

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, Guildhall, Swansea on Tuesday, 3 March 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 - 11
To approve and sign as a correct record the minutes of the Ordinary meeting of Council held on 6 January 2015.
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 - Linden Church Trust and Swansea Hope.**
8. **Report of the Head of Economic Regeneration & Planning.**
8.a Planning Application No. 2014/1067 - Construction of 4 No. Retail Units, Cross Marble and Stone Ltd, Gorseinon Road, Gorseinon, Swansea. 12 - 33
9. **Report of the Cabinet Member for Transformation & Performance.**
9.a Membership of Committees. 34 - 35
10. **Report of the Cabinet Member for Finance and Strategy.**
10.a WLGA Peer Review and Action Plan. 36 - 74
11. **Report of the Section 151 Officer.**
11.a To Establish a Local Pension Board as Administering Authority. 75 - 89
12. **Joint Report of the Presiding Member, Monitoring Officer and Head of Democratic Services.**
12.a Amendments to the Council Constitution. 90 - 100
12.b Nomination of Lord Mayor Elect and Deputy Lord Mayor Elect 2015-2016. 101 - 110
13. **Report of the Chief Executive.**
13.a Appointment of Chief Education Officer. 111

- 14. Report of the Head of Democratic Services.**
14.a Appointment of Independent Members of Standards Committee. **112 - 113**
- 15. Report of the Head of Democratic Services and Monitoring Officer.**
15.a Community / Town Councils Standards Sub Committee Merger with Standards Committee. **114 - 117**
- 16. Councillors' Questions.** **118 - 122**
- 17. Report of the Chair of the Scrutiny Programme Committee.**
17.a Scrutiny Dispatches. **123 - 128**
- 18. For Information Reports. (Not For Discussion)**
18.a Written Responses to Questions asked at the Last Ordinary Meeting of Council. **129 - 130**



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

Thursday, 19 February 2015

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 COUNCIL CHAMBER, CIVIC CENTRE, SWANSEA. ON
TUESDAY, 6 JANUARY 2015 AT 5.00 PM

PRESENT: Councillor D W W Thomas (Presiding Member) Presided

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

154. **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors N S Bradley, J E Burtonshaw, A M Cook, W J F Davies, J W Jones, B G Owen, C Richards and C M R W D Thomas.

155. **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 C R Doyle, V M Evans and L V Walton declared a Personal Interest in Minute 162 "Local Transport Plan".
- 2) Councillors C L Philpott and T H Rees declared a Personal Interest in Minute 169 "Councillors Questions".

156. **MINUTES.**

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

- 1) Ordinary Meeting of Council held on 2 December 2014.

157. **ANNOUNCEMENTS OF THE PRESIDING MEMBER.**

1) Condolences

a) Alan Williams (Former Swansea West Member of Parliament)

The Presiding Member referred with sadness to the recent death of Alan Williams, former MP for Swansea West. Alan Williams served Swansea West from 1964 to 2010. Following the 2005 Parliamentary Election, Alan Williams became the MP with the longest continuous service in the House of Commons, earning him the title of 'Father of the House'.

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

2) Presentation of Lord Mayor's Ambassador Award for Bravery

The Presiding Member called upon the Lord Mayor to present the Lord Mayor's Ambassadors Award for bravery.

The Lord Mayor stated that it gave her great pleasure to present the Lord Mayor's Ambassadors Award for bravery to Ian Williams in recognition of his bravery shown in the face of adversity during the hostage situation at the Grape and Olive, Meridian Tower in August 2014.

3) New Year Honours

The Presiding Member congratulated the following citizens / people with association with the City and County of Swansea on their recent awards in the New Year Honours.

a) **Member of the Order of the British Empire (MBE)**

Stephen William Davies - Gorseinon, Swansea.

Volunteer Royal National Lifeboat Association (RNLI). For services to Maritime Safety.

Melvin Jehu - Aberdare.

Former Chief Superintendent for South Wales Police. Former Chair Cwm Taf Community Health Council. For services to Healthcare and to the community in South Wales.

b) **British Empire Medal (BEM)**

Roger Douglas Parmiter - Killay, Swansea.

Former Chair Friends of Oystermouth Castle, Swansea. For services to Heritage and to the community in Swansea.

c) **Queens Fire Service Medal (QFSM)**

Richard James Smith - Carmarthenshire.

Former Chief Fire Officer Mid and West Wales Fire and Rescue Service.

158. **ANNOUNCEMENTS OF THE LEADER OF THE COUNCIL.**

The Leader of the Council had no announcements.

159. **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) Lis Davies asked the Environment and Transportation Cabinet Member questions in relation to Minute 162 "Local Transport Plan".

"The purpose of the report is to adopt the Local Transport Plan (LTP). Page 64, Paragraph 3.1 states that the Local Transport Plan is largely an update of the current plan.

- a) *Is the new LTP in its entirety just an update of the current existing document?*
b) *If not, why have the new appendices and or the whole document been made available for public scrutiny?*

Page 65, Paragraph 4.0 "Consultation" states consultation was carried out in July and October 2014 and lists the names of 70 stakeholders who were sent copies of the draft plan, however, there is no mention in the report about Councillors input into the LTP.

- c) *Is the report correct where it records that only 4 out of 70 stakeholders responded?*
- d) *(Q) Have Members of the authority consulted on the LTP?*
- e) *Were Members issued with a copy of the draft LTP?*
- f) *Prior to the meeting tonight [06.01.2015] were Members issued with a copy of the updated LTP?*
- g) *If not, as a member of the public I would question any member of the authority who would vote blindly for a scheme they had not had sight of".*

The Environment and Transportation Cabinet Member stated that a written response would be provided.

160. **PUBLIC PRESENTATION - SWANSEA BAY REGIONAL EQUALITY COUNCIL.**

Taha Idris gave a presentation on the Swansea Bay Regional Equality Council.

He stated that the Swansea Bay Regional Equality Council (SBREC) was a voluntary organisation, and a registered charity primarily serving the areas of Swansea and Neath Port Talbot. The organisation has also gained the status of a Company Limited by Guarantee in 2010. SBREC has been around since 1983, firstly as the now erstwhile West Glamorgan Community Relations Council and then changing its name to Swansea Bay Racial Equality Council in 1995. Until recently SBREC's mandate was to look after issues concerned with racial discrimination. However, in 2010 the membership of the organisation decided that it was the right time and environment whereby the organisation should tackle all forms of discrimination.

Further information relating to the work of the Swansea Bay Regional Equality Council may be viewed at www.sbrec.org.uk

Councillor E T Kirchner gave thanks for the presentation.

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

The Enterprise, Development and Regeneration Cabinet Member submitted a report which 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".

He also stated that he wished to add the following 3 recommendations to the report:

- "8) *The Planning Committee be established on 12 January 2015.*

- 9) *The Planning Committee take over the diary slot of the Area 2 Development Control Committee. Its first meeting will therefore be on Tuesday, 20 January 2015.*
- 10) *The Chair of the Planning Committee be added to the list of those eligible to receive a Senior Salary”.*

Councillor P M Black proposed an amendment which sought to defer the report in order to allow further discussion. Councillor C A Holley seconded the amendment.

On being put the amendment was lost. Despite this the Enterprise, Development and Regeneration Cabinet Member gave an assurance that the detail of the report would be reviewed over time.

RESOLVED that:

- 1) The current Area 1 and Area 2 Development Control Committee's and the Development Management and 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) 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 Appendix B of the report and that consequential amendments to the Council Constitution be carried out;
- 6) The content of the consultation response set out in Appendix C of the report 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;
- 8) The Planning Committee be established on 12 January 2015;
- 9) The Planning Committee take over the diary slot of the Area 2 Development Control Committee. Its first meeting will therefore be on Tuesday, 20 January 2015;
- 10) The Chair of the Planning Committee be added to the list of those eligible to receive a Senior Salary.

162. **LOCAL TRANSPORT PLAN.**

The Environment and Transportation Cabinet Member submitted a report which sought that the Local Transport Plan be adopted as the statutory policy and submitted to the Welsh Government by the deadline of 31 January 2015.

RESOLVED that the report be deferred in order to allow the Local Transport Plan 2015-2020 to be fully circulated and considered.

163. **ADOPTION OF COUNCIL TAX REDUCTION SCHEME.**

The Section 151 Officer submitted a report which sought 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. Additionally, it sought to adopt the Scheme as set out in Section 3 of the report from 2015-2016.

RESOLVED that:

- 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;
- 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;
- 3) The outcome of the consultation exercise undertaken by the Council on the discretionary areas of the scheme be noted;
- 4) The Council adopt the scheme as set out in Section 3 of the report and that any amendments to the Regulations made by NAfW be reflected in the scheme.

164. **MEMBERSHIP OF COMMITTEES.**

The Transformation and Performance Cabinet Member submitted a report which sought Council approval to nominations / amendments to Council Bodies.

He referred to the report stating that the Leader of the Council had not made any changes to the Authority's Outside Bodies.

The Political Groups to submit names for the Planning Committee to the Head of Democratic Services.

RESOLVED that the Political Groups submit nominations for the Planning Committee to the Head of Democratic Services.

165. **AMENDMENTS TO THE CONSTITUTION.**

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 2, Article 15 "Review and Revision of the Constitution";
- 2) Part 3, Scheme of Delegation "Local Choice Functions";
- 3) Part 4, "Land Transaction Procedure Rules".

Additionally, the report sought to rename the People and Place Cabinet Advisory Committees.

RESOLVED that:

- 1) The changes to the Council Constitution as outlined in the report in relation to the following be adopted:
 - a) Part 2, Article 15 "Review and Revision of the Constitution";
 - b) Part 3, Scheme of Delegation "Local Choice Functions";
- 2) The changes to the Council Constitution as outlined in the report in relation to Part 4, "Land Transaction Procedure Rules" be adopted subject to the following amendment:

Delete the word "or" at the end of Paragraph 4.6 b) and Replace it with the word "and". Paragraph 4.6 will now read:

"4.6 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;
and*
 - c) In all the circumstances, it is prudent and appropriate to sell by private treaty (taking into account all considerations including State Aid).*
- 3) The People Cabinet Advisory Committee be renamed as the Communities Cabinet Advisory Committee;
 - 4) The Place Cabinet Advisory Committee be renamed as the Services Cabinet Advisory Committee.

166. **ELECTION OF CHAIR OF THE DEMOCRATIC SERVICES COMMITTEE FOR THE REMAINDER OF THE 2014-2015 MUNICIPAL YEAR.**

The Head of Democratic Services stated that Councillor M H Jones had resigned as Chair of the Democratic Services Committee on 8 December 2014.

He referred to the Local Government (Wales) Measure 2011 which states that the Council must appoint the Chair of the Democratic Services Committee and that the Chair must be an Opposition Councillor.

The Presiding Member thanked Councillor M H Jones for her service as Chair of the Committee.

RESOLVED that Councillor P M Meara be appointed Chair of the Democratic Services Committee.

167. **URGENT ITEM**

The Presiding Member stated that pursuant to paragraph 100B(4)(b) of the Local Government Act 1972, he considered that the report of the Monitoring Officer "Interim Designation of the Statutory Chief Education Officer" should be considered at this meeting as a matter of urgency.

168. **INTERIM DESIGNATION OF THE STATUTORY CHIEF EDUCATION OFFICER**

Reason for Urgency - To ensure that the Council complies with Statute (Section 532 of the Education Act 1996) to have a designated Chief Education Officer.

The Monitoring Officer submitted a report which sought to designate the Director of People as the Statutory Chief Education Officer on an interim basis until the new Chief Education Officer commences their employment in the post.

RESOLVED that the Director of People be designated as the Council's Chief Education Officer on an interim basis until the new Chief Education Officer commences their employment in the post.

169. **COUNCILLORS' QUESTIONS.**

1) **Part A 'Supplementary Questions'**

Five (5) 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 1. Councillor P R Hood-Williams asked the following supplementary question(s):

“Can a list of all Council Chargeable Services be circulated?”

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

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

170. **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.

The meeting ended at 7.37 pm

CHAIR

Agenda Item 8.a

Report of the Director of Head of Economic Regeneration & Planning

Council – 3 March 2015

PLANNING APPLICATION REF 2014/1067

CONSTRUCTION OF 4 No. RETAIL UNITS

CROSS MARBLE AND STONE LTD, GORSEINON ROAD,
GORSEINON, SWANSEA

Purpose:	To determine the planning application for 4 No. Retail Units.
Policy Framework:	National and Local Planning Policies.
Reason for Decision:	Statutory responsibility of the Local Planning Authority.
Consultation:	Statutory consultations in accordance with planning regulations as set out in the planning application report contained in Appendix A.
Recommendation(s):	(i) It is recommended that planning permission be refused for the reasons set out in the report. (ii) Should Members resolve to approve planning permission as recommended at Planning Committee on the 20 th January 2015 contrary to my recommendation that it be approved subject to the conditions as detailed at Appendix B
Report Author:	Ryan Thomas.
Finance Officer:	<i>Not applicable.</i>
Legal Officer:	Jonathan Wills.
Access to Services Officer:	<i>Not applicable.</i>

1. Introduction

1.1 This application was reported to Planning Committee on the 20th January 2015 with the recommendation that planning permission be refused on grounds of principle as the proposal would result in the establishment of a significant retail development within a primary industrial area, outside of the designated Gorseinon District Shopping Centre and have a detrimental impact upon the vitality and viability of this centre contrary to establish Development Plan Policy.

1.2 It is also considered that the approval of this application and formation of this retail development within the Garngoch Industrial Estate would

establish an undesirable precedent for the consideration of applications of a similar nature, the cumulative effect of which would result in the sporadic development of unjustified retail units outside the district shopping centres which would undermine the future vitality and attractiveness of those centres and the City Centre.

- 1.3 Members did not accept my recommendation but resolved that the application be referred to Council with a recommendation that it be approved on grounds that it would result in the redevelopment of an unsightly brown field site and that it would not have a detrimental impact upon the Gorseinon District Shopping Centre.
- 1.4 A plan showing the location of the application site and a copy of my report to Planning Committee on the 20th January 2015 is attached as Appendix A.

2. Relevant Planning History

- 2.1 Planning application Ref. 2011/0092, for a similar 4 unit retail development on this site, was refused planning permission by Area 2 Committee in August 2013 for the following reasons:

01 The proposed development would result in the establishment of a significant retail development within a primarily industrial area outside of the established Gorseinon District Shopping Centre and would be contrary to Strategic Policy SP6 and Policies EC4 and EC9 of the City and County of Swansea Unitary Development Plan 2008 which aim to improve and strengthen the role of this established District Shopping Centre.

02 The approval and formation of this retail development within the Garngoch Industrial Estate would establish an undesirable precedent for the consideration of applications for development of a similar nature, the cumulative effect of which would result in the sporadic development of retail units outside the district shopping centres, for which there is no proven local need and which would undermine the future vitality and attractiveness of those centres contrary to the aims of Policies SP6, EC4 and EC9 of the Swansea Unitary Development Plan 2008.

- 2.2 It is not considered that there has been a material change in circumstances since this decision was made.
- 2.3 Of particular relevance in this respect is a recent appeal decision dated 17th February 2015 (Ref. APP/B6855/C/14/2226149 & APP/B6855/A/14/2224206) relating to the retention of a hairdressing salon (Class A1) comprising some 120 m² floorspace at the Kingsbridge Centre, Swansea Road, Gorseinon.
- 2.4 This particular appeal site is situated within a part of the Kingsbridge Centre, which comprises a range of commercial workshops, offices and car showrooms. It lies within the settlement limits of Gorseinon and some 900 metres south of its district shopping centre as defined in the City and County of Swansea adopted Unitary Development Plan (UDP).

- 2.5 In dismissing the appeal and upholding the enforcement notice the Inspector concluded that there were sequentially preferable sites available within the Gorseinon District Centre and that there is no justification for allowing this out of centre A1 retail use which would have a harmful effect on the vitality and viability of this District Centre. In addition the Inspector concluded that the retention of this use would reduce industrial and commercial site availability for other economic activities which would not accord with relevant UDP policies EC3, EC4, EC6 and EC9 or with the objectives of national planning policy advice.

3. Background

- 3.1 Full planning permission is sought for the erection of four attached retail units (approx.. 1263 m² of retail floorspace) on the site formerly occupied by Cross Marble and Stone Ltd. located on the northern side of Gorseinon Road some 550-600m outside the Gorseinon Shopping Centre and within the Gorseinon Road/Garngoch Industrial Estate employment area.
- 3.2 The application site has now been cleared, however, in land use terms the building which occupied the site amounted to a retail warehouse of some 1275m² of floorspace i.e. a large single storey retail outlet, normally of 10,000 sq.ft (930m²) gross or more, specialising in the sale of bulky household goods (furniture, carpets and electrical goods) and offering free adjacent ground level car parking. The current proposal, however, seeks planning permission for an A1 retail use without restriction to the type or range of goods to be sold.

4. Main Issues

- 4.1 The main issue to consider in this instance relates to the acceptability of an unrestricted A1 retail use at this out of town location having regard to prevailing Development Plan Policies which seek to maintain and strengthen the established shopping structure in the area and consolidate the convenience goods shopping destination at Gorseinon District Centre.
- 4.2 In this respect one of Welsh Government's objectives for retailing and town centres is to promote town, district, local and village centres as the most appropriate locations for retailing. Planning Policy Wales provides that when determining an application for retail use Local Planning Authorities should take into account, amongst other things; the need for the development, the sequential approach to site selection and the impact upon existing centres. The sequential approach means that the first preference should be for town centre locations followed by edge-of-centre, then district and local centres and, then only, out-of-centre sites accessible by a choice of means of transport. The onus of proof that options have been assessed using the sequential approach rests with the developer.
- 4.3 Strategic Policy SP6 of Part 1 of the Swansea Unitary Development Plan (UDP) provides that new retail development that is best located within the City Centre, District or Local Centres will not generally be supported

at out-of-town centre sites. Additional edge of centre shopping should be restricted to that which would not prejudice established shopping centres. Policies EC4 and EC9 of the UDP Part 2 presume against the establishment or expansion of retail outlets outside defined shopping centres, thereby supporting the aim of improving and strengthening the role of established centres which is supported by recent National Guidance.

- 4.4 What's more the Council's Adopted Supplementary Planning Guidance entitled 'District Centres, Local Centres and Community Facilities (October 2010)' (SPG) specifically states in respect of Garngoch Industrial Estate that the "further proliferation of unrestricted retailing at this out-of-centre Industrial Estate could pose a threat to the future vitality and viability of Gorseinon District Centre."
- 4.5 In addition the Council recently commissioned and published a 'Strategic Review of Retail Policy' and a "Review of Retail Capacity, Investment Potential and Strategy for the City and County of Swansea' (October 2013) which concluded that any further proliferation of unrestricted A1 retail space at out of centre and edge of centre retail locations should be resisted. In addition Gorseinon is specifically identified as a District Centre with the highest vacancy rates, along with Morriston, and in need of significant investment particularly in terms of its public realm/shop facades.
- 4.6 The proposal is clearly contrary to UDP Policies EC4 and EC9 and the provisions of the above SPG as it would result in the introduction of four unrestricted retail units in an out of centre location which should more appropriately be located within a town centre. As such the proposal would not contribute to the aims of either National Guidance or established Development Plan Policy which seek to support and improve existing shopping centres.
- 4.7 The application site is located within an industrial estate outside the defined residential settlement limits of Gorseinon and Penllergaer and is likely to cater primarily for car-borne shoppers. In this respect it is a policy requirement that the applicant submit evidence demonstrating that a sequential test for retail development has been satisfied. In this respect Government planning policy guidance recommends that a sequential approach should be followed when considering out-of-centre retail development, to demonstrate that firstly there are no central locations and secondly edge-of-centre sites which are preferable, being more suitable, viable and available than the proposed out-of-centre site.
- 4.8 In this instance there is considered to be a sequentially preferable location to the application site, that being the Somerfield Store site which is located within the limits of Gorseinon District Centre. This appears to have been disregarded in the applicant's Retail Impact Report (July 2014) on grounds that the proposed out of centre scheme would charge lower rents and that no refurbishment scheme has come forward for the building. These reasons are not considered sufficient to consider this option unviable. Furthermore, there is concern that the proposals are part of a wider plan to form a de facto centre which would be achieved by consolidating the existing arrangement of retail units which would

ultimately be harmful to the nearby District Centre. The assertion that this would be complimentary to the District Centre cannot, it is considered, be substantiated, particularly given the open A1 consent being sought.

- 4.8 The Town and Country Planning Act (as amended) requires that applications should be determined in accordance with development plan policy unless there are material considerations, which outweigh that policy. The proposed new retail units may provide a visual enhancement to the area and the site has an established use as a retail warehouse, however, it is not considered that this justifies departing from the adopted retail policies aimed at retaining and consolidating the established shopping structure of the area.
- 4.9 The Authority has other powers to deal with the condition of a site which adversely affects the amenity of an area and to accept such an argument in such circumstances and approve the application would establish an undesirable precedent for the consideration of similar applications for retail development, particularly within the Garngoch Industrial Estate which would further undermine the vitality, attractiveness and viability of the nearby existing shopping centre. More favorable consideration would be given to the development of the site for a retail warehouse development restricted to the sale of bulky household goods/DIY which could complement and would not compete directly with the range of convenience and comparison goods available in the nearby Gorseinon District Centre.
- 4.10 Refusal is recommended, therefore, on the grounds that the proposal conflicts with established policies aimed at strengthening the role of the Gorseinon District Shopping Centre.

5. Financial Implications

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

6. Legal Implications

- 6.1 There are no legal implications associated with this report.

7.1 Recommendation

- 8.1 It is recommended that:

- I. the application is refused for the following reasons:

- 01 The proposed development would result in the establishment of a significant retail development within a primarily industrial area outside of the established Gorseinon District Shopping Centre and would be contrary to Strategic Policy SP6 and Policies EC4 and EC9 of the City and County of Swansea Unitary Development Plan 2008 and the Council's Adopted Supplementary Planning Guidance entitled 'District Centres, Local Centres and Community Facilities (October 2010)' which aim to improve and strengthen the role of this established District Shopping Centre.

02 The approval of this application and formation of this retail development within the Garngoch Industrial Estate would establish an undesirable precedent for the consideration of applications for development of a similar nature, the cumulative effect of which would result in the sporadic development of retail units outside the district shopping centres, for which there is no proven local need and which would undermine the future vitality, viability and attractiveness of those centres contrary to the aims of Policies SP6, EC3, EC4 and EC9 of the Swansea Unitary Development Plan 2008 and the Council's Adopted Supplementary Planning Guidance entitled 'District Centres, Local Centres and Community Facilities (October 2010)'.

II. should Members resolve to approve planning permission contrary to my recommendation that it be approved subject to the conditions as detailed at Appendix B.

Background Papers:

Local Government Act 1972 (Section 100) (As Amended)

The following documents were used in the preparation of this report:
Application file, together with the files and documents referred to in the background information section of the appended Development Control committee report.

'Review of Retail Capacity, Investment Potential and 'Strategy for the City and County of Swansea' (October 2013) –

<http://www.swansea.gov.uk/article/5183/Strategic-retail-assessment>

'Strategic Review of Retail Policy'(October 2013) –

<http://www.swansea.gov.uk/article/5183/Strategic-retail-assessment>

Appeal Decision Notice Planning Application Ref. Ref 2014/0692, Enforcement Ref. ENF14/0005, Appeal Ref. APP/B6855/C/14/2226149 & APP/B6855/A/14/2224206 - <http://www.swansea.gov.uk/planningsearch>

Appendices:

Appendix A – Location Plan & Committee Report

Appendix B – Conditions

ITEM 9

APPLICATION NO.

