as the Communities Cabinet Advisory Committee.
- 6.2 This change is proposed so as to avoid any confusion relating to the names of the Directorates within the Authority and the work of the Cabinet Advisory Committee.

## **7. Part 3 – Place Cabinet Advisory Committee**

- 7.1 It is proposed to rename the Place Advisory Committee as the Services Cabinet Advisory Committee.
- 7.2 This change is proposed so as to avoid any confusion relating to the names of the Directorates within the Authority and the work of the Cabinet Advisory Committee.

## **8 Part 4 - Land Transaction Procedure Rules.**

- 8.1 This report was initially submitted to Council on 4 November 2014 however it was withdrawn prior to consideration in order to allow discussion at the Constitution Working Group.
- 8.2 The Constitution Working Group met on 1 December 2014 and considered the item and recommended that one amendment be made prior to it being recommended to Council for adoption. The amended version is attached as **Appendix A**.
- 8.3 The Land Transaction Procedure Rules be amended as outlined using Tracked Changes in **Appendix A**.

## **9. Equality and Engagement Implications**

- 9.1 An Equality Impact Assessment (EIA) screening process took place prior to the consultation period. The outcome indicated that it was low priority and a full report was not required.

## **10. Financial Implications**

- 11.1 There are no specific financial implications associated with this report.

## **12. Legal Implications**

- 12.1 There are no specific legal implications associated with this report. The amended version of the Council Constitution will be available at [www.swansea.gov.uk/constitution](http://www.swansea.gov.uk/constitution)

**Background Papers:** None.

**Appendices:**

Appendix A	Land Transaction Procedure Rules - Tracked Changes
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# Land Transaction Procedure Rules TRACKED CHANGES

## This statement sets out the procedure to be adopted for the disposal of surplus / underused land

### 1. Definition of Surplus/Under-used Land

1.1 In these Procedure Rules "Land" shall mean all and any interest in land (including buildings), or any right in, on, over or under land.

1.2 Land is deemed to be surplus to the Council's requirements if either:

- a) It makes no contribution to the delivery of; the Council's service, strategic financial or corporate objective; or
- b) An alternative site has been identified which would be more cost effective in delivering; Council's service, strategic financial or corporate objectives; or
- c) It has no potential for strategic or regeneration/redevelopment purposes in the near future; or
- d) It will not contribute to the provision of a sustainable pattern of development.

1.3 Land is deemed to be under-used if either:

- a) Part of the land is vacant and is likely to remain vacant for the foreseeable future; or
- b) The income being generated from the land is consistently below that which could be achieved from:
  - i) Disposing of the land and investing the income;
  - ii) An alternative use;
  - iii) Intensifying the existing use; or
- c) Only part of the land is used for service delivery and this could be delivered from an alternative site.

1.4 All land is held corporately, however, the decision taken by a Head of Service to declare an operational asset surplus will be via their delegated authority in relation to operational responsibilities in conjunction with the Chief Operating Officer or his nominee.

### 2. Land Identification

2.1 Land for possible disposal may be identified in the following ways:

- a) Through the Asset review activity undertaken by the Chief Operating Officer, or his nominee;
- b) Through a structured corporate property portfolio or area review;
- c) Through Service Units declaring specific sites as being surplus to requirements;
- d) Through direct property enquiries to the Council;



e) Where an under-used asset is generating an income, a cost/benefit analysis has been carried out to establish whether it is in the Council's best interests to dispose of the site.

2.2 Once potential land has been identified as surplus or under used the Chief Operating Officer or his nominee will undertake an initial feasibility test to establish if the land could be disposed of to generate a capital receipt for the general fund/HRA.

2.3 If the initial feasibility test indicates it is possible then there will be further consultation with Planning and Highways colleagues and with Legal Services to generate a Report on Title to establish if there are any legal constraints, including but not limited to Title restrictions and legislative restrictions e.g. disposal of public open space and school playing fields.

2.4 Subject to these investigations and if the land has been declared surplus for operational purposes by a service department, then there will be discussion between the appropriate Head of Service and the Chief Operating Officer, or his nominee, for an appropriate handover for all relevant premises budgets to enable the ongoing management of the asset up to disposal and then the appropriate saving being returned to the Corporate Centre. At that time, the Chief Operating Officer or his nominee will also discuss with the Head of Legal, Democratic Services and Procurement whether a formal appropriation is required or desirable prior to disposal.

### 3. Method of Disposal

#### 3.1 Best Consideration Value

3.1.1 Section 123 of the Local Government Act 1972 provides for the disposal of land by Councils and provides as follows:

Disposal of land by principal councils

a) (1)—Subject to the following provisions of this section, [and to those of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010,] a principal council may dispose of land held by them in any manner they wish.;

b) (2)—Except with the consent of the Secretary of State, a council shall not dispose of land under this section, otherwise than by way of a short tenancy, for a consideration less than the best that can reasonably be obtained.

