

## GWŶS Y CYNGOR

Rydych dan wŷs trwy hyn i ddod i gyfarfod CYNGOR DINAS A SIR ABERTAWA i'w gynnal yn Siambr y Cyngor, Neuadd y Ddinas, Abertawe Dydd Iau, 26 Ionawr 2017 am 5.00 pm

Cynigir trafod y materion canlynol:

1. Ymddiheuriadau am absenoldeb.
2. Datgeliadau o fuddiannau personol a rhagfarnol.  
[www.abertawe.gov.uk/DatgeluCysylltiadau](http://www.abertawe.gov.uk/DatgeluCysylltiadau)
3. Cofnodion. 1 - 6  
Cymeradwyo a llofnodi cofnodion y cyfarfod(ydd) blaenorol fel cofnod cywir.
4. Ymatebion ysgrifenedig i gwestiynau a ofynnwyd yng Nghyfarfod Cyffredinol Diwethaf y Cyngor - Dim.
5. Cyhoeddiadau'r Aelod Llywyddol.
6. Cyhoeddiadau Arweinydd y Cyngor.
7. Cwestiynau gan y Cyhoedd.  
Rhaid i'r cwestiynau ymwneud â materion ar ran agored agenda'r cyfarfod, ac ymdrinnir â hwy o fewn 10 munud
8. Cyflwyniad Cyhoeddus - Dim.
9. Mabwysiadu Cynllun Gostyngiad Treth y Cyngor. 7 - 16
10. Adolygu Polisi Effaith Gronnol Canol y Ddinas. 17 - 36
11. Aelodaeth Pwyllgorau. 37
12. Adroddiad Blynyddol y Gwasanaethau Democrataidd 19 Mai 2015 - 18 Mai 2016. 38 - 46
13. Cwestiynau gan y Cynghorwyr. 47 - 53



Huw Evans  
Pennaeth Gwasanaethau Democrataidd  
Dydd Mawrth, 17 Ionawr 2017

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Cyswllt: 636824

I: Bob Aelod o'r Cyngor

# Agenda Item 3.

## CITY AND COUNTY OF SWANSEA

### MINUTES OF THE COUNCIL

HELD AT COUNCIL CHAMBER, GUILDHALL, SWANSEA ON  
THURSDAY, 15 DECEMBER 2016 AT 5.00 PM

**PRESENT:** Councillor D W W Thomas (Chair) Presided

<b>Councillor(s)</b>	<b>Councillor(s)</b>	<b>Councillor(s)</b>
C Anderson	P M Black	J E Burtonshaw
M C Child	R A Clay	U C Clay
A C S Colburn	D W Cole	S E Crouch
J P Curtice	N J Davies	C R Doyle
C R Evans	E W Fitzgerald	R Francis-Davies
J E C Harris	T J Hennegan	C A Holley
P R Hood-Williams	L James	Y V Jardine
M H Jones	S M Jones	J W Jones
E J King	M B Lewis	A S Lewis
C E Lloyd	P Lloyd	K E Marsh
P M Matthews	P N May	P M Meara
G Owens	D Phillips	C L Philpott
J A Raynor	I M Richard	C Richards
R J Stanton	R C Stewart	G J Tanner
C M R W D Thomas	L J Tyler-Lloyd	G D Walker
L V Walton	T M White	

#### **Apologies for Absence**

Councillor(s): J C Bayliss, A M Cook, A M Day, P Downing, V M Evans, W Evans, F M Gordon, J A Hale, B Hopkins, D H Hopkins, A J Jones, E T Kirchner, R D Lewis, H M Morris, J Newbury, T H Rees, P B Smith, R V Smith, D G Sullivan, C Thomas, L G Thomas and M Thomas

#### 103. **DISCLOSURES OF PERSONAL AND PREJUDICIAL INTERESTS.**

The Interim Head of Legal and Democratic Services 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:

### **Councillors**

- 1) Councillors T M White and S M Jones declared Personal Interests in Minute 114 "Councillors' Questions - Question 2";
- 2) Councillor J E Burtonshaw declared a Personal Interest in Minute 114 "Councillors' Questions - Question 3" and stated that she had a dispensation from the Standards Committee;
- 3) Councillors P M Black, S E Crouch, R Francis-Davies, A S Lewis, P Lloyd, P M Meara, C L Philpott, C Richards and L V Walton declared Personal Interests in Minute 115 "Notice of Motion".

### **Officers**

- 1) C Sivers declared a Personal Interest in Minute 115 "Notice of Motion".

### 104. **MINUTES.**

**RESOLVED** that the following Minutes be approved and signed as a correct record subject to Minute 86 "Disclosures of Personal and Prejudicial Interests" 2) being amended to list Councillor L V Walton and not L V Walker:

- 1) Ordinary Meeting of Council held on 24 November 2016.

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

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

### 106. **ANNOUNCEMENTS OF THE PRESIDING MEMBER.**

#### **1) Councillor A Mike Day – Chris Day (Wife) Illness**

The Presiding Member stated that he'd received a message from Councillor Mike Day thanking all for their good wishes during his wife's recent illness. Councillor Day was pleased to state that, following a long operation, Chris is making slow but steady progress. Councillor Day will not be sending Christmas cards; instead he will be giving a donation to support Pancreatic Cancer research. Councillor Day and Chris wish you all a very happy Christmas and a healthy New Year and he looks forward to seeing you in January.

#### **2) Speedy Recovery and Best Wishes to All Councillors**

The Presiding Member wished a speedy recovery and offered best wishes to all Councillors, Officers and their families.

**3) Congratulation to Councillor Peter May – Master's Degree**

The Presiding Member congratulated Councillor Peter N May on the recent award of his Master's Degree in Educational Practice.

**4) Snowflake - Award for Registered Childcare Providers**

The Presiding Member stated that the Snowflake Competition was launched in October 2016 and was the "brainchild" of the Family Information Service (FIS). It brings together many aspects of the FIS's work and the Best Start Swansea campaign in nurturing the development and attainment of our children who are attending registered childcare within the City and County of Swansea.

The Authority recognises the fact that it has a qualified childcare workforce whose knowledge and skills are so crucial to support the holistic care and development of children. This workforce makes sure that children's voices are heard and that they are involved in every aspect of their childcare.

Christmas is also such a special time for everyone but particularly for the childcare sector and so the Snowflake Award celebrates the achievements of staff and children coming together to produce a quality seasonal display.

The displays were judged on the following criteria:

- i) Evidence of children being involved in the decisions around the display's theme;
- ii) Evidence of children being involved in creating the display;
- iii) Made from any medium and with due consideration to the resources used which should be of low cost or no cost e.g. recyclable materials.

The Snowflake Award is divided in to 3 categories:

- Childminders
- Day Nurseries, Sessional Care, Children & Family Centres
- Out of School Childcare

The winners being:

- i) Childminder - Jennifer Light (Treboeth);
- ii) Day Nursery, Sessional Care, Children & Family Centres - Forge Fach Day Nursery, Clydach;
- iii) Out of School Childcare - Sunshine After School Club, Swansea Children Centre, Penlan.

He congratulate the winners of the Snowflake Awards, who were all present to receive their awards.

107. **ANNOUNCEMENTS OF THE LEADER OF THE COUNCIL.**

**1) Councillors W Evans and V M Evans – Speedy Recovery**

The Leader of the Council wished a speedy recovery to Councillors W Evans and V M Evans.

**2) Sonia Hansford - Retirement**

The Leader of the Council, Deputy Leader of the Council and the Leader of the Largest Opposition Political Group jointly thanked Sonia Hansford (PA to Leader and Deputy Leader of the Council) for her 42 years of loyal service to the Authority and wished her a long and healthy retirement.

**3) Christmas Jumper Event**

The Leader of the Council thanked the Presiding Member and Deputy Presiding Member for arranging and providing the refreshments for the pre Council, celebratory Christmas jumpers, Christmas ties and Christmas-themed dresses, blouses and skirts event which aimed to raise money for the City's Homeless.

**4) Removal of Child Burial Fees**

The Leader of the Council stated that Cabinet on its meeting on 12 December 2016 had agreed to include a budget commitment to remove child burial fees as part of the forthcoming budget. He urged all Councillors to support that measure.

**5) City Deal Update**

The Leader of the Council updated Council on the progress of the City Deal

**6) Councillor Elliott J King – Marriage**

The Leader of the Council wished Councillor Elliott J King best wishes for his forthcoming marriage to Richard Clatworthy on 19 December 2016.

108. **PUBLIC QUESTIONS.**

A number of questions were asked by members of the public. The relevant Cabinet Member responded accordingly. There are no questions requiring a written response.

109. **PUBLIC PRESENTATION - NONE.**

No Public Presentations were received.

110. **REPORT ON THE CHILDREN & YOUNG PEOPLE'S STRATEGIC PARTNERSHIP FOR SWANSEA.**

This item was withdrawn.

111. **URGENT ITEM**

The Presiding Member stated that pursuant to paragraph 100B (4)(b) of the Local Government Act 1972, he considered that the "Children and Young People's Scheme in Swansea – Annual Progress Report" should be considered as a matter of urgency.

112. **CHILDREN AND YOUNG PEOPLE'S RIGHTS SCHEME IN SWANSEA - ANNUAL PROGRESS REPORT**

**Reason for Urgency:** There was an administration error on the Council Summons meaning that the "Children and Young People's Rights Scheme in Swansea - Annual Progress Report" was not included in the original Council Summons. This error was discovered on 12 December 2016 and the correct report was circulated to all Councillors and published online that day.