2014/1067

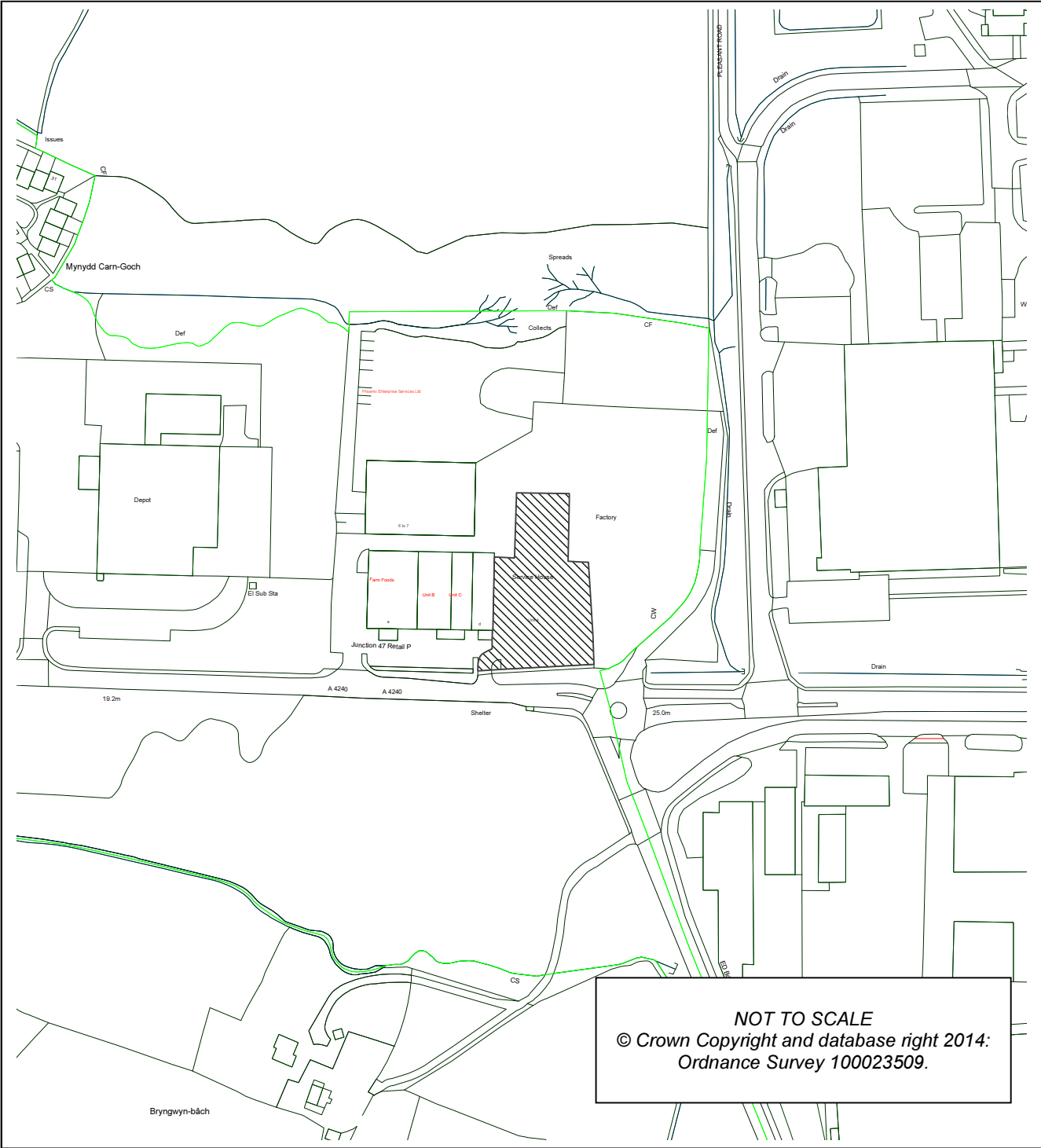
WARD:

Gorseinon

Location: Cross Marble and Stone Ltd, Gorseinon Road, Gorseinon, Swansea, SA4 9GE

Proposal: Construction of 4.No retail units

Applicant: Mr David Jeffreys



BACKGROUND INFORMATION**POLICIES**

Policy	Policy Description
Policy EV33	Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)
Policy EV34	Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)
Policy EV35	Development that would have an adverse impact on the water environment due to: <ul style="list-style-type: none"> i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or, ii) A reduction in the quality of surface water run-off. Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EC4	All new retail development will be assessed against need and other specific criteria. (City & County of Swansea Unitary Development Plan 2008)
Policy EC8	The development of new retail warehouses will be directed to suitable locations firstly within and then on the edge of existing centres. Where such sites are not available, suitable locations at established retail parks will be considered. (City & County of Swansea Unitary Development Plan 2008)
Policy EC9	Retail development at out of centre locations will be restricted. (City & County of Swansea Unitary Development Plan 2008)
Policy AS1	Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008)

Policy AS2	Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS5	Accessibility - Assessment of pedestrian and cyclist access in new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App No.	Proposal
2011/0092	Construction of 4.No retail units Decision: Refuse Decision Date: 01/08/2013
2009/0282	One double sided non-illuminated free standing retail park sign Decision: Refuse Advertisement Consent Decision Date: 31/03/2009
2003/2327	Erection of three attached retail units Decision: Grant Permission Conditional Decision Date: 29/04/2004

RESPONSE TO CONSULTATIONS

Swansea Access for Everyone – There are 27 parking places shown but none for disabled (Blue Badge) use. Parking guidelines require 6% for disabled use. In this case 2 bays suitably marked should be provided.

Council's **Pollution Control** section – No comments

Welsh Water – This proposed development is located in an area which has the potential to discharge into national and international designated waters. The Loughor Estuary forms part of the Carmarthen Bay & Estuaries European Marine Site which is the collective name for three European 'Natura 2000' designated areas, namely Carmarthen Bay & Estuaries Special Area of Conservation, Carmarthen Bay Special Protection Area and Burry Inlet Special Protection Area.

A key fundamental issue associated with any proposed development(s) located on both the Carmarthenshire and Swansea side of the Estuary is the potential impact that any revised or additional water discharges, either foul or surface water, will have on the local drainage systems and ultimately the designated waters. Dwr Cymru Welsh Water is contributing towards improving the water quality in the Estuary by undertaking key infrastructure improvements at its Northumberland Avenue and Llanant Waste Water Treatment Works which are designed to improve arrangements for dealing with surface water, provide ultra violet treatment and phosphate removal.

Equally developers too, can also play a significant part in mitigation measures by incorporating sustainable drainage facilities within their proposals. It is essential therefore, that as a pre-requisite of any development being considered for approval that such matters are effectively controlled through planning conditions.

Therefore, we seek your Authority's co-operation in imposing the following condition to any grant of planning.

1) No development shall take place until full details of a scheme for the foul and surface water sewerage disposal (incorporating sustainable drainage principles) of the whole site has been submitted to and approved in writing by the local planning authority and thereafter implemented in accordance with the approved details. Surface water shall not be connected to the foul sewerage system.

Reason: To ensure the integrity of the public sewerage system [and designated waters] is protected through the implementation of sustainable practices.

Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

No net increase of surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

NRW – We would have no objection to the proposal, but would like to make the following comments.

Flood Risk

The site is located within Zone A, as defined by the Development Advice Maps referred to under TAN 15 Development and Flood Risk (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be outside of the flood zones.

The proposal is for four retail units which can be classed as less vulnerable development according to TAN15.

Surface Water Discharge

It is proposed to discharge surface water to the main sewers. Whilst we acknowledge that this is an existing connection we would advise that where possible, sustainable urban drainage systems are implemented. We would be in favour of the proposal to install rainwater harvesting on site as shown on the Existing / Proposed Drainage plan, however we would also like to see other SUDs options explored and implemented where possible.

Foul Water Drainage

As your Authority is aware, since 2007, issues have come to light regarding the foul and surface water drainage networks in this area. This has resulted in additional pollution and nutrient loading spilling to the Burry Inlet (Carmarthen Bay and Estuaries) SAC. As such, a Memorandum of Understanding (MOU) has been prepared to enable development in this area to go forward.

Protection of the water environment is a material planning consideration and your Authority must be satisfied that the proposed method of foul and surface water drainage from the proposal will not cause any detriment to water quality.

We would recommend that your Authority consult with Dwr Cymru/Welsh Water to ensure hydraulic capacity exists at the treatment works to accommodate the flows from this development, without causing pollution. We would also remind your Authority that to accord with the terms and content of the agreed MOU, foul connections should only be allowed when compensatory surface water removal or a suitable improvement scheme has been implemented within the same catchment.

The recently agreed revised MOU suggests a ratio of 2:1 is appropriate for small developments such as this. That is, for every 2 parts surface water removed from the system, 1 part foul could connect.

The agreed relevant details must be recorded on your Authority's register of compensatory surface water disposal.

In addition to capacity and hydraulic overload issues, the Burry Inlet is understood to be sensitive to nutrient enrichment, notably to Phosphorus – a constituent of sewage-related discharges. Consequently, in addition to the Habitats Regulations considerations in respect of Phosphorus, the UK has an obligation under the Water Framework Directive to protect sensitive water bodies from deterioration. We would therefore recommend that a corresponding amount of Phosphorus is removed at the WWTW to that expected to be produced by this development at the time of completion. This would prevent further deterioration in levels of Phosphorus in the Burry Inlet.

It is imperative that no surface water is allowed to enter the sewerage infrastructure. This is in order to avoid hydraulic overloading of the sewerage system.

Contaminated Land

We note that this is a brownfield site. Therefore, we advise that your Authority may wish to consider the following condition.

Condition: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

In addition to the above, we would ask that the attached planning advice note is provided to the applicant/developer. This provides further information and advice on matters such as SUDS, pollution prevention and waste management.

Gorseinon Town Council – No objection, however, Councillors did discuss and raise concern regarding the additional vehicular access point onto the main Gorseinon road in close proximity to the mini roundabout.

Council's Planning Department's Policy section – It is noted that this application follows a history of refusal for retail development at the site.

The application site has no formal designation in the UDP (i.e. white land) and forms part of the urban area at Garngoch Industrial Estate, Gorseinon. The site is approx. 600-700m to the east of Gorseinon District Centre.

As per previous proposals for the site, the proposed development would give rise to an A1 retail use without restriction to type or range of goods. Preventing retail development that is likely to have an unacceptable adverse impact on established shopping centres is a key objective of planning policy at both local and national level. Maintaining the health of designated centres across the County is an important means of sustaining communities, supporting existing essential services, co-locating commercial land uses and focussing economic investment within identified retail/commercial hubs. The application site does not lie within any established shopping centre and the abovementioned UDP policies and national guidance make clear that significant new retail proposals in such locations will only be supported if it can be demonstrated that:

- a) there is an identified need (quantitative/qualitative) for the size of store proposed
- b) no suitable sequentially preferable sites exist
- c) there would be no detrimental impact on established centres and stores, and
- d) it is a highly accessible site and can realistically be reached by a choice of means of transport

In respect of the sequential test, the applicant suggests no preferable sites exist within the nearest district centre at Gorseinon. The City Centre is not discussed. The applicant's Assessment of Retail Impact, dated July 2014, seems to suggest that their sequential test is based on units for 'retail warehouse type' operators (para 9.5). The application is not, however, for a defined range of retail goods and as such I would suggest this is an inappropriately narrow focus, particularly given other references in the report to convenience retailing in one or more of the units. Potential operators of the proposed units could in my view locate within the vacant space in the former Somerfield store within the District Centre. This option appears to have been disregarded in the retail impact report (see para 9.4) for the reasons that the proposed out of centre scheme would charge lower rents and that no refurbishment scheme has yet come forward for the building. These reasons are not sufficient in my view to consider this option as unviable, particularly given the relatively short period of time that has elapsed post global economic downturn. Furthermore, a clear and consistent approach by the LPA to resist inappropriate out of centre retail proposals will make clear to the market that investment must be prioritised towards redevelopment of existing in-centre retail space.

Development plan policies and national guidance are clear in their requirement to safeguard against adverse impacts to town centre vitality and viability that could arise from out of centre development. It's in this context that new retail proposals not within existing centres must, as a starting point, demonstrate a need for the scale of provision that is proposed and fully appraise potential impact that could arise. There are a range of potential impacts of the proposed scheme; however measuring this impact is not straightforward in view of the open consent being sought. Impact will clearly vary depending on whether the operation is ultimately for convenience goods, bulky goods, everyday comparison items, etc.

The reference in the applicant's impact report at Para 9.6 to the proposal further consolidating the existing arrangement of retail units to form a de facto centre clearly illustrates why the proposal is of concern for the nearby district centre. The potential is for a rival retail destination to become established for operators that would otherwise co locate within the district centre, thereby ultimately leading to trade draw. The assertion that this would be complementary to the district centre cannot be substantiated, particularly given the open A1 consent being sought.

In terms of quantifying the potential trade draw, the applicant's Assessment of Retail Impact, dated July 2014 sets out a proposed methodology. Whilst I'm unable to provide a technical audit of the robustness of the proposed methodology and the figures used on aspects such as expenditure profiles (retail consultants can advise further on this if required), the use of proposed LDP allocation figures is unlikely to be considered best practice by the industry. The LDP is not adopted and moreover no allocations have yet been formally proposed. There is no certainty as to what the final proposals will be in the LDP, and in any event a number of the proposed growth areas will be developed with supporting uses such as retail provision.

My view is that the impact of the development upon Gorseinon District Centre would be potentially significant by means of consolidating the retail offer at an out of centre location, and the scheme could undermine ongoing efforts to maintain the health of the nearby district centre.

The Head of Engineering and Transportation will provide detailed comments on the highway implications of the scheme and accessibility matters. The requirements of UDP Policies AS1-2 and AS5-6 must be met as a minimum however and I consider it significant that the site is less accessible by a range of travel modes than the highly accessible Gorseinon District Centre and City Centre. Whilst the D&A statement suggests 'the application site can be easily accessed by public transport', there is no information on public transport services provided and a high level appraisal indicates the site is significantly less well connected to surrounding communities than sites within the designated district centre.

In summary, the proposed out-of-centre retail floor space has not been justified in terms of need and is not shown as the most sequentially preferable or accessible site available for investment. UDP Policies EC8 and EC9 state that bulky goods retailing at out of centre locations may be appropriate where they do not impact on existing centres and no alternative sites exist within defined retail destinations. However, the application allows for unrestricted retail sales (not just bulky goods) at an industrial park location that would cater predominantly for car-borne shoppers.

The applicant has not in my view provided convincing evidence that the proposal would not impact upon the vitality and viability of Gorseinon district centre. It is therefore in conflict with abovementioned national guidance and UDP policies and supporting guidance.

Council's Head of Transportation and Engineering –

This is a resubmission of the previously refused scheme. I reiterate my highway comments as they are still applicable.

1 Background

1.1 The original submission of this proposal did not include sufficient detail to enable proper consideration of the development impact and therefore refusal was recommended. Subsequently, additional information has been submitted which assesses the traffic impact of the proposal.

2 Development Proposal

2.1 The proposal is for 4 retail units of 310 sq m each. These are to be constructed on the site of the former Cross Marble and Stone premises next to the mini roundabout at the junction of Hospital Road with Gorseinon Road.

2.2 The site currently has 3 points of established access, one near the adjacent retail units, one at the mini roundabout which has been blocked off and the third access is shared with the next door property (Gymnasium) and provides rear access.

2.3 It is proposed to permanently remove the access which is presently blocked off as this emerges at the roundabout between the two road junctions and therefore its removal will be a safety enhancement. Customer access will be gained from the existing access which is approximately 90m from the roundabout and service and staff access will be on the shared access serving the Gymnasium leading to the rear of the site.

2.4 On site parking is to be provided for customers at the front (25 spaces) and staff parking at the rear (6 spaces). These figures accord with recommendations in adopted parking guidelines.

2.5 That part of Gorseinon Road fronting the site is to be widened in order to accommodate a right turn lane at the access point. This will ensure that traffic waiting to turn right into the site does not prohibit those wishing to travel onwards to Gorseinon. It will be necessary to install yellow box markings to ensure that any traffic queuing at the roundabout does not block the access. Visibility at the access point is good with clear views in both directions, with the access point being approximately 90m from the mini roundabout. Safe access and egress is therefore possible.

3 Traffic Generation

- 3.1 Assessment of the peak hour traffic generation estimates that on a week-day pm peak between 1700 hrs and 1800 hrs, the development will generate 16 vehicle movements and for a Saturday peak between 1300 hrs and 1400 hrs, 92 vehicle movements will be generated. The Saturday traffic rises slightly to 107 movements after the peak period and therefore the higher figure has been used in the assessment for robustness.
- 3.2 Traffic modelling of the mini roundabout indicates that there will be a reduction in its efficiency, however the roundabout will continue to operate within its theoretical capacity.

4 Conclusions

- 4.1 The site has generated traffic movements in the past and this proposal will see a redevelopment of the site to rationalise access movements by removing one access point and potentially increasing safety. The level of traffic likely to be attracted can be accommodated on the adjacent highway and adequate parking will be available within the site.

5 Recommendation

- 5.1 I recommend no highway objection subject to the following;
- i. Prior to the commencement of development, the road fronting the site shall be widened and a right turn lane installed in accordance with detailed engineering details to be submitted and approved.
 - ii. Parking bays shall be laid out in accordance with adopted guidelines to width of 2.6m.
 - iii. The site shall not be brought into beneficial use until all access and on site parking has been completed and laid out in accordance with approved plans.

Note 1: The highway works fronting the site will be subject to an agreement under Section 278 of the Highways Act 1980.

Note 2: The Developer must contact the Team Leader - Highways Management, City and County of Swansea (Highways), Penllergaer Offices c/o Civic Centre, Swansea, SA1 3SN (Tel 01792 636091) before carrying out any work.

Health and Safety Executive – The development location is within the Consultation Distance of the Notified Hazardous Installation of 3M's. However HSE does not advise on safety grounds against the granting of planning permission in this case.

Council's Drainage section – As DCWW have recommended appropriate conditions to ensure that an appropriate drainage scheme is submitted to ensure the protection of the site, any surrounding third parties and their system we would use their view in this case.

Assuming DCWW accept a connection which their reply suggests they might, all we would check would be storage/attenuation volumes/performance in the SW network for the relevant critical design storm.

APPRAISAL

This application is reported to Committee for decision at the request of Councillor David Lewis so that the impact on Gorseinon CBD can be fully assessed and debated as well as the overall impact to the highway.

Full planning permission is sought for the erection of four attached retail units on the site formerly occupied by Cross Marble and Stone Ltd. on the northern side of Gorseinon Road within the Garngoch Industrial Estate. The site is located some 550-600m outside the Gorseinon Shopping Centre within the Gorseinon Road/Garngoch Industrial Estate employment area. The use of the former building is defined as a retail warehouse i.e. a large single storey retail outlet, normally of 10,000 sq.ft (930m²) gross or more, specialising in the sale of bulky household goods (furniture, carpets and electrical goods) and offering free adjacent ground level car parking. The application was advertised in the press as it is classed as a major development and a departure from the Development Plan.

The site lies within an established industrial area bisected by the A4240 which is a busy arterial route linking the urban areas of Gorseinon and Penllergaer and leading to Junction 47 of the M4. Neighbouring outlets bordering the site include a parade of three retail outlets including Farm Foods, Pound Stretcher and The Pet Hut constructed under planning permission reference (2003/2327 dated 6th May 2004), now known as J47 Retail Park.

The previous retail warehouse amounting to some 1275m² of floorspace has already been demolished and the proposal seeks permission for the construction of four smaller attached units amounting to 1263m² of retail floorspace, on roughly the same footprint as the previous building.

The units are similar in design to the three existing neighbouring units, being single storey and sub-divided internally creating four separate retail units with the floorspace distributed fairly evenly. The front (south) elevation would feature four separate entrance canopies with provision above each canopy for high level signage. The overall scale, siting, design and external appearance of the proposed building is considered visually acceptable and is considered to relate satisfactorily to the surrounding area.

The Head of Transportation and Engineering has stated that the site has generated traffic movements in the past and this proposal will see a redevelopment of the site. The proposal will also to rationalize access movements by removing one access point and potentially increasing safety. The level of traffic likely to be generated by the proposal can be accommodated within the adjacent highway and local highway network and adequate parking will be available within the site. Therefore, no objections are raised subject to conditions and advisory notes.

Further issues to be considered concern the suitability of this site for the proposed retail uses, having regard to prevailing Development Plan Policies. These are directed towards maintaining and strengthening the established shopping structure in the area, and consolidating the convenience goods shopping centre at Gorseinon District Centre, whilst allowing consideration of small scale shopping development where necessary to meet local community needs. Retail developments on established industrial land are generally resisted, with specific exceptions where other development plan objectives are not prejudiced.

One of the Assembly Government's objectives for retailing and town centres is to promote town, district, local and village centres as the most appropriate locations for retailing. Planning Policy Wales states that when determining an application for retail use Local Planning Authorities should take into account, amongst other things; the need for the development, the sequential approach to site selection and the impact upon existing centres. The sequential approach means that the first preference should be for town centre locations followed by edge-of-centre, then district and local centres and, then only, out-of-centre sites accessible by a choice of means of transport. The onus of proof that options have been assessed using the sequential approach rests with the developer.

Strategic Policy SP6 of Part 1 of the Swansea Unitary Development Plan states that new retail development that is best located within the City Centre, District or Local Centres will not generally be supported at out-of-town centre sites. Additional edge of centre shopping should be restricted to that which would not prejudice established shopping centres. Policies EC4 and EC9 of the Swansea Unitary Development Plan Part 2 presume against the establishment or expansion of retail outlets outside defined shopping centres, thereby supporting the aim of improving and strengthening the role of established centres which is supported by recent National Guidance. The proposal is clearly contrary to Policies EC4 and EC9 as it would result in the introduction of four retail units in an out of centre location which would be best located within a town centre and as such the proposal would not contribute to the aims of either National Guidance or established Development Plan Policy which seek to support and improve existing shopping centres.

The application site is located in an industrial estate outside the defined residential settlement limits of Gorseinon and Penllergaer and is likely to cater primarily for car-borne shoppers. In respect of this out-of-centre location, it is necessary to submit evidence demonstrating that a sequential test for retail development has been applied. Government planning policy guidance recommends that a sequential approach should be followed when considering out-of-centre retail development, to demonstrate that firstly there are no central locations and secondly edge-of-centre sites which are preferable, being more suitable viable and available than the proposed out-of-centre site.

There is considered to be a sequentially preferable location to the application site being the Somerfield Store site which is located within the District Centre. This appears to have been disregarded in The Retail Impact Report (July 2014) for the reasons that the proposed out of centre scheme would charge lower rents and that no refurbishment scheme has come forward for the building. These reasons are not considered sufficient to consider this option unviable. Furthermore, there is concern that the proposals are part of a wider plan to form a de facto centre which would be achieved by consolidating the existing arrangement of retail units which would ultimately be harmful to the nearby district centre. The assertion that this would be complimentary to the district centre cannot be substantiated, particularly given the open A1 consent being sought.

The Town and Country Planning Act (as amended) requires that applications should be determined in accordance with development plan policy unless there are material considerations, which outweigh that policy. The proposed new retail units would provide a visual enhancement to the area and the site has an established use as a retail warehouse. However, it is not considered that this justifies departing from the adopted retail policies aimed at retaining and consolidating the established shopping structure of the area. Moreover to approve the application would establish an undesirable precedent for the consideration of similar applications for retail development, particularly within the Garngoch Industrial Estate which would undermine the vitality, attractiveness and viability of the nearby existing shopping centre. A more favorable consideration would be given to the development of the site for a retail warehouse development restricted to the sale of bulky household goods/DIY which would not compete directly with the range of convenience and comparison goods available in the nearby Gorseinon District Shopping Centre. Refusal is recommended therefore on the grounds that the proposal conflicts with established policies aimed at strengthening the role of the Gorseinon District Shopping Centre.

The previous reasons for refusal in relation to the 2011/0092 application are considered to still stand. The proposed development is still considered to result in the establishment of a significant retail development within a primarily industrial area, outside of the Gorseinon District Shopping Centre. The approval and formation of this retail development would establish an undesirable precedent for the consideration of applications of a similar nature, the cumulative effect of which would result in the sporadic development of retail units outside the centre, for which there is no proven need and which would undermine the future vitality and attractiveness of the centre and others. It is acknowledged that the Assessment of Retail Development (July 2014) submitted with the application aims to address these reasons, however, it is still considered that the fundamental concerns remain and warrant the refusal of the application.

With regards to the concerns raised by Gorseinon Town Council regarding the additional vehicular access point, this is considered to have been covered by the comments made by the Head of Transportation and Engineering. The other comments raised by consultees – with the exception of the Planning Department's Policy section - are considered to be possible to address via appropriately worded conditions if a recommendation of approval was being made.

Burry Inlet Habitat Regulations Assessment

Introduction

The City and County of Swansea, as the competent authority, is required under Regulation 61(1) of the Conservation of Habitats and Species Regulations 2010 (known as the 'Habitat Regulations') to undertake a Habitat Regulations Assessment of any project likely to have an effect on a European Site, or candidate/proposed European Site, either alone or in combination with other plans or projects, that is not necessary to the management of the site for nature conservation.

In this instance, the European sites potentially affected are the Carmarthen Bay and Estuaries European Marine Site (CBEEMS), the Carmarthen Bay Special Protection Area (SPA) and the Burry Inlet SPA and RAMSAR site.

Before deciding to give permission we must therefore first consider whether this development is likely to have a significant effect on the CBEEMS either alone or in combination with other plans or projects in the same catchment area.

Following an investigation of likely significant effects on the CBEEMS features water quality was identified as the only factor that might have an effect this is discussed below.

Water Quality

With regard to the water quality issues in the Burry Inlet and Loughor Estuary, the City and County of Swansea has followed the advice of their statutory advisor, and has commissioned a preliminary assessment under the above Regulations which is limited to the assessment of potential wastewater effects only.

This assessment notes that as part of their review of consents (RoC) under regulation 63 the Environment Agency (EA) undertook a detailed Habitats Regulations assessment in relation to the effects of their consented activities. Consent modifications were identified to enable the Environment Agency to conclude no adverse effect on the integrity of the CBEEMS in respect of their consents operating at their maximum consented limits.

As the consents in question have already been subject to a full assessment (alone and in-combination) under the provisions of the Habitat Regulations, there is no need for the City and County of Swansea to undertake a further assessment where development can be accommodated within the post RoC discharge consent limits.

It is the opinion of the authority that this development can be accommodated within the post RoC discharge consent limits, and will not be likely to have a significant effect either alone or in-combination on the Carmarthen Bay and Estuaries SAC, the Carmarthen Bay SPA, or the Burry Inlet SPA and RAMSAR. Such effects can be excluded on the basis of the objective information available through the Environment Agency review.

Other Possible Effects on CBEEMS features

In addition, it is considered that there are no other potential adverse effects from this development proposal, either alone or in combination with other plans or projects on the above protected European sites.

CONCLUSION

On this basis there is no requirement to make an appropriate assessment of the implications of the proposed development in accordance with regulation 61(1).

In conclusion therefore and having regard to all material consideration including the Human Rights Act, refusal is recommended on the grounds that the proposal conflicts with established Policies aimed at strengthening the role of the Gorseinon District Shopping Centre.

RECOMMENDATION**REFUSE, for the following reasons;**

- 1 The proposed development would result in the establishment of a significant retail development within a primarily industrial area outside of the established Gorseinon District Shopping Centre and would be contrary to Strategic Policy SP6 and Policies EC4 and EC9 of the City and County of Swansea Unitary Development Plan 2008 which aim to improve and strengthen the role of this established District Shopping Centre.
- 2 The approval and formation of this retail development within the Garngoch Industrial Estate would establish an undesirable precedent for the consideration of applications for development of a similar nature, the cumulative effect of which would result in the sporadic development of retail units outside the district shopping centres, for which there is no proven local need and which would undermine the future vitality and attractiveness of those centres contrary to the aims of Policies SP6, EC4 and EC9 of the Swansea Unitary Development Plan 2008.

INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1, EV2, EC4, EC8, EC9, AS1, AS2, AS5, AS6, EV33, EV34 and EV35.

PLANS

01 existing floor plans, 02 site location and existing elevations, 03 proposed floor plans, 04 proposed elevations, 05 block plan dated 25th July 2014

Suggested Conditions

Condition 1

The development hereby permitted shall begin not later than five years from the date of this decision.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.

Condition 2

Samples of all external finishes shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of the visual amenities of the area.