3.2 ~~1.2~~—Except where provided below, these Rules shall apply when dealing with all acquisitions and disposals of land. For the avoidance of doubt, this includes freehold, leasehold, or the grant of tenancy. However, in situations where a request is made for a lease of less than 7 years at a concessionary rental level the policy as contained in Appendix 1 shall apply.

~~3.1.3~~ There is a legal obligation as noted in Paragraph ~~3.1~~.1 above placed upon officers to achieve best consideration reasonably obtainable for land. Best consideration does not necessarily mean the highest financial premium and other matters can be taken into account when assessing best value but caution will need to be exercised and a full review of relevant case law will need to be undertaken. An alternative may be to utilise the General Disposal Consent which does permit Local Authorities to dispose of ~~land~~Land at below market value subject to certain conditions e.g. utilising the ~~wellbeing~~well-being powers and approval from the Authority's external Auditors. It is also possible to seek approval from Welsh GovernmentWG to a particular transaction. ~~The issue of State Aid may also need to be taken into account.~~

3.4 All disposals need to comply with the European Commission's State aid rules. The Commission's Communication on State aid elements in sales of land and buildings by public authorities (97/C 209/03) provides general guidance on this issue. When disposing of land at less than best consideration the Council is providing a subsidy to the owner, developer and/or the occupier of the land and property, depending on the nature of the development. Where this occurs, the Council must ensure that the nature and amount of subsidy complies with the State aid rules, particularly if there is no element of competition in the sale process. Failure to comply with the rules means that the aid is unlawful, and may result in the benefit being recovered with interest from the recipient.

~~3.5~~1.4 It is the Chief Operating Officer or his nominee who will be providing the best ~~consideration~~value certification but if there are situations where officers wish to consider a lower financial bid in terms of overall best consideration, the Head of Legal, Democratic Services and Procurement~~Monitoring Officer~~ or his nominee must be consulted and the appropriate legal implications advice given.

~~3.1.5~~—~~In these Procedure Rules “Land” shall mean all and any interest in land (including buildings), or any right in, on, over or under land.~~

~~1.6~~ These Procedure Rules do not apply:

- a)        To disposals under the Leasehold Reform Act 1967, Leasehold Reform Housing and Urban Development ~~Act~~ 1993, Commonhold and Leasehold Reform Act 2002 or under “Right to Buy” legislation;
- b)        To the renewal of an existing lease or tenancy;
- c)        Where Cabinet decides they will not apply~~;~~.

Note: S.123 LGA 1972 is a strict statutory duty and must always be taken into account.

- 3+7 In any dealings with land, proper regard will be had to professional advice from the Chief Operating Officer or his nominee and/or the Head of Legal, Democratic Services and Procurement (as appropriate) at all relevant stages during the process.
- 3+8 No disposal shall progress except in consultation with the Chief Operating Officer or his nominee.
- 3+9 Procedures will be followed precisely so that probity and accountability can be demonstrated and value for money achieved. Further and in order to provide for transparency and a proper audit trail, every procedure step or decision taken under these rules must be recorded in writing and be available for inspection at any time.

#### 42. **Invitation ~~of~~ Offers – Disposal of Land and Premises**

4.1 The Chief Operating Officer or his nominee will determine a marketing strategy where appropriate, either in-house or through an appropriate agent. Where possible, costs (both surveyors and legal) will be recovered from the eventual purchaser.

4.2 The timing of any marketing/disposals will need to be considered against the background of the Council's budgetary requirements, together with the current state of the market. Before recommending that a disposal is to proceed, the following factors are to be taken into consideration.

- a) Current market conditions;
- b) Potential for the site value to increase in the future;
- c) Current and proposed Development Plans;
- d) Any legal constraints or factors.

4.3 In any disposals or acquisitions of land which do not fall within the delegated authority of Responsible Officers (as defined in this Constitution) and have to be reported to Cabinet, the Responsible Officers shall consult with the relevant Electoral Division Members and any responses received from Electoral Divisions Members shall be reported to Cabinet. On any proposed disposals or acquisitions falling within the delegated authority of the Responsible Officers, the officers shall consult with Electoral Division Members where the proposal under consideration would involve a change of use in the land requiring planning consent. Any consultation required to be carried out under this paragraph shall be in writing (letter, e-mail or fax) and any Members consulted shall be given 10 working days in which to respond. If there is no response within this timescale it shall be assumed that the member has no comments to make. Responsible

officers shall take any consultation responses received into account in making their decision.

4.42.1 No offers for the disposal of land will be invited except with the prior approval of the Chief Operating Officer or his nominee.