This is not a decision making report; it merely asks Council to note progress. Given that a number of young people have been invited to provide a presentation to Council; it is accepted that this report be taken as an urgent item.

The Services for Children and Young People Cabinet Member submitted a report which presented the annual progress of the implementation of the Children and Young People's Rights Scheme for Swansea.

In September 2013, Council agreed to create a due regard duty and embed the United Nations Convention on the Rights of the Child (UNCRC) 1989 within the Authority's Policy Framework, and to mainstream positive approaches to the rights of children and young people within the policy and functions of the City and County of Swansea. The Children & Young People's Rights Scheme implements this decision and was formally adopted on the 21 October 2014.

Pupils representing Pentrehafod Comprehensive School (Sumaiya Hoque, Leila-May Simon, Sumaiya Choudhury, Maddison Williams, Callum Green, Finley Simon, Tomos Hopkins, Sean Huxtable and Jessica Mogridge) gave a presentation on the Children and Young People's Rights Scheme in Swansea:

**RESOLVED** that the Children and Young People's Strategic Partnership Plan and Action Plan be noted.

113. **TREASURY MANAGEMENT - MID YEAR REVIEW REPORT 2016/17.**

The Finance and Strategy Cabinet Member submitted an information report which outlined the Treasury Management Mid Year Review Report 2016-2017.

114. **COUNCILLORS' QUESTIONS.**

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

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

There were no supplementary question(s) requiring a written response.

**2) Part B 'Questions not requiring Supplementary Questions'**

No (0) Part B 'Questions not requiring Supplementary Questions' were submitted.

115. **NOTICE OF MOTION - COUNCILLORS C E LLOYD, J A HALE, A S LEWIS, R FRANCIS-DAVIES, J A RAYNOR & J E C HARRIS.**

The motion was proposed by Councillor C E Lloyd and seconded by Councillor C Richards.

*This Council calls upon the Government to make fair transitional state pension arrangements for all women born on or after 6<sup>th</sup> April 1951 who have unfairly borne the burden of the increase to the State PENSION AGE with a complete lack of notification. We call on The Leader of the Council to write to the Prime Minister highlighting the views of Council on this important matter.*

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

The meeting ended at 6.47 pm

**CHAIR**

# Agenda Item 9.

## Report of the Section 151 Officer

Council – 26 January 2017

### ADOPTION OF THE COUNCIL TAX REDUCTION SCHEME

<b>Purpose:</b>	<ol style="list-style-type: none"><li>1. To explain the requirement to annually consider whether to revise or replace the Council's existing Council Tax Reduction Scheme and the requirement to either adopt a new scheme or re-adopt the existing scheme by 31 January 2017.</li><li>2. To re-adopt the current scheme as set out in Section 3 of the report from 2017/18.</li></ol>
<b>Policy Framework:</b>	None
<b>Reason for Decision:</b>	Statutory Requirement
<b>Consultation:</b>	Consultation exercise undertaken on the current scheme in December 2014, Legal, Finance and Access to Services.
<b>Recommendation:</b>	<p>It is recommended that:</p> <ol style="list-style-type: none"><li>1. The Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013 ("the Prescribed Requirements Regulations") by the National Assembly for Wales (NAfW) on 26 November 2013, as amended be noted.</li><li>2. The proposed amendments to "the Prescribed Requirements Regulations" contained in the draft Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2017, due to be considered and approved by NAfW on 17 January 2017 be noted.</li><li>3. The outcome of the consultation exercise undertaken by the Council in December 2014 on the discretionary areas of the current scheme be noted.</li></ol>



4. The current scheme (2016/17) in relation to the discretionary areas (as set out in section 3) remain unchanged from 2017/18.

5. The Council adopts the scheme as set out in section 3 of this report and that any amendments to the regulations made by NAFW are reflected in the scheme.

**Report Author:** Rose McCreesh,

**Finance Officer:** Ben Smith

**Legal Officer:** Tracey Meredith

**Access to Services Officer:** Sherill Hopkins

## **1 Background**

1.1 Following the abolition of the national Council Tax Benefit scheme on 31 March 2013, responsibility for providing Council Tax support in Wales was devolved to the Welsh Government (WG) and is known as the Council Tax Reduction Scheme (CTRS).

1.2 The CTRS is governed by two sets of regulations. These regulations prescribe the main features of the schemes to be adopted in Wales from 2014/15 :-

- The Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013 (“the Default Scheme Regulations”) as amended.
- The Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013 (“the Prescribed Requirements Regulations”) as amended.

1.3 The regulations contain an obligation that an authority must consider each financial year whether to revise its scheme or to replace it with another scheme. Any revision or replacement must be made no later than 31 January, preceding the financial year for which the revision or replacement scheme will take effect.

1.4 Although there is a national scheme for Wales, within the Prescribed Requirements Regulations, there is limited discretion given to the Council to apply additional discretionary elements that are more generous than the national scheme. These are :-

- The ability to increase the standard extended reduction period of 4 weeks given for example to persons who have ceased to receive qualifying benefits after they return to work, where they have previously been receiving a Council Tax Reduction that is to end as a result of their return to work;
- Discretion to increase the amount of War Disablement Pensions and War Widows and War Widowers Pensions which is to be disregarded when calculating income of the claimant; and
- The ability to backdate applications for Council Tax Reduction for periods longer than the new standard period of three months before the claim is made.

1.5 The Council adopted a CTRS from 2016/17 on 28 January 2016. It is a requirement of the Prescribed Requirements Regulations that the Council adopts a CTRS by 31 January 2017, regardless of whether it applies any of the discretionary elements set out in paragraph 1.4 above. If the Council fails to make a scheme, then a default scheme shall apply under the provisions of the Default Scheme Regulations. The Council can only apply discretion if it makes its own scheme under the Prescribed Requirements Regulations.

1.6 An amending set of regulations was laid before the NAFW on 5 December 2016, to uprate financial figures used to assess CTR entitlement, in line with the cost of living increases. The amending set of regulations also incorporate changes to reflect consequential amendments and technical amendments to take account of inter-related benefit changes to the welfare system, made by the UK Government. In addition, the regulations rectify inconsistencies relating to the up-rating figures between the Welsh and English versions of 2013 regulations, due to incorrect amounts being inserted by the Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2016. However it should be noted that WG liaised with all local authorities to ensure the correct figures were used within their Council Tax Reductions schemes for 2016/17. Due to the Assembly's procedures which govern the making of the regulations, the amendment regulations are not due to be approved by the Assembly until 17 January 2017. The Council must however take account of the "Amendment Regulations" (The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2017) <sup>1</sup> when adopting the scheme.

<sup>1</sup> These can be accessed at

<http://senedd.assembly.wales/mglIssueHistoryHome.aspx?IId=16612>

## **2 Consultation**

- 2.1 A consultation exercise on the current scheme was conducted over the period 12 November 2014 to 11 December 2014 and advertised in a press release. An on-line survey form was placed on the Council website and consultation forms were available at the Contact Centre, District Housing Offices and libraries. Information was also sent to members, precepting authorities and various third sector agencies. A summary of the responses to this consultation can be found in Appendix 1.
- 2.2 The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2015, approved by NAFW 20 January 2015, included a change which removed the requirement for Local Authorities to publish a draft scheme and consult interested persons where a Billing Authority revises a scheme in consequence of amendments made to the Prescribed Requirement Regulations. The effect of this amendment is to remove the requirement for local authorities to consult in relation to changes made by Welsh Ministers where authorities have no discretion (as opposed to the discretionary areas of the scheme outlined in 1.4).
- 2.3 As this report contains a recommendation that the current scheme is not replaced or changed from 2017/2018, other than to include amendments contained in the "Amendment Regulations" (explained in 1.6 above), there is no requirement for the Council to consult, as authorities have no discretion in relation to these amendments.

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

- 3.1 The Council is required to adopt a scheme by 31 January 2017 under the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013 as amended, regardless whether it chooses to apply any of the discretionary elements. If the Council fails to make a scheme then a default scheme will apply under the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013 (as amended).
- 3.2 As explained in 1.6 above, each year WG needs to amend the CTRS 2013 Regulations to ensure that the assessment calculation for Council Tax Reduction recipients is up-rated, mostly in line with Housing Benefit. The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2017 were laid on 5 December 2016. As well as the up-rating

provisions, these “Amendment Regulations” incorporate additional amendments as follows:-

- Changes to the calculation of an applicant’s weekly income to ensure that when the calculation is undertaken, the authority considers income that the applicant expects to receive as well as income that has been received.
- To take account of persons receiving a ‘carers element’ in the calculation of Universal Credit in the calculation of an applicant’s Severe Disability Premium.
- To take account of amendments to the Income Tax Act 2007 consistent with other inter-related social security legislation.
- To rectify inconsistencies in the up-rating figures between the Welsh and English language versions created by the 2016 amendment regulations.

3.3 It is recommended that the Council adopts a Scheme from 2017/18 under “the Prescribed Requirements Regulations”, and any amendments made to those regulations by the “Amendment Regulations”, to include all the elements that must be included in the scheme and those discretionary elements set out in the table at Paragraph 3.5 below.