Condition 3

No development shall take place until full details of a scheme for the foul and surface water sewerage disposal (incorporating sustainable drainage principles) of the whole site has been submitted to and approved in writing by the local planning authority and thereafter implemented in accordance with the approved details. Surface water shall not be connected to the foul sewerage system.

Reason: To ensure the integrity of the public sewerage system [and designated waters] is protected through the implementation of sustainable practices.

Condition 4

Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

Condition 5

No net increase of surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

Condition 6

Prior to the commencement of development, the road fronting the site shall be widened and a right turn lane installed in accordance with detailed engineering details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

Condition 7

The development shall not be brought into beneficial use until all access and on site parking has been completed and laid out in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.

Reason: In the interests of highway safety.

- Continued -

Condition 8

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy, detailing how this unsuspected contamination shall be dealt with, has been submitted to and approved in writing by the Local Planning. The remediation strategy shall be implemented in accordance with the approved details.

Reason: It is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

Condition 9

Unless otherwise agreed in writing by the Local Planning Authority, the aggregate floorspace occupied by retail use hereby approved, including mezzanines, shall not exceed 1,263 sq metres (gross internal area). The floorspace within each of the units detailed on Drawing No. 03 – “Proposed Floor Plans” dated 25th July 2014 shall not be subdivided to form smaller units nor combined to form larger units.

Reason: In accordance with UDP Policies SP6, EC4 and EC9 to protect the vitality and viability of the Gorseinon District Centre.

Agenda Item 9.a

Report of the Cabinet Member for Transformation & Performance

Council – 3 March 2015

MEMBERSHIP OF COMMITTEES

Purpose:	Council approves the nominations / amendments to the Council Bodies.
Policy Framework:	None.
Reason for Decision:	To agree nominations for Committee Membership.
Consultation:	Political Groups.
Recommendation:	It is recommended that: - 1) the amendments to the Council Bodies in paragraph 4 be approved.
Report Author:	Gareth Borsden
Legal Officer:	Tracey Meredith
Finance Officer:	Carl Billingsley
Access to Services Officer:	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 has made amendments to the following organisations:-

Mid & West Wales Fire Authority

Replaced Councillor D W Cole with Councillor J A Hale

Swansea Business Improvements Ltd (Bids)

Replaced Councillor N S Bradley with Councillor R C Stewart.

Swansea Stadium Management Company

Replaced Councillor N S Bradley with Councillor R C Stewart.

4. Changes to Council Body Membership

- 4.1 The Political Groups have indicated that they have changes to Council Bodies as indicate below.

Admissions Forum

Replace Councillor A M Cook with Councillor N M Woollard

Challenge Panel

Delete Councillor A M Cook

Chief Officers Disciplinary Committee

Delete Councillor N J Davies

Communities Cabinet Advisory Committee

Replace Councillor R V Smith with Councillor J P Curtice

Democratic Services Committee

Replace Councillors A M Cook & M H Jones with Councillors J W Jones & G Owens

Economy & Investment Cabinet Advisory Committee

Replace Councillors N S Bradley & C R Doyle with Councillors S E Crouch & P B Smith

Engagement & Inclusion Cabinet Advisory Committee

Replace Councillor J P Curtice with C R Doyle

Rota Visits

Delete Councillor J P Curtice

Services Cabinet Advisory Committee

Replace Councillor J P Curtice with Councillor R V Smith

Trustees Panel

Replace Councillor U C Clay with Councillor D J Lewis

5. Financial Implications

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

6. Legal Implications

- 6.1 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 10.a

Report of the Cabinet Member for Finance & Strategy

Council – 3 March 2015

WLGA PEER REVIEW REPORT AND ACTION PLAN

Purpose:	To advise Members of the Welsh Local Government Association (WLGA) Peer Review report and to outline the action being taken in response to the report's recommendations.
Policy Framework:	Corporate Plan
Reason for Decision:	To update Members on the finding of the Peer Review and to publish the report, which will form part of the Council's overall improvement plans.
Consultation:	Cabinet Members, Executive Board, Legal, Finance, Access to Services
Recommendation(s):	It is recommended that Council: 1) Notes the WLGA Peer Review report, contained in Appendix A. 2) Notes the action being taken in response to the Peer Review report.
Report Author:	Dean Taylor
Finance Officer:	Mike Hawes
Legal Officer:	Patrick Arran
Access to Services Officer:	Euros Owen

1.0 Introduction: Background to Peer Reviews

- 1.1 The Welsh Local Government Association (WLGA) peer review for Swansea took place between 29 September and 1 October 2014
- 1.2 The WLGA offers every council in Wales a peer review once every four years. Whilst not a requirement, there is a clear expectation that all councils will have a peer review.
- 1.3 The decision to have a Peer Review last Autumn was based on a number of benefits:

- To learn from elsewhere and to improve what we do
- We have identified self-evaluation as one of the areas to address as part of the new performance improvement framework
- To assist preparations for the WAO corporate assessment
- To support the overall objective of sector led self-regulation and improvement in Wales

2.0 Focus of the Peer Review

2.1 Three key areas of focus were agreed for the Peer Review:

Delivery	Our capacity and capability to deliver: <ul style="list-style-type: none"> • Improvement Priorities • Policy Commitments • And in particular <i>Sustainable Swansea – fit for the future</i>
Change	Our ability to manage change across the organisation, to communicate & engage staff in change. Especially the Innovation Programme
Governance	The effectiveness of our internal arrangements in providing sound, robust and transparent governance for our changing requirements

3.0 Review Team

3.1 The Council requested a Review Team with experience of leading an English unitary with similar characteristics and challenges to Swansea and of managing a large council through significant change.

3.2 We were fortunate to have an excellent team which fulfilled this requirement. The team members, supported by the WLGA, were:

- Cllr. Graham Chapman, Deputy Leader of Nottingham City Council
- Nick Hodgson, former Chief Executive of Derbyshire County Council
- Ben Spinks, Assistant Chief Executive at the London Borough of Brent
- Rory Borealis, Executive Director (Resources) and Working Smarter Delivery Lead at Walsall Council.

4.0 Review Process

4.1 The Peer Review process involved:

- Review of documentation
- Interviews with 24 Members (Cabinet Members, Group Leaders, Chair of Scrutiny, Chair of Audit etc)

- Interviews with 27 Officers (Executive Board, Heads of Service and senior managers)
- Workshops with 38 Officers
- Interviews with 6 Partners
- A tour of the city

4.2 The Review Team fed back the headlines after the process and the Review Report was received in December 2014.

4.3 The process now is to publish the report, via this report to Council and to outline the action proposed to address the recommendations from the Peer Review Team. A detailed Action Plan will be reported to Cabinet in the next few months.

5.0 Peer Review Report

5.1 The Peer Review report is attached as **Appendix A**. The report has an Executive Summary and is structured around the three themes of Governance, Change and Delivery. It contains 20 recommendations with links to case studies of Councils we can learn from in key areas.

5.2 The report contains both areas of strength and areas for improvement, against the 3 themes. It is pleasing to note that the Team found a clear sense of pride in the city and the council and a commitment to improving the lives of residents. Equally they found a council that provides good services, is aware of the scale of the challenges ahead and has evident talent to lead the transformation required.

5.3 Whilst the Team were positive about the Council's self-awareness and our plans for change, they were less convinced that the vision and detail behind this is in place. A key recommendation from the Review, which is an area where work has already started, is the need for a "Swansea Story".

5.4 The findings on Governance, Change and Delivery equally show areas of real strength as well as areas where we need to improve. The dominant themes from this are:

- Quicker and smoother decision making with a greater focus on action, not meetings
- Working as "one Council" and breaking down service silos, particularly in implementing change, sharing resources and fostering innovation
- Establishing a single and consistent narrative for change, linked to visible and empowering leadership at all levels, shared learning and greater staff engagement
- Develop the Council's role as a city and community leader and a stronger presence for Swansea, working with partners
- Becoming a more commercial organisation, developing skills, developing opportunities for trading and exploiting our assets

- And finally and perhaps most importantly, the theme that is woven throughout the report is that of the need for cultural change to underpin, enable and drive the transformational changes we have to make across the Council in the next few years

6.0 Responding to the Report

6.1 The Peer Review Team acknowledge in their report that the Council is already implementing a number of their recommendations and, in that sense, the report reinforces our direction of travel.

6.2 That said, it is now imperative that we respond positively and swiftly to the report's recommendations. A detailed Action Plan is being prepared and will be reported to Cabinet in the next few months. The Action Plan will contain actions grouped by the three themes of Governance, Change and Delivery, with a link to the relevant recommendations in the Review report.

6.3 Actions will need to include:

- A governance review... how we make decisions as Members and Officers
- Review of the role of the Local Strategic Board... and other city partnerships
- Developing the "Swansea Story"... and how we engage everyone in this narrative
- Redoubling our efforts on employee engagement... as part of the Innovation Programme
- Agreeing a change plan for the delivery of *Sustainable Swansea*... working as one Council
- A plan to deliver our community leadership ambitions. . including city centre regeneration and local area management
- Developing a commercial organisation... to exploit every opportunity to increase income

6.4 In summary the next steps will be to:

- Communicate the key findings of the report to Members, (via Council), staff and partners
- Develop detailed actions to implement the changes, ensuing accountability, clear measures and timescales
- Ensure that the actions integrate with existing major plans, in particular:
 - Revised Corporate Plan
 - *Sustainable Swansea – fit for the future*
 - Innovation Programme
 - Other key plans, such as the Poverty Strategy
- Dovetail the actions with the findings from the Welsh Audit Office Corporate Assessment, which we expect to receive in the next 2/3 months

7.0 Equality and Engagement Implications

- 7.1 As part of progressing some pieces of work in the action plan consideration will be given to whether the EIA process needs to be utilised including any requirements for engagement.

8.0 Financial Implications

- 8.1 There are no direct financial implications arising from this report. However, delivery of a number of the recommendations will assist the Council to achieve savings and additional income.

9.0 Legal Implications

- 9.1 There are no specific legal implications associated with this report.

Background Papers: None

Appendices: Appendix A – City and County of Swansea Peer Review 2014

Appendix A

City and County of Swansea Peer Review 2014

Review: September - October 2014
Report: December 2014



Contents

1. Executive summary	p. 3
2. Background and context	p. 9
3. Governance	p. 11
Member/ officer working	
Scrutiny	
Decision-making	
Partnership working	
4. Change	p. 16
Engaging staff in change	
Whole council working	
Culture change	
5. Delivery	p. 25
Focus	
City and County leadership	
Community leadership	
Regeneration and commercialism	
Annex 1: List of recommendations	p. 31
Annex 2: Full case studies	p. 34

1. Executive Summary

- 1.1 The City and County of Swansea is a well-regarded council in Wales, with a good reputation for service delivery. It has been on a significant improvement journey over recent years and the positive nature of recent audit and inspection reports is testament to that. However, local authorities are, without exception, facing unprecedented challenges, the inevitable consequence of which is an increasing pressure on the quality and level of services they all provide. In order to meet these challenges the Council's political and managerial leadership have set out a commitment to transform the Council so that it can continue to deliver positive outcomes for the residents of Swansea.
- 1.2 To support this aim, the Council invited the WLGA to facilitate a corporate peer review at the end of September 2014. Peer reviews aim to support councils' approach to self-improvement, offering detailed perspectives from 'critical friends' who understand the challenges of running a local authority and can make an honest and impartial contribution to their self-awareness and development. Importantly, requesting a peer review is regarded as a sign of organisational maturity and commitment to improvement.
- 1.3 While the peer review was arranged for the end of September, in advance of the Council's Wales Audit Office (WAO) corporate assessment, the leadership were clear that it needed to be a separate process with a different focus. While the peer review would inevitably be complementary, supporting the Council in taking stock and evaluating its own performance, the key purpose was to explore specific areas that are critical to organisational development and delivery in challenging times. These areas were:
- Delivery
 - Change
 - Governance
- 1.4 The Council was also keen to ensure that the peer review process should involve learning from elsewhere. Peers were therefore selected on the basis of their experiences and achievements and their ability to bring a fresh perspective to the issues in question. Indeed, the Review Team noted and commended the Council's openness to new ideas and willingness to engage and learn.
- 1.5 In undertaking the review, the team sought to gain insight by:
- Reviewing extensive council documentation
 - Conducting interviews with 24 elected members
 - Interviewing 27 officers
 - Running workshops with a further 38 officers
 - Interviewing 6 partners
 - Taking a tour of the city

- 1.6 The Review Team's initial findings were presented jointly to Cabinet and Executive Board at the end of the site visit on 1st October. An interim letter summarising the main observations was sent to the Council on 29th October 2014.

A summary of the Review Team's main findings are set out below.

General

- 1.7 The Review Team found a clear sense of members' and officers' pride in Swansea, both as a city and a council; they found commitment to making it a better place and to improving the lives of residents. This appeared to be a primary motivation and repeatedly featured in interviews and workshops. This commitment was supported by a good understanding of the area and the needs of local communities.
- 1.8 The Review Team developed an impression of an organisation where internal arrangements and the management of revenue finances were in order and the quality of service provision was generally good. They commended the leadership for not only recognising the scale of the challenges but for the need for far-reaching transformation, as opposed to incremental change. Importantly, the Review Team noted that there is evident talent among both the Cabinet and senior management, which should provide the capacity required to continue improving and transforming the organisation.
- 1.9 Moreover, the Council is strong on self-awareness and diagnosis; Cabinet and senior management have a clear idea of what they need to change and there is an emerging agenda setting out how this might be achieved. The Review Team felt the Council's recognition of what it needs to change and where it wants to get to are extremely positive. However, the Review Team was less convinced that the vision and arrangements for achieving that change are sufficiently developed. That said, the Council is open to new-thinking and learning, as demonstrated by the request for the peer review.
- 1.10 More fundamentally, while there is a good understanding of the need for change, of the challenges facing Swansea and the needs of communities, these elements have not yet been woven into a clear narrative. This was not helped by the range of plans and priorities that the Council produces. The Review Team emphasised the central importance of setting out a 'Swansea Story' and rationalising priorities to support its delivery, but recognised the forthcoming corporate plan (in draft at the time of the review) might achieve this.

Governance

- 1.11 The Review Team found a constructive relationship between members and officers, based on interviews conducted. This was demonstrated by a shared

understanding of how they could collectively contribute to achieving the Council's goals. It also appeared that the member/ officer dynamic was healthy, with an overall perception that the Council is member-led and there is an appropriate balance between political and professional leadership.

- 1.12 The Leader and Cabinet have recognised that there are some members within all groups who feel disconnected from the Council's decision-making processes. They are responding to this by seeking to extend participation through the introduction of Cabinet Advisory Committees and increasing the involvement of all groups with a new monthly Group Leaders' meeting. These changes appear to have been welcomed and have the potential to build a more open, transparent and inclusive way of working if managed effectively. However, it is important to ensure that new arrangements do not hold back clear and timely decision-making.
- 1.13 The Council's scrutiny arrangements are still relatively new, having been introduced in October 2012. The scrutiny arrangements are unique in the Welsh context, with one overarching Scrutiny Committee and a number of ad hoc Scrutiny Panels. The Review Team heard a range of views on scrutiny, but there was a sense that it provides challenge. Some non-executive members felt the Scrutiny Panels provided a means for them to explore issues that are important to them and there was a consistent view that members could decide which panels they wished to participate in according to their interest or expertise. However, there was also scepticism from some quarters. There were some concerns that scrutiny needed to develop a stronger improvement role and some non-executive members expressed concern that the creation of a single overarching programme committee could reduce capacity and focus. Importantly, there is a need to clarify the role and responsibilities of the new Cabinet Advisory Committees and the relationship they are to have with the overarching Scrutiny Committee and Scrutiny Panels.
- 1.14 The Review Team recognised that the Cabinet is new and it would take time to establish relationships with senior officers, as well as finding a structured way of working that meets their needs. However, they observed that Cabinet support could be more consistent and formalised, particularly briefing and support on their new portfolios and Cabinet roles.
- 1.15 The Review Team were positive about new and emerging arrangements to underpin financial planning and transformation, such as the Budget Group and 'Stewardship Sessions'.
- 1.16 However, certain internal processes, including the speed of decision-making, appear to be a barrier to the fulfilment of the Council's aim of becoming a more dynamic and innovative organisation. In order to address this, the Council should focus on culture, as well as formal decision-making processes. This would include creating a less risk-averse, no-blame culture (see Change

below) where staff learn from what has and hasn't worked together, in addition to looking at, for example, the length of time Cabinet have to respond to scrutiny recommendations.

- 1.17 The Review Team felt there was more opportunity to reduce the process and bureaucracy in programme management and partnership working, streamlining both to increase the focus on action and reduce the number of meetings and the amount of paperwork.

Change

- 1.18 The Council recognises the need to foster a more positive and empowering organisational culture and there is strong self-awareness and an emerging agenda, setting out what needs to change. There is talent and commitment among the political and managerial leadership which will help drive this forward.
- 1.19 As already identified by the Council, change needs to be taken forward on a more 'whole council' basis. Even with the evident leadership commitment, this is a challenge. However, there are opportunities to increase the pace and scale of change. For example, some change is currently being taken forward on a department-by-department basis and there is more scope to systematically share learning and practice across the organisation. The Council should explore more cross-cutting savings opportunities, as well as aligning priorities, finance and the change agenda more closely.
- 1.20 The Review Team were positive about the culture change and the kind of transformation the Council aspires to. However, the Review Team felt that innovation needed to be more effectively enabled and supported and the expected behaviours championed and modelled by the leadership. Perhaps most importantly, it needs to be borne out of wider development of the Swansea story, the way of working and how every individual fits in.
- 1.21 While there have been significant efforts to communicate the change agenda and the challenges facing the Council to staff, the Review Team found that it had not always been consistent or effective, with the message varying significantly depending on the manager delivering it. They also found the Council's priorities are not consistently understood and there isn't a shared conception of 'Sustainable Swansea'.
- 1.22 The Review Team felt that the conception of and approach to transformation could become more outward-facing, with more of a focus on creating new relationships with citizens and other partners.
- 1.23 In order to better align resources, priorities and change, the Council should consider developing a more priority-based, themed approach to budgeting

and avoid departmental targets. The Council should be careful to ensure that its approach to identifying savings options does not reinforce silo working.

- 1.24 The Review Team felt there was enthusiasm and commitment towards transformation, but there is more work to be done to break down service silos. The realignment of directorates could support this, but working across the organisation needs to become the 'norm', there should be more time and space for staff to come together and managers could be given more responsibility for solving corporate problems. While there is capability and talent, it may still be necessary for the Council to bring in external technical expertise for specific pieces of work to complement the skills that exist internally.

Delivery

- 1.25 The Review Team identified a large number of strategies, plans and action plans containing a significant number of priorities. However, they felt that the Council needed a unifying narrative, which sets out a clear and coherent vision. They felt that developing the Swansea story was of critical importance, particularly in the context of having to make difficult choices and attempting to foster a different organisational culture. Establishing the Swansea story would help to focus on a more limited number of key priorities and ensure that activity and resources are aligned accordingly.
- 1.26 The Council should ensure it fulfils its role as a city and community leader and develop a stronger national presence for Swansea- in Wales and the UK. This would involve building links with Cardiff and strengthening relationships with key stakeholders in the city and region. It would also involve actively promoting the good work that Swansea is doing- within central and local government and to partners in the public and private sector.
- 1.27 City leadership should be balanced with community leadership. The Review Team suggested that local councillors could be further empowered as community leaders by enabling them to respond to local priorities by devolving more central budgets across the county (e.g. on the basis of both deprivation and population).
- 1.28 The Review Team acknowledged that the Council is beginning to look for ways to become more 'commercial', noting that there are a number of opportunities which would help meet the budget challenge and promote city growth. The Council should aim to build a more commercial skills set and capability among staff and develop a trading arm, which could exploit opportunities relating to building management, vehicle maintenance, landscaping, solar energy and district heating, among others.
- 1.29 The Council should consider how best to maximise its use of resources - especially its asset base. This could, for example, include creating a trading

account in property services to recycle revenue earning capital receipts in order to improve the rate of return over the longer term.

- 1.30 Throughout the review, it emerged that the Council were at the early stages of implementing arrangements which would meet several of the recommendations the Review Team were set to make. Therefore, many of the points made in this report reinforce the direction of travel the Council is already committed to.
- 1.31 This report includes a total of 20 recommendations which seek to address the identified issues and barriers or build on measures which are already being progressed.

2. Background and context

2.1 Peer reviews are a key part of the WLGA's improvement offer for local authorities, being highly regarded by both the organisations who have received them and key partners, such as the Wales Audit Office (WAO) and Welsh Government. They are generally found to be a valuable tool because they are provided by 'critical friends' who understand the challenges of running a local authority and can make an honest and impartial contribution to the Council's approach to self-improvement. Importantly, requesting a peer review is regarded as a sign of organisational maturity and commitment to improvement. This was indeed reinforced by Swansea's keenness to learn and openness to new ideas and ways of working.

Purpose of the review

- 2.2 The Council had a number of reasons for commissioning the review, which were to:
- Learn from elsewhere and to improve what they do.
 - Develop their approach to self-evaluation.
 - Assist their preparations for the WAO corporate assessment (scheduled to take place during November 2014).
 - Support the overall objective of sector-led self-regulation and improvement in Wales.
- 2.3 While supporting the Council's own self-assessment and self-awareness in advance of the corporate assessment would be one useful outcome of a review, the Council recognised the value of drawing on the expertise of senior colleagues from within local government and the wider benefits that such an exercise could bring to the organisation. They were therefore clear that the peer review was a separate process with a different focus. In order to maximise the value of the review, the Council asked that it should focus on the specific areas they consider to be critical to their success. These were:
- **Delivery** - their capacity and capability to deliver on extensive and challenging policy commitments.
 - **Change** - their ability to manage change across the organisation, to communicate what they are trying to achieve effectively and to engage staff in embracing that change.
 - **Governance** – the effectiveness and transparency of internal arrangements and ability to support change and delivery.

The peer review process

2.4 Throughout the preparatory conversations with the WLGA, the Council had placed a particular emphasis on their desire to learn from others. For that reason, peers were selected on the basis of their experiences and achievements and their ability to bring a fresh perspective to the issues in question. The peers were;

- Cllr. Graham Chapman, Deputy Leader of Nottingham City Council
- Nick Hodgson, independent consultant and former Chief Executive of Derbyshire County Council
- Ben Spinks, Assistant Chief Executive, London Borough of Brent
- Rory Borealis, Executive Director (Resources) and Working Smarter Delivery Lead at Walsall Council

2.5 The review consisted of desk-based analysis of key council documents, which preceded a three day site visit that took place from 29th September to 1st October. The aim of the site visit was to develop a more in-depth understanding of the organisation and test some of the assumptions made by reading the documentation. This was achieved through extensive interviews with a broad cross-section of members and officers with different responsibilities and levels of seniority. The review activity can be summed-up as follows;

- Review of council documentation
- Interviews with 24 elected members
- Interviews with 27 officers
- Workshops with 38 officers
- Interviews with 6 partners
- A tour of the city

2.6 After 2½ days of intensive interviews and workshops, the Review Team presented their initial findings to the Cabinet and Executive Board on the final afternoon. This report represents the team's more detailed findings and includes some examples of good practice from elsewhere. The Review Team hope these additions are found to be valuable by providing a practical dimension to the recommendations and some possible options for implementation.

2.7 Following the final report, the WLGA would be happy to engage in further discussions with the Council and explore whether there are opportunities for support or peer learning.

3. Governance

- 3.1 Sound governance is the foundation of a healthy, well-run organisation. It is crucial in enabling a council to achieve its aims, or could equally be a major barrier to change and improvement. Moreover, in a context of significant and emerging challenges, where transformational change is required, governance arrangements need to be constituted in a way that supports that change. Consequently, the Council asked the Review Team to look at their governance arrangements, with a focus on how they are supporting (or hindering) the other two elements of the review; change and delivery.

Member/ officer working

- 3.2 In seeking to establish the effectiveness of the Council's governance, the Review Team took a broad perspective, considering culture and relationships as well as structures and processes. One of the most fundamental considerations was the relationship between members and officers, this setting the context for all of the Council's work. The Review Team observed a healthy relationship between members and officers; there was relatively good communication and a shared understanding of how they could collectively contribute to achieving the Council's goals. The member/ officer dynamic was well-balanced, with an overall perception that the Council is member-led.¹
- 3.3 While the overall dynamic is good, the Review Team recognised that the Cabinet is new and it will take time to establish relationships between Cabinet members and senior officers, as well as finding a structured way of working that meets their needs. However, Cabinet support appears to be inconsistent at the moment. The Cabinet itself also needs time to form as a 'team' and find a suitable way of working. The Review Team identified a need for more formalised, proactive briefing of and support to Cabinet members. They also suggested Cabinet members should each be clear about and 'own' a set of priorities which deliver the overall vision. These should be a focus within their regular meetings with officers.
- 3.4 Some Cabinet members felt they would like to build stronger relationships with middle managers and have more interaction with them. They also felt middle managers sometimes approached them with a certain amount of trepidation and thought there was an opportunity to build more trust. The Council could aim to increase interaction between Cabinet members and middle managers by, for example involving middle managers in senior manager/ Cabinet Member briefings, as and when relevant to the agenda.
- 3.5 The dynamic between members was also considered to be of paramount importance. The Review Team heard that there were some members, from

¹ It is important to note that these inferences were drawn from a fairly limited number of conversations with non-executive members, due to low turnout at the members' workshops.

all groups, who had come to feel disconnected from decision-making. There was a feeling that those outside of the Cabinet were 'spectators'. However, the new Leader and Cabinet have recognised this and are keen to address it. Consequently, the political leadership are instituting new arrangements to extend participation by introducing Cabinet Advisory Committees and establishing a monthly Group Leaders' meeting. These changes appear to be welcome and, if managed effectively, have the potential to build a more open, transparent and inclusive way of working.

Recommendation 1: Develop more formalised briefing of Cabinet members, which would include regular meetings with senior managers who have responsibility within their portfolio, with notes of the meeting and action points to ensure members' priorities and decisions are followed through. The emphasis should be on proactively engaging members in decisions, rather than briefing them too late into the process.