4.5 ~~2.2~~ — The Chief Operating Officer or his nominee will determine ~~in writing~~ whether disposals will be made by way of a sealed offer, private treaty or auction and such determination will be made so as to achieve the best price reasonably obtainable.

4.6 ~~2.3~~ — If there has been no marketing of the Land or only one person has indicated an interest to purchase there can be no such disposal of Land ~~except~~ where it is determined by the Chief Operating Officer or his nominee that there is only one party who could acquire the interest because, for example:

- a) The physical, legal or other characteristics of the land so dictate; or
- b) There is only one response following reasonable marketing of the land or ~~and~~;
- c) ~~e)~~ — In all the circumstances, it is prudent and appropriate to sell by private treaty (taking into account all considerations including State Aid).

4.7 ~~2.4~~ — The Chief Operating Officer or his nominee will advertise any proposed disposal as he thinks appropriate. ~~This rule will not apply if it can be demonstrated to the satisfaction of the Chief Operating Officer or his nominee that the nature of the land is such that to do so would serve no useful purpose.~~

4.82.5 Any advert will, generally (but with a general discretion in favour of the Chief Operating Officer or his nominee), set out:

- a) A description of the land;<sup>17</sup>
- b) The terms and conditions upon which offers are to be submitted;<sup>17</sup>
- c) Whether further particulars may be obtained;<sup>17</sup>
- d) The last date and time when offers will be received.

4.92.6 In the case of disposals by sealed offers, offerors will be provided with a form of offer based upon a model prepared by the Chief Operating Officer or his nominee and the Head of Legal, Democratic Services and Procurement and with the official pre-addressed envelope bearing the word “Offer” followed by the subject to which the offer relates and preaddressed ~~pre-addressed~~ to the:

**Head of Legal, Democratic Services and Procurement**

**Civic Centre,  
Swansea,  
SA1 3SN.**

**4.10~~2~~<sup>7</sup>** Confidentiality of the identity of offerors will be maintained until an offer has been accepted.

**4.11~~2~~<sup>8</sup>** No offeror or prospective purchaser (e.g. in case of sale by private treaty or auction) will be given any information that is not available to others. All information to be provided should be made available to all parties at the same time.

**4.12~~2~~<sup>7</sup>** Every person submitting an offer (including those private treaty- or by Auction) must not fix the amount of any offer in accordance with a price fixing arrangement; and the Chief Operating Officer or his nominee will inform every prospective purchaser of such rule.

### **5~~3~~**. **Receipt, Custody and Opening of Sealed Offers**

**5~~3~~.1** It will be a condition of every invitation that each offer must be sent in the official envelope provided, which must be sealed. ~~All offers must be delivered to the address shown on the official envelope or delivered by hand to Main Reception at Civic Centre.~~

**5~~3~~.2** Delivery by hand will be acceptable only if evidenced by an official receipt. The receipt will clearly record the time and date of delivery.

**5~~3~~.3** All offers will be kept in safe custody until the appointed time of opening when they will be opened consecutively during the same session.

**5.4** ~~3.4~~ — All offers will be opened by two employees designated for the purpose by the Chief Operating Officer or his nominee and Head of Legal, Democratic Service and Procurement, at least one of whom will have had no involvement in the invitation of the offers. ~~When opened, all offers will be recorded in a register and initialled and dated by the designated employees at the time.~~

**5~~3~~.5** No offer received after the time and date specified in the invitation will be considered unless there are exceptional circumstances and acceptance is agreed by the Head of Legal, Democratic Services and Procurement.

### **6~~4~~**. **Examination of Offers**

**6.1** ~~4.1~~ — If, after the offers have been opened and examined, an error in computation of an offer is detected the offeror will be given details of the error and the opportunity of confirming the total offer sum or other details of the offer or withdrawing his offer. The Chief Operating Officer or his nominee must be informed of such error and details of such error must be recorded in the appropriate file.

**64.2** An offeror who submits a qualified offer will be given generally the opportunity to:

- a) Withdraw the qualification without amendment to his offer and if he does so it will be considered and
- b) ~~b)~~ Explain any financial or planning qualification as appropriate which will fall to be assessed by the Chief Operating Officer or his nominee.

**6.34.2.1** If the offeror fails to proceed with either a) or b) above his offer will be rejected. All correspondence, discussions and telephone calls with the offeror in respect of these matters must be fully recorded in the appropriate file and reported to the Chief Operating Officer or his nominee.

**6.4.3** No post offer negotiations will take place with an offeror unless the scope and principles of the negotiations have been approved in writing by the Chief Operating Officer or his nominee;

**6.54.4** All post offer negotiations shall be in compliance with the principles set out in the Contract Procedure Rules.