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

3.5 Taking account of :

- the consultation responses for the current local scheme, (see Appendix 1) relating to the discretionary elements, noting that no changes have been proposed for 2017/18.
- the current local scheme in relation to the treatment of War Disablement Pensions, War Widows Pensions and War Widowers Pensions for Housing Benefit, which disregards these payments in full,
- the fixed funding available,

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

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

#### 4. Equality and Engagement Implications

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

- 4.2 The Council has previously undertaken a consultation exercise in relation to the discretionary areas, which assists the Council in satisfying the public sector equality duty in the Equality Act.
- 4.3 A local equality impact assessment (EIA) was carried out by the Council in January 2014, for the 2014/15 scheme. As there have been no changes to the discretionary elements in any of the subsequent amendment regulations, for the 2015/16 and 2016/17 schemes, the EIA was reviewed (with the action plan's progress updated). Likewise as the proposed Amendment Regulations for 2017/18 scheme, do not contain any changes to the discretionary elements, the EIA has been reviewed again (with the action plan's progress updated further) and no changes to the EIA report are required.
- 4.4 It should be noted that in terms of equality impact there are no significant changes in the scheme recommended from 2017/18 compared to 2016/17. As this is a national scheme the Council cannot vary the provisions other than those discretionary areas detailed in 1.4 above, which are proposed to remain the same as exist in the current (2016/2017) local scheme. The Revenues and Benefits service will continue in its efforts to provide advice to maximise benefit income and signpost and fast-track to the relevant agencies where appropriate.

## 5. Financial Implications

- 5.1 Welsh local authorities receive a fixed sum provision from WG for the CTRS. This is fundamentally different to the funding received from DWP, for the former Council Tax Benefit scheme, which was demanded and almost fully funded on a pound for pound basis. Any changes that affect the amount of CTR to be paid, for example due to Council Tax increases, increases in customers' CTR entitlement or increases in the number of customers actually claiming CTR, exposes the Council to financial risk, as the shortfall between the amount of CTR paid out and the funding received from WG, result in authorities having to bear the additional cost.
- 5.2 The table below shows the number of current CTR recipients in Swansea, the latest estimate of CTR paid for 2016/17 and the latest estimated shortfall of £959k which has to be met by the Council.

<b>Current CTR Recipients</b>	<b>Current CTR Recipients who receive 100% CTR</b>	<b>Latest estimate of CTR to be paid in 2016/17</b>	<b>Fixed Funding Received from WG for 2016/17</b>	<b>Shortfall between funding and CTR paid to recipients.</b>
23,902	18,803	£19.943M	£18.984M	-£959K

- 5.3 The actual amount of CTR funding for distribution in 2017/18 in Wales is detailed in the final settlement made on 21 December 2016. The funding available for the whole of Wales was £244M with this Council's provisional allocation being £19,063M.
- 5.4 The table in 5.2 shows the estimated shortfall between CTR paid out and the fixed funding received from WG for 2016/17.
- 5.5 For every 1% increase in Council Tax levels in 2017/18, the yield will be reduced by an estimated £199,426 to reflect the cost of the CTRS.

## **6. Legal Implications**

The Council is obliged to make a Council Tax Reduction Scheme under the Prescribed Requirements Regulations as amended by 31 January 2017. Although the legislation provides for a default scheme to apply in the absence of the Council making a scheme, the Council is nevertheless under a statutory duty to adopt its own scheme, even if it chooses not to apply any of the discretionary elements.

Section 149 of the Equality Act 2010 requires Local Authorities to have "due regard" to their public sector equality duties when exercising their functions.

There are no other legal implications other than those already highlighted in this report.

### **Background Papers:**

Equality Impact Assessment

### **Appendices:**

Appendix 1: Summary of the responses to the CTRS consultation undertaken in November/December 2014.

**1 Consultation**

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

**1.2 Summary of Responses**

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

**1.3 Responses to the Three Discretionary Areas**

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

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

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

Question 2 on the consultation form:		
Discretionary element	Proposal	Responses
Discretion to disregard part or the whole amount of War Disablement Pensions and War Widows Pensions when calculating income.	The Council proposes to continue to disregard all of this income, as it is currently disregarded	15 responses. 9 said it was reasonable, 1 said it was not.



	for Council Tax Reduction. Do you think this is reasonable?	<i>5 answered "don't know"</i>
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**III. Ability to backdate the application of Council Tax Reduction Awards for more than the standard period of 3 months prior to the claim.**

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

# Agenda Item 10.

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

Council – 26 January 2017

### REVIEW OF THE CITY CENTRE CUMULATIVE IMPACT POLICY

<b>Purpose:</b>	To consider the responses to the consultation on the review of the Cumulative Impact Policy/Special Policy (CIP) contained within the Council's Statement of Policy for Licensing.
<b>Policy Framework:</b>	The Council's Statement of Policy for Licensing (July 2013)
<b>Reason for Decision:</b>	To seek agreement on the proposed amendments to the CIP and to comply with the requirements of the Licensing Act 2003.
<b>Consultation:</b>	Extensive consultation on the proposed amendments to the CIP has been undertaken involving existing licence holders, representatives of persons carrying on licensed premises, statutory bodies, representatives of other persons and City and County of Swansea Members. Legal, Finance, Access to Services have also been consulted in respect of this report.
<b>Recommendation:</b>	It is recommended that Council considers the responses to the consultation on the proposed amendments to CIP and that the proposed amendments are approved and the revised policy attached at Appendix A is adopted
<b>Report Author:</b>	Lynda Anthony
<b>Finance Officer:</b>	Paul Roach
<b>Legal Officer:</b>	Lyndsay Thomas
<b>Access to Services Officer:</b>	Phil Couch

## **1.0 Background**

- 1.1 Under the Licensing Act 2003 (The Act) a Licensing Authority must produce and publish a statement of its licensing policy (the Policy) at least once every 5 years and the Policy must be published before it carries out any of its licensing functions.
- 1.2 During the five year period the Policy must be kept under review and subject to the requirements of the legislation, the Council can make any appropriate revisions. Any revisions to the Policy must be issued for consultation before they can be introduced.
- 1.3 The Policy was last reviewed in 2013 and as permitted under the provisions of the statutory guidance issued by the Home Office under Section 182 of the Act (the Guidance) the Council resolved to adopt a Cumulative Impact Policy/Special Policy (CIP) for the city centre to be included in the Policy.
- 1.4 This was based on evidence provided by South Wales Police on the levels of crime and disorder in the area together with evidence from departments within the authority, including complaints relating to public nuisance. There are currently 3 areas covered by the CIP and these are:
  - Wind street and the surrounding area
  - Kingsway and surrounding area
  - High Street and College Street
- 1.5 Members have requested that the existing CIP is reviewed with a view to clarifying types of premises that due to their nature will not add to existing cumulative impact and therefore will be considered to be exempt from the CIP.

## **2.0 Cumulative Impact**

- 2.1 Cumulative Impact is not mentioned specifically in the Act but it is referred to in the Guidance and is considered to be a proper matter for a licensing authority to consider in developing its licensing policy statement.
- 2.2 In the Guidance cumulative impact means *“the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area”*. Cumulative impact can occur where there is a significant number, type or density of licensed premises in an area which are causing serious problems of nuisance or disorder outside or some distance from the premises
- 2.3 The licensing objectives referred to in paragraph 2.2 are the four licensing objectives contained in the Act and these are:
  - The prevention of crime and disorder;

- Public Safety;
- The prevention of public nuisance; and
- The protection of children from harm

### **3.0 Effect of a Cumulative Impact Policy**

3.1 The effect of a CIP is that in respect of premises located in the area covered by the CIP there is a presumption that applications for the grant or variation of premises licences or club premises certificates, which are likely to add to the existing cumulative impact, will normally be refused or will be subject to certain limitations, if relevant representations are received.

3.2 Refusal is normally the case unless the applicant can demonstrate that there will be no negative cumulative impact on one or more of the licensing objectives as a result of their application and the Authority would therefore be justified in departing from their policy in light of the individual circumstances of the case.

3.3 A CIP does not mean that applications will automatically be refused and “responsible authorities”, which includes the Police, Environmental Health, Fire Service, Trading Standards and the Licensing Authority or “other persons”, which includes Ward Members and members of the public, need to make relevant representations. If there are no relevant representations the licence must be granted.

3.4 In summary where a CIP has been adopted, for a licence to be granted, the onus is on the applicant to demonstrate that their application will not add to the existing cumulative impact in an area. Where a CIP has not been introduced/exemptions apply, a licence must be granted unless there is evidence provided by a responsible authority or other person that supports a decision to refuse the application.

### **4.0 Review of the CIP**

4.1 Concern has been expressed that due to the presumption that licences will be refused in the CIP area, reputable operators of well- run licensed premises, which potentially could have a positive effect on the area, will not be attracted to the city or could be prevented from obtaining a licence due to the process involved .

4.2 As a result of these concerns the CIP was reviewed and the proposed changes seek to clarify types of premises that due to their nature will not add to existing cumulative impact and will be considered to be exempt from the CIP. These changes were reported to Cabinet on 21st April 2016 to seek agreement for the draft of the revised CIP to be issued for consultation. The review has also provided the opportunity to include other minor changes that reflect the current Guidance, changes in legislation and also to provide clarification in respect of specific matters.

## **5.0 The Consultation**

- 5.1 Extensive consultation on the proposed amendments to the CIP was subsequently undertaken, involving existing licence holders, representatives of persons carrying on licensed businesses, statutory bodies, representatives of other persons and City and County of Swansea Members.
- 5.2 The consultation period ended on the 29<sup>th</sup> July 2016 and three responses were received. These were from Castle Leisure Limited, Principal Officer for Safeguarding and Performance, Child and Family Services, Social Services and TLT Solicitors on behalf of S A Brain, Cardiff. Copies of the responses received are attached at Appendix B, C and D respectively.