Scrutiny

- 3.6 The Review Team were aware that the Council's scrutiny arrangements are still relatively new, having been introduced in October 2012, and the Wales Audit Office has committed to continuing to review their effectiveness.² It is then perhaps unsurprising that the team heard a range of different views on the effectiveness of these arrangements. On the one hand, there was a sense that scrutiny provided challenge and many members could identify occasions where it had made an impact. The Audit Committee was cited as providing particularly robust challenge. Furthermore, some non-executive members felt the Scrutiny Panels provided a means for them to elevate and explore issues that were important to them, thereby increasing their involvement in council business and scope to influence.
- 3.7 However, there was also scepticism from some quarters. There were some concerns that scrutiny needed to develop a stronger improvement role and that its focus should be more closely aligned to council priorities. Some non-executive members expressed concern that the creation of a single overarching programme committee could weaken the scrutiny function by reducing capacity and focus. In addition, while there was an appreciation from members that the new Cabinet Advisory Committees could help extend involvement in policy development and decision-making, there appeared to be some confusion about how they are to relate to existing arrangements, in particular overview and scrutiny. There was some concern that without clarity of responsibilities and purpose, there could be a risk that the role of scrutiny is undermined and effort is duplicated.

Recommendation 2: If the Cabinet Advisory Committees are to be effective, their responsibilities and relationship to existing arrangements needs to be clarified and

² Wales Audit Office, *Annual Improvement Report – City and County of Swansea*, May 2014, p. 18

set out clearly in the Constitution so that all members and officers understand their respective roles.

Recommendation 3: The Council should consider how scrutiny could be closely oriented towards the Council's top priorities by, for example, establishing inquiries shaped around them. This would help develop scrutiny's improvement role as well as ensuring activity and resources have maximum impact.

Decision-making

- 3.8 The Council's aspiration to be a dynamic, inclusive and innovative organisation which is risk aware, creative and capable of coproducing services with citizens and staff is to be commended. However, the team observed certain aspects of governance which appear to be a considerable barrier to the fulfilment of that aim at the current time. One commonly identified problem was the speed of decision-making. The Review Team heard the widespread view that decision-making is too slow, which was largely attributed to an embedded risk-averse culture. This culture appears to manifest itself through a tendency to push decisions 'up' to more senior officers, the obvious effect of which is a protracted process with unnecessary delays in implementation. An additional risk is that staff in less senior positions become disempowered and their creativity and professional development is stifled, while senior managers are overloaded with decisions. The view was also expressed that protracted decision-making sometimes leads to implementation needing to be rushed, potentially impacting on the effective management of change and the delivery of outcomes.
- 3.9 The leadership appear to be well aware of the tiers of decision-making and the associated consequences and are seeking to address the risk averse culture through the Innovation Programme. As already identified internally, the Council should seek to build a less risk averse, no-blame culture by creating an environment where staff work together to learn- both when things don't go to plan and when they go well. The leadership should model and promote these behaviours in order to advance the change they want to see.
- 3.10 In addition to the cultural considerations, the Review Team identified some procedural changes which would be complementary and hopefully increase the pace of decision-making. In particular, the Review Team felt that the Council could inject greater pace into their change programme if they stripped back some of the unnecessary 'paraphernalia' of programme management. The current approach relies on a typically structured approach, with leads, boards and workstreams. However, the team developed the impression that this may be over-engineered and could risk time and energy being spent servicing boards and working groups, rather than actually implementing change. One potential unintended consequence of taking a very structured approach is that meetings themselves become the focus and few actions are

progressed or decisions taken in between. *See Barrow Borough Council case study, p. 21.*

- 3.11 Programme management could be streamlined by, for example:
- Reducing the amount of paperwork, the number of meetings and ensuring conversations focus on action. Officers should be encouraged to take decisions or seek senior endorsement (where necessary) between meetings and unnecessary tiers of approval should be stripped out.
 - Establishing a 'Gateway Scheme' to assess viability of major projects, so that time and energy is not wasted preparing to implement projects which are unlikely to succeed (partners could also be invited to participate).
 - Focusing on the 'big ticket' items within change and partnership working, that will yield substantial successes, rather than undertaking a wide-ranging programme which will inevitably mean exerting more energy on projects which will have less impact.
- 3.12 While the speed of decision-making is certainly limited by cultural constraints and could be improved without any change to formal arrangements, the Council may wish to review its delegation arrangements to ensure that decision-making responsibility rests at the most appropriate level and ensure the powers are being used to the full.
- 3.13 Furthermore, the Council should ensure its internal audit activity is focused on 'higher risk' policies and practices so that resources are being used to best effect.
- 3.14 The Review Team were impressed by some of the new and emerging arrangements to underpin financial planning, such as the Budget Group & 'Stewardship Sessions' and the budget tracking system. These appeared to be systems and processes which could support sound financial management.

<p>Recommendation 4: The Council could consider reducing the time that Cabinet has to respond to scrutiny recommendations (currently 3 months).</p>
--

Partnership working

- 3.15 The Review Team spoke with a selection of statutory and non-statutory partners from the Local Service Board (LSB) and noted the high degree of enthusiasm and commitment to partnership working. This was seen as a major asset, which the Council should harness. However, there was some concern that the LSB's responsibility was too broad and it was vulnerable to being over-managed and impeded by bureaucracy. While it was recognised that the LSB had overall ownership of the Single Integrated Plan, the scale of tasks could become overwhelming. Some suggested the LSB could have more impact if it were to focus on a manageable set of shorter term priorities (in

addition to the overarching shared outcomes) where a partnership approach could really add value.

- 3.16 There were mixed perceptions of the LSB, particularly among members. Some had significant concerns regarding transparency, describing it as remote or 'invisible', possibly fuelling a sense that the LSB was operating outside of democratic processes. Some of these members also thought the LSB to be ineffective and in need of a major overhaul. Conversely, others could point to specific examples of success.
- 3.17 One simple means of ensuring the LSB is seen to be transparent might be to develop regular communication, particularly with members. This could include sending summaries of key points, decisions and actions to Cabinet and scrutiny meetings for information, for example.
- 3.18 There was also a sense that the Council was getting better at engaging with and listening to the public. Although there had been improvements, there was a view from many that they could still go further. The Council were thought to be very good at working with and managing the media and the communications team appear to have an excellent reputation. However, it may be necessary to ensure that communications is equally focused on community information as on press and media.

Recommendation 5: The LSB could develop a small number of priorities, based on defined operational problems, which partners commit resources to and tackle on a task and finish or rolling basis.

Recommendation 6: The Council should communicate the role, purpose and activities of the LSB to members. Moreover, the Council should look for opportunities to involve members in the work of the LSB, including projects which may be taking place in their ward or local engagement and consultation.

4. Change

- 4.1 Changing the way the Council operates is evidently a primary concern for the leadership. Importantly, the Review Team felt that the scale of the challenge and the need for transformational change was widely understood. Key council documents, such as *Sustainable Swansea – Fit for the Future* and the council-wide Innovation Programme demonstrate the corporate commitment to a fundamental shift in how the Council does business. The Review Team also felt there was evident talent among both political and managerial leadership and heard how the Leader is seen as someone who will drive change forward.
- 4.2 The Review Team explored the Council’s approach to change with members and officers from across the organisation, at a range of levels of seniority. The intention was to test the coherence, efficacy and reach of the Council’s change agenda.
- 4.3 The leadership saw the Sustainable Swansea programme as providing the framework for change. They were clear that the intention was to reaffirm the Council’s core purpose and establish a new operating model, capable of delivering on it. The Review Team commended the Council’s aspirations for change and gave the leadership credit for fully endorsing and promoting it. The team supported the kind of change the leadership want to effect, as represented by the examples of ‘future council’ ‘shifts’, which are set out in Sustainable Swansea:

What Sustainable Swansea means for WHAT WE DO and HOW WE WORK

From..... What we <u>do</u> now in Swansea	To..... What we want to <u>do</u> in the future
Leading the Council	Leading Swansea
Residents as receivers of services	Residents as co-producers of services
Providing services	Creating new models
From..... How we <u>work</u> now in Swansea	To..... How we will <u>work</u> in the future
Service led	Whole Council
Top down leadership	Everyone is a leader
Risk averse	Risk aware

Source: *Sustainable Swansea - Fit for the Future*

- 4.4 The Council were seen to have good self-awareness and diagnosis; the leadership are conscious that the existing culture needs to become more positive and empowering, they know the organisation needs to become more dynamic and innovative and more outward facing and coproductive. As part of this, the Council has put innovation at the heart of change; it is intended to define the way of working, as well as the organisational culture.
- 4.5 The Review Team also felt the Council were able to identify some of the solutions to the identified problems and there was an emerging agenda for implementing change. For example, it is positive that the Council has set out plans to create a more innovative environment by promoting a healthy attitude to risk, the exchange of ideas and building new skills. However, it appears there is more to be done to develop the steps to get from the current position to their ideal operating model and culture. The Review Team therefore identified some suggestions to support the implementation of this agenda, as well as some further opportunities relating to staff engagement, which are set out below.
- 4.6 The Review Team felt that it was important the Council adopt a clear, unified approach to managing and promoting change. It is vital that this is linked to organisational priorities and finance.

Engaging staff in change

- 4.7 A fundamental barrier to driving change forward is the buy-in and understanding of staff. The Review Team heard a number of positive comments about why the Council was a good place to work, including the opportunity to work for the city and communities and the flexibility it offered. However, there were also some negative comments and particularly strong feelings about Job Evaluation and having to work longer hours to get the job done without recognition. While Job Evaluation is a sensitive issue and a negative response from those adversely affected could be understood and expected, the Review Team heard concerns about the way in which the process had been managed and the outcomes communicated. These experiences can impact on the view staff have of change management more broadly. Furthermore, a small number of those interviewed suggested that past experiences of transformation work might have caused some cynicism towards change. Therefore, honest conversations with the workforce about the future 'employment deal' and what this means in the context of the change agenda, will be crucial in building levels of employee engagement. For example, how staffing numbers or remuneration are likely to be impacted, how roles might change, as well as what the organisation can offer, including non-economic factors on training, development, support and flexibility. (*See also point 4.22*).
- 4.8 While the leadership see Sustainable Swansea as the driving force behind change, there does not seem to be a shared conception of what it is and what

it is for throughout the organisation. The leadership have sought to ensure staff are aware of the challenges and change agenda through the Chief Executive's blog (which was seen by both frontline staff and middle managers as useful) and their Sustainable Swansea roadshows. However, discussions with frontline staff revealed that messages given at these events varied considerably. Some staff had heard a 'don't worry, things will be fine', whereas others had got the sense that things were overwhelmingly bleak. In general, it appears that communication to staff and members could be improved as some described themselves as feeling on the fringes and being unaware of organisational developments, to the extent that they 'often find out from service users'. While recognising the efforts the leadership have made to get the message out, it seems the current approach has not been as effective as hoped.

- 4.9 Whilst the Review Team would endorse face-to-face communication as a key element in managing major change, if the Council continues running roadshows, the messages should be more consistent way. This requires an accurate, shared understanding at Heads of Service level (Directors being responsible for ensuring this) and agreed messages and tone of delivery. In order to ensure that all members are up-to-date on important issues, the Council could hold members' seminars on relevant policy developments or organisational reforms.
- 4.10 The Council should consider how they engage and involve staff at every level and from every department in shaping the organisations' core purpose and change agenda. This could include making current communication opportunities such as the Chief Executive's blog and roadshows more participative or using other mechanisms such as online forums or networks, which provide space for user-generated content and continue discussion outside of set meetings and workshops.
- 4.11 While there is a definite commitment to transformation, some of those interviewed expressed doubts as to whether there was clarity about the kind of radical change being sought, what it might entail or a detailed understanding of the methods that might be required. Despite this uncertainty, many officers were able to identify recently introduced measures, which had some potential to address these concerns, such as the 'new ways of working' training or the inclusion of behaviours (in addition to delivery of objectives) within the appraisal process. This suggests that the Council could be in the early stages of making the change 'real', although the prospects for implementing change at pace and scale is less clear. In addition, officers provided the Review Team with their own possible solutions, which are included below.

In order to effect change, staff suggested:

- Getting senior managers out and about in the organisation, to help achieve culture change and give them a sense of what's working and what isn't.
- Developing a mechanism for sharing ideas and learning across the organisation.
- Involving frontline staff in the Innovation Programme.
- Becoming a learning organisation, rather than a blaming organisation, which is able to focus on why things didn't work.
- Investing more in staff development and training.
- Bringing in specialist expertise when needed and listening to and learning from the third sector.
- Giving more consideration to riskier, innovative approaches to service delivery.
- Increasing the urgency of the change that needs to happen over the next 2-3 years.
- Moving away from the language of 'innovation' and 'transformation', which creates a sense of distance and takes it away from people's 'day job'.

4.12 While there is talent and experience among senior leaders, there should be a focus on systematically involving officers from across the organisation in developing new ideas. The Sustainable Swansea scoping workshops are a step towards that. The leadership should not feel that the responsibility for, or ownership of, change lies solely with them and should actively seek to cultivate an open and inclusive way of working, which provides opportunities for staff to influence from the bottom up. At a time when morale needs to be maintained, this could help ensure staff feel valued.

4.13 Similarly, there may still be a need to increase the Council's capacity by drawing on external expertise. This could mean seeking input from partners in the public, private or third sector or bringing in additional technical knowledge for specific pieces of work, which would complement the in-house skills and experience.

4.14 As previously outlined, there is a risk that the paraphernalia of programme management and the structure of boards and appointed leads slows down change. There is also the risk that change is seen as only being owned by those involved, especially those with the lead responsibility. Creating space and opportunity for other staff to contribute is one means of rebalancing that, but the leadership may also want to extend responsibility and accountability for solving corporate problems in a more formalised way.

4.15 One means of doing this would be to actively involve staff, other than senior managers, in leading and delivering change. This could relate to a corporate issue or their individual area of work, drawing on their knowledge and enthusiasm while reducing some of the burdens of programme management and reporting. For example, Barrow Borough Council invited volunteers who were interested in 'making a difference' to gather, create, promote and implement ideas on improving efficiency and effectiveness through the use of

technology. They were not selected by management. Instead senior management's role was to make sure they were 'completely unencumbered by the things councils usually do - working groups, discussion forums and discussions with trade unions' and to handle those things on their behalf. They replaced the normal structures with six weekly updates with the Chief Executive to identify issues that senior managers could help solve. This allowed them to harness the skills and enthusiasm of staff in different parts of the organisation and speed up the change process. (*See link to full case study in Annex 2*).

Recommendation 7: The Council should aim to create space where staff can come together to solve shared problems (e.g. the session to consider horses being kept on council-owned land) and staff outside senior management should be empowered within the authority to bring officers together, rather than relying on or waiting for senior managers to convene a meeting or workshop. Frontline staff in particular should be more actively involved in the Innovation Programme and in developing savings proposals. Middle managers and their team managers should be encouraged to seek ideas from within their teams so that staff feel they have an opportunity to propose new ideas either informally or at team meetings. (*See also Recommendation 12 and Recommendation 13*)

Whole-council working

- 4.16 The Council has, rightly, stated its desire to institute a 'whole council' way of working, which will characterise the new model of operating. As a result of the senior management restructure, departments have been realigned to more thematic groups, which has the potential to strengthen the connections and collaboration across complementary agendas. However, the Review Team heard that where good practice develops or new ways of working are introduced, this still tends to be restricted to particular services or departments. There was also a sense that change is happening at different rates in different parts of the organisation. There was a view from the leadership that making cross-service structures work is a challenge which requires continuing efforts. While the thematic structure might help to strengthen joint working between certain areas it will still be necessary to encourage collaboration beyond those boundaries.
- 4.17 The Council has begun to identify some organisation-wide transformation projects. These are strategic in nature, as well as practical, such as developing the role of refuse workers to be the 'eyes and ears' of the organisation so that they can refer issues on to other departments. Staff referenced this as good practice and it demonstrates how the day-to-day experiences of frontline staff can be drawn on to support the council's wider priorities. The Council should seek to identify and exploit further cross-cutting change and savings opportunities, ensuring learning is shared between different strands and opportunities to scale-up and extend work across the organisation are taken.

4.18 Further to this, there is a risk that the various strands of change are not sufficiently integrated and it could feel initiative-based. There appears to be a lack of clarity about priorities (*see 5. Delivery*) and a feeling that perhaps the Council is trying to do too much all at once. If the Council were successful in drawing together a unifying narrative with limited supporting priorities (i.e. the five identified in the draft Corporate Plan) this could give shape to Sustainable Swansea, the Innovation Programme and financial planning and allow the Council to deliver change on the 'big ticket' items. Indeed, clear, specific organisational goals have been shown to promote innovative working.³ In essence, change needs to be part of a coherent whole, linked to priorities and finance.

4.19 In particular, the Council could consider how it develops a more priority-based approach to financial planning. The Review Team heard that directors had or were considering this but had not identified a method as yet. Managers in the People directorate had been asked to develop a three year plan on the basis of a 20% reduction to the budget, recognising that extending the horizon enables a closer alignment with current and emerging priorities. One council which has a well-regarded approach to priority-based budgeting is Stevenage Borough Council. While their funding gap is comparatively small, the principles are still relevant.

CASE STUDY

Stevenage Borough Council has adopted a priority based budgeting (PBB) approach based on a methodology developed by Aberdeen City Council, to meet its need for a three year forecasted funding gap of £3 million. Central to the PBB process is a full citizen engagement programme with local people to establish their service priorities and a determination of their preferences between tax increases, service cuts and raising fees and charges. This informed the development of a range of savings proposals over the three year timeframe. After internal officer challenge, these were put to members in the form of a Leaders Services Priority Group whose membership included majority and opposition councillors, front and backbench members. Over a period of eight weeks, members ranked all savings proposals into a priority order that reflected future challenges and the results of the engagement programme. This has succeeded in producing a detailed savings programme which addresses the Council's funding gap, via a permanent shift away from short-term 'salami slicing' to a well-managed longer-term process.

Source: Grant Thornton *2016 tipping point? Challenging the current: Summary findings from our third year of financial health checks of English local authorities*, December 2013

Recommendation 8: The Council should look for more thematic transformation and savings opportunities such as, for example shared administration, which is

³ Patterson et al, 2009, *Everyday innovation: How to enhance innovative working in employees and organisations*, NESTA

currently being taken forward in the People directorate, but could be expanded across the whole organisation.

Recommendation 9: The Council should seek to better align finance with priorities and change, and in so doing move away from departmental savings targets to a more priority-based approach to financial planning.

Culture change

- 4.20 Many of the suggestions put forward by staff relate to culture and they cohere with the leadership's ambition to foster a more empowering, learning culture with 'everyone as a leader'. On that basis, there appears to be consensus about the improvement needed with the existing culture and an appetite for the kind of changes being proposed. However, translating that will and enthusiasm into sustained change is still a challenge. While the leadership have granted 'permission to innovate' further steps are required to effectively enable and support the process across the organisation. It is inevitable that it will take time for behaviour change and new cultural norms to be established.
- 4.21 However, while there are many positive actions being developed through the Innovation Programme, the Review Team were clear that this alone would not deliver the culture change that both staff and leadership wish to see. Joint problem-solving and staff development, for example, are likely to have a positive impact, but this will be limited if they are done in isolation. It is understandable that the Council has developed a programme and the associated means of managing it in order to galvanise energy and ensure adequate focus on culture change. However, culture change should not be seen as a separate strand, but rather a by-product of the other changes the Council is making. This means linking change to the development of an overarching narrative which staff understand and can see how their role fits with.
- 4.22 As previously stated, there was some reference to morale in a few discussions. However, there are inevitably a range of factors that might be affecting individual, team or organisational morale in these challenging times. While it is difficult for the Review Team to gauge the extent of this feeling or its effect based on the interviews and workshops conducted, it could be a barrier to building the kind of culture the Council wants to see. The LGA and Public Sector People Managers' Association (PPMA) supported research into the state of the employment deal in local government. The research found that the economic aspects of the traditional employer-employee deal have broken down with the loss of job security, pay freezes and reductions in pay and the emphasis on doing 'more with less' and this is further compounded by a perceived lack of support from organisations, a lack of voice and the quality of interactions with line managers. This research argues that local authorities need to forge a new deal which takes account of factors beyond the economic, such as providing support and building collaborative and productive

partnerships that enable high involvement and workforce participation in shaping and delivering change. In order to achieve this and reduce blame, they suggest creating openness and trust through solutions-focused conversations with staff, rather than performance-focused conversations. They suggest this is dependent on individual line managers being able to practice listening skills and be willing to implement ideas from their team.⁴

- 4.23 Furthermore, involvement and empowerment could be increased by; engaging staff in how the new values are translated into practice, providing opportunities for staff to share and promote their successes (ie. at the lunchtime seminars) and encouraging staff outside of upper tiers of management to convene cross-cutting problem-solving sessions (*as suggested in Recommendation 7*).
- 4.24 Making the shift from blaming to learning was repeatedly referenced by staff in different services and at different levels of seniority. This is clearly pivotal to building an innovative culture and working practices. In order to reduce blame, the Council will need to tolerate failure and promote risk taking and managerial support will be key to this. The Council could also look at ways of incentivising innovation, rewarding innovation through staff recognition or incorporating it within performance reviews.
- 4.25 Notwithstanding these observations, there are many useful elements of the Innovation Programme which will contribute to driving change forward. In particular, the action which focuses on staff development, building capacity and capability and using different tools and techniques. These should continue to develop.

Recommendation 10: The Council should achieve longstanding culture change by advancing a coherent Swansea story, supported by clear priorities and helping staff see how they fit with and contribute to that story, while providing support for them to adapt within their role and a means for them to influence decisions and change.

Recommendation 11: Members, senior and middle managers should consistently model the behaviours they want to see and commit to avoid blaming staff when things don't go to plan. Senior and middle managers should encourage their staff to use their initiative and try new things and create time within their own teams and wider corporate settings to consider and share the learning.

Recommendation 12: The Council should aim to develop a more systematic approach to sharing learning and practice - both positive and negative. This could be through team meetings, managers groups, lunch time sessions or problem-solving session.

Recommendation 13: Senior managers should be encouraged to get out into the organisation, meet and listen to staff. Regular formal or informal staff visits would create an opportunity for staff to communicate their experiences (particularly

⁴ Edinburgh Napier 2012, *New Employment Deal For Local Government*, LGA and PPMA
http://ripassetseu.s3.amazonaws.com/www.ppma.org.uk/files/documents/jul_12/FENT_134368396_7_DEVELOPING_A_NEW_EMPLOYMENT_DE.pdf

relating to what's working and what's not working) and propose ideas. It would also give the leadership a direct understanding of how successfully and quickly change is being implemented.

- 4.26 Promoting this culture change will yield obvious benefits for the organisation by empowering staff. However, the Council should also seek to develop the 'outward facing' strand of its change agenda alongside changes to the business and culture of the Council, so that it can fulfil the ambition to coproduce services with residents. The Council should increase engagement and involvement with partners and the community, so they can understand the pressures and help shape and deliver the 'Swansea Story' and be part of the Council's change agenda.

5. Delivery

5.1 The Review Team were aware that the Cabinet has set out its intention to focus on delivering outcomes for the residents of Swansea, keeping it at the forefront of everything the organisation does. Indeed, there was a palpable enthusiasm and optimism among the political leadership that they were going to deliver. While there was a realisation that the Council's capacity to deliver is more constrained than ever before, the Review Team acknowledged there are good reasons to be positive. Specifically, the organisation is well-regarded within the sector and the quality of service provision is generally good, there is evident talent among both Cabinet and senior management and there appears to be a healthy relationship between members and officers.

Focus

5.2 The Review Team recognised the Council's ambition to deliver on multiple agendas and its high profile commitments on issues such as poverty. However, based on analysis of key documents and feedback from many members and officers, the team considered there to be too many priorities, making it difficult to focus on the top issues that matter most. The Review Team noted different priorities within the One Swansea Plan, Corporate Improvement Plan, Sustainable Swansea and the 'policy commitments', among others, but it was difficult to see how these documents and associated priorities related to one another. Essentially, the Review Team felt that the Council was at risk of overwhelming itself with priorities and initiatives and needed to create more coherence and focus in on a more manageable agenda.

5.3 However, the leadership were broadly clear that there are five top priorities (to be set out in the forthcoming Corporate Plan, in draft at the time of the review) which should take precedence and provide overall coherence. They are:

- Safeguarding vulnerable people
- Improving pupil attainment
- Creating a vibrant and viable city and economy
- Tackling poverty
- Building sustainable communities

However, this top five did not seem to be widely known and the inter-relationships between the various strategies, plans and priorities did not appear to be well understood.

5.4 Fundamentally, it appeared that an overall narrative or Swansea story, setting out a clear vision of the future, was missing. The Review Team emphasised the central importance of establishing this vision and rationalising priorities to support its deliver, but recognised the forthcoming Corporate Plan might achieve this.

- 5.5 Once the Council has established a clear vision and supporting priorities which are well-understood across the organisation, it will be better able to align resources and priorities. This means concentrating finance and change activity on the most important issues and big pay-off items, rather than spending time on a greater number of initiatives, some of which will inevitably yield fewer benefits. As previously outlined, this could be manifest through a more priority-based approach to budgeting, resulting in a reduced reliance on departmental targets which risk reinforcing silo-thinking.
- 5.6 In this way, clarity over priorities can help reorient activity and thinking away from service silos and promote the whole-Council working that the leadership wish to promote. Rather than refocus resources away from the day job, staff are encouraged to link their day job to the delivery of those priorities. This is then supported by continual reinforcement from the leadership and commitment of resources.
- 5.7 Furthermore, a clear narrative and increased focus on a small number of top priorities will create a shared understanding of what success would look like and enable monitoring and scrutiny to give particular attention to progress in these areas.
- 5.8 There was also a suggestion from a small number of those spoken to that the Council can appear to be preoccupied with external judgements and requirements. However, the Council should feel confident that if members and officers hold on to their commitment to improving things for the residents of Swansea and doing what they think will deliver the best outcomes, audit and inspection requirements will be met as a result.
- 5.9 Linked to the above points, there is a need to develop a clearer picture of how activity is actually making a difference. Some members, in particular, felt there were too many targets which were impeding delivery and there should be more focus on outcomes. The Council is developing outcomes-based performance management, which should help show the impact activity is having. However, the Council should be mindful of not over-engineering this and adding further measures and data collection requirements which don't add value.