## **75. Evaluation and Acceptance of Offers**

**75.1** The final offer that represents the best consideration obtainable by the Council will be accepted (save for any utilisation of any relevant general disposal consent or reference to Welsh Government in respect of any proposed disposal at an under value) this principle will apply to all disposals of land by whatever method except for any disposal falling within the terms of the Council's Concessionary Lettings Policy from time to time the current Policy is attached as **Appendix 1**.

**7.2** ~~5.2~~ Offers may only be accepted and recorded in accordance with the Scheme of Delegation and on the basis of best consideration. If there is to be a sale by auction, a designated employee may be authorised under the Scheme of Delegation for that particular sale. This authorisation will extend to making a decision on reserve price and to sign a contract at the auction providing that this accords with the general principles of these Procedures Rules.

**75.3** Nothing in these rules binds the Council to accept any offer.

**75.4** Once an offer has been accepted the unsuccessful offerors will be informed that their offers are no longer being considered.

## **86. Completion of Contracts**

8.1 All contracts and transactions for disposals of Land (and for the avoidance of doubt this shall include any letting licence lease or hire agreement notwithstanding that such disposal is to a charitable organisation or one in which the Council has a close working relationship) ~~6.1~~ ~~Contracts and transfers~~ will be in writing and executed in accordance with Article 14 of the Constitution and as may be required in law to give effect to the transaction.

8.2 Only the Chief Operating Officer or his nominee may issue instructions to the Head of Legal, Democratic Services and Procurement for the preparation and completion of documentation in respect of any transaction in land.

8.3 Every contract will comply with relevant UK, EU, Welsh Government Law, Directives and any appropriate guidance.

~~8.4.6.4 All Disposals of Land (and for the avoidance of doubt this shall include any letting licence lease or hire agreement notwithstanding that such disposal is to a charitable organisation or one in which the Council has a close working relationship) must comply with paragraph 5.1 of these Rules.~~

6.5 The Chief Operating Officer or his nominee in conjunction where necessary with the Head of Legal, Democratic Services and Procurement shall determine whether such Disposals are subject to the provisions of paragraph 8.5.1 of these Rules. If the disposal is not subject to 8.5.1 the Chief Operating Officer or his nominee shall determine the consideration properly payable and the terms of any ~~such~~ letting if necessary in conjunction with the Head of Legal, Democratic Services and Procurement and the Head of Financial Services.

## 97. **Retention of Documents**

97.1 Deeds, title documents, leases, charges on land, guarantees and documents of a similar nature may only be destroyed with the consent of the Head of Legal, Democratic Services and Procurement.

97.2 Details of all offers will be retained for a period of six years.

## 108. **Acquisition of Property**

108.1 On each occasion that the Council wishes to acquire Land the relevant Responsible Officer will instruct the Chief Operating Officer or his nominee to negotiate, settle or confirm the terms of such acquisition after taking into account any relevant statutory provisions or guidance and any advice from the Head of Legal, ~~and~~ Democratic Services and Procurement.

108.2 Once terms are finalised, the Chief Operating Officer or his nominee will instruct the Head of Legal, Democratic Services and Procurement



in writing to proceed with an acquisition of the Land including for avoidance of doubt the utilisation of compulsory purchase powers.

| 108.3 The terms of such acquisition will be in accordance with the market value of the interest to be acquired and the body of statute and case law together known as the “compensation code” and in accordance with the principles of best value.

| 108.4 The terms of acquisition may only be approved in writing by the Chief Operating Officer or his nominee save for acquisition by auction or sealed offer wherein a designated employee may be authorised in writing by the Chief Operating Officer or his nominee for that particular acquisition to make an offer that accords with the general principles of these Procedure Rules.

| **119. Miscellaneous**

| 119.1 In considering and determining all matters under these Rules the Chief Operating Officer or his nominee shall have regard to taxation law and practice and in particular to VAT; further the Chief Operating Officer or his nominee will be expected to seek the advice of the Head of Legal, Democratic Services and Procurement and/or the Head of Financial Services (as appropriate) and shall have a duty to so consult prior to any disposal.

| 119.2 In the absence for whatever reason of the Chief Operating Officer or his nominee these Rules shall be read in conjunction with the Scheme of Delegation set out in Part 3 of the Constitution.