## **6.0 The responses**

- 6.1 The response received from Castle Leisure Limited refers to paragraph 6.22 of the draft revised policy, which relates to the proposed exemptions from the special policy. The response states that the proposed list of exempt licensable activities should be extended to include a Bingo Club, where the main purpose of the premises is to play Bingo games and to make available gaming machines.
- 6.2 The response from the Principal Officer for Social Services refers to paragraph 6.7 of the draft revised policy which relates to the steps that will be followed in considering whether to adopt a special policy, in particular bullet points 1 and 2 which relate to the four licensing objectives listed in paragraph 2.3 above. The response suggests that consideration should be given to adding a reference about 'adult at risk of harm' to both bullet points.
- 6.3 The response from TLT Solicitors acting on behalf of S A Brain (Brains') initially outlines some background information regarding the company and their licensing experience. It then goes on to explain their concerns in respect of certain parts of the revised policy. A summary of these concerns are detailed below:
- 6.3.1 Firstly the response confirms that the company fully support the view that all premises should be well run and promote the four licensing objectives, they do not, however, support the view that those premises should be subject to a potential further administrative burden from ad-hoc local requirements contained in licensing policies.
- 6.3.2 The response states that justification for maintaining the Cumulative Impact Policy (CIP) has not been disclosed therefore they cannot comment on whether retaining the CIP in its present geographical scope is justified. They however welcome the

amendments which clarify what is expected of applicants or reflects changes in guidance.

6.3.3 The response recognises that control mechanisms such as CIPs provide useful tools to the licensing authority and useful guidance to potential applicants however the categories set out in paragraph reference 6.22 of the revised policy, which relates to the proposed exemptions from the special policy give rise to concern, in particular the bullet points relating to *non-alcohol led premises*; and *premises where the sale/supply of alcohol is by waiter/waitress service only*. The concern is whether all applications that fall within the categories should be exempted and specific mention is made of the proposed cut off time for exemptions of 1am and the potential for applicants to look to define their application as exempt when this may not be the intention of the policy.

6.3.4 Comment is made about possible legislative changes likely to give cumulative impact a statutory footing and the need for reviewed interpretation of policies if that is the case. The response also suggests that any changes proposed should ensure that there is clarity in what will be considered caught by the policy, in particular an exemption for non-alcohol led premises may give rise to additional problems where any legislative changes are made.

6.3.5 The response also states for clarity that the company do not support any expansion of the geographical area of the CIP.

## **7.0 Officer Observations**

7.1 The information contained within the three responses received has been considered by officers and the following observations are made.

7.2 In respect of the comments made by Castle Leisure Limited, referred to in paragraph 6.1 of the report, no changes are required to the revised policy as bingo is not a licensable activity under the Licensing Act 2003. Bingo is an activity licensed under the Gambling Act 2005 and where premises hold a bingo licence, bingo would be considered the main activity and the premises would be regarded as non-alcohol led and would be exempt from the special policy, provided that alcohol is not sold after 01.00.

7.3 In respect of the comments made by the Principal Officer for Safeguarding and Performance, Child and Family Services, Social Services, referred to in paragraph 6.2 of the report, no changes are required to the policy as the protection of 'adults at risk of harm' is not a licensing objective under the Licensing Act 2003, therefore cannot be included.

7.4 The comments made by TLT solicitors refer to a number of items within the proposed changes to the policy. The following points correspond with the comments contained within points 6.3.1 to 6.3.6 of the report:

7.4.1 In respect of the comment in paragraph 6.3.1 of the report, current legislative provisions allow licensing authorities to introduce local requirements that aim to address local issues. A number of licensing authorities across the UK have introduced CIPs to address local circumstances.

7.4.2 In respect of the comments in paragraph 6.3.2 of the report. The purpose of the current review is not to determine whether or not to maintain the existing CIP but to clarify types of premises that due to their nature will not add to existing cumulative impact and therefore will be considered to be exempt from the CIP. The current Policy was published in July 2013 and a full review will be carried out and published by July 2018, in accordance with the requirements of the Act detailed in paragraphs 1.1 and 1.2 of the report. Gathering the relevant data to inform the full review will start in 2017.

The current review also provided the opportunity to include other minor changes that reflect the current Guidance, changes in legislation and also to provide clarification on specific matters. These changes are welcomed by the respondent in paragraph 6.3.2 of the report.

7.4.3 In respect of the comments in 6.3.3 of the report, it is accepted that the definitions specifically referred to in the comments provided may be open to interpretation however no change to the draft of the revised policy is recommended as whether or not an application falls within the exemptions listed will be determined with reference to the detailed proposals for the premises in question.

It is important to note that any application, whether it is considered to be exempt from the CIP requirements or not, does not prevent any responsible authority or other person from making relevant representations where they consider that the proposed operation of a premises will undermine one or more of the licensing objectives referred to in paragraph 2.3 of the report. Where relevant representations are received and not subsequently withdrawn, the matter must be referred to the Statutory Licensing Committee for decision. Any decision of the Committee can also be appealed to the Magistrates Court by the applicant or any of the parties who made representations.

7.4.4 In respect of the comments made in paragraph 6.3.4 of the report. Where relevant legislative changes are introduced any application would be dealt with having regard to the legislation and statutory

guidance in force at the time as this will take precedence over the licensing policy. A review of the policy would also be undertaken and relevant changes made.

## 8.0 The Proposed Changes

8.1 To address the concerns of Members identified in paragraph 4.1 of the report, the section of the policy that relates to the CIP was reviewed as detailed in paragraph 4.2. Proposed changes were made to the policy and these were issued for consultation following approval by Cabinet. Comments were received but these do not require any further changes to be made to the policy.

8.2 It is therefore recommended that the proposed changes to the extract of the policy that relates to the CIP that were approved by Cabinet to be issued for consultation, are adopted for inclusion in the Council's Statement of Policy for Licensing. The proposed changes are attached at Appendix A to this report. The proposed changes are identified in bold italic type and where it is proposed to remove information, this is shown by striking through the text. The reason for the change is also indicated in brackets.

8.3 The proposed changes to the policy are detailed below:

- A paragraph has been added at 6.1 detailing the premises the CIP may relate to;
- Paragraph 6.3.1 has been removed and the information included in paragraph 6.3;
- Paragraph 6.6 has been amended to replace the term “interested parties” with the term “other persons”;
- Paragraph 6.7 has been amended to include details of the four licensing objectives and to provide clarification in respect of the steps to be followed when considering the adoption of a CIP.
- Paragraph 6.8 has been amended to clarify that applications will normally be refused where a special policy is in place;
- Paragraph 6.13 has been amended to include reference to all licensing objectives;
- An additional paragraph has been added at paragraph 6.22 to include details of the premises and activities that are exempt from the CIP **between the hours of 10am and 1am**, these are:
  - Non- alcohol led premises;
  - Theatres, where the main purpose of the premises is the performance of plays;



- Cinemas, where the main purpose of the premises is the exhibition of films;
  - Premises where the main purpose is the provision of substantial table meals;
  - Premises where the sale/supply of alcohol is by waiter or waitress service only.
- The existing paragraph 6.22 is renumbered to 6.23 and information has been added to clarify the effect of the special policy on applications that fall within the exemptions of the CIP;
  - The existing paragraph 6.23 has been renumbered to 6.24 and clarifies the procedure to be followed where relevant representations are made.
  - The existing paragraph 6.24 has been renumbered to 6.25 and minor amendments have been made to clarify boundaries of the special policy areas.

## **9.0 Equality and Engagement Implications**

- 9.1 An Equality Impact Assessment screening form has been completed with the agreed outcome that a full Equalities Impact Assessment report is not required.

## **10.0 Legal Implications**

- 10.1 The following points are in addition to the legal implications set out in the report.
- 10.2 A special policy represents a restrictive approach to the granting of licences. A special policy cannot be rigidly applied and each application must be dealt with on its own merits.
- 10.3 Under a special policy the presumption is to refuse an application/variation unless an applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.
- 10.4 It is not sufficient simply that there is a heavy concentration of licensed premises in the area, there needs to be an evidential basis demonstrating the cumulative impact of the concentration. An authority needs to consider the evidence and be satisfied that the inclusion of a special policy is both appropriate and necessary.
- 10.5 A special policy has to be reviewed regularly to assess whether it is needed any longer or there is a need to expand or reduce the CIP area.

10.6 Deficiencies in the consultation process and /or the adoption of a special policy can be challenged by way of Judicial Review. Any refusal of application pursuant to a special policy can be appealed to the Magistrates Court.

## **11.0 Financial Implications**

11.1 There are no financial implications.

**Background Papers:** Council's Statement of Licensing Policy;  
Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 – March 2015

### **Appendices:**

Appendix A – Proposed amendments to the extract of the Statement of Policy for Licensing in respect of the CIP

Appendix B – Response received from Castle Leisure Limited.

Appendix C – Response received from Principal Officer for Safeguarding and Performance (Child and Family Services), Social Services

Appendix D – Response received from TLT Solicitors on behalf of S A Brain, Cardiff.