Recommendation 14: The Council should;

- 14.1 Articulate a narrative, building consensus among Cabinet and Executive Board
- 14.2 Engage wider members, staff and partners in developing that narrative
- 14.3 Rationalise priorities to ensure a focus on the most important things, which will help deliver the vision
- 14.4 Encourage and support everyone in the organisation to adapt their role to deliver the priorities
- 14.5 Manage and monitor the priorities effectively, systematically involving members (i.e. ensuring a focus in regular Cabinet Member/ Director meetings). (*See also point 3.3*)

14.6 Ensure that the priorities underpin all of the Council's activity, aligning change and financial planning to deliver the priorities.

City and County leadership

- 5.10 While members and officers evidently want to achieve the best for Swansea and the people who live there, the Review Team, along with some members, officers and partners, felt the Council could be even more ambitious. They felt there was scope to further enhance the Council's role as both a city and community leader.
- 5.11 Expanding the Council's city leadership would involve developing a stronger national presence for Swansea in Wales and the UK. One way of developing this could be building stronger links with Cardiff, recognising areas of mutual gain and exploiting opportunities to advance shared interests. An area of shared interest, for example, is the electrification of the Great Western mainline.
- 5.12 The Review Team sensed the pride that members and officers had in Swansea and recognised its strengths and the achievements of the organisation. On that basis, the Council should do more to promote the good work they are doing- both to Welsh and UK governments, local government and to partners in the public and private sector. This is more than just good communication and public relations. It is about the management of Swansea's image and reputation and harnessing the support of everyone to help drive the city and county forward. Positive opportunities will come from having a strong reputation locally and nationally.
- 5.13 The Council is showing leadership in tackling poverty and strengthening the local economy. The team felt it essential that these two areas were seen in combination. They suggested the Council should ensure there is a coordinated approach to sector development, job creation, job search and skill development which enables local people to benefit from growth.
- 5.14 Within the city, developing the city centre appeared as a prominent issue. One external organisation even described it as 'the biggest local issue'. The Review Team heard a number of proposals for the future of the city centre, which could be transformative- such as the relocation of the civic offices or the development of new student accommodation. The leadership should consider what kind of city centre they want to see and how it will relate to the 'out of town' offer. They should agree key actions and engage partners- such as the university, local businesses and public sector partners in planning and delivery.

Recommendation 15: Build positive relationships with key city and regional stakeholders- including business and the universities- to get everybody on board

with the Swansea story and engage them in the delivery of priorities, particularly relating to regeneration and jobs growth.

Recommendation 16: Investing and improving the city centre is rightly a key priority. At the same time, the Council must ensure this is not done, or seen to be done, at the expense of improvements and core services to the outer areas in such a way as to alienate communities who may not benefit directly.

Community leadership

5.15 Given the recommendation above, it will be vital to balance leadership of the city and county with leadership within all local communities. The Council must be mindful that they do not create the impression that they are developing an external focus to the detriment of local residents and communities.

5.16 The Review Team suggested this could be helped by a series of measures including empowering local councillors to respond to local priorities by devolving budgets across the county. This could be allocated on the basis of need or priority, for example using deprivation and population. This is done in Nottingham City Council, where each local councillor is allocated a small budget to support their role as 'Champion of place'. Further funds are allocated based on the Index of Multiple Deprivation and the ward population. This budget allows councillors to allocate funds that support ward initiatives and projects put forward by the community such as family fun days, community BBQs, play equipment and park benches.

Recommendation 17: The Council should balance leadership of city and county, which could be done through practical measures such as:

- Ensuring new housing investment is used to regenerate communities
- Using local infrastructure to provide job search and opportunities for skills and jobs within the community
- Developing a programme to upgrade district centres
- Empowering local councillors by devolving budgets across the City and County
- Co-locating/ jointly delivering services within communities, to maximise resources across departments and organisations and to maintain a presence within communities.

Regeneration and commercialism

5.17 More broadly, interviews and discussions on how the Council could deliver improved economic outcomes focused heavily on job growth and the Council becoming more commercial. The Review Team felt there was more opportunity to refine and prioritise the sectors Swansea should focus on, attracting and then ensuring via job clubs and tailored training provision and other measures that local people are well placed to secure the new employment that is created. This was thought to be particularly important given the city's historical reliance on public sector employment and the 'vacuum' created by recent Department for Work and Pensions job losses.

- 5.18 The Review Team felt there were a number of commercial opportunities the Council could exploit to help meet the budget and promote city growth. At the time of the review a commercial manager had very recently been appointed and the Council were already considering a number of ways of achieving this.
- 5.19 Many councils are looking at how they develop a commercial mind-set across the organisation, rather than only focusing on those services most typically associated with trading. This centres on encouraging and supporting staff to identify and implement commercial opportunities in their areas.

CASE STUDY: Nottingham City Council's Commercialism Programme

Nottingham City Council has developed a Commercialism Programme which recognises that all services can be more commercial in the way they work. A clear vision and definition of commercialism has been developed, agreed and communicated to colleagues, which is '... the process of considering everything we do as a Council in a more business-like way. This ranges from trading services as a commercial business to taking a more business-like approach to processes and budget planning'. Colleagues understand that taking a more commercial approach will 'protect services and jobs', which has provided a catalyst for positive engagement with the Programme.

The Council has taken a comprehensive approach to staff engagement, identifying commercial strengths and areas for development across the organisation. This has allowed them to develop a range of tools, tailored to needs in different areas. They include; communication from senior managers, provision of self-service tools, a training programme, commercialism support service roadshows, commercialism clinics, an intranet site, induction training for new colleagues, presentations at team meetings, mentoring, coaching and opportunities for managers and colleagues to express barriers to commercialism. In particular, colleague to colleague support has inspired and enabled other individuals to apply the principles of commercialism and this has been a cornerstone of the engagement strategy.

- 5.20 The Review Team felt the Council had opportunities to think about how they use their assets smartly, delivering the best rate of return over the longer term. They also felt there may be opportunities to look at existing arrangements, such as exploring the possibility of renegotiating the terms of the Liberty Stadium contract so the Council can derive financial benefit.

CASE STUDY: Sheffield City Council: Polishing the family silver

Sheffield has been exploring the idea that rather than conducting 'fire sales' of spare assets, councils may be better off using them to generate sustainable income and improve run-down areas – delivering on key outcomes for the city. It's about not simply 'selling off the family silver' but polishing it up and using it in a more productive way.

Sheffield decided to turn these under-used assets into drivers for local economic growth – selling where necessary to create the capital for reinvestment in the right places, and along the way creating employment opportunities for local people. Another benefit is that the project has freed up land for new housing projects (21 hectares for private and affordable housing use).

The Council has been working with other public sector agencies in the area to ensure that everyone can benefit from the asset improvement approach. A joint asset board, chaired by Sheffield’s Chief Executive, has been set up as a platform where each organisation can work together to maximise the potential of joint and independently owned assets.

Nalin Seneviratne, Director of Capital and Major Projects at Sheffield City Council, explains: “Where the Sheffield approach differs from others is the attention given to asset enhancement – enhancing the value of the original assets and their saleability. Then, rather than using the enhanced receipts generated to plug short-term gaps in spending, we are using the funding in conjunction with private sector leverage to create a revolving Sheffield Investment Fund for investment in local infrastructure and economic growth projects.”

Recommendation 18: The Council should invest in building a more commercial skills set and capability among staff and develop tools and training which help them identify opportunities across the organisation. (See Nottingham’s Commercialism Toolkit, for example)

Recommendation 19: The Council should develop its trading arm, looking for opportunities in building management, vehicle maintenance, landscaping, solar energy and district heating and be aware of the market and what it takes to be competitive- in terms of cost and quality.

Recommendation 20: The Council should maximise its use of resources by considering how reserves and the property portfolio could be used to provide a rate of return over the long term. For example, create a trading account in property services to recycle revenue earning capital receipts. The Council should review the capital programme, being flexible in how the deficit is reduced and considering the balance between sales, borrowing and use of own cash flow.

Annex 1: List of recommendations

Recommendation 1: Develop more formalised briefing of Cabinet members, which would include regular meetings with senior managers who have responsibility within their portfolio, with notes of the meeting and action points to ensure members' priorities and decisions are followed through. The emphasis should be on proactively engaging members in decisions, rather than briefing them too late into the process.

Recommendation 2: If the Cabinet Advisory Committees are to be effective, their responsibilities and relationship to existing arrangements needs to be clarified and set out clearly in the Constitution so that all members and officers understand their respective roles.

Recommendation 3: The Council should consider how scrutiny could be closely oriented towards the Council's top priorities by, for example, establishing inquiries shaped around them. This would help develop scrutiny's improvement role as well as ensuring activity and resources have maximum impact.

Recommendation 4: The Council could consider reducing the time that Cabinet has to respond to scrutiny recommendations (currently 3 months).

Recommendation 5: The LSB could develop a small number of priorities, based on defined operational problems, which partners commit resources to and tackle on a task and finish or rolling basis.

Recommendation 6: The Council should communicate the role, purpose and activities of the LSB to members. Moreover, the Council should look for opportunities to involve members in the work of the LSB, including projects which may be taking place in their ward or local engagement and consultation.

Recommendation 7: The Council should aim to create space where staff can come together to solve shared problems ie. the session to consider horses being kept on council-owned land- and staff outside senior management should be empowered with the authority to bring officers together, rather than relying on or waiting for senior managers to convene a meeting or workshop. Frontline staff in particular should be more actively involved in the Innovation Programme and in developing savings proposals. Middle managers and their team managers should be encouraged to seek ideas from within their teams so that staff feel they have an opportunity to propose new ideas either informally or at team meetings.

Recommendation 8: The Council should look for more thematic transformation and savings opportunities such as, for example shared administration, which is currently being taken forward in the People directorate, but could be expanded across the whole organisation.

Recommendation 9: The Council should seek to better align finance with priorities and change, and in so doing move away from departmental savings targets to a more priority-based approach to financial planning.

Recommendation 10: The Council should achieve longstanding culture change by advancing a coherent Swansea story, supported by clear priorities and helping staff see how they fit and contribute to that story, while providing support for them to adapt within their role and a means for them to influence decisions and change.

Recommendation 11: Members, senior and middle managers should consistently model the behaviours they want to see and commit to avoid blaming staff when things don't go to plan. Senior and middle managers should encourage their staff to use their initiative and try new things and create time within their own teams and wider corporate settings to unpick and share the learning.

Recommendation 12: The Council should aim to develop a more systematic approach to sharing learning and practice - both positive and negative. This could be through team meetings, managers groups, lunch time sessions or problem-solving session.

Recommendation 13: Senior managers should be encouraged to get out into the organisation, meet and listen to staff. Regular formal or informal staff visits would create an opportunity for staff to communicate their experiences (particularly relating to what's working and what's not working) and propose ideas. It would also give the leadership a direct understanding of how successfully and quickly change is being implemented.

Recommendation 14: The Council should;

- 14.1 Articulate a narrative, building consensus among Cabinet and Executive Board
- 14.2 Engage wider members, staff and partners in developing that narrative
- 14.3 Rationalise priorities to ensure a focus on the most important things, which will help deliver the vision
- 14.4 Encourage and support everyone in the organisation to adapt their role to deliver the priorities
- 14.5 Manage and monitor the priorities effectively, systematically involving members (ie. ensuring a focus in regular Cabinet Member/ Director meetings)
- 14.6 Ensure that the priorities underpin all of the Council's activity, aligning change and financial planning to deliver the priorities.

Recommendation 15: Build positive relationships with key city and regional stakeholders- including business and the universities- to get everybody on board with the Swansea story and engage them in the delivery of priorities, particularly relating to regeneration and jobs growth.

Recommendation 16: Investing and improving the city centre is rightly a key priority. At the same time, the council must ensure this is not be done, or seen to be done, at the expense of improvements and core services to the outer areas in such a way as to alienate communities who may not benefit directly.

Recommendation 17: The council should balance leadership of city and community, which could be done through practical measures such as;

- Ensuring new housing investment is used to regenerate communities
- Using local infrastructure to provide job search, skills development and jobs within the community
- Developing a programme to upgrading district centres
- Empowering local councillors by devolving budgets across the City and County
- Co-locating/ jointly delivering services within communities, to maximise resources across departments and organisations and to maintain a presence within communities.

Recommendation 18: The Council should invest in building a more commercial skills set and capability among staff and develop tools and training which help them identify opportunities across the organisation. (See Nottingham's Commercialism Toolkit, for example)

Recommendation 19: The Council should develop its trading arm, looking for opportunities in building management, vehicle maintenance, landscaping, solar energy and district heating. Be aware of the market and what it takes to be competitive- in terms of cost and quality.

Recommendation 20: The Council should maximise its use of resources by considering how reserves and the property portfolio could be used to provide a rate of return over the long term. For example, create a trading account in property services to recycle revenue earning capital receipts. Review the capital programme; be flexible in how the deficit is reduced and consider the balance between sales, borrowing and use of own cash flow.

Annex 2: Full case studies

Barrow Borough Council: Empowering staff

<http://www.local.gov.uk/documents/10180/11643/Barrow+Borough+Council+Empowering+staff.pdf/e3fb9ed9-93b1-4fd1-9029-4c248641c29f>

Nottingham City Council: Commercialism Programme

<http://www.local.gov.uk/documents/6281932/6282225/Nottingham+MJ+Awards+Submission+-+Commercialism.pdf/868bc9b4-efde-443e-a744-2e82ef84ecf3>

Sheffield City Council: Polishing the family silver

<http://www.local.gov.uk/documents/10180/11643/Sheffield+City+Council+Polishing+the+family+silver.pdf/abe05cb0-9726-4477-bb14-405eb9fc9b86>

Staffordshire Fire and Rescue Service: Change management

<http://www.local.gov.uk/documents/10180/11643/Staffordshire+Fire+and+Rescue+Service+Change+management.pdf/3d8cfaf7-83b8-43e9-b575-f73897c3b8e5>

Report of the Section 151 Officer

Council – 3 March 2015

TO ESTABLISH A LOCAL PENSION BOARD AS ADMINISTERING AUTHORITY

Purpose:	To establish a Local Pension Board in line with The Local Government Pension Scheme (Amendment) (Governance) Regulations 2015
Policy Framework:	None
Reason for Decision:	An Administering Authority has to establish a local Pension Board by 1 April 2015 under the above Regulations.
Consultation:	Legal, Finance & Delivery and Access to Services.
Recommendations:	It is recommended that: 1) The proposals for the establishment, membership and initial terms of reference for the City & County of Swansea Pension Fund Local Pension Board as referred to in Appendix 1 of the report be approved and adopted. 2) The Head of Legal and Democratic Services has delegated authority to make any amendments to the Constitution as required in relation to the establishment and operation of the Local Pension Board..
Report Author:	Mike Hawes
Finance Officer:	Jeff Dong
Legal Officer:	Tracey Meredith
Access to Services Officer:	Sherill Hopkins

1. Introduction

1.1 The City & County of Swansea is the Administering Authority of the City & County of Swansea Pension Fund which is the Local Government Pension Scheme (LGPS) of the following active employers:

- City & County of Swansea
- Neath Port Talbot County Borough Council
- Cilybebyll Community Council
- Coedffranc Community Council
- Gower College Swansea
- NPTC Group
- Neath Town Council
- Margam Joint Crematorium Committee

- Pelenna Community Council
- Pontardawe Town Council
- Swansea Bay Port Health Authority
- Swansea City Waste Disposal
- University of Wales Trinity St Davids
- Babtie
- Celtic Community Leisure
- Colin Laver Heating Limited
- Swansea Bay Racial Equality Council
- Wales National Pool
- Capgemini
- NPT Homes
- Grŵp Gwalia

- 1.2 The City & County of Swansea Pension Fund has approximately:
- 15,500 active members (members actively contributing to but not yet drawing a pension)
 - 9,600 deferred members (members who have contributed to, in the past, but not yet drawing a pension)
 - 10,800 pensioner members (members drawing a pension)
 - Assets of £1.3bn

2 Governance Arrangements

- 2.1 Under statute, the Council of the City & County of Swansea has been charged with responsibility for the governance arrangements of the Pension Fund. The Council has delegated that function to the Pension Fund Committee which is a formally recognised committee of Council within the Council's Constitution. This remains unaffected by the Regulation and proposals attached.

3 The Pension Act 2013- Local Pension Boards

- 3.1 Following the introduction of The Pension Act 2013 which largely incorporated the recommendations of Lord Hutton of Furness's public sector pension reform report, the Government have issued Regulations outlining the requirement that LGPS Administering Authorities have to adopt in respect of enhanced governance arrangements.
- 3.2 These arrangements require LGPS Administering Authorities to establish a Local Pension Board no later than 1st April 2015 whose purpose is to assist the Administering Authority in its role as Scheme Manager. Such assistance is to:
- a) secure compliance with the Regulations and any other legislation relating to the governance and administration of the Scheme
 - b) secure compliance with the requirements imposed in relation to the LGPS by the Pensions Regulator; and
 - c) ensure efficient and effective governance and administration of the LGPS by the Scheme Manager.

- 3.3 Assisting the Administering Authority should be interpreted as helping the Administering Authority, including doing work requested by the Administering Authority. The role of the Local Pension Board should be interpreted as covering all aspects of governance and administration of the LGPS, including funding and investments. However, the Local Pension Board **does not replace the Administering Authority or make decisions** which are the responsibility of the Administering Authority under both the Regulations and other overriding legislation.

4 Local Pension Board Requirements

- 4.1 Each Administering Authority is required to determine its own procedures relating to the establishment and operation and Terms of Reference of its Local Pension Board.

The 2015 LGPS Regulations and subsequent guidance outlines the minimum requirements when establishing a Local Pension Board:

4.1.1 Membership

There must be as a minimum 2 employer representatives and 2 scheme member representatives with an optional non voting independent chairperson. There must be an equal number of employer and scheme member representatives.

The guidance states that in establishing membership of its Board, an Administering Authority must consider the number of scheme members and the size and breadth of employers within the scheme. All members and employers must have equal opportunity to be nominated to the role of Local Pension Board member through an open and transparent process.

No Councillor or Officer who has responsibility for discharging any function in relation to the management of the Pension Fund may be elected to the Local Pension Board.

4.1.2 Skills & Knowledge Requirement

In accordance with section 248A of the 2004 Act, every individual who is a member of a Local Pension Board must be conversant with:

- the rules of the LGPS, in other words the Regulations and other regulations governing the LGPS (including the Transitional Regulations, earlier regulations and the Investment Regulations); and
- any document recording policy about the administration of the Fund which is for the time being adopted in relation to the Fund, and
- have knowledge and understanding of:

- the law relating to pensions; and
- such other matters as may be prescribed

A Local Pension Board member should be aware that their legal responsibilities begin from the date they take up their role on the Board and so should immediately start to familiarise themselves with the documents as referred to above and the law relating to pensions. Training will be provided as and when necessary.

4.1.3 Conflicts of Interest

There is a requirement for Local Pension Board members not to have a conflict of interest, it is important to note that the issue of conflicts of interest must be considered in light of the Local Pension Board's role, which is to assist the Administering Authority. The Local Pension Board does not make decisions in relation to the administration and management of the Fund: Decisions rest with the Administering Authority.

5 The City & County of Swansea Pension Fund – Local Pension Board Proposals

- 5.1 The proposals for the membership and initial terms of reference for the City & County of Swansea Pension Fund Local Pension Board are attached at **Appendix 1** for approval

6 Financial Implications

- 6.1 All reasonable running costs and expenses incurred in establishing the Local Pension Board will be considered and approved by the Section 151 Officer and reported within the annual financial statement of the Pension Fund. These are a recognised cost of the LGPS scheme as outlined by Regulation and will be met in full by the Pension Fund.

7 Legal Implications

- 7.1 The Authority is under a duty to make arrangements for the establishment of a Local Pension Board by 1st April 2015. Failure to do so will be a breach of that duty. The statutory provisions and guidance imposing such a duty on the Authority are as set out in the main body of the Report.

Once the Local Pension Board has been established the Guidance to the Regulations anticipates that the Local Pension Board should be operational within a reasonably practicable period after 1 April 2015 (being no longer than 4 months).

8 Equality Impact Implications

- 8.1 There are no direct equality implications arising from this report. Where appropriate scheme employers and scheme members will be consulted during the appointment process as identified in **Appendix 1**.

Appendices:

Appendix 1 – Term of Reference

Background papers:

- Local Government Pension Scheme (LGPS) (Amendment) Governance Arrangements 2015 Regulations- Local Pension Boards-

http://www.legislation.gov.uk/ukxi/2015/57/pdfs/ukxi_20150057_en.pdf

- Local Government Pension Scheme Board Guidance-
<http://www.lgpsboard.org/index.php/about-the-board/board-guidance>

**LOCAL PENSION BOARD OF
THE CITY & COUNTY OF SWANSEA PENSION FUND
TERMS OF REFERENCE**

Introduction

1. This document sets out the terms of reference of the Local Pension Board of The City & County of Swansea (the 'Administering Authority') a scheme manager as defined under Section 4 of the Public Service Pensions Act 2013. The Local Pension Board (hereafter referred to as 'the Board') is established in accordance with Section 5 of that Act and under regulation 106 of the Local Government Pension Scheme Regulations 2013 (as amended).
2. The Board is established by the Administering Authority and operates independently of the Pension Fund Committee. Relevant information about its creation and operation are contained in these Terms of Reference.

Interpretation

3. The following terms have the meanings as outlined below:

'the Act'	The Public Service Pensions Act 2013.
'the Code'	means the Pension Regulator's Code of Practice No 14 governance and administration of public service pension schemes.
'the Pension Fund Committee'	means the committee who has delegated decision making powers for the Fund in accordance with Section 101 of the Local Government Act 1972.
'the Fund'	means the Fund managed and administered by the Administering Authority ¹ .
'the Guidance'	means the guidance on the creation and operation of local pension boards issued by the Shadow Scheme Advisory Board.
'the Regulations'	means the Local Government Pension Scheme Regulations 2013 (as amended from time to time), the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (as amended from time to time) including any earlier regulations as defined in these regulations to the extent they remain

applicable and the Local Government Pension Scheme (Management and Investment of Funds) Regulations 2009 (as amended from time to time).

- 'Relevant legislation'** means relevant overriding legislation as well as the Pension Regulator's Codes of Practice as they apply to the Administering Authority and the Board notwithstanding that the Codes of Practice are not legislation.
- 'the Scheme'** means the Local Government Pension Scheme in England and Wales.

Statement of purpose

4. The purpose of the Board is to assist the Administering Authority in its role as a scheme manager of the Scheme. Such assistance is to:
 - a) secure compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme and;
 - b) to ensure the effective and efficient governance and administration of the Scheme.

Duties of the Board

5. The Board should at all times act in a reasonable manner in the conduct of its purpose.

Establishment

6. The Board is established on 3rd March 2015 subsequent to approval by Council of the recommendation to establish a Local Pension Board contained in **LGPS (Amendment) Governance Arrangements 2015 Regulation - Local Pension Boards**. Subsequent to its establishment, the Board may establish sub-committees.

Membership

7. The Board shall consist of 6 voting members, as follows:
 - 3 Member Representatives; and
 - 3 Employer Representatives.
8. There shall be an equal number of Member and Employer Representatives.
9. The Chair shall be selected from the existing member/employer representatives on a rotating basis and shall endeavour to reach consensus.

Local Pension Board Member representatives

10. Local Pension Board Member representatives shall either be scheme members or have capacity to represent scheme members of the Fund.
11. Local Pension Board Member representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and have the necessary skills and knowledge required and participate in training as required.
12. Substitutes shall not be appointed.
13. A total of 3 Local Pension Board member representatives shall be appointed by nomination from the Joint Trade Unions representing employees who are scheme members of the Fund. If required a competitive selection process will be delegated to the Head of HR and S151 Officer.

Local Pension Board Employer representatives

14. Local Pension Board Employer representatives shall be Councillors, office holders/ senior employees of employers of the Fund or have experience of representing scheme employers in a similar capacity. No Officer or Councillor of the Administering Authority who is responsible for the discharge of any function of the Administering Authority under the Regulations may serve as a member of the Board.
15. Local Pension Board Employer representatives should be able to demonstrate their capacity to attend and have the requisite skills and knowledge and complete the necessary preparation for meetings and participate in training as required.
16. Substitutes shall not be appointed.
17. A total of 3 Local Pension Board employer representatives shall be appointed to the Board, one from each of the following sources:
 - a) One employer representative shall be appointed by the largest employer within the fund (City & County of Swansea).
 - b) One employer representative shall be appointed by the second largest employer within the fund (Neath Port Talbot CBC)
 - c) One employer representative shall be appointed by the Administering Authority where all employers (bar those identified in 17a and 17b above) will have been asked to submit their interest in undertaking the role of employer representative on the Board. In the event that more than one employer expresses an interest outlining their availability, skills and knowledge and lack of conflicts of interest than a competitive interview

process will be undertaken delegated to the Head of HR and S 151 Officer to progress.

Other members

18. No other Members are recommended for appointment to the Board.

Appointment of Chair

19. Subject to the meeting arrangements in paragraphs 35 to 37 below a Chair shall be appointed for the Board as identified below:

- a) *At the first meeting of the Board, a Chair shall be elected from their number on a rotating basis for a term of one year, with the role alternating between employer and member representatives on an equal basis. The Chair shall seek to reach decision by consensus and in the event this cannot be reached, this should be so recorded.*

Duties of chair

20. The Chair of the Board:

- (a) Shall ensure the Board delivers its purpose as set out in these Terms of Reference, agree Agendas and clear minutes
- (b) Shall ensure that meetings are productive and effective and that opportunity is provided for the views of all members to be expressed and considered, and
- (c) Shall seek to reach consensus and ensure that decisions are properly put to a vote when it cannot be reached. Instances of a failure to reach a consensus position will be recorded and published.

Notification of appointments

21. When appointments to the Board have been made the Administering Authority shall publish the name of Board members on the City and County of Swansea website, the process followed in the appointment together with the way in which the appointments support the effective delivery of the purpose of the Board.