### Concessionary Lettings Policy

#### 1. Background

- 1.1 The Council has in the past, leased land and buildings at less than full market value. Often these disposals have been to the trustees of leisure, recreational or sports clubs and societies who have limited resources. In addition to rent reviews and lease renewals which occur with such previous lettings, a number of new requests are received from similar organisations for disposals at less than market value. The land disposal rules set out the guidance / rules which the Chief Operating Officer or his nominee~~Head of Corporate Property~~ should normally follow.
- 1.2 In addition to the Land Disposal Rules the Local Government Act 1972 (Section 123) provides that a Council should not dispose of land other than at the best consideration reasonably obtainable~~market value~~ without the specific consent of the Welsh Government or the application~~Secretary of State (WAG)~~ of the General Disposal Consent. This applies to leases exceeding 7 years in duration.~~Subject to the position described it is recognised that existing tenants of more than two years may be considered prior to general marketing.~~
- 1.3 The ~~authority for disposal from the Welsh Assembly Government is the~~ General Disposal Consent (Wales) 2003 Order ~~which~~ came into force on 31 December 2003. This Order removed the former requirement for the Council to seek a specific consent for a disposal at an undervalue where the Council considers that the disposal is in the interests of the economic, social or environmental well being of the whole or part of its area, or any or all persons resident or present in its area **and** the undervalue is £2,000,000 or less.
- 1.4 Under the Council's Constitution a Responsible Officer has delegated authority to exercise functions for which he or she has budgetary, managerial, operational or statutory authority provided that the Cabinet does not itself make a decision in a particular case. At present, the exercise of the executive functions by an Officer in relation to estate management on the disposal of a freehold or leasehold interest is limited up to £500~~250~~,000.
- 1.5 The Audit Commissions Report on Local Authority Property Management highlighted the need for any such concessionary disposals to be identified and the amount of the concession to be quantified. There is also a practical need for all such disposals to be identified and recorded in this way, if consistency between the amounts of concessions granted is to be maintained. In view of the current financial pressures faced by the Council it is appropriate to consider this financial burden on the Authority and in addition a periodic review of these allowances should be undertaken as a matter of good management practice.

## 2. Application of Policy

2.1 It is recommended that the following approach is adopted as a consistent basis for implementing the policy framework described above subject to the Land Disposal Rules that:

- i) The full market value of the interest to be leased should be assessed. This could occur at a rent review, at a lease renewal or at the proposed granting of a new tenancy. ~~The, the~~ market rent would be assessed in the usual way taking account of the nature of the property, its current state, the interest which is to be created with the obligations to be carried out by both parties and any other relevant factors.
- ii) The tenant who is seeking a reduction from that market value should be asked to identify all the relevant circumstances in support of his case, including alignment with the Council's corporate objectives, accounts and financial evidence relating to the activity to be undertaken either on or relating to the premises. This would also require a declaration of any grant or assistance which has been obtained from Council or any other party.
- iii) The Council shall allow a rent concession only when it can be clearly demonstrated that such grant is necessary for the organisation to continue to deliver its service. There shall be an expectation that grant recipients will develop a financial strategy steadily to diminish the level of grant required. This strategy must be demonstrated as part of the grant application.
- iv) The level of rent grant should be the minimum necessary to ensure continuity of the operation and in any event should ~~not shall never~~ exceed 75% of the rental value of the premises. The precise level shall be determined by careful analysis of the current financial position and financial strategy of the organisation.
- v) Each payment of rent grant shall be given explicitly. The mechanism for this will be to charge the full rental value for the premises and separately make an explicit grant payment to that organisation.

- vi) Decisions whether to grant rent concessions for leases of less than 7 years and, if so, at what level, will be undertaken by the relevant operational Head of Service and the Chief Operating Officer or his nominee~~Head of Corporate Property~~, after due discussion and democratic debate with Cabinet or Council Members. Ultimately however under the land disposal Rules it is the responsibility of the Chief Operating Officer or his nominee~~Head of Corporate Property~~ to determine whether a concession should be granted.
- (i) ~~Rent concessions shall be granted only in explicit and transparent fashion and in accordance with the strategy described above.~~

# Agenda Item 13.

Council – 6 January 2015

## COUNCILLORS' QUESTIONS

### PART A - SUPPLEMENTARIES

1. **Councillors P R Hood-Williams, A C S Colburn, M Thomas and L J Tyler-Lloyd**

The 2014/15 budget proposed £1M savings during the year, by increasing charges for services provided for residents. In March, the Cabinet approved policy in this respect.

Can the Cabinet member for Finance, now indicate those service charges, which will be set on the basis of full cost recovery, and indicate the percentage rise in the cost for each of those services.

Can he also indicate which other service charges will be increased and by what percentage.

Can he also indicate the savings, per financial month, that will derive from the increased charges in 2014/15.

The budget settlement required £1M to be saved in the current financial year. Can the Cabinet member confirm that these levels of savings will be achieved

#### **Response by The Leader**

A dedicated Commercial Team was established in May and they have made great strides in establishing all charging opportunities and, at the time of writing, over 1600 items have been identified. As the questioner will appreciate, this is an extremely complex piece of work which, whilst being coordinated extremely well, is still very much a work in progress.