Extract from Statement of Policy for Licensing

6. CUMULATIVE IMPACT AND SPECIAL POLICY

- 6.1 Cumulative impact means, for the purposes of this policy, the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. ***Cumulative Impact Policies (CIP) may relate to premises licensed to carry on any licensable activity, including the sale of alcohol for consumption on or off the premises and the provision of late night refreshment. This includes late night fast food outlets which are not licensed to sell alcohol. (Changes to reflect current Guidance)***
- 6.2 There can be confusion about the difference between “need” and the “cumulative impact” of premises on the licensing objectives. The Council when acting as a Licensing Authority will not take into consideration “need”. This is a matter for the Council in its role as a Planning Authority and for the market.
- 6.3 When acting as a Licensing Authority the Council will consider representations from a “responsible authority” or “Other Persons” regarding cumulative impact. ***A list of Responsible Authorities can be found at paragraph 20 of this policy.***
- ~~6.3.1 A list of Responsible Authorities can be found at paragraph 20~~
- 6.4 A relevant representation from a “responsible authority” or “Other Person” regarding cumulative impact must provide clear evidence that there will be exceptional problems of disorder and nuisance over and above the impact of the individual premises itself.
- 6.5 The Licensing Authority will in such cases, take into account the issue of cumulative impact but this will be addressed in the context of the individual merits of any application. Where it is considered that a licence or certificate is unlikely to add to the cumulative impact on the licensing objectives the application will be granted.
- 6.6 The Licensing Authority after considering the available evidence will consult the individuals and organisations listed in 5.1 and 5.2 above. If it determines that attaching conditions to a licence is unlikely to address the problems identified, it will consider adopting a special policy of refusing new licences. This would apply whenever relevant representations are received about the cumulative impact on the licensing objectives from responsible authorities and ***other persons*** ~~interested parties~~, which the Licensing Authority consider after hearing those representations should lead to refusal. ***(Change to reflect change in legislation)***

- 6.7 The steps detailed below will be followed in considering whether to adopt and subsequent adoption of a special policy within the licensing policy:
- ~~Identify~~ Identification of concern about crime and disorder, **public safety, protection of children from harm** or public nuisance from a “responsible authority” or “Other Person”.
  - Consideration of whether it can be demonstrated that crime and disorder and nuisance are arising ~~occurring or whether there are activities which pose a threat to public safety or protection of children from harm~~
  - **If such problems are occurring, identify whether they are being** caused by the customers of licensed premises and if so identifying the area from which problems are arising and the boundaries of that area; or that the risk factors are such that the area is reaching a point when a cumulative impact is imminent.
  - Consultation with those specified in paragraph 5 above.
  - Subject to the consultation, **include inclusion and publish details of the a special policy in the statement of licensing policy.** ~~about future premises licence or club premises certificate applications from that area.~~
  - Publication of the special policy as part of the statement of licensing policy. **(Changes to reflect current guidance)**
- 6.8 **Where a special policy is in place** applications for new premises licences, club premises certificates or material variations will normally be refused if relevant representations to that effect are received, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced. Applicants will need to address the special policy issues in the operating schedule submitted with their application to rebut the presumption of refusal of the application. If no relevant representations are received the application will be granted in accordance with the operating schedule submitted. **(Change to reflect current review of CIP)**
- 6.9 Any special policy adopted will be reviewed following a maximum period of five years to determine its effectiveness and whether or not its continued use is required.
- 6.10 The absence of a special policy will not prevent a responsible authority or other person making representations on a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.
- 6.11 The effect of all licensed premises in an area will be taken into account when considering a special policy.
- 6.12 A special policy will not be used to revoke a licence for a premises if representations are received regarding problems with an existing licence. Cumulative impact on the promotion of the licensing objectives will only be considered as a relevant representation when an application for the grant or variation of a licence or certificate is being considered.

- 6.13 Where it is evident that there is a problem in an area after a licence or certificate has been granted and it is clear that an individual premises is undermining the promotion of **one or more of the licensing objectives** ~~the prevention of crime and disorder objective~~ in that area, the licence will only be reviewed if representations are made about that objective by a responsible authority or other person. **(Change to provide clarification)**
- 6.14 A special policy will not be used to justify rejecting an application for variation of an existing licence or certificate except where the variation is directly relevant to the policy and is necessary for the promotion of the licensing objectives e.g. increase in capacity of a venue.
- 6.15 A special policy relating to cumulative impact will not include provisions for a terminal hour in an area.
- 6.16 A special policy will not impose quotas on the number or capacity of premises or in relation to any matter which would restrict the consideration of any application on its individual merits.
- 6.17 The Licensing Authority will have regard to the individual characteristics of each premises and the differing impact they will have on the promotion of the licensing objectives.
- 6.18 The Licensing Authority recognises that there are other mechanisms available for controlling cumulative impact once customers have left licensed premises. These include:
- Planning controls;
  - Positive measures to create a safe and clean city centre environment in partnership with local businesses, transport operators and other local authority departments;
  - Provision of CCTV, adequate taxi rank space, provision of late night public conveniences, street cleaning;
  - Powers of local authorities to designate and control areas where alcohol cannot be consumed;
  - Police enforcement in relation to disorder and anti-social behaviour;
  - Prosecution for alcohol related offences ;
  - Police powers of closure of a premises;
  - The provision to review a licence or certificate.
- 6.19 On 30<sup>th</sup> July 2013 the Council resolved to adopt a Cumulative Impact Special Saturation Policy for the following areas:
- i) Wind Street and the surrounding area as defined
  - ii) The Kingsway and the surrounding area as defined
  - iii) High Street and College Street as defined

- 6.20 The Special Policies for i) Wind Street and the surrounding area, ii) The Kingsway and the surrounding area and iii) High Street and College Street were introduced because the Authority was satisfied that it was appropriate and necessary to do so given the number of premises licensed to supply alcohol for consumption on and off the premises in these streets and the incidence of crime, disorder and public nuisance attributable to customers of such premises.
- 6.21 This action followed a report to the Cabinet of this Council on 1<sup>st</sup> November 2012. The report included crime and disorder statistics from South Wales Police, together with public nuisance statistics from the Environment Department of this Authority. The special policy was introduced following a comprehensive consultation process which was carried out between February and May 2013.
- 6.22 ***Following a review of the Special Policy in DATE TO BE ADDED it is now recognised that pubs, nightclubs, restaurants, hotels, theatres and other types of premises sell alcohol, serve food and provide entertainment but with different styles and characteristics and due to the nature of the premises will not add to existing cumulative impact. Having regard to those differences and the impact they are likely to have on the local area the following types of premises, providing certain licensable activities between the hours of 10.00am and 1.00am are exempt from the requirements of the special policy:***
- ***Non – alcohol led premises;***
  - ***Theatres, where the main purpose of the premises is the performance of plays;***
  - ***Cinemas, where the main purpose of the premises is the exhibition of films;***
  - ***Premises where the main purpose is the provision of substantial table meals;***
  - ***Premises where the sale/supply of alcohol is by waiter or waitress service only.***

**(Changes to reflect current review of CIP)**

- 6.23 The effect of the special policy is that ***applications for premises that are located within the special policy areas but fall within the exemptions detailed in paragraphs 6.22. of the policy, will generally be granted, subject to consideration of any relevant representations made.*** In respect of ***all other*** premises located in ***this the special policy*** areas, there is a presumption against granting that any application for a premises licence, club premises certificate or a variation that is likely to add to the existing cumulative impact ***will be refused***. This presumption is only relevant

to applications which trigger a relevant representation from a responsible authority or other person referring **which refers** to one or more of the licensing objectives which **that** gave rise to the **introduction of the special policy** being introduced. If there are no such representations the Authority MUST grant the application in terms that are consistent with the operating schedule submitted. **(Changes to reflect current review of CIP)**

- 6.24 If such **Where relevant** representations are made, a Licensing Sub Committee of the Authority will hear those representations and **determine the application**. ~~conclude whether or not the presumption against granting should apply or if the application should be subject to certain limitations.~~ **For applications that fall within the requirements of the special policy, refusal will normally be the case UNLESS the applicant can demonstrate in their operating schedule that the application will not add to the existing cumulative impact on one or more of the licensing objectives and that the Authority would therefore be justified in departing from the special policy in the light of the individual circumstances of the case. (Changes to provide clarification)**
- 6.25 ~~The premises that are affected by these special policy areas~~ are those within the boundary defined on the plans attached at appendix A, B and C and **include premises that** have accessible entrances onto the streets within the boundary, including the streets listed in the following schedules – **(Changes to provide clarification)**

i) **Wind Street and the surrounding area**

- Wind Street
- The Strand to the junction with Welcome Lane
- Worcester Place
- Castle Street
- Castle Gardens
- Castle Square
- Green Dragon Lane
- Little Wind Street
- Salubrious Place
- Salubrious Passage
- Caer Street
- Princess Way
- St Mary's Street
- St Mary's Square
- St David's Place
- York Street
- Victoria Road

ii) **The Kingsway and the surrounding area**

- The Kingsway

- Dillwyn Street from the junctions with The Kingsway and Oxford Street
- Oxford Street from the junctions with Dillwyn Street and Princess Way
- Picton Lane
- Union Street from the junctions of The Kingsway and Oxford Street
- Park Street
- Portland Street
- Bellvue Way
- Dynevor Place
- Horton Street
- Pell Street
- Cradock Street
- Northampton Lane
- Christina Street
- Newton Street

**iii) High Street and College Street**

- High Street
- College Street







**SA BRAIN**

**RESPONSE TO SWANSEA LICENSING POLICY ('THE POLICY')**

This response is made on behalf of **SA BRAIN** ('Brains').

Brains is Wales' most famous drink. It is the toast of a nation. Still owned by the descendants of the founders that took over a fledgling brewery in a small stone building behind a Cardiff pub in 1882, you can now find the Brains name above the door of over 250 pubs, bars and hotels across Wales and the West of England.

Brewed at The Cardiff Brewery, Brains' award-winning beers are now widely available across Wales and can increasingly be found throughout the rest of Britain in Sainsbury's, Waitrose and Morrison's, as well as in pubs all over the country as guest ales.

The pub estate has expanded rapidly over the past 10 years and nearly every pub now offers a good range of quality food. And if you are looking for somewhere to stay, entertain or celebrate, many Brains pubs now offer bedrooms and function rooms.