Terms of Office

22. The term of office for Board members is 4 years, following the Local government cycle, however the first term of office may be shorter.

23. Extensions to terms of office may be made by the Administering Authority with the agreement of the Board.

24. Board membership may be terminated prior to the end of the term of office due to:

- (a) A member representative appointed on the basis of their membership of the scheme no longer being a scheme member in the Fund².
- (b) A member representative no longer being a scheme member or a representative of the body on which their appointment relied.
- (c) An employer representative no longer holding the office or employment or being a member of the body on which their appointment relied.
- (d) A Board member no longer being able to demonstrate to The City & County of Swansea their capacity to attend and prepare for meetings or to participate in required training.
- (e) The representative being withdrawn by the nominating body and a replacement identified.
- (f) A Board member has a conflict of interest which cannot be managed in accordance with the Board's conflict policy.
- (g) A Board member who is an elected member becomes a member of the Committee.
- (h) A Board member who is an officer of the Administering Authority becomes responsible for the discharge of any function of the Administering Authority under the Regulations.

Conflicts of interest

25. All members of the Board must declare to the Administering Authority on appointment and at any such time as their circumstances change, any potential conflict of interest arising as a result of their position on the Board.

26. A conflict of interest is defined as a financial or other interest which is likely to prejudice a person's exercise of functions as a member of the Board. It does not include a financial or other interest arising merely by virtue of that person being a member of the Scheme.

27. On appointment to the Board and following any subsequent declaration of potential conflict by a Board member, the Administering Authority shall ensure that any potential conflict is effectively managed in line with both the internal procedures of the Board's conflicts policy and the requirements of the Code.

Knowledge and understanding (including Training)

28. Knowledge and understanding must be considered in light of the role of the Board to assist the Administering Authority. The Board shall establish and maintain a Knowledge and Understanding Policy and Framework to address the knowledge and understanding requirements that apply to Board members under the Act. That policy and framework shall set out the degree of knowledge and understanding required as well as how knowledge and understanding is acquired, reviewed and updated.

29. Board members shall attend and participate in training arranged in order to meet and maintain the requirements set out in the Board's knowledge and understanding policy and framework.
30. Board members shall participate in such personal training needs analysis or other processes that are put in place in order to ensure that they maintain the required level of knowledge and understanding to carry out their role on the Board.

Meetings

31. The Board shall as a minimum meet 6 monthly
32. Meetings shall normally take place during office hours where practicable at offices of the Administering Authority
33. The Chair of the Board with the consent of the Board membership may call additional meetings.

Quorum

34. A meeting is only quorate when a minimum of 3 persons are present with at least one member and one employer representatives being present.
35. A meeting that becomes inquorate must cease immediately and be reconvened.

Board administration

36. The Chair shall agree an agenda prior to each Board meeting. Officers shall provide such services and provide information for the Board when required.
37. The agenda and supporting papers will be issued at least 5 clear working days in advance of the meeting except in the case of matters of urgency in line with the Local Government Act 1972.
38. Draft minutes of each meeting including all actions and agreements will be recorded and circulated to all Board members within 10 clear working days after the meeting. These draft minutes will be subject to formal agreement by the Board at their next meeting. Any decisions made by the Board should be noted in the minutes and in addition where the Board was unable to reach a decision such occasions should also be noted in the minutes.
39. The minutes may be edited to exclude items on the grounds that they would either involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act and/or they represent data covered by the Data Protection Act 1998.

40. The Board shall ensure that Board members meet and maintain the knowledge and understanding as determined in the Board's Knowledge and Understanding Policy and Framework and other guidance or legislation.
41. The Board shall arrange for such advice from officers or Advisors as is required.
42. An attendance record shall be maintained.
43. The Board shall liaise with the Administering Authority on the requirements of the Board, including advanced notice for officers to attend and arranging dates and times of Board meetings.

Public access to Board meetings and information

44. The Board meetings can be open to the general public (unless there is an exemption under relevant legislation) when the public would be asked to leave.
45. The following will be entitled to attend Board meetings in an observer capacity:
 - (a) *Members of the Pension Fund Committee,*
 - (b) *Any person requested to attend by the Board.*

Any such attendees will be permitted to speak at the discretion of the Chair.

46. In accordance with the Act the Administering Authority shall publish information about the Board to include:
 - (a) The names of Board members and their contact details.
 - (b) The representation of employers and members on the Board.
 - (c) The role of the Board.
 - (d) These Terms of Reference.
47. The Administering Authority shall also publish other information about the Board including:
 - (a) Agendas and minutes
 - (b) Attendance logs
 - (c) An annual report on the work of the Board to be included in the Fund's own annual report.
48. All or some of this information may be published using the following means or other means as considered appropriate from time to time:
 - (a) On the Fund's website.
 - (b) As part of the Fund's Annual Report.

49. Information may be excluded on the grounds that it would either involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act and/or they represent data covered by the Data Protection Act 1998.

Expenses and allowances

50. The Administering Authority shall meet the expenses of Board members in line with the Administering Authority's policy on expenses.
51. The Administering Authority shall not pay allowances for Board members

Budget

52. The Board is to be provided with adequate resources to fulfil its role. The Board will seek approval from the Section 151 Officer for any expenditure it wishes to make.

Core functions

53. The first core function of the Board is to assist the Administering Authority in securing compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme. Within this extent of this core function the Board may determine the areas it wishes to consider including but not restricted to:

- a) *Review management, administrative and governance processes and procedures in order to ensure they remain compliant with the Regulations, relevant legislation and in particular the Code.*
- b) *Review the compliance of scheme employers with their duties under the Regulations and relevant legislation.*
- c) *Assist with the development of and continually review scheme member and employer communications as required by the Regulations and relevant legislation.*
- d) *Monitor complaints and performance on the administration and governance of the scheme.*
- e) *Assist with the application of the Internal Dispute Resolution Process.*
- f) *Review the implementation of revised policies and procedures following changes to the Scheme.*
- g) *Review the arrangements for the training of Board members and those elected members and officers with delegated responsibilities for the management and administration of the Scheme.*
- h) *Review the complete and proper exercise of employer and administering authority discretions.*
- i) *Review the outcome of internal and external audit reports.*
- j) *Review draft accounts and Fund annual report.*

- k) *Review the compliance of particular cases, projects or process on request of the Committee.*
 - l) *Any other area within the statement of purpose (i.e. assisting the Administering Authority) the Board deems appropriate.*
54. The second core function of the Board is to ensure the effective and efficient governance and administration of the Scheme. Within this extent of this core function the Board may determine the areas it wishes to consider including but not restricted to:
- a) *Assist with the development of improved customer services.*
 - b) *Monitor performance of administration, governance and investments against key performance targets and indicators.*
 - c) *Monitor internal and external audit reports.*
 - d) *Review the risk register as it relates to the scheme manager function of the authority.*
 - e) *Assist with the development of improved management, administration and governance structures and policies.*
 - f) *Review the outcome of actuarial reporting and valuations.*
 - g) *Assist in the development and monitoring of process improvements on request of Committee.*
 - h) *Any other area within the statement of purpose (i.e. ensuring effective and efficient governance of the scheme) the Board deems appropriate.*
55. In support of its core functions the Board may make a request for information to the Committee with regard to any aspect of the Administering Authority's function. Any such request should be reasonably complied with in both scope and timing.
56. In support of its core functions the Board may make recommendations to the Committee which should be considered and a response made to the Board on the outcome within a reasonable period of time.

Reporting

57. The Board should in the first instance report its requests, recommendations or concerns to the Committee. In support of this any member of the Board may attend a Committee meeting as an observer.
58. Requests and recommendations should be reported under the provisions of above.
59. The Board should report any concerns over a decision made by the Committee to the Pension Fund Committee.
60. On receipt of a report under paragraph 59 above the Committee should, within a reasonable period, consider and respond to the Board.

- 61. Where the Board is not satisfied with the response received it may request that a notice of its concern be placed on the website and in the Fund's annual report.
- 62. Where the Board is satisfied that there has been a breach of regulation which has been reported to the Committee under paragraph 59 and has not been rectified within a reasonable period of time it is under an obligation to escalate the breach.
- 63. The appropriate internal route for escalation is to the Monitoring Officer and the Section 151 Officer.
- 64. The Board may report concerns to the LGPS Scheme Advisory Board for consideration subsequent to, but not instead of, using the appropriate internal route for escalation.
- 65. Board members are also subject to the requirements to report breaches of law under the Act and the Code

Review of terms of reference

- 66. The Council and Board may review the operation of and Terms of Reference periodically.
- 67. These Terms of Reference were adopted on 3rd March 2015

.....
Signed on behalf of the Administering Authority

.....
Signed on behalf of the Board

Agenda Item 12.a

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

Council – 3 March 2015

AMENDMENTS TO THE COUNCIL CONSTITUTION

Purpose:	To make amendments in order to simplify, improve and/or add to the Council Constitution.
Policy Framework:	None.
Reason for Decision:	A decision of Council is required to change the Council Constitution.
Consultation:	Finance, Legal
Recommendation(s):	It is recommended that: 1) The changes to the Council Constitution as outlined below in relation to: a) Part 2, Article 8 'Regulatory and Other Committees'; b) Part 3, 'Scheme of Delegation and Terms of Reference'; be adopted. 2) All other references to 'Area Development Control Committee(s)' and 'Development Management and Control Committee' be amended to read 'Planning Committee'. 3) The Rights of Way and Commons Sub Committee be abolished and its work revert to the Planning Committee.
Report Author:	Huw Evans / Ryan Thomas
Finance Officer:	Carl Billingsley
Legal Officer:	Christopher Allingham

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 arise from the report considered by Council on the 6 January 2015 and relate to the changes to the Planning Committee structure and changes in the law. They are within the following area of the Council Constitution:

- a) Throughout the Council Constitution;
- b) Part 2, Article 8 'Regulatory and Other Committees';
- c) Part 3 - Scheme of Delegation;
- d) Part 3 - Terms of Reference.

4. Throughout the Council Constitution

4.1 **Delete** all references in the Council Constitution to 'Area Development Control Committee' and 'Development Management and Control Committee'. **Replace** with 'Planning Committee'.

5. Part 2 - Article 8 'Regulatory and Other Committees'

5.1 Paragraph 8.1.1. **Delete** reference to 'Area Development Control Committee'. **Replace** with 'Planning Committee'.

6. Part 3 - Scheme of Delegation

6.1 Paragraph 1.2.3 - **Delete** the bold note beneath Paragraph 1.2.3 which is shown below:

Note: Responsible Officers are not given any Authority to submit planning applications for development on, or a change of use of, Council owned land without the approval of Cabinet.

6.2 Paragraph 1.3.3 'Key:'

Delete 'ADCC - Area Development Control Committee' and 'DMCC - Development Management Control and Committee' from the table. **Add** 'PC - Planning Committee'.

6.3 Paragraph 1.3.4 'Functions Relating to Town & Country Planning & Development Control'.

- i) **Delete** all references to 'ADCC' and 'DMCC' in the 'Delegated To' column. **Replace** with PC.

- ii) A5 ‘Duties relating to the making of determinations of planning applications’. The wording in the ‘Provision of Act or Statutory Instrument’ column to **be amended** as follows:

‘Sections 69, 76, 91 and 92 of the Town and Country Planning Act 1990 and Articles 3 to 17, 19 to 24, 29 and 30 of the Town and Country (General Development Management Procedure) Order (Wales) 2012 (S.I. 2012/808 (W.110)) and directions made there under.

- iii) A7 ‘Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights’. The wording in the ‘Provision of Act or Statutory Instrument’ column to **be amended** as follows:

‘Parts 6, 7, 11, 17, 19, 20, 21 to 24, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418) (as amended).

- iv) A22 ‘Duties relating to applications for listed building consent and conservation area consent’. The wording in the ‘Provision of Act or Statutory Instrument’ column to **be amended** as follows:

‘Sections 13(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 17 of the Town and Country Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012 and paragraph 127 Welsh Office Circular 61/96 Planning and the Historic Environment; Historic Buildings and Conservation Areas’.

- v) A42. **Delete** the note beneath Paragraph A42 which is shown below:

(Note: Responsible Officers are not given any Authority to submit planning applications for development on, or a change of use of, Council owned land without the approval of Cabinet).

- vi) **Add** A43 to A53 as follows:

No	Function	Provision of Act or Statutory Instrument	Delegated To
A43	Power to respond to consultation from other Local Authorities on development proposals	Regulation 14 of the Town and Country (General Development Management Procedure) Order (Wales) 2012 (S. I. 2012/808 (W.110))	HoER&P

A44	Power to respond to Nationally Significant Infrastructure Projects within the City & County of Swansea at pre-application stage and agree a Statement of Community Consultation	Sections 42 and 47 of the Planning Act 2008	HoER&P
A45	Power to submit Local Impact Reports, Written Representation and agree a Statement of Common Ground on Nationally Significant Infrastructure Projects within the City & County of Swansea	Sections 60 and 90 of the Planning Act 2008	PC
A46	Power to represent the City and County of Swansea in any topic specific hearing and open floor hearing, provide further comments and respond to Examining Authority questions on Nationally Significant Infrastructure Projects within the City & County of Swansea	Section 94 of the Planning Act 2008	HoER&P
A47	Power to agree/ comment on draft Development Consent Orders and enter into a S106 Obligation on Nationally Significant Infrastructure Projects within the City & County of Swansea	Section 106 of the Town and Country Planning Act 1990 and Section 104 of the Planning Act 2008	HoER&P
A48	Power to discharge requirements and obligations of Nationally Significant Infrastructure Projects	Section 120 of the Planning Act 2008	HoER&P
A49	Power to respond to consultation to the applicant on Nationally Significant Infrastructure Projects located wholly outside of the Authority boundary	Section 42 of the Planning Act 2008	HoER&P

A50	Power to register as a relevant Local Authority / Interested Party and make relevant representations (similar to those outlined above in relation to applications within the County boundary) to the Planning Inspectorate on Nationally Significant Infrastructure Projects located wholly outside of the Authority boundary	Section 102 of the Planning Act 2008	HoER&P
A51	Power to make minor amendments to conditions post resolution	Sections 70 and 72 of Town and Country Planning Act 1990 and The Use of Planning Conditions for Development Management (Circular 16/2014)	HoER&P
A52	Power to modify or discharge planning obligations regulating development or use of land	Sections 106A and 106B of the Town and Country Planning Act 1990.	PC/HoER&P
A53	Power to determine discharge of condition applications	Section 72 of the Town and Country Planning Act 1990 and Part 23 of the Town and Country (General Development Management Procedure) Order (Wales) 2012 (S. I. 2012/808 (W.110))	HoER&P

6.4 Paragraph 1.3.13 'Local Choice Functions'.

J9 'Powers related to Public Rights of Way, Commons Registration and Village Greens'. **Delete** reference to 'Rights of Way and Commons Sub Committee' in the 'Delegated To' column. **Replace** with 'PC' (Planning Committee).

6.5 Paragraphs 1.6-1.9.3 of the Scheme of Delegation

It is proposed that Paragraphs 1.6-1.9.3 of the Scheme of Delegation be amended and re-ordered. All suggested changes to these paragraphs are outlined using Tracked Changes in **Appendix A**.

7. Part 3 - Terms of Reference

- 6.1 Council at its meeting on 6 January 2015 resolved that the Area 1 and Area 2 Development Control Committee's and Development Management and Control Committee be merged into a single Planning Committee. As a result of this, the combined terms of reference have been reviewed.
- 7.2 Additionally, the status of the Rights of Way and Commons Sub Committee has been reviewed and it is proposed that the Sub Committee be abolished and that the work of the Sub Committee be subsumed into the Planning Committee.
- 7.3 In light of the above, the terms of reference have been combined and amended. The proposals are outlined using Tracked Changes in **Appendix B**.

8. Equality and Engagement Implications

- 8.1 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.

9. Financial Implications

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

10. Legal Implications

- 10.1 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

Background Papers: None.

Appendices:

Appendix A	Paragraphs 1.6-1.9.3 of the Scheme of Delegation - Tracked Changes
Appendix B	Planning Committee Terms of Reference (created by merging the Area 1 and Area 2 Development Control Committees, Development Management and Control Committee and the Rights of Way and Commons Sub Committee) and carrying out a review - Tracked Changes

Appendix A

Paragraphs 1.6-1.9.3 of the Scheme of Delegation - Tracked Changes

1.6 **The determination of applications identified in 1.5.2 above will be referred to the Planning Committee where:**

Deleted: appropriate Area Development Control

1.6.1 **Departure Applications.** The application is contrary to the provisions of the Development Plan, and is being recommended for approval by the Head of Economic Regeneration and Planning;

1.6.2 **Councillors / Officer Applications.** The application has been submitted by any Officer involved in the planning process or a Councillor. An Officer is involved in the planning process if they are a member of staff in the planning section, or involved in enforcing planning matters, or giving advice or support to Officers or Councillors involved in the planning process or could be perceived to be involved in the planning process;

Deleted: a Councillor or

Deleted: (See Note1)

1.6.3 **EIA Development.** The application involves an Environmental Impact Assessment (EIA).

1.6.4 **Alternate Development Threshold.** The application relates to the following forms of development:

- a) The winning and working of minerals or the use of land for mineral-working deposits;
- b) Waste development;
- c) The provision of dwellinghouses where—
 - i) The number of dwellinghouses to be provided is 20 or more; or
 - ii) The development is to be carried out on a site having an area of 1 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);
- d) The provision of a building or buildings where the floor space to be created by the development is 2,000 square metres or more; or
- e) Development to be carried out on a site having an area of 2 hectare or more.

1.6.5 **Councillor Call In.** A Councillor has requested by letter, email or fax within 21 days of being notified that a valid application has been received (or within the specified re-consultation period), – i.e the “Call in Period”, that it be reported to the Planning Committee and the objection threshold is reached within the “Call in Period”, namely:

Deleted: at any time prior to the determination of the application,

Deleted: appropriate Area Development Control

i) The application is subject to 20 letters of objection from different people at different addresses; or

ii) A petition of 30 or more signatures from different people at different addresses.

1.6.6 Chair of Planning Committee Referral. Where a Councillor Call In has been made within the “Call in Period” but the objection threshold has not been reached the Chair of the Planning Committee can direct that the application be determined by Planning Committee where the development has a quantifiable community wide impact or there is a quantifiable community wide interest in a development which goes beyond protecting the private interests of one person, or group of persons against the activities of others.

1.6.7 Head of Service Referral. The application is, in the opinion of the Head of Economic Regeneration and Planning, of strategic importance or the application should, in the opinion of the Head of Economic Regeneration and Planning be determined by Planning Committee.

1.6.8 Councillors may withdraw a Councillor Call In at any time prior to the relevant Committee agenda being finalised. Such withdrawal may follow contact between the Councillor(s) and Planning Officer(s).

1.6.9 If a Councillor wishes to use the Councillor Call In to call in an application which is within the area of another Councillor(s) they must inform the Councillor(s) in whose area the application falls giving their reason prior to making the Planning Call In.

1.6.10 In the case of 1.6.9 above, the Councillor making the Councillor Call In must also give written notice (letter, e-mail or fax) to the Head of Economic Regeneration and Planning stating that the Councillor(s) in whose area the application falls has been informed of the intended Councillor Call In. Any application called in by a Councillor in another Councillor(s) area shall not be valid unless it contains the required written statement.

1.6.11 The Council has a duty to ensure that it maintains an efficient planning service and to progress planning applications in a timely fashion. Whilst the Call-in procedure is a fundamental and important part of the democratic process, unnecessary ‘call-ins’ can lead to unreasonable delay.

Therefore, where it is considered that a member or members is/are unreasonably calling in planning applications or otherwise potentially abusing the ‘call-in’ process, the Chair of the Planning Committee will, in the first instance, discuss the situation with the member/members concerned.

Deleted:

Deleted: in

Deleted: or a

Deleted: This is referred to as a “Planning Call In”.

Deleted: Planning

Deleted: 21 days of a Councillor being notified that a valid application has been received (or within the specified re-consultation period)

Deleted: interest

Deleted: beyond

Deleted: no written reasons are submitted or a meeting with the relevant Planning Officer not been arranged by the Councillor within the timescales specified in 1.5 (8) above, the Planning Call In may be deemed “invalid” and as such the Head of Economic Regeneration and Planning will be able to determine the application (subject to satisfaction of other statutory timescales).

Deleted: 3

Deleted: , in which case it shall be reported directly to Development Management and Control Committee for decision;¶

¶ 1.6.4 Planning applications submitted by the Council: .

¶ a. Under Regulation 3 of the Town & Country Planning General Regulations 1992 seeking outline planning permission;¶

b. Under Regulation 4 of the Town & Country Planning General Reguatio(...

Deleted: 1.6.5 The application is the subject of a Petition of Objection (...

Deleted: 1.6.9 . Where no written reasons are submitted or a meeting (...

Deleted: 10

Deleted: Planning

Deleted: 11

Deleted: Planning

Deleted: 2

Deleted: 11

Deleted: Planning

Deleted: Planning

Deleted: 1.6.13 Blanket calling in of applications within an Electoral Divis(...

Deleted: 1.6.14 . The reason for calling in an application MUST relate(...

Deleted: 5

Deleted:

Deleted: Development Management and Control

In the event that the issue is not resolved then the Chair of Planning Committee and a member from the Planning Committee will review all applications for 'call-in' to Committee with the member/members concerned and have the authority to withdraw any "Councillor Call In" requests. The decision of this panel is final.

1.7 Enforcement Matters

1.7.1 The implementation of all enforcement powers shall be delegated to the Director of Place or Head of Economic Regeneration and Planning, except where the proposed action would lead to the loss of a residentially occupied unit.

Deleted: Development Management and Control

Deleted: one of the Area Development Control

Deleted: s

Deleted: c

Deleted: by and

Deleted: Planning

Deleted: 1.7.1 Applications Minded to be Determined By Delegated Officer Panel¶

¶
1.7.1 . In addition to the opportunity to Call In an application prior to determination, Councillors will be notified in advance of all planning applications:¶

- ¶
- a. Where objections have been received and which the Head of Economic Regeneration and Planning is minded to approve;¶
 - b. . Where letters of support have been received and which the Head of Economic Regeneration and Planning is minded to refuse;¶
 - c. Councillors are allowed 5 clear working days to Call In such applications to Committee after they have been notified of them. Should an application be called in during this period, rules for validation as set out in 1.6.12 to 1.6.13 above will apply.¶

Deleted: 8

Deleted: 8

Deleted: Except

Deleted: Where

Deleted: :¶

¶

Deleted: 1.78.2 .

Deleted: (i) A breach of planning control is identified with a request that enforcement action be taken solely to remedy the absence of a valid planning permission and it is considered that if a planning application were submitted it would be approved unconditionally when no further action will be taken, subject to prior consultation and agreement with the Electoral Division Councillor(s); or¶

¶
(ii)

Deleted: .

Deleted: 1.7

Deleted: 8

Deleted: .3

Deleted: T

Deleted: 1.9 . NOTES:

¶
1.9.1 . An Officer is involved in the planning process if they are a memb(...

Appendix B

Planning Committee Terms of Reference (created by merging the Area 1 and Area 2 Development Control Committees, Development Management and Control Committee and the Rights of Way and Commons Sub Committee) and carrying out a review - Tracked Changes

Planning Committee

1. To discharge the functions of the Council with regard to planning control services except:

Deleted: and building control

a. Where the Planning Committee is minded to approve an application for development which the Head of Economic Regeneration & Planning has recommended for refusal because it is contrary to the Unitary Development Plan, or any other relevant policies adopted by the Council, OTHER THAN:

Deleted: Area Development Control

Deleted: advises

Deleted: or guidelines

b. The following policies of the Unitary Development Plan:

Deleted: b. The Council's Design Guide for Householder Development (June 2008);
c. The South Wales Parking Guidelines (as amended);

Deleted: d

Formatted Table

EV1	Design of New Development
EV2	Siting & Location of New Development
EV3	Accessibility & Access for All
EV4	Public Realm
EV5	Public Art
EV7	Listed Buildings
EV8	Demolition of Listed Buildings
EV9	Development in Conservation Areas
EV10	Demolition of Unlisted Buildings in Conservation Areas
EV12	Lane & Public Paths
EV13	Shop fronts, Security Grilles
EV14	Advertisements
EV15	Hoardings
EC14	Agricultural Development
EC15	Urban Tourism
HC2	Infill Development & Small Scale Residential Development
HC4	Regeneration of Older Housing Areas
HC5	Multiple Occupation
HC6	Flat Conversion
HC7	Household Extensions
HC8	Over the Shop Housing
HC10	Holiday Chalet and Caravan Sites
HC26	Informal Recreation
HC27	Use of Land for Horses
R10	Telecommunications
AS1	Accessibility of new development
AS2	Accessibility of new development
AS5	Walking & Cycling
AS6	Car parking requirements for new development
AS10	Traffic management & highway safety.

- 2 Where the recommendation would involve a refusal of permission to an application submitted by the Council in relation to land owned by the Council;
- 3 Any other matter as determined by the Head of Economic Regeneration & Planning including the consideration and adoption of Supplementary Planning Guidance with the exception of Development Plan Strategy which shall be determined by Council;
4. To discharge the functions of the Council with regard to Public Rights of Way, Commons Registration and Village Greens.

Deleted: 3 The application is, in the opinion of the Head of Economic Regeneration & Planning, of strategic importance, in which case it shall be reported directly to Development Management and Control Committee for decision;

4 . Where the application falls within the boundary of more than one Area Development Control Committee;

5 Where one third or more of the voting Members present at the Area Development Control Committee so decide.

6 . To discharge the functions of the Council with regard to Public Rights of Way under s257 of the Town and Country Planning Act 1990.

To discharge the functions of the Council with regard to planning control in the following circumstances:

- a. All planning applications referred by the Area Development Control Committees;
- b. . Any application which, in the opinion of the Head of Economic Regeneration & Planning, is of strategic importance should go directly to the Planning Committee for decision;
- c. Any application which has been submitted on behalf of the Council and is to be recommended for refusal, in which case it shall be reported directly to the Development Management and Control Committee for decision;
- d. . Any application which falls within the boundary of more than one Area Development Control Committee;
- e. Any other matter as determined by the Head of Economic Regeneration & Planning including the consideration and adoption of Supplementary Planning Guidance with the exception of Development Plan Strategy which shall be determined by Council.