The first stage of this work was to identify all opportunities and then benchmark actual or potential charges with other Councils. When this work is complete, the Council will have a full list of approved charges which will then be subject to an annual review and increase in line with the RPI. It is not possible at present to indicate a percentage rise in the cost for the services because, whilst there are some charges which are well established, officers are still assessing charging opportunities and full cost recovery has to be analysed.

Unfortunately, the Council is unlikely to achieve the £1m target set by the budget. The reason for this is purely due to the complexity and volume of the work. However, there is no reason to believe that once all of the charges are set the £1m target would be eminently achievable in future years and this is reflected in the report due to be considered by Cabinet on the 16<sup>th</sup> of December. Current projections show potential income as follows for:

2015/2016 is £1,147,000

2016/2017 - £2,205,627.

The Council is now in a much better place in terms of having a centralised resource to oversee its income and commercial portfolio. The foundations are now in place to transform the way we deliver services to our residents.

2.	<p><b>Councillors C A Holley, M H Jones and P B Black</b></p> <p>In response to a question put to the Leader at Council 2<sup>nd</sup> December he stated both verbally and in writing that no decision had been made over the future of the Civic Centre and that everything would be considered as part of the Budget process. Will the Leader tell Council and the public why 2 days later there was a very prominent article in the local paper stating that the Civic Centre would be sold in January 2015 to help fund a new school building programme?</p> <p><b>Response by the Leader</b></p> <p>The two statements are correct. I have said on numerous occasions that everything would be considered as part of our budget review process. The future use of the Civic Centre site is not currently defined and it will be for developers to bring forward proposals as part of their response to the development brief. This may or may not include the re-use or demolition of the current Civic Centre building. The Civic Centre site will be marketed along with other strategic sites in the new year. This will be the next stage of our ambitious plans for the redevelopment of the city centre. The people of Swansea have waited far too long for the redevelopment of their city centre and the sale of the Civic Centre site will help provide a contribution to the funding of this and other initiatives.</p>
3.	<p><b>Councillors P B Black, Mike Day, P M Meara and R J Stanton</b></p> <p>Will the Cabinet Member provide an update on any plans to sell off land at Parklands School?</p> <p><b>Response by the Cabinet Member for Education</b></p> <p>The Capital Budget &amp; Programme 2014/15 – 2017/18 approved by Council on the 18<sup>th</sup> February 2014 clearly sets out the basis of the programme of school building improvements and the financing strategy to meet the required local contribution.</p> <p>Work is continuing to identify potential parcels of surplus land as part of a Council wide strategy to review all assets. At the Council Meeting held on 28 February 2011, land at Parklands Primary School was identified as surplus to educational requirements.</p> <p>The views of the school and governors will continue to be considered. No decision has been taken but a report will shortly be presented to Cabinet.</p>
4.	<p><b>Councillors P M Meara, C A Holley, and J W Jones</b></p> <p>Will the Cabinet Member inform Council :</p> <p>(a) How many s106 Agreements have been reached with Developers since May 2008.</p> <p>(b) How much money are these Agreements worth.</p> <p>(c) How many of these Agreements have been fully delivered.</p> <p>(d) Will he give a breakdown on what the money has been spent on.</p>

**Response by the Cabinet Member for Enterprise, Development and Regeneration**

Planning Services are currently in the process of populating a data base to facilitate the monitoring of S106 Agreements. The information held on this database is in the process of being verified, however, on the basis of the information held to-date, since May 2008 a total of 50 S106 Agreements have been signed. It should be recognised that the majority (27) of these S106 Agreements do not relate to financial contributions. Those that do involve a total contribution of some £ 4,697,780.

Development has not commenced on 9 of these schemes or all the relevant trigger points have not been reached on those that have commenced. A total of 10 agreements have been fully complied with by the developer with regard payment of contributions.

Historically financial contributions are requested by the relevant Service Area normally Highways, Education, Housing or Parks and negotiated as part of the planning application process in line with the Authority's UDP policies and adopted Supplementary Planning Guidance on "Planning Obligations". Subsequent financial contributions are received by Legal Services, deposited with Finance and "drawn down" by the relevant Service Area. The spend is under the control of the respective Service Area and is set aside to cover the terms of the relevant agreement. Of the total contribution £4.7 million £252,645 is for education, £3,305,980 for affordable housing, £244,960 for public realm works, £628,345 for highways, £220,000 for parks, £43,350 for environmental works and £2500 for common land

5. **Councillors M H Jones, A M Day and C L Philpott**

Will the Cabinet Member tell Council what steps she is taking to ensure that any future maintenance of new school buildings and those that have had significant investment in them is monitored and carried out

**Response by the Cabinet Member for Education**

As part of the extremely rigorous process required by the Welsh Government to gain approval to the business case for capital investment in new school buildings, the Authority is required to demonstrate that there will be robust arrangements to ensure that new facilities will be maintained appropriately.