Brains has always had close links with Welsh sport. For six years the family name was emblazoned across the national rugby team's chests, during which Wales famously won two Grand Slams in the RBS 6 Nations. Today Brains is the official ale of the WRU. As well as sponsoring the Welsh Rugby Union, Brains is also the official beer of the Football Association of Wales and Glamorgan Cricket.

The company is proud of its independence and the way that it has evolved over its colourful history.

The Brains estate comprises both managed and tenanted premises, split almost 50/50.

The managed estate is made up of premises where the licences are held by Brains and the premises are directly managed by Brains employees. Brains hold the premises licences for the tenanted estate which gives the company a level of control over the licences without directly running the premises. As such, the leased estate is as directly affected by any changes to the Policy as the managed estate, despite Brains not actually running the premises on a day-to-day level.

We fully support the view that all premises should be well run and promote the four licensing objectives. We do not however, support the view that those premises or indeed any premises should be subject to a potential further administrative burden from ad-hoc local requirements contained in licensing policies. For a company with premises spread over a significant number of local authorities, these locally imposed burdens on licence holders and operators, create additional work and can undermine the objectives by creating burdens on managers and staff where not strictly necessary.

We believe that the Licensing Act 2003 and associated relevant legislation contain sufficient safeguards and means of dealing with premises that cause or contribute to crime and disorder.

**Executive Summary**

The justification for maintaining the CIP has not been disclosed and as such we cannot comment on whether retaining the CIP in its present geographical scope is justified.

Notwithstanding this, we welcome the amendments to the Cumulative Impact Policy ('CIP') where it clarifies what is expected of applicants, or reflects the changes in Guidance. We are concerned that the range of 'categories' set out for premises that will be considered 'exempt' from the CIP are on occasion very loosely worded, open to interpretation and therefore open to legal challenge. This is particularly important given that CIP policies are likely to become creatures of statute, rather than remain as creations of Guidance and Policy only. In those circumstances, there could be unintended consequences with the drafting as suggested.

## Commentary on the proposed amendments to the CIP (within the wider context of the Policy)

### 1 Scope of CIP within the Policy

The information provided does not permit a consideration of the factors that has lead to the decision to retain a CIP within the Policy. Factors such as crime and disorder, ongoing public nuisance and changes to the number of premises with licences in the CIP area should all be taken into account in determining whether the CIP is a necessary restriction on applications (and potential investment) in Swansea. We would like to have seen a fully reasoned justification for the continuation of the Policy within the papers provided in order to comment on whether the need for the CIP could be justified in the first place.

### 2 Changes to reflect current Guidance and changes in legislation

We understand and agree with the changes in the Policy where they are being introduced to reflect changes in legislation or Guidance. Clearly this can only assist all parties referring to the Policy in terms of ensuring consistency of approach and implementation.

### 3 Changes to reflect current view of CIP

As a general comment, we welcome anything that recognises that CIPs can be overly prescriptive and, if improperly used, stifle investment and improvements in Swansea City Centre. We also recognise, however, that control mechanisms such as CIPs provide useful tools to the licensing authority, as well as guidance to potential applicants, as to what will be deemed acceptable or welcomed into Swansea.

However, the categories set out in Paragraph 6.22 do give rise to concerns. For completeness, we do not have any specific comments in relation to the following categories identified:

- *Theatres, where the main purpose of the premises is the performance of plays;*
- *Cinemas, where the main purpose of the premises is the exhibition of films;*
- *Premises where the main purpose is the provision of substantial table meals;*

The categories which give rise to specific concerns are:

- *Non-alcohol led premises; and*
- *Premises where the sale/ supply of alcohol is by waiter/waitress service only*

It is not necessarily that we would disagree that *certain* premises that would fall within the above definitions *should* be exempted from the CIP; the concern is whether *all* applications that fall within the categories should be exempted. We note that there is a suggested cut off time of 1am for such premises to be considered as exempt from the CIP, however, there is still potential for applicants to look to define themselves as exempt, where the licensing committee may not have intended.

### **Non-alcohol led premises**

This is a very broad definition that would allow premises to define themselves as falling outside the CIP for various reasons, such as:

- Hours a premises effectively operates as a food-led venue are longer than 'bar' hours
- The premises provides dancing facilities first and foremost (night club)
- The premises is a high capacity live music venue that has occasional 'club' nights

### **Premises where the sale/ supply of alcohol is by waiter/waitress service only**

Modern drink-led premises may have waiter and waitress service for all their customers. On this premise alone, it would appear they would be exempt from the CIP.

We must stress that we are not saying such venues should not be granted licences, but at the very least it permits an argument to say that the committee cannot take into account cumulative impact when determining the matter.

This is important in the context of appealing decisions in particular. A disgruntled applicant appealing the refusal of a licence where he has argued that their application was exempt from consideration of the CIP, but where the licensing committee have disagreed, will be able to ask, in effect, for a preliminary ruling on the point. Should the council be found to have relied on their own CIP in error, this is likely to have cost consequences. This is particularly important given the statement in 6.23 that applications that fall within the exemptions will generally be granted subject to consideration of any relevant representations.

### **Likely changes to legislation**

It is expected that the Guidance giving effect to CIP's is likely to be codified and cumulative impact to be given a statutory footing. If this is the case, then policies will need to be interpreted in light of this change. It is likely therefore that the rules on CIPs will become more tightly controlled. We respectfully suggest therefore that any changes proposed here are considered in light of the need to ensure that there is clarity in what will and will not be considered caught by the Policy. In particular the inclusion of an exemption for 'non-alcohol led premises' may give rise to additional problems in light of any legislative changes, as well as the practical problems raised above.

### **Expansion of the geographical area covered by the CIP**

For the purposes of clarity, we do not support any expansion of the geographical area of the CIP. Should this be considered following the consultation, we would ask to be given an opportunity to respond to any proposed expansion prior to implementation.

**For and on behalf of SA BRAIN**

# Agenda Item 11.

## Report of the Cabinet Member for Transformation and Performance

Council – 26 January 2017

### MEMBERSHIP OF COMMITTEES

<b>Purpose:</b>	Council approves the nominations/amendments to the Council Bodies.
<b>Policy Framework:</b>	None.
<b>Consultation:</b>	Political Groups.
<b>Recommendation:</b>	It is recommended that: 1) the amendments to the Council Bodies listed in paragraph 2 be approved.
<b>Report Author:</b>	Gareth Borsden
<b>Legal Officer:</b>	Tracey Meredith
<b>Finance Officer:</b>	Carl Billingsley
<b>Access to Services Officer:</b>	N/A

#### 1. Introduction

- 1.1 Meetings of Council regularly agree and amend the membership of the various Committees/Council Bodies 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 have changes to the following Council Bodies:

##### Scrutiny Programme Committee

Remove Councillor P M Meara  
Add Councillor C A Holley

#### 4. Financial Implications

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

#### 5. Legal Implications

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

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

**Appendices:** None

# Agenda Item 12.

## Report of the Head of Democratic Services

Council – 26 January 2017

### DEMOCRATIC SERVICES ANNUAL REPORT 19 MAY 2015 – 18 MAY 2016

<b>Purpose:</b>	To provide the Democratic Services Annual Report for the period 19 May 2015 to 18 May 2016. The report outlines the work of the Committee during that period.
<b>Policy Framework:</b>	None.
<b>Consultation:</b>	Access to Services, Finance, Legal.
<b>FOR INFORMATION ONLY</b>	
<b>Report Author:</b>	Huw Evans
<b>Finance Officer:</b>	Carl Billingsley
<b>Legal Officer:</b>	Tracey Meredith
<b>Access to Services Officer:</b>	Phil Couch

#### 1. Introduction

- 1.1 The Local Government (Wales) Measure 2011 required each Principal Council to establish a Democratic Services Committee. The Annual Meeting of Council held on 24 May 2012 originally established the Democratic Services Committee.
- 1.2 Councillor P M Meara was appointed Chair of the Democratic Services Committee by Council on 6 January 2015.
- 1.3 The Democratic Services Committee is serviced by the Head of Democratic Services, Huw Evans.
- 1.4 The Democratic Services Annual Report is attached as **Appendix A**.

#### 2. Format of Annual Report

- 2.1 Councillors are asked to comment on the style and format of the Annual Report informally to the Head of Democratic Services as he is keen to ensure that it becomes an informative, easy to read report.

### **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 There are no financial implications associated with this report.

### **5. Legal Implications**

- 5.1 There are no legal implications other than those set out in the body of the report.

**Background Papers:** None.

#### **Appendices:**

Appendix A Democratic Services Annual Report 19 May 2015 – 18 May 2016



**Democratic Services Annual Report  
19 May 2015 – 18 May 2016**

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6	Activities of the Democratic Services Committee
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## **1. Foreword by the Chair of the Democratic Services Committee**

- 1.1 As in previous years, the Democratic Services Committee has focussed its work mainly in the area of Councillor Training. The Committee is concerned that take up of training by Councillors is still relatively low, despite our use of a Learning Styles Analysis and a Training Needs Analysis, the formulation of a Councillors' Learning and Development Strategy and an extensive Councillors Training Programme.
- 1.2 Councillor Annual Reports are another area that the Committee has focussed its attention. It is pleasing to note the steady progress in the number of Councillors making use of the facility.
- 1.4 During the year, we examined how to make greater use of digital technology with an aim to assisting Councillors in their roles. This will play out as part of the Councillors Self-Serve from May 2017.
- 1.5 This has been a busy period for the Democratic Services Committee. I would like to extend my thanks and appreciation to the Committee for their time, dedication and support.
- 1.6 A number of officers have helped considerably with the work of the Committee. In particular, I would mention the Huw Evans, Head of Democratic Services, Allison Lowe, Democratic Services Officer and the Democratic Services Team.