Deleted: .

Deleted: Rights of Way and Commons Sub Committee

1 . This is a Sub Committee of the Development Management and Control Committee.

2

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

Council – 3 March 2015

NOMINATION OF LORD MAYOR ELECT AND DEPUTY LORD MAYOR ELECT 2015- 2016

Purpose:	To nominate the Lord Mayor elect and Deputy Lord Mayor elect for 2015-2016.
Policy Framework:	Lord Mayor and Deputy Lord Mayor Protocol.
Reason for Decision:	To enable the arrangements for the Inauguration of the Lord Mayor and Deputy Lord Mayor event to proceed.
Consultation:	Political Group Leader and their Deputies, Finance, Legal.
Recommendation(s):	It is recommended that: 1) Council nominate Councillor John Newbury as Lord Mayor Elect 2015-2016; 2) Council nominate Councillor David H Hopkins as Deputy Lord Mayor Elect 2015-2016.
Report Author:	Huw Evans
Finance Officer:	Carl Billingsley
Legal Officer:	Patrick Arran
Access to Services Officer:	Euros Owen

1. Introduction

1.1 The Lord Mayor and Deputy Lord Mayor Protocol, set out within the Council Constitution, was initially approved by Council on 28 February 2008. The latest version was amended by Council on 18 March 2014. The Protocol is attached as **Appendix 1**.

2. Nominations

2.1 In line with the Protocol, the Head of Democratic Services sent an e-mail on 13 February 2015 asking each Political Group Leader and their Deputies to determine whether the candidates met the criteria set out in the Protocol and the candidate's appropriateness for the role of Lord Mayor and Deputy Lord Mayor.

2.2 Each Political Group Leader and their Deputies responded by e-mail on 13 February 2015 stating that the candidates met the criteria set out in the Protocol and that the candidate's were appropriate for the role of Lord Mayor and Deputy Lord Mayor.

3. Equality and Engagement Implications

3.1 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.

4. Financial Implications

4.1 None.

5. Legal Implications

5.1 None.

Background Papers: None

Appendices:

Appendix 1	Lord Mayor and Deputy Lord Mayor Protocol
Appendix 2	Councillors Total Length of Services with the City and County of Swansea and each of its predecessor Authorities as at 17 February 2015

1. Lord Mayor and Deputy Lord Mayor Protocol

1. Introduction

1.1 On 22 March 1982, HM Queen Elizabeth II graciously granted to the City of Swansea letters patent which elevated the status of the Mayor to that of Lord Mayor. The Unitary Authority of the City and County of Swansea which came into being on 1 April 1996 was successful in having both the City and Lord Mayor status re-bestowed on 29 March 1996.

1.2 The actual wording of the letters patent is shown below:

“Elizabeth the Second by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of our other Realms and Territories Queen Head of the Commonwealth Defender of the Faith To all to whom these presents shall come, Greeting. Know ye that our will and pleasure is and We do hereby declare and ordain that from and after the date of these presents the Mayor of the City of Swansea and his successors in office shall be styled entitled and called LORD MAYOR OF SWANSEA And we do hereby authorise and empower the Mayor of the City of Swansea and his successors in office henceforth at all times to assume and use and to be called and to be named by the style title and appellation of Lord Mayor of Swansea and to enjoy and use all and singular the rights privileges and advantages to the degree of a Lord Mayor in all things duly and or right belonging. In witness whereof we have caused these our letters to be made patent. Witness Ourselves at Westminster the twenty second day of March in the thirty first year of our reign”.

1.3 The Lord Mayor and Deputy Lord Mayor Protocol aims to cover all aspects relating to the eligibility, nomination and behaviour of the Lord Mayor / Deputy Lord Mayor.

2. Eligibility to be Lord Mayor / Deputy Lord Mayor

2.1 For the period that a person is elected as Lord Mayor / Deputy Lord Mayor, they must remain a Councillor of the City and County of Swansea.

2.2 From the moment that the person ceases to be a Councillor of the City and County of Swansea, they automatically also cease to be the Lord Mayor / Deputy Lord Mayor.

3. Formal Procedure and Criteria for the Nomination of Lord Mayor and Deputy Lord Mayor

3.1 Councillors must satisfy the following criteria prior to being nominated as Deputy Lord Mayor / Lord Mayor.

- i) Candidates for the position of Lord Mayor and Deputy Lord Mayor must be members of the Council.

- ii) Councillors shall be elected to the position of Deputy Lord Mayor and Lord Mayor based on their total length of service with the City and County of Swansea Council and its predecessor Authorities. **Appendix D** (The List) highlights the “Councillors Total Length of Service with the City and County of Swansea and each of its predecessor Authorities” (As at Date Printed on **Appendix D**).
- iii) Simultaneous service on more than one of the City and County of Swansea Council’s predecessor Authorities will count as one period of service i.e. If a Councillor was an Elected Member with Lliw Valley Borough Council and West Glamorgan County Council during 1990-1994, only 4 years would be counted towards the Councillors total length of service during that time.
- iv) If a Councillor has broken service with the City and County of Swansea Council or any of its predecessor Authorities, then the time of each of the periods of service will be added together in order to establish the total length of service. For details of a Councillors Period(s) of Service with the City and County of Swansea and its predecessor Authorities, please refer to www.swansea.gov.uk/councillors
- v) If a Councillor has accrued service with another Authority, then that time will not be counted, as the time has not been spent representing the people of the City and County of Swansea Council.
- vi) A Councillor would only be honoured with the title Deputy Lord Mayor and Lord Mayor once.

3.2 If there are more than 1 Councillors with exactly the same length of service, then the nomination will be determined as follows:

- i) Between the Councillors involved;
- ii) The drawing of lots between the Councillors involved.

4. Consultation with Political Group Leaders and their Deputies

4.1 The Head of Democratic Services shall consult with the Political Group Leaders and their Deputies via e-mail asking them to:

- i) Determine whether candidates meet the criteria set out in Paragraph 3 above;
- ii) Discuss the appropriateness of the candidates nominated for the role of Deputy Lord Mayor and Lord Mayor.

4.2 If the Head of Democratic Services receives:

- i) A unanimous decision that the Candidates meet the criteria set out in Paragraph 3 above and that the Candidates are suitable for the role of Lord Mayor or Deputy Lord Mayor then the Head of Democratic Services shall present a report to Council outlining this view recommending their Election as Lord Mayor Elect and Deputy Lord Mayor Elect accordingly;

- ii) A split decision that one or both Candidates do not meet the criteria set out in Paragraphs 3 above and / or that one or both Candidates are not suitable for the role of Lord Mayor or Deputy Lord Mayor then a meeting of the Constitution Working Group be arranged to consider the issue. This only applies to the Candidate found not to meet the criteria or found not to be appropriate for the role of Lord Mayor Elect and Deputy Lord Mayor Elect.”

5. The Constitution Working Group subject to Paragraph 4 above will:

- 5.1 Determine whether candidates meet the criteria set out in Paragraph 3 above;
- 5.2 Discuss the appropriateness of the candidates nominated for the role of Deputy Lord Mayor and Lord Mayor.
- 5.3 If a candidate is deemed appropriate for the role of Deputy Lord Mayor / Lord Mayor then the Constitution Working Group shall present a report to Council recommending one candidate for the role of Deputy Lord Mayor and one candidate for the role of Lord Mayor based on the total length of time served by a Councillor.
- 5.4 If a candidate is deemed inappropriate for the role of Deputy Lord Mayor / Lord Mayor, the Constitution Working Group shall discuss what (if any) sanctions that will be imposed based on the following questions:

- a) Was the Councillor found in serious breach of the Councillors Code of Conduct?

If yes, then the exclusion from holding the office of Deputy Lord Mayor / Lord Mayor will be for a minimum mandatory period of 5 years or permanent removal from “the list”. The Constitution Working Group may extend this period if it deems the severity of the breach such. The period cannot be shortened.

- b) Was the Councillor found in minor breach of the Councillors Code of Conduct or carried out general inappropriate action(s) not involving a breach of the Councillors Code of Conduct?

If yes, the Constitution Working Group will decide on the severity and relevance of the breach of the Councillors Code of Conduct or the degree of inappropriate action.

It shall apply such deferral of office as it, in its absolute discretion, considers appropriate. As a guide such deferral of office may include exclusion from holding the office of Deputy Lord Mayor / Lord Mayor for any period up to 4 years.

- c) Was the Councillor found to have carried out inappropriate actions or other serious misbehaviour regarding the office of Lord Mayor / Deputy Lord Mayor not involving a breach of the Councillors Code of Conduct?

If yes, then the exclusion from holding the office of Deputy Lord Mayor / Lord Mayor will be for a suggested period of 4 years. The Constitution Working Group may increase or decrease this period if it deems appropriate.

- 5.5 What is a serious or minor breach of the Councillors Code of Conduct will be a matter to be determined by the Constitution Working Group on the facts of each particular case.
- 5.6 The exclusion period will be for the period starting with the final determination of the breach of the Councillors Code of Conduct for paragraphs 5.4 a) and 5.4 b) and the determination of the Constitution Working Group for paragraph 5.4. c).
- 5.7 If a Councillor has acted in the role of Deputy Lord Mayor and is deemed to be inappropriate prior to commencing the role of Lord Mayor, then s/he shall serve the exclusion period outlined above and at the end of the period undertake the role of Lord Mayor.
- 5.8 Once a Councillor has completed a period of suspension they will be placed on “the list” in accordance with their seniority.
- 5.9 In the year of a Local Government Election, it is possible that the next Councillor in line for the role of Lord Mayor / Deputy Lord Mayor either chooses not to stand for re-election or fails to get re-elected. In order to attempt to overcome this, the Constitution Working Group shall apply the appropriateness test to the next 5 Councillors in the list (Appendix D) who have confirmed that they intend standing in order to seek re-election. Please Note that Appendix D is not appended.
- 5.10 The appropriateness test for these other Councillors will only be a measure of their appropriateness at this current point in time. They will be the subject of a further appropriateness test if they are not elected to the role of Lord Mayor / Deputy Lord Mayor.

6. Constitution Working Group Report to Council

- 6.1 Council shall receive the report of the Constitution Working Group regarding nominations for the Deputy Lord Mayor and Lord Mayor. The report shall nominate one Councillor for the role of Deputy Lord Mayor and one Councillor for the role of Lord Mayor.
- 6.2 In the year of a **Local Government Election**, there will be a third and fourth recommendation seeking a resolution to name the next 5 Councillors as being eligible should the initial nominations fail to be re-elected. These additional 5 Councillors shall be appointed in line with the Protocol.
- 6.3 When a Councillor is elected to the position of Deputy Lord Mayor, then that person would become Lord Mayor the following municipal year, subject to Paragraph 5.4 b) and 5.4 c) above.

7 Role of Council

- 7.1 Council will receive the report of the Constitution Working Group regarding nominations for the Deputy Lord Mayor and Lord Mayor. It shall consider whether to accept the recommendations of the Constitution Working Group or not.

7.2 In the year of a **Local Government Election**, Council shall also be asked to accept the nominations of the next 5 Councillors under the Protocol in order to have an automatic fall-back position should the initial nominations fail to be re-elected. The automatic fall-back would mean that the next eligible Councillor who had been subjected to and passed the appropriateness test by the Constitution Working Group would be elected to the position of Lord Mayor / Deputy Lord Mayor as necessary.

7.3 Should Council not accept the recommendations of the Constitution Working Group, then the matter should be deferred to either the next Ordinary meeting of Council or to an Extraordinary meeting of Council in order for the appropriateness test to be considered for the next Councillor in line based on length of service by the Constitution Working Group.

8. Deferment of Term of Office

8.1 If a Councillor chooses to defer their term of office, then it would only be allowed in exceptional circumstances and subject to approval from all Political Group Leaders e.g. in the case of illness of the Councillor or close member of their family.

8.2 If the Leader of the Council is scheduled to be Lord Mayor then the Leader of the Council shall have the opportunity to defer his / her term of office for as long as they deem necessary.

9. Behaviour of Lord Mayor / Deputy Lord Mayor during their Term of Office

9.1 Should the behaviour of the Lord Mayor / Deputy Lord Mayor be brought into question during their term of office, then the behaviour should be reported to the Chief Executive, the Monitoring Officer, the Head of Democratic Services and to the relevant Political Group Leader.

9.2 However, if the alleged behaviour is considered to be a breach or potential breach of the Councillors Code of Conduct then the complainant should refer the matter to the Public Services Ombudsman for Wales or Police as appropriate.

9.3 The allegation will be passed to the Constitution Working Group for them to consider whether it requires any immediate action to be taken. The Group may also determine any sanction to be imposed (if any) pending the outcome of the Ombudsman's or Police investigation (if any).

10. Suspension from Office as a Councillor

10.1 Should a Councillor be suspended from the Office of Councillor for a period of time following a breach of the Councillors Code of Conduct, the following actions are to be followed:

- 10.1.1 Suspension is for a period **Less** than the remaining term of office of the Lord Mayor / Deputy Lord Mayor
- i) The issue shall be automatically referred to the Constitution Working Group for it to consider what action, if any should be taken.
- 10.1.2 Suspension is for a period **Longer** than the remaining term of office of the Lord Mayor / Deputy Lord Mayor
- i) The Councillor will cease to serve as Lord Mayor / Deputy Lord Mayor with immediate effect.
- 10.2 The Constitution Working Group reserves the right to amend the sanction as it sees fit.
- 11. Behaviour of Lord Mayor's Consort, / Deputy Lord Mayor's Consort, Lady Mayoress / Deputy Lady Mayoress during their Term of Office**
- 11.1 Should the behaviour of the Lord Mayor's Consort, / Deputy Lord Mayor's Consort, Lady Mayoress / Deputy Lady Mayoress be brought into question during their term of office, then the behaviour should be reported to the Chief Executive, the Monitoring Officer, the Head of Democratic Services and to the relevant Political Group Leader.
- 11.2 The allegation(s) will be passed to the Constitution Working Group for them to consider whether it requires any immediate action to be taken. Action could include suspending the individual for a period of time or seeking a Council resolution to remove the individual from Office.

Appendix 2

Councillors Total Length of Services with the City and County of Swansea and each of its predecessor Authorities As at 17 February 2015

Last Name	First Name(s)	Total Time Served	Municipal Year served as LM
Lewis	Richard	41 years, 9 months, 7 days	2010-2011
Thomas	Des	39 years, 3 months, 17 days	1996-1997
Owen	Byron	31 years, 10 months, 23 days	1991-1992
Burtonshaw	June	31 years, 9 months, 12 days	2002-2003
Davies	John	31 years, 9 months, 12 days	2000-2001
Francis-Davies	Robert	31 years, 9 months, 12 days	2001-2002
Black	Peter	30 years, 9 months, 14 days	Declined: 08.03.2007
Holley	Christopher	29 years, 9 months, 15 days	2006-2007
Richard	Ioan	29 years, 3 months, 3 days	2011-2012
Sullivan	Gareth	27 years, 9 months, 10 days	2008-2009
Stanton	June	26 years, 9 months, 12 days	2013-2014
Thomas	Ceinwen	24 years, 9 months, 14 days	Current Lord Mayor Current Deputy Lord Mayor
Newbury	John	24 years, 8 months, 11 days	
Hopkins	David	23 years, 9 months, 15 days	
Phillips	David	21 years, 9 months, 11 days	
Downing	Philip	18 years, 8 months, 16 days	
Lloyd	Paul	17 years, 10 months, 20 days	
Marsh	Keith	16 years, 8 months, 13 days	
Child	Mark	15 years, 9 months, 11 days	
Day	Mike	15 years, 9 months, 11 days	
Jones	Mary	15 years, 9 months, 11 days	
Rees	Huw	15 years, 9 months, 11 days	
Thomas	Graham	15 years, 9 months, 11 days	
Stewart	Robert	11 years, 9 months, 16 days	
Fitzgerald	Wendy	10 years, 8 months, 7 days	
Hood-Williams	Paxton	10 years, 8 months, 7 days	
Kirchner	Erika	10 years, 8 months, 7 days	
Philpott	Cheryl	10 years, 8 months, 7 days	
May	Peter	8 years, 1 months, 27 days	
Matthews	Penny	7 years, 6 months, 29 days	
Bradley	Nick	6 years, 9 months, 16 days	
Colburn	Tony	6 years, 9 months, 16 days	
Doyle	Ryland	6 years, 9 months, 16 days	
Evans	William	6 years, 9 months, 16 days	
Jones	Jeff	6 years, 9 months, 16 days	
Jones	Sue	6 years, 9 months, 16 days	
Meara	Paul	6 years, 9 months, 16 days	
Morris	Hazel	6 years, 9 months, 16 days	
Richards	Christine	6 years, 9 months, 16 days	
Smith	Paulette	6 years, 9 months, 16 days	
Jardine	Yvonne	6 years, 8 months, 11 days	
Thomas	Miles	4 years, 3 months, 27 days	
Bayliss	John	2 years, 9 months, 14 days	
Clay	Uta	2 years, 9 months, 14 days	
Cole	David	2 years, 9 months, 14 days	
Cook	Ann	2 years, 9 months, 14 days	

Last Name	First Name(s)	Total Time Served	Municipal Year served as LM
Crouch	Sybil	2 years, 9 months, 14 days	
Curtice	Jan	2 years, 9 months, 14 days	
Davies	Nick	2 years, 9 months, 14 days	
Evans	Mandy	2 years, 9 months, 14 days	
Gordon	Fiona	2 years, 9 months, 14 days	
Hale	Joe	2 years, 9 months, 14 days	
Harris	Jane	2 years, 9 months, 14 days	
Hennegan	Terry	2 years, 9 months, 14 days	
Hopkins	Beverley	2 years, 9 months, 14 days	
James	Lynda	2 years, 9 months, 14 days	
Jones	Andrew	2 years, 9 months, 14 days	
Lewis	Andrea	2 years, 9 months, 14 days	
Lewis	David	2 years, 9 months, 14 days	
Lloyd	Clive	2 years, 9 months, 14 days	
Owens	Geraint	2 years, 9 months, 14 days	
Raynor	Jennifer	2 years, 9 months, 14 days	
Woollard	Neil	2 years, 9 months, 14 days	
Smith	Robert	2 years, 9 months, 14 days	
Tanner	Gloria	2 years, 9 months, 14 days	
Theaker	Mitchell	2 years, 9 months, 14 days	
Thomas	Mark	2 years, 9 months, 14 days	
Tyler-Lloyd	Linda	2 years, 9 months, 14 days	
Walker	Gordon	2 years, 9 months, 14 days	
Walton	Lesley	2 years, 9 months, 14 days	
White	Mike	2 years, 9 months, 14 days	
Clay	Bob	1 years, 7 months, 13 days	

Report of the Chief Executive

Council – 3 March 2015

APPOINTMENT OF CHIEF EDUCATION OFFICER

Purpose:	To confirm the appointment
Policy Framework:	Council Standing Orders
Reason for Decision:	To confirm the appointment
Consultation:	Legal, HR & Finance.
Recommendation:	It is recommended
1) that the successful candidate is confirmed in post in respect of the role of Chief Education Officer.	
Report Author:	Deb Yeates
Finance Officer:	Mike Hawes
Legal Officer:	Sharon Heys

1. Background

The Chief Education Officer is a statutory post as per section 2 (6) of the Local Government and Housing Act 1989. As per the provisions of the City and County of Swansea's JNC Officer Appointment Procedure the successful candidate must be confirmed in post by Council following the appointment by the Appointments Committee.

3. Appointment of Chief Education Officer

The Appointments Committee at their meeting on 2 December 2014 appointed Mr Lindsay Harvey as Chief Education Officer. Mr Harvey is due to commence duties on 16 March 2015.

4. Financial Implications

The cost of the post is allowed for in the revenue budget for 2014/15 and 2015/16.

5. Legal Implications

There are no additional legal implications in addition to those mentioned in the body of this report.

Background Papers: None

Appendices: None

Agenda Item 14.a

Report of the Head of Democratic Services

Council – 3 March 2015

APPOINTMENT OF INDEPENDENT MEMBERS TO THE STANDARDS COMMITTEE

Purpose:	To consider the recommendation of the Standards Committee Vacancy Panel and to appoint two Independent Members to the Standards Committee.
Policy Framework:	None.
Reason for Decision:	To comply with the Standards Committee (Wales) Regulations 2001 as amended.
Consultation:	Finance and Legal.
Recommendation(s):	It is recommended that: 1) Adrian Novis and Clive Walton be thanked for serving the Standards Committee for a period of 10 years; 2) Council notes the recommendation of the Standards Committee Vacancy Panel of 12 January 2015; 3) Gareth Evans and Margaret Williams be appointed as Independent Members of the Standards Committee as of 1 April 2014; 4) Their 6 year term of office end on 31 March 2021.
Report Author:	Huw Evans
Finance Officer:	Carl Billingsley
Legal Officer:	Tracey Meredith
Access to Services Officer:	Euros Owen

1. Introduction

- 1.1 Adrian Novis, Chair of the Standards Committee and Clive Walton have both been members of the Standards Committee for a period of 10 years. Both commenced their duties on 22 February 2005 and ended their duties on 21 February 2015 following the maximum period of 10 years.

- 1.2 The Standards Committee (Wales) Regulations 2001 as amended, provides that “where a vacancy arises for a post as an Independent member of a Standards Committee, the relevant authority concerned shall publish an advertisement in not less than two newspapers (which are not published by that relevant authority) circulating in its area.
- 1.3 The Authority placed adverts in the Western Mail on 27 November 2014 and the South Wales Evening Post on 28 November 2014. The closing date for applications was Monday, 15 December 2014.

2. Standards Committee Vacancy Panel

- 2.1 Twenty Five applications were received. The Standards Committee Vacancy Panel of 23 December 2014 recommended 6 of the applicants for interview.
- 2.2 The Standards Committee Vacancy Panel of 12 January 2015 interviewed 5 applicants, as one was unable to attend. The Panel recommend that Gareth Evans and Margaret Williams be appointed by Council as Independent Members of the Standards Committee.

3. Equality and Engagement Implications

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

4. Financial Implications

- 4.1 The payment of Independent Members on the Standards Committee is set by the Independent Remuneration Panel for Wales and the payment is within existing budget.

5. Legal Implications

- 5.1 There are no legal implications other than those already mentioned in the report.

Background Papers: None.

Appendices: None.

Agenda Item 15.a

Joint Report of the Head of Democratic Services and Monitoring Officer

Council – 3 March 2015

COMMUNITY / TOWN COUNCILS STANDARDS SUB COMMITTEE MERGER WITH STANDARDS COMMITTEE

Purpose:	To recommend to Council that the Community / Town Councils Standards Sub Committee be abolished in principle, subject to consultation with Community / Town Councils, and its work be carried out by the Standards Committee.
Policy Framework:	None.
Reason for Decision:	To outline the procedure for merging the Community / Town Council Standards Sub Committee into the Standards Committee and to recommend this action to Council in principle subject to consultation.
Consultation:	Finance, Legal.
Recommendation(s):	It is recommended that: <ol style="list-style-type: none">1) The recommendation of the Standards Committee of 13 February 2015 that the Community / Town Councils Standards Sub Committee be merged with the Standards Committee be noted and that Council agree in principle to a merger subject to consultation with Community / Town Councils prior to a final decision being made;2) The Monitoring Officer / Head of Democratic Services consult with the Community / Town Councils in relation to the merger for a period of time ending at noon on Monday, 15 May 2015;3) Following the close of the consultation period, a further report be presented to Council outlining the consultation responses and a question be put as to whether the merger should proceed.
Report Author:	Huw Evans
Finance Officer:	Carl Billingsley
Legal Officer:	Janet Hooper
Access to Services Officer:	Euros Owen

1. Introduction

- 1.1 The Standards Committee at its meeting on 13 February 2015 resolved to recommend to Council that the Community / Town Councils Standards Sub Committee be merged with the Standards Committee thereby creating one Committee to consider all standards and ethics matters.

2. Background to the Recommendation

- 2.1 The Standards Committee first considered this issue on 15 November 2013. This led to a report to the Standards Committee on 17 January 2014 which:
- i) Detailed the issues relating to merging the Standards Committee with the Community / Town Council Sub Committee (Sub Committee), the process that must be followed together with the situation with regard to Standards Committees throughout Wales;
 - ii) Noted the fact that 20 of Wales' 22 Local Authorities only had one Standards Committee which also dealt with Community / Town Council matters. It was agreed at that meeting to raise the principle of a merger with the Political Group Leaders which were scheduled throughout 2014.
- 2.2 The issue was duly raised with the Political Group Leaders and they were generally be supportive of such a merger as they agreed that it would ensure consistency of decisions and also that the Community / Town Council representative would have regular dealings on Standards issues.

3. Legislation Relating to the Standards Committee

- 3.1 Section 54(1) of the Local Government Act 2000 ("the Act") originally established the requirement for each Authority to have a Standards Committee.
- 3.2 Section 56(4) of the Act gives the Authority the responsibility for deciding whether conduct issues in Community Councils should be handled by the Standards Committee or by a separate Standards Sub Committee, after consulting the Community Councils in their areas.
- 3.3 If a Standards Committee do not have a Standards Sub Committee to deal with Community / Town Council conduct matters, then Regulation 10(1) of the Standards Committee (Wales) Regulations 2001 as amended ("the Regulations") requires that the membership of the Standards Committee must include at least one Community / Town Council member.

3.4 Regulation 10(3) of the Regulations requires that before the Authority makes an appointment of a Community / Town Committee Member, the Authority shall consult with:

- a) Community / Town Councils which are situated in its area; and
- b) Community / Town Council associations established for and operating within that area (if any).

3.5 The Regulations are silent on how an Authority should proceed if there are more applications than the number of vacancies. However, the shortlisting could be done by the Monitoring Officer, a Committee established for that purpose, or by the Appointments Committee or Standards Committee to shortlist and to make a recommendation(s) to Council. It would be reasonable to ensure that the process is outlined to all prior to nominations being sought.