These arrangements will be overseen and supported as part of the wider and developing Facilities Management arrangements across all school assets.

## PART B – NO SUPPLEMENTRIES

6. **Councillors A M Day, T H Rees and R J Stanton**

Can the Cabinet Member tell Council what is the value of the financial contribution (including cash as well as goods and services in kind) made to mount the Winter Wonderland, any income the Council receives and therefore the net cost to the Council? Can the Cabinet Member also tell Council which budget any net cost comes from?

**Response by the Cabinet Member for Enterprise, Development and Regeneration**

Waterfront Winterland runs from 14<sup>th</sup> November to 4<sup>th</sup> January and is located on Museum Park. The event is run by the Council's Special Events Team which sits within the Place Department.

The direct costs of the Waterfront Winterland are budgeted as £293,400 in 2014/15. The income target is £300,700 and is derived from sponsorship, concessions, ticketing and advertising revenue. The small surplus made by the event is treated as a contribution towards the cost of the Events Team's overheads.

An independent Economic Impact Assessment of the event using the STEAM model (the same nationally recognised economic model used to measure the volume and value of Tourism) indicates that Waterfront Winterland generates £7.5m to the local economy.

# Agenda Item 14.a

## Report of the Head of Legal, Democratic Services & Procurement

Council – 6 January 2015

### WRITTEN RESPONSES TO QUESTIONS ASKED AT THE LAST ORDINARY MEETING OF COUNCIL

The report provides an update on the responses to Questions asked during the last Ordinary Meeting of Council on 2 December 2014.

#### FOR INFORMATION

#### 1. INTRODUCTION

- 1.1 It was agreed at Council on 8 April 2010 that a standing item be added to the Council Summons entitled “Written Responses to Questions Asked at the Last Ordinary Meeting of Council”.
- 1.2 A “For Information” report will be compiled by the Democratic Services Team collating all written responses from the last Ordinary Meeting of Council and placed in the Agenda Pack;
- 1.3 Any consequential amendments be made to the Council Constitution.

#### 2. RESPONSES

- 2.1 Responses to questions asked during the last ordinary meeting of Council are included as Appendix A.

**Background Papers:** None

**Appendices:** Appendix A (Questions & Responses)



**Providing Council with Written Responses to Questions at Council –  
2 December 2014**

**1. Mr T Beddow asked the Cabinet Member for Adults & Vulnerable People**

**Question**

Mr T Beddow submitted a written question in advance of the meeting as per Council Procedure Rule 26 “Public Presentations and Question Time” asking the Services for Adults and Vulnerable People Cabinet Member questions in relation to Minute 142 “Care and Social Services Inspectorate Wales (CSSIW) - Performance Evaluation Report 2013-2014”.

The CSSIW report states in its first paragraph that "The Council is making significant progress with its plans for transformational change within adult and children's services and has gained strong political and corporate support for the changes being undertaken".

In relation to the planned increase in the availability of home care referred to on page 20 in the first right hand box of the table, would she be able to confirm the scale of the increase in carer hours that were delivered in the third quarter of 2014 compared with the same period in 2013.

**Response of the Cabinet Member for Adults & Vulnerable People**

All care provided in the home	July - September		Difference
	2013	2014	%
<b>Total Hours delivered</b>	239,463	255,540	6.7%
<b>People who received support</b>	1,757	1,960	11.6%
<b>Average Hours per week</b>	10.5	10.0	-4.3%

The above relates to all domiciliary care, ie, externally commissioned, in house home care which includes long term care, re-ablement, and the Integrated Gower Team.

**2. Councillor SM Jones asked the Cabinet Member for Enterprise ,  
Development & Regeneration**

**Question**

Whether the consultation period scheduled to end on 16 January 2015 could be extended.

**Response of the Cabinet Member for Enterprise, Development &  
Regeneration**

This is a non-statutory stage of plan preparation for which a 28 day period of consultation would be normal; however this has been extended to 44 days to

allow for the Christmas and New Year period. Late objections from organisations such as Community Councils are always accepted, but a general extension of the consultation period would delay the delivery of the LDP contrary to the agreed timetable with the Welsh Government.

**3. Councillor ACS Colburn asked the Cabinet Member for Enterprise, Development & Regeneration**

**Question**

With reference to Appendix 1 “Schedule of Proposed Housing Allocations”, Page 45, No. 73, Ref OY016 ‘Land at Higher Lane, Langland’ of the report why had this remained in the plan yet the Council owned land at Thistleboon, Mumbles had been removed.