**Councillor Paul M Meara**

**Chair of Democratic Services Committee (until 18 May 2016)**

## 2. Membership of the Democratic Services Committee

- 2.1 The membership of the Democratic Services Committee for the period 19 May 2015 – 18 May 2016:

<b>Councillor</b>	<b>Councillor</b>
Bob Clay	Andrea S Lewis (up to 10.03.16)
Anthony C S Colburn	David J Lewis
J P Curtice	Keith E Marsh
Nick J Davies (Vice Chair)	Paul M Meara (Chair)
J Hale (from 10.03.16)	Geraint Owens
Jeff W Jones	Lesley V Walton
Erika T Kirchner	

## 3. Dates of the Democratic Services Committee Meetings

- 3.1 The Democratic Services Committee met 4 times during this period.

16 June 2015	15 December 2015
16 October 2015	15 March 2016

## 4. Attendance Figures by the Members of the Democratic Services Committee

- 4.1 The attendance figures for each member of the Democratic Services Committee are set out below.

<b>Councillor</b>	<b>Possible</b>	<b>Actual</b>	<b>Attendance by Percentage</b>
B Clay	4	3	75%
A C S Colburn	4	4	100%
J P Curtice	4	2	50%
N J Davies	4	4	100%
J Hale	1	0	0%
J W Jones	4	4	100%
E T Kirchner	4	2	50%
A S Lewis	3	1	66%
D J Lewis	4	2	50%
K E Marsh	4	4	100%
P M Meara	4	4	100%
G Owens	4	0	0%
L V Walton	4	4	100%

## **5. Democratic Services Committee - Terms of Reference**

The remit of the Democratic Services Committee is set out in **Section 11 of the Local Government (Wales) Measure 2011** and is to:

- 5.1 Exercise the function of the local authority under section 8(1)(a) Local Government (Wales) Measure 2011 (designation of Head of Democratic Services).
- 5.2 Review the adequacy of provision by the authority of staff, accommodation and other resources to discharge Democratic Services functions, including:
  - a) Achievement of the Welsh Local Government Association's (WLGA) Member Support and Development Charter;
  - b) Councillor Training;
  - c) Improvements and innovations such as electronic voting, web casting etc.
- 5.3 Make reports and recommendations to the authority in relation to such provision.
- 5.4 It is for a Democratic Services Committee to determine how to exercise those functions.
- 5.5 To determine whether or not the Councillors period of family absence should be cancelled in accordance with Regulation 34 of the Local Government (Wales) Measure 2011.
- 5.6 To determine whether or not to withhold a Councillor's Remuneration should they fail to return following a period of family absence on the date specified in the notice provided.

## **6. Activities of the Democratic Services Committee**

- 6.1 During the municipal year 2015-2016 the Democratic Services Committee has undertaken a range of activities. The activities are listed below together with a brief synopsis of the work.

### **6.2 Councillor Training – Discussion with Standards Committee**

- 6.2.1 Members of the Standards Committee were invited to meet with the Democratic Services Committee in order to assist in increasing attendance at Councillor Training Sessions.

6.2.2 The discussions resulted in the Committee agreeing to a number of recommendations including:

- Attendance reports be forward to relevant Political Group Leaders / Whips,
- Sessions be time-tabled for both daytime and evening sessions to encourage better attendance
- Successful training sessions be adapted into e-learning programmes wherever possible in order to compliment the Councillors Training Programme.

### **6.3 Councillor's Training Needs Analysis 2015-2016**

6.3.1 The Committee reviewed a new Training Needs Analysis (TNA) for 2015-2016. The results (together with any training needs identified in Councillors Personal Development Reviews) would assist in creating a Councillor Training Programme for 2016-2017 based on those needs identified by Councillors.

6.3.2 In addition, the Committee recommended labelling several sessions as mandatory.

### **6.4 Democratic Services Committee Annual Report 8 May 2014 to 18 May 2015**

6.4.1 The Chair presented the second Democratic Services Committee Annual Report.

6.4.2 It was noted that there had been a decrease in the number of Annual Reports received for the 2014-2015 period. The Chair encouraged all Councillors to ensure reports were submitted by the deadline.

### **6.5 Scrutiny Annual Report 2015-2016**

6.5.1 The Chair of the Scrutiny Programme Committee and Scrutiny Manager were invited to the Democratic Services Committee to provide a report on the work of scrutiny for the municipal year 2014-2015.

### **6.6 Discussion on future ICT provision for Councillors from 2017**

6.6.1 The Committee discussed the various options regarding the future ICT provision following the Local Government Election 2017.

6.6.2 As a result, further consultation was arranged via drop in sessions in order that all Councillors views were established.

## **6.7 Councillor Training and Development 2016-2017**

6.7.1 The Committee considered the responses of the Councillors / Co-Opted Member Training Needs Analysis (as outlined in 6.3.1 above) in order to devise the Councillor Training and Development 2016-2017 programme. This report was adopted by Council on 28 January 2016.

6.7.2 As a result, the Head of Democratic Services in consultation with the Chair of the Democratic Services Committee would prioritise the courses that would form the Councillor Induction Programme and which ones would initially be added to the additional training programme.

## **6.8 Independent Remuneration Panel for Wales – Annual Report February 2016**

6.8.1 The Committee reviewed the Annual Report published by the Independent Remuneration Panel for Wales.

## **6.9 Councillor Induction 2017**

6.9.1 The Committee considered an early draft of the Councillors Induction Programme which had been devised by the Welsh Local Government Authority (WLGA) in conjunction with Democratic Services officers in the 22 Welsh Local Authorities.

6.9.2 The response to the WLGA suggested that the Councillor Induction Programme 2017 should be available to all Councillors, not just new members and that training immediately following the election should be on a light-touch basis and repeated in the months following the election, around September / October time.

## **7. Work Programme 2016-2017**

7.1 The Committee will consider the following issues:

- Councillor Induction Programme 2017;
- Councillors ICT,
- Councillors Broadband and Telephone Allowances;
- Councillors Self-Serve via Oracle Software System.

## **8. Democratic Services Team 19 May 2015-18 May 2016**

8.1 The Team Structure for Democratic Services and Scrutiny for the period 2015-2016 are set out below. The Posts are all 1 Full Time Equivalent (fte) unless otherwise stated.

8.2 On 11 October 2015 the Member Support Team were combined with the Democratic Services Team. As a result several job descriptions and job titles were amended as outlined in 8.3 below.

### 8.3 Democratic Services Team

Job Title	Officer Name	Notes
Head of Democratic Services	Huw Evans	-
Democratic Services Officer	Samantha Woon	-
Democratic Services Officer	Gareth Borsden	-
Democratic Services Officer	Jeremy Parkhouse	-
Democratic Services Officer Councillor Support Officer	Allison Lowe	From 12.10.2015 Up to 11.10.2015
Democratic Services Support Officer Councillor Support Assistant	Caroline Davies	From 12.10.2015 Up to 11.10.2015
Democratic Services Assistant Administrative Assistant	Karen Thomas	From 12.10.2015 Up to 11.10.2015
Democratic Services Support Assistant	Diane Clatworthy	From 12.10.2015
Democratic Services CCMS Support Assistant	Suzanne Mort	From 24.03.2016

### 8.4 Scrutiny Team

Job Title	Officer Name	Notes
Scrutiny Manager	Dave Mckenna	-
Scrutiny Coordinator	Brij Madahar	-
Scrutiny Officer	Delyth Davies	-
Scrutiny Officer (0.8 fte)	Rosie Jackson	-
Scrutiny Officer	Michelle Roberts	-
Scrutiny Research Officer (0.6 fte)	Jenna Tucker	-

## 9. General Information

- 9.1 The Democratic Services Committee is keen to see members of the public attending its Meetings. With the exception of confidential items, all business is held in public. All of the public papers are published online [www.swansea.gov.uk](http://www.swansea.gov.uk)

Further information can be provided by Democratic Services:  
[Democratic.Services@swansea.gov.uk](mailto:Democratic.Services@swansea.gov.uk) or on 01792 63 6923

# Agenda Item 13.

Council – 26 January 2017

## COUNCILLORS' QUESTIONS

### PART A – SUPPLEMENTARIES

1	<p><b>Councillors C A Holley, J W Jones &amp; P M Black</b> Will the Leader/Cabinet Member tell Council if we have been successful in having the City Deal and (a) What will be the cost of the borrowing both supported and unsupported to the Council and (b) What contributions will be made from the Welsh Government and the Westminster Government.</p> <p><b>Response of the Leader</b> Discussions on the City Deal are on-going with both the UK and Welsh Governments, and the outcome will be communicated to Council as soon as possible. The total cost of the City Deal will depend on the composition of the deal that is finally approved, and this will determine the contributions that will be made from the Welsh Government, UK Government and Council.</p>
2	<p><b>Councillor T J Hennegan</b> Can the Cabinet Member tell us how many people benefitted from the excellent 'Together at event' at the Brangwyn hall on the 20th December which was supported by the Council.</p> <p><b>Response of the Cabinet Member for Anti Poverty &amp; Communities</b> This event organised by JR Events and Catering in partnership with the Council was an open invitation and opportunity to those persons throughout our City, who found themselves facing homelessness, the most vulnerable and in need, to enjoy a free 2 course Christmas Lunch including a soft drink, which they may otherwise have been unable to afford. The Brangwyn Hall event was promoted and supported by the Tackling Poverty Team together with our partner agencies including local Homeless Charities and proved to be an excellent success. On the day, <b>162</b> hot Christmas lunches were provided to those in need and Community First support and engagement Officers were available to provide support, advice and signposting. The kind of support offered included: Job searching and CV writing. Support in finding work. Benefits Advice. Reducing energy bills. Learning courses. Volunteering.</p> <p>10 attendees were supported to fill in forms and all are in the process of being referred onto employability support, housing, learning support, communities for work and welfare benefit support, as many of these individuals are in need of help from all these services. 20 persons also took advantage of the offer of a free haircut, which was being provided by a local hair stylist. A vote of thanks</p>