3.6 It is Council that makes the actual appointment.

4. Issues Relating to Merging Standards Committee with the Community / Town Council Sub Committee

4.1 Number and Make Up of People on the Standards Committee

4.1.1 The Regulations state that “a Standards Committee shall consist of not less than 5 nor more than 9 members”.

4.1.2 The Standards Committee is currently made up of 9 members (5 Independent Persons and 4 Councillors (3 Labour and 1 Liberal Democrat)).

4.1.3 As stated, if a Standards Committee deals with Community / Town Council issues then legally, at least one Community / Town Councillor must be a member of it.

4.1.4 In order to facilitate this additional person, one of the Councillors would have to be removed (The current figures would mean that one of the Labour Councillors would have to stand down). The remaining 3 Councillors would be nominated in line with Committee Proportionality.

4.2 Current Community / Town Council Sub Committee Members

4.2.1 The Community / Town Councils Standards Sub Committee consists of 4 Independent Persons and 3 Community / Town Councillors. However, there is a current vacancy meaning that only 2 of the Community / Town Councillors have been appointed. Both current members would need to apply if interested.

- 4.2.2 If merger is being considered, then it would be reasonable to consult with Community / Town Councils on the proposal. There is no statutory requirement to do this, but it was a requirement to consult with them when the Standards Sub Committee was established.
- 4.2.3 If the merger went ahead, then it would be a statutory requirement to consult with the Community / Town Councils and any Community / Town Council associations before making an appointment.
- 4.2.4 There is no requirement to advertise the vacancy in the national press.

5. The Process of Merging

- 5.1 Standards Committee have recommend to Council that the merger should occur. Council should now consider this. If Council agree in principle to the proposal, then, consultation will commence with the Community / Town Councils. The outcome of this consultation is not binding however it should be duly considered.
- 5.2 Once, the consultation ends, Council should consider the results of the consultation and make a decision as to whether to merge or not. If Council decides to continue with the merger, Community / Town Councils will be given the opportunity to put forward their nominations. It is suggested that the Standards Committee should be the vehicle to shortlist and interview. Council will then make the appointment based on the recommendation of the interviewing body.

6. Equality and Engagement Implications

- 6.1 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.

7. Financial Implications

- 7.1 This will be met from within existing budget.

8. Legal Implications

- 8.1 These are set out in the Report.

Background Papers: None.

Appendices: None.

Agenda Item 16.

Council – 3 March 2015

COUNCILLORS' QUESTIONS

PART A - SUPPLEMENTARIES

1.	<p>Councillors E W Fitzgerald, D G Sullivan, L James, S M Jones, K M Marsh, I M Richard & G D Walker.</p> <p>Could the Cabinet Member outline to Council the advantages of turning libraries into book clubs.</p> <p>Response by the Cabinet Member for Enterprise, Development and Regeneration</p> <p>There are currently no plans to turn libraries into book clubs. The future of the whole service is being considered within the context of a library review due for completion in March and the Sustainable Swansea commissioning Strand.</p>
2.	<p>Councillors MH Jones, CA Holley & JW Jones.</p> <p>Will the Cabinet Member for Education explain to Council the meaning of her statement which she made at the last full meeting of Council on the 6th January 2015 (during the question on Parklands School land provision) namely that schools should provide only their statutory obligations.</p> <p>Will she :-</p> <p>(a) Confirm that Primary schools in Swansea will have Nursery class provision for all children over the age of 3 which is in line with Welsh Government guidelines and is funded by them through the grant given to the Council and :-</p> <p>(b) Will she also confirm that in any calculation taken of space this will include pupils in Nursery classes</p> <p>Response by Cabinet Member for Education</p> <p>Schools will have to prioritise funding allocated to support statutory education provision. There is a pre-school age provision at Parkland Primary and full cost recovery should be made for this non statutory provision.</p> <p>Local Authorities are required to ensure that every child is entitled to a minimum part time nursery place from the term following their third birthday and in Swansea this provision is made at school settings. This Authority has no plans to change this provision.</p> <p>Current capacity calculations exclude provision for nursery classes as per Welsh Government requirement, and there are no plans to change this in the future.</p> <p>However, in assessing the available outdoor space against Building Bulletin Guidance, the calculation takes into account Nursery pupils in accordance with the Guidance.</p>
3.	<p>Councillors CL Philpott, MH Jones & AM Day</p> <p>Will the Leader / Cabinet Member tell Council what steps are being taken to ensure that any future maintenance of Council Buildings (including schools) which have had significant investment in them is carried out and monitored.</p>

	<p>Response by the Cabinet Member for Education/Leader</p> <p>The Council Revenue Maintenance budget is not allocated against individual premises but pooled to ensure suitable cover is provided for all buildings. An annual servicing programme exists for all Mechanical & Electrical installations and a Compliance Strategy ensures the Authority conforms to all appropriate statutory requirements.</p> <p>In relation to schools, statute requires that all maintenance budget and responsibilities are devolved to the relevant governing bodies and professional advice/guidance is provided during any major schemes development. In addition, Service Level Agreements are also provided both for technical advice and for all Mechanical & Electrical servicing and repairs after testing.</p>
4.	<p>Councillors CA Holley, JW Jones & J Newbury</p> <p>Swansea West Business Park should be seen as a top priority for the future of any job creation. Will the Cabinet Member tell Council what progress if any has been made on the new access road to the Business Park and :- (a) Will he tell Council what the cost of this access road is likely to be and :- (b) the cost of the business case in preparing any bid to the Welsh Government?</p> <p>Response by the Cabinet Member for Enterprise, Development & Regeneration</p> <p>As part of the Draft Proposals Map Consultation Dec 14/Jan 15 the Council published a draft Concept Plan for the Waunarwydd/Fforestfach Strategic Development Area. The Concept Plan recognises the need to develop Swansea West Business Park as a strategic/regional employment site and the importance of providing a new highway link road to improve accessibility to the site. In accordance with the LDP Preferred Strategy the LDP team have negotiated the delivery of a new highway link road to the Business Park from the A484 Llanelli Link Road to the north. In accordance with this scheme, the road would be fully funded and delivered by a private sector housebuilder in conjunction with a residential development scheme on land to the north east of the Business Park. The prospective site developer is currently in pre-application discussions in anticipation of submission of a detailed scheme later this year.</p> <p>Link to Strategic Site Concept Plan. http://swansea.gov.uk/media/7485/Waunarwydd-Fforestach-Strategic-Development-Area---Concept-Plan-August-14/pdf/Waunarwydd-Fforestach Strategic Development Area - Concept Plan August 14.pdf</p>
5.	<p>Councillors E W Fitzgerald, D G Sullivan, L James, S M Jones, K M Marsh, I M Richard & G D Walker.</p> <p>In view of the negative comments by the Wales Institute of Social and Economic Research, Data, and Methods, what action does the Cabinet Member believe is now necessary to ensure that the Foundation Phase delivers in respect of its main aim of breaking the link between poverty and low attainment.</p>

	<p>Response by the Cabinet Member for Education</p> <p>Your question does not clarify which of the reports by the Wales Institute of Social and Economic Research, data and methods (WISERD) you are referring to. WISERD have produced a number of reports monitoring the progress of the Foundation Phase. The report published earlier this year does draw attention to the fact that in the data we have so far it appears that children in receipt of free school meals and those with special educational needs still indicate a gap in attainment for deprived children from the rest of the cohort.</p> <p>The Foundation Phase was introduced across Wales at different times and with different groups. All the reports indicate that the foundation phase is having a positive effect on the wellbeing of learners and that science is making most progress.</p> <p>With regard to breaking the link between poverty and low attainment, there is considerable research to show that targeted provision, not just a universal service produces the best results. To support this approach, schools are using the pupil deprivation grant effectively.</p> <p>Going forward, the most effective course of action is to ensure that all schools are implementing the Foundation Phase correctly with additional support from the pupil deprivation grant. Councillors are aware that the Flying Start projects across the County are working to address the link between poverty and lower attainment.</p>
6.	<p>Councillors E W Fitzgerald, D G Sullivan, L James, S M Jones, K M Marsh, I M Richard & G D Walker.</p> <p>Could the Cabinet Member inform Council of the cost of the cycle link between Morryston and Gorseinon, either via grants or Council input.</p> <p>Response by the Cabinet Member for Environment & Transportation/Wellbeing</p> <p>The cost of the recently installed signage and dropped crossings between Gorseinon and Birchgrove amounted to £27,012.06 (funded in totality by Corporate Budgets). There are further aspirations to create off-road shared use paths along this route, but there is currently no funding identified and would therefore need to be funded via grant in future years.</p>
7.	<p>Councillors AM Day, PM Meara & LG Thomas</p> <p>Will the Leader/ Cabinet Member tell Council if any more land at the Recreation Ground on Mumbles Road is going to be used for car parking to accommodate the expected increase in staff working in the Guildhall? What action will the Council take to ensure that the residents living close by will not be unduly affected by more parking in their street.</p> <p>Response by the Cabinet Member for Enterprise, Development and Regeneration</p> <p>There are no immediate plans to increase the designated car parking area at the recreation ground as a result of its continuing approach to accommodation</p>

	<p>but the Council will continue to maximise the beneficial use of all of its land and assets as part of the management of its land and assets portfolio.</p> <p>The majority of on-street parking around the Guildhall and surrounding streets is already regulated, with residents afforded priority over other users in the form of residents parking or limited waiting permit holders exempt traffic orders. These Traffic Regulation Orders are regularly enforced by the Council's Civil Parking Enforcement officers, and therefore, residents should be relatively unaffected by the increase in staff working in the Guildhall.</p>
8.	<p>Councillors E W Fitzgerald, D G Sullivan, L James, S M Jones, K M Marsh, I M Richard & G D Walker.</p> <p>With regard to Youth Clubs, could the Cabinet Member advise on the following: 1)What new budget cuts are being implemented to Youth Club funding. 2)How many Youth Clubs face possible closure, and if so which ones. 3)Is the Council planning to work in partnership by part funding any new voluntary run Youth Clubs that may emerge from closures. 4)How many ethnic minority and gender orientated Youth Clubs are there in Swansea and does Council help fund these, and can these be identified. 5)How many Welsh language Youth Clubs are known to exist in Swansea e.g. URDD GOBAITH CYMRU, and does Council help fund these.</p> <p>Response by the Cabinet Member for Services for Children & Young People</p> <p>Following our consultation with Young People and paying due regard of what they had to say, there are no planned savings currently being implemented to Youth Clubs. Our Young People had plenty to say about the valued support they receive from our Youth Clubs and Youth Workers. As a result, there are no planned closures as part of the budget savings. All clubs will continue to be analysed in terms of performance, strategic alignment, value for money and viability.</p> <p>I would keep an open mind on working with volunteers. However, there is no plan to part fund any now voluntarily run Youth Clubs that may emerge. Where we can, we will offer support, knowledge and guidance. The Service's Management Information System will continue to be offered to all partners to enable them to capture the impact of their work. The Youth Service also works in partnership with YMCA College Wales to run Youth Work training that is accessible to workers from all sectors.</p> <p>The Ethnic Youth Support Team (EYST) currently runs a youth club for ethnic minority young people and receives funding from a wide range of sources, but the council does not provide funding for the Youth Club element. This is the only known traditional Youth Club project for Ethnic Minorities in Swansea.</p> <p>There are no known gender orientated Youth Clubs as such in Swansea, but a number of the uniformed clubs often only have members from one gender ie. Brownies. We have supported transgender young people at Swansea's first LGBT youth club which opened last year at the YMCA. We continue to work in partnership to enable young people to be themselves in a safe environment.</p>

<p>Menter Iaith currently run 2 Welsh Language Youth Clubs in partnership with Young People Services. The service funds Menter Iaith £25 000 via the Welsh Government Youth Service Strategy Revenue Grant, which pays for a Welsh Language Lead Worker that supports both of the Welsh Language Clubs and for some bi-lingual support across Young People Services Clubs. The service also provides the venue for one of the Welsh Language clubs as part of the partnership.</p>
--

PART B – NO SUPPLEMENTRIES

None

Report of the Chair of the Scrutiny Programme Committee

Council – 3 March 2015

SCRUTINY DISPATCHES – IMPACT REPORT

Purpose:	To present the first of a quarterly series of reports from the committee to council on the impact of scrutiny
Report Author:	Brij Madahar, Scrutiny Coordinator
Finance Officer:	Carl Billingsley
Legal Officer:	Nigel Havard
Access to Services Officer:	Phil Couch

FOR DISCUSSION

1.0 Introduction

- 1.1 The Scrutiny Programme Committee is responsible for the overall work programme, including the various informal scrutiny activities, and monitoring progress to ensure that the work is effective.
- 1.2 Scrutiny Dispatches was originally developed in July 2013 as a short monthly digest to provide 'headlines' from scrutiny activity and give the work of scrutiny greater visibility, both for council and public audience. Content from the Dispatches was also posted on the Swansea Scrutiny blog so that it could be shared across social media platforms to develop public engagement in scrutiny.
- 1.3 It was recently agreed that the committee should report to Council on a quarterly basis which will allow for full discussion at the meeting.

2.0 Scrutiny Dispatches

- 2.1 'Scrutiny Dispatches' is intended to demonstrate scrutiny achievements and outcomes. It is effectively a regular report about impact and how scrutiny is making a difference, rather than a descriptive account of ongoing scrutiny activities. It aims to focus on and promote a small number of 'significant stories'.
- 2.2 The first of the quarterly reports is attached for council discussion – see **Appendix 1**.

2.3 As well as being a report to council the content will be shared more widely, with advice and support from the Council's Communications Team and utilising social media. This should help raise awareness of the work and impact of scrutiny, and hopefully encourage more public engagement and participation in scrutiny.

2.4 In order to ensure that people are informed more generally about the work of scrutiny a monthly information list will be produced. This list will be shared via email and on the Swansea Scrutiny blog (www.swanseascrutiny.co.uk) and include details of:

- Forthcoming panel and working group meetings
- Topics currently being looked at by scrutiny
- Recent recommendations (i.e. from letters and inquiry reports)

3.0 Equality & Engagement Implications

3.1 There are no specific equality and engagement implications raised by this report.

4.0 Financial Implications

4.1 There are no specific financial implications raised by this report.

5.0 Legal Implications

5.1 There are no specific legal implications raised by this report.

FOR DISCUSSION

Background papers: None

Appendices:

Appendix 1 – Scrutiny Dispatches

Scrutiny Dispatches

City & County of Swansea – 2014/2015 (No. 1)

Scrutiny enables councillors who are not in the cabinet to examine the quality and effectiveness of services and policies, hold decision makers to account and make recommendations for improvement.

This is a quarterly report about the impact made by scrutiny, demonstrating how scrutiny is making a difference, with examples of specific outcomes and achievements.

Making the most of Swansea's potential as a destination for tourists

(Lead: Councillor John Newbury)

In January 2014 Cabinet accepted all of the recommendations of the Tourism Scrutiny Inquiry Panel and agreed an action plan. The Panel had undertaken an inquiry which considered whether we were making the most of Swansea's potential as a destination for tourists, including maximising the economic benefits for Swansea.

Some key conclusions from this inquiry included:

- Tourism is and must continue to be identified as a key economic driver for Swansea.
- The work that has been carried out around promoting and linking Swansea's 'offer' arising from having a successful football team, is excellent...but we must not rest on our laurels.
- Getting destination management planning right will be essential to improving what Swansea already has to offer the visitor. The move to develop a Destination Management Plan is a correct one.
- There is more that could be done to work with key stakeholders, including local traders and providers, in improving and developing tourism locally.
- Creating a pleasant, clean and well maintained environment is a must...making Swansea an 'outstanding tourist destination' is essential.

Overall the Panel felt the Council were moving in the right direction and was optimistic about the future of the tourism industry in Swansea and ability to face future challenges. The Panel met recently to consider the impact of its report and recommendations, and difference made.

Following this piece of scrutiny:

- The Destination Management Plan has now been introduced. The Panel had highlighted the need for the Council to take the lead on the Destination Management Plan and use it as the mechanism to ensure better coordination and collaboration moving forward between the public, private and third sectors to achieve the shared objective of improving the visitor experience.
- A steering group has been established including Cabinet Members, Director, Head(s) of Service and private and public sector stakeholders, which will add significant weight to ensure the implementation of the Action Plan is coordinated, deliverable and delivered.
- Tourism is being more widely recognised as a cross cutting issue within the Council, embracing the wider visitor economy, and not just the Tourism Section within Cultural Services. There have been a number of examples where this can be evidenced, particularly in relation to Cleansing and Highways services.
- The work of the Tourism Section and the other Council services that play an important role in contributing towards improved customer satisfaction, are able to see how they contribute to the Key Performance Indicators for Tourism.

Overall scrutiny has provided momentum to move forward, as all stakeholders strive to improve the visitor experience within the destination, and made a useful contribution to an important debate about the Tourism in Swansea.

Providing more affordable homes

(Lead: Councillor Terry Hennegan)

An inquiry was completed during 2013 which asked 'How can the council and its partners increase the overall supply of affordable housing in Swansea? The Affordable Housing Scrutiny Inquiry Panel's report, called 'Building the Right Foundations', made a number of recommendations to Cabinet and these were formally responded to in December 2013.

Some key messages coming out of this inquiry included:

- The number of new affordable homes being supplied in Swansea is a long way short of the number of new affordable homes that are needed.
- The challenge of affordable housing is a system problem that will not be solved by any single scheme alone.
- While the Council makes good use of the grant money it receives to build new affordable homes, it will need to develop a more strategic role in future.

The Panel was reconvened recently to check on progress with the implementation of agreed recommendation and impact of its work, with a report from the Cabinet Member.

The scrutiny inquiry has influenced progress on a number of issues:

- raising the profile of affordable housing by making the case to Swansea's Local Service Board for the inclusion of affordable housing as a challenge in the One Swansea Plan.
- publishing a clear commitment to affordable housing within the Local Housing Strategy.
- ensuring that new affordable homes remain available as affordable homes over the long term
- working with partners opening up the debate on making more publically owned land available for house building to increase the supply of affordable housing.
- bringing empty private rented sector homes back into use through the implementation of the Council's Empty Homes Strategy.
- looking for solutions outside traditional methods of supplying affordable housing, for example working in partnership with developers specialising in alternative financial models to provide homes let at intermediate rents based on local housing allowance.
- reviewing the support service that the Council provides in respect of new developments
- bringing all elements of housing under one cabinet portfolio.

The panel heard that its report had made a useful contribution to an important debate about affordable housing in Swansea and had help to raise its profile, and should have a positive effect on the number of affordable housing units delivered in the City and County.

Following up on scrutiny inquiry outcomes

Follow ups on scrutiny inquiries consider both the implementation of scrutiny recommendations and the wider impact made. Inquiry panels are reconvened around 6-12 months after the cabinet decision, to look at outcomes. The following inquiry reports will also be followed up during 2015:

Inquiry	Cabinet Decision	Recommendations		
		Agreed	Partly	Rejected
Services for Looked After Children	17 Sep 2013	14	1	0
Public Transport	12 Nov 2013	13	1	0
Economic Inactivity	3 Jun 2014	7	0	0
Attainment & Wellbeing	1 Jul 2014	11	0	0

Helping to improve the Street Scene

(Lead: Councillor John Bayliss)

Recommendations from Street Scene Scrutiny Inquiry Panel are currently being considered by Cabinet. The recently published report looked at the maintenance and cleanliness of roads, footways and verges in Swansea, and what improvements could be made.

It emphasises that:

- Street scene services are and remain critical services for the people of Swansea. It's the one side of the Council that every citizen uses and interacts with on a daily basis. Residents want clean and well-designed streets.
- The Council is facing very serious financial restrictions which will affect service delivery.
- Refuse collections, as one example, should become a one stop shop for street cleansing - better coordination between refuse collection and street cleansing operations would provide a more efficient and cost effective service.

A response to scrutiny recommendations following separate inquiries into Inward Investment, and Public Engagement are also awaited. A response from Cabinet is expected within 3 months of receiving a scrutiny report.

Praise from CSSIW Inspectors

(Leads: Councillor Paxton Hood-Williams / Councillor Uta Clay)

A focus on Social Services continues to be a major feature of the Scrutiny Work Programme. Scrutiny is regularly monitoring and challenging Child & Family Services through a dedicated Performance Panel (led by Councillor Paxton Hood-Williams) and following a period of monitoring performance in Adult Social Services a group of councillors are taking a close look at the overall Transformation of Adult Social Services Programme (led by Councillor Uta Clay).

The efforts of scrutiny have been recognised and praised by the Care and Social Services Inspectorate Wales (CSSIW) following its annual performance review of Social Services in Swansea, which was reported to Council in December 2013. The report was extremely positive both in recognising the good performance within adult and children's service areas but also in endorsing the Council's strategy for service improvement.

The report praised the focus scrutiny has given to social services issues, developments and performance information. It also recognised the positive commitment by members who meet frequently in order to allow enough time for a full and detailed scrutiny of business.

Quotes from the CSSIW Performance Evaluation Report 2013-14:

"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. This is evident from the effective scrutiny arrangements that are in place for adult and children's social services." (p.3)

"There are robust scrutiny arrangements which are supported by performance information reported by the heads of service in line with the council's quality assurance reporting framework." (p. 16)

The CSSIW intend to follow up on scrutiny arrangements, amongst other areas, in the next year.

Holding Cabinet Members to account

(Lead: Councillor Mary Jones)

One of the most important roles that scrutiny carries out is holding the Council's Cabinet to account. Acting as a 'critical friend' the Scrutiny Programme Committee question and challenge individual Cabinet Members on their portfolio responsibilities, key activities, decisions, as well as future plans.

Cabinet Member Question Sessions are a main feature of committee meetings with at least one cabinet member appearing at each meeting, ensuring all 10 Cabinet Members appear before the committee over the course of a year. Cabinet Members are required to provide a short report on 'headlines' in relation to portfolio objectives ahead of each session to help focus on priorities, actions, achievements and impact. Ahead of each meeting an invitation is extended to all scrutiny councillors and members of the public to contribute ideas to ensure the committee asks the right questions. A summary of each session and views of the committee are published in the form of letter to relevant Cabinet Members.

In addition to individual questioning sessions the committee also keeps watch on future Cabinet business to look out for opportunities to undertake pre-decision scrutiny – to ensure accountability for decisions even before they are taken.

Scrutiny Work Programme

(Lead: Councillor Mary Jones)

The Scrutiny Programme Committee is responsible for developing and managing the overall work of scrutiny. Conclusions and recommendations from scrutiny inquiries are reported to Cabinet whilst views and proposals from other scrutiny activities are communicated with relevant Cabinet Members by letter.

There are 4 Performance Panels which provide ongoing monitoring of specific areas: Service Improvement & Finance; Schools; Child & Family Services; and Local Service Board.

In addition to this work a number of time limited task and finish based activities will be carried out exploring particular issues of interest and concern. Other areas where scrutiny will be working to make a difference include:

- Transformation of Adult Social Services
- Education Inclusion
- Corporate Culture
- School Governance
- Child & Adolescent Mental Health Services
- Sustainability
- Planning Services
- Local Flood Risk Management
- Target Areas
- Roads / Highways Maintenance
- Young Carers
- Civic Events
- Welsh Housing Quality Standard

Even with a work programme established requests for scrutiny on matters of concern can be made throughout the year. The chair of the Scrutiny Programme Committee will consider any issue raised and, with the committee's agreement, determine how best scrutiny can deal with it to make a difference, and ensure the future scrutiny work programme is effective and focussed on the right things.

Connect with Scrutiny:

Room 3.3.7, Civic Centre, Swansea. SA1 3SN (Tel. 01792 637732)

Web: www.swansea.gov.uk/scrutiny

Twitter: @swanseascrutiny

Email: scrutiny@swansea.gov.uk

Blog: www.swanseascrutiny.co.uk

Like us on Facebook: www.facebook.com/swanseascrutiny

Report of the Head of Legal, Democratic Services & Procurement

Council – 3 March 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 6 January 2015.

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 –
6 January 2015**

1. Mrs L Davies

Question

The purpose of the report is to adopt the Local Transport Plan (LTP). Page 64, Paragraph 3.1 states that the Local Transport Plan is largely an update of the current plan.

- a) Is the new LTP in its entirety just an update of the current existing document?
- b) If not, why have the new appendices and or the whole document been made available for public scrutiny?

Page 65, Paragraph 4.0 "Consultation" states consultation was carried out in July and October 2014 and lists the names of 70 stakeholders who were sent copies of the draft plan, however, there is no mention in the report about Councillors input into the LTP.

- c) Is the report correct where it records that only 4 out of 70 stakeholders responded?
- d) (Q) Have Members of the authority consulted on the LTP?
- e) Were Members issued with a copy of the draft LTP?
- f) Prior to the meeting tonight [06.01.2015] were Members issued with a copy of the updated LTP?
- g) If not, as a member of the public I would question any member of the authority who would vote blindly for a scheme they had not had sight of".

Response of the Cabinet Member for Environment & Transportation

Thank you for your enquiry regarding the Local Transport Plan. The Transport (Wales) Act 2006 requires that all Local Authorities have a transport plan which is used to set out transport strategy, policy and programme. The Council was previously directed by the Welsh Government to work with three Councils in South West Wales and ultimately the Regional Transport Plan (2010 – 2015) was adopted in late 2009. The term of the Regional Transport Plan will shortly expire and the Welsh Government issued revised advice in 2014 for Local Authorities to commence preparation of Local Transport Plans. The Local Transport Plan is therefore a wholly new policy although it is broadly based upon the policies and strategies of the Regional Transport Plan.

In respect of the Local Transport Plan Consultation, The Local Authorities held a public workshop with key stakeholders in June 2014 and this was followed by a consultation on the draft final Local Transport Plan in October 2014. Of the 70 stakeholders, who were specifically targeted by this consultation, 44 responded with a number of other comments being received from individuals and organisations not on the targeted list.

The Local Transport Plan was submitted for adoption by Council in early January 2015, however due to an unfortunate clerical error, the plan was not appended to the supporting report. This meant that whilst the report was publically available as per the usual conventions, the Local Transport Plan was not. It was therefore not possible to formally adopt the plan at Council as the non-Cabinet Councillors had not had the explicit opportunity to review the Plan prior to Council and it was deferred to the next meeting of Council.