**Response of the Cabinet Member for Enterprise, Development & Regeneration**

The sites are not comparable in nature or in planning policy terms; however both potentially allow development to be brought forward over the LDP period. OY016 at Higher Lane is an area of agricultural land beyond settlement limits which could be developed as an exception site for local needs affordable housing. OY003 is a static caravan site at Thistleboon previously outside the urban settlement limits, but which has now been incorporated within the settlement boundary shown on the Draft LDP Proposals Map.

Therefore whilst OY003 is not specifically allocated, it could nevertheless become a windfall redevelopment site in future should the Council wish to dispose of the land.

**4. Councillor PM Black asked the Cabinet Member for Enterprise, Development & Regeneration**

**Question**

With reference to Page 38, Paragraph 1.3 of the report. He asked what the sustainable community facilities would be and how the Council will achieve balanced communities.

**Response of the Cabinet Member for Enterprise, Development & Regeneration**

Paragraph 1.3 states that land is being made available “... *to support anticipated levels of future growth, encourage the regeneration of areas and the development of more sustainable balanced communities...*” These are linked objectives of current national and local planning policy (the Unitary Development Plan) and form the basis of the emerging LDP.

The objectives for sustainable balanced communities operate at two levels. At the local level communities should benefit from a range and choice of good quality accommodation including affordable housing, supporting physical and social infrastructure, community facilities (such as retail, leisure and education), opportunities for employment and recreation.

At the strategic County-wide level, the focus is on directing new development to economically viable sites close to employment centres with good public transport links. Such proposals will need to embrace sustainable development principles in their design, construction and land use mix, as well as help to address any identified deficiencies in existing community facility provision.

The LDP as a strategic document establishes principles to be applied and is not prescriptive about what specific facilities, percentage of affordable housing, etc will make a balanced community – this will emerge through the masterplanning of strategic sites and the planning application process.

**5. Councillor JW Jones asked the Cabinet Member for Transformation & Performance**

**Question**

In relation to Councillor Q2:-

I see that in one of the work streams for Sustainable Swansea you mention Social Enterprise ETC as one of the delivery models.

- i) What is meant by 'ETC'?
- ii) Would all Departments be considered within the scope of a Social Enterprise?
- iii) How will Social Enterprises be affected by proposals in the Williams Report."

**Response of the Cabinet Member for Transformation & Performance**

I assume you meant that other models are also possible which could include staff mutuals, community interest companies and trusts. The Co-operative Council model is another area we could look at.

Yes each case on its merits but there is no reason why we could not apply these models to any services in principle but it is important that a full pre-evaluation is undertaken to ensure we apply the right model to the right service.

Any reorganisation is a long way off so we need to do what is right for Swansea here and now. But if we did merge with another authority there would be a wide range of contracts, delivery models etc that would be inherited by the new authority and these would continue until a decision was made about their future. However, I read recently that the Minister for Public Services has commented in the positive use of Social Enterprises within Wales going forward so whatever happens with the outcome of Williams, Social Enterprises are likely to form part of the delivery model in the future.

**6. Councillor PM Meara asked the Cabinet Member for Wellbeing & Healthy City**

**Question**

In relation to Councillor Q5:-

Given the Council's stance on gambling and casinos; how does the New Years Eve Ball with 'Vegas' most famous tribute acts performing LIVE, including the king himself! Fabulous fun casino including roulette wheels, black jack, slot machines, american craps and our famous wheel of fortune' sit with the Council Policy"

## **Response of the Cabinet Member for Wellbeing & Healthy City**

The event to which Councillor Meara refers is a New Year's Eve party at the Brangwyn Hall. This is a private hire event and as part of the evening's varied programme, and in line with other events of this type, the organiser has included an element of Casino style entertainment. This aspect of the event is provided by contracted specialist companies who bring in all the necessary resources to operate this "fun casino". Guests play with tokens and fake or "monopoly" type money and no cash changes hands.

Due to the nature of the casino events proposed at this particular event, there are no licensing requirements in respect of gambling.

### **7. Councillor PM Black asked the Cabinet Member for Enterprise, Development & Regeneration**

#### **Question**

In relation to Councillor Q7:-

Will the Cabinet Member please outline the timescale for the review of libraries?"

#### **Response of the Cabinet Member for Enterprise, Development & Regeneration**

The library review was first commissioned to produce a draft report by autumn of 2014, but was delayed due to changes within the Council, including within the team tasked with producing the report. We are comfortable that the body of information produced so far is a good starting point for the new team to consider in preparation of a draft report by end January 2015. This timeline will enable the findings to be part of a body of work on budget and service reduction proposals across the Council that will then go through a process of public consultation and Member assessment before any decisions are arrived at.