	<p>must be extended to JR Catering and Events for their kind hospitality and generous donation in providing all meals free of charge, to all the volunteers who gave up their free time to assist in making this a very worthwhile and successful event, even arranging free transport where necessary and finally, to those members of the public in Townhill who donated 4 food hampers, which were shared out at the event to those in need. It was very pleasing to receive 'Positive' feedback from those attending and it is our intention to repeat this event in the year ahead.</p>
3	<p><b>Councillor C Thomas</b>  Can the Cabinet Member tell us how many pot-holes have been repaired since the introduction of the new task force team? Can he also confirm how much additional investment has been made in the road network in the last 4 years.</p> <p><b>Response of the Cabinet Member for Environment &amp; Transportation</b>  1,700 potholes have been repaired by the pothole repair team since the initiative was launched in August 2016.</p> <p>The Authority has provided an additional £1m per annum for the last three years (£3m total) for planned highway maintenance works. In addition to this £150k per annum has been provided for the pothole initiative.</p>
4	<p><b>Councillors E W Fitzgerald, I M Richard &amp; K E Marsh</b>  Could the Cabinet Member suggest why Wales continues to languish at the bottom of the UK nations in the international PISA tests despite apparent year on year improvements in GCSE results.</p> <p><b>Response of the Cabinet Member for Education</b>  The Programme for International Student Assessment (PISA) is a triennial international survey which aims to evaluate education systems worldwide by testing the skills and knowledge of 15-year-old students.</p> <p>In 2015, over half a million students, representing 28 million 15-year-olds in 72 countries and economies, took the internationally agreed two-hour test. Students were assessed in science, mathematics, reading, collaborative problem solving and financial literacy.</p> <p>The results of the 2015 assessment were published on 6 December 2016. The performance of students in Wales was below the PISA average score. Students in Wales also performed worse than their counterparts in England, Scotland and Northern Ireland in the assessment.</p> <p>However, these results are a Wales-wide average and are not broken down into local authority level figures.</p> <p>The National Foundation for Educational Research (NFER) administers the PISA tests to a representative sample of schools in Wales. The sample for all countries is selected by an external organisation on behalf of the OECD. The sample (which is of pupils rather than schools) is then passed to NFER. The PISA tests therefore differ to GCSEs which are undertaken by almost all Year</p>

	<p>11 students.</p> <p>PISA assessments taken in November 2015 are not currently comparable with GCSE examinations taken in summer 2016 in Wales. Over time, the new GCSEs in Wales will be aligned to PISA-type skills and question types. The examination specifications have now changed and in future there will be a closer link to how pupils apply their skills in a range of contexts. However, it is not guaranteed that there will be a close correlation between results immediately because new qualifications mean new grade boundaries. It may take a few years to see a worthwhile comparison.</p> <p>All available evidence shows Swansea is performing well above the Welsh average. We have evidence here that progress against key indicators has been positive in Swansea since 2013 and the recent Estyn inspection of the regional school improvement service reinforces progress is being made across the board. Although PISA uses its own examination papers and only publishes a national average, pupils in Swansea performed well in these subjects at GCSE level in August 2016.</p>
5	<p><b>Councillors E W Fitzgerald, I M Richard &amp; K E Marsh</b></p> <p>Does the Leader consider that a £4million spend to demolish a building represents good value for Swansea taxpayers.</p> <p><b>Response of the Leader</b></p> <p>The question typifies the negative attitude of the questioners. Yes the total cost of the demolition phase is more than anticipated but when we consider that the council did not hand over any cash for the site, but instead swapped a small lease for the entire Oceana site, the overall cost are still within the range for a site development of this significant size and scale. Major regeneration schemes often require the removal of derelict buildings to facilitate new private sector investment and job creation opportunities. Demolition costs can vary significantly depending on the type, age and size of the building to be removed. An assessment of value for money should consider not just these costs, but the overall costs and the benefits, both financial and economic, they produce. Once complete the building will provide income for the council as well as providing accommodation for new businesses and new jobs for the people of Swansea. The complete lack of vision and progress shown by the previous administration damaged our city centre and is continued by the questioners today. Swansea fell behind other cities and tumbled out of the top 30 retail centres in the U.K. during their time in office. Local businesses and local people suffered as a result. If we want Swansea to be successful and local people to have opportunities then we have to get on with rebuilding our city, create more jobs, attract more investment and make a better future for the people of Swansea. It is a pity the questioners have no interest in any of that and just want to do nothing. We know as their time in office demonstrated, doing nothing gets you nowhere.</p>
6	<p><b>Councillors E W Fitzgerald &amp; I M Richard</b></p> <p>Why does the Leader believe that concentrating so many units of student accommodation in the City Centre is a positive move.</p>

	<p><b>Response of the Leader</b>  Investment interest for Purpose Built Student Accommodation (PBSA) schemes has grown strongly in recent years, outperforming many other more traditional property sectors. This has been a national trend within large university towns and cities, which is now affecting Swansea. The growth in such investment is set against a backdrop of our expanding universities, which are so important for the economic and cultural future of Swansea. The Council needs to take a sensible strategy for directing such investment to appropriate locations, in the interests of facilitating sustainable regeneration, meeting the accommodation needs of students, ensuring our universities are not disadvantaged and respecting the amenity of residents. The planning strategy for directing such investment is set out in the UDP (Policy HC11) and emerging LDP (Deposit Policy H11), which seek to prioritise the mixed use central areas of the city, as well as within existing campuses, rather than so called 'out of centre' locations and residential neighbourhoods. This approach represents a sustainable way of planning for the future accommodation needs for students, in particular by encouraging use of cycling, walking and public transport rather than car use. The approach also supports regeneration initiatives and helps avoid adverse amenity impacts that large developments can sometimes cause within low density residential areas. The Planning Authority is to undertake a public consultation in early 2017 on draft supplementary planning guidance relating to PBSA and Houses in Multiple Occupation, which ultimately will be used to determine planning applications. Members are encouraged to feed into the consultation process, which will run for a minimum of 6 weeks, to ensure that any re-draft of the planning guidance takes account of all views expressed on this important matter.</p>
7	<p><b>Councillors E W Fitzgerald &amp; I M Richard</b>  Have any discussions been held in recent times with potential partners to revive the Swansea/Cork ferry.</p> <p><b>Response of the Cabinet Member for Environment &amp; Transportation</b>  We are not aware of any discussions regarding a new Swansea/Cork ferry service since the previous operators Fastnet Line ceased operations in February 2012.</p>
8	<p><b>Councillors C A Holley, J N Newbury &amp; A M Day</b>  The very interesting plans for the redevelopment of St David's will have elements of residential flats and housing as well as retail. Is there any element that includes student accommodation.</p> <p><b>Response of the Cabinet Member for Environment &amp; Transportation</b>  There are no plans for student accommodation within the St Davids scheme now known as Swansea Central. This development will introduce a vibrant mix of uses that are needed to create vitality and footfall within the city centre. The scheme will consist of a new digital arena, digital square, new retail and leisure offerings, and residential uses. It could also consist of new university facilities, but these would not be student accommodation. Whilst student accommodation is not being considered for the Swansea Central development, there is potential for student accommodation in the city to meet the needs of our expanding</p>

	<p>universities and student population. A planning application for this site will be considered in March.</p>
9	<p><b>Councillors M Lewis, G J Tanner &amp; C Thomas</b>  Can the Cabinet Member tell me what level of investment has been made in upgrading the council house stock to WHQS over the last two years and what investment is planned in the coming years and in which areas of Swansea.</p> <p><b>Response of Cabinet Member for Next Generation Services</b>  To date, around £120m will have been spent improving the Council's housing stock up to the Welsh Housing Quality Standard since 2014/15.</p> <p>Council will be asked to consider the detailed budget and programme proposals when it meets on February 23<sup>rd</sup>. The proposals for the 2017/18 year include:</p> <ul style="list-style-type: none"> <li>• Wind and weatherproofing schemes in Penlan, West Cross, Loughor, Cwmbwrla and Pontardulais;</li> <li>• Repairs to system built housing in Craig Cefn Parc, West Cross, Caemawr, Winch Wen, Sketty and Dyfatty;</li> <li>• Roof renewals to properties in Blaenymaes, Bonymaen, Townhill, Port Tennant and Gower;</li> <li>• Sprinkler systems to Sheltered complexes in Gorseinon, Loughor and St Thomas;</li> <li>• Kitchen and bathroom renewals to properties in Morryston, Clase, Clydach and Pontardulais;</li> <li>• External facilities within the curtilage of properties in Penlan.</li> </ul> <p>In addition, programmes that will include selective properties in most areas where there is Council housing include:</p> <ul style="list-style-type: none"> <li>• Chimney Repairs;</li> <li>• Electrical Rewiring;</li> <li>• Boiler replacement;</li> <li>• Meeting the needs of tenants with a disability.</li> </ul> <p>In total, over £200m will be further invested to ensure full achievement of the standard by 2020/21.</p> <p>Schemes are developed based on the results of the most recent stock condition survey. Further details regarding the location of the various schemes will be made available to Ward Members after Council has made a decision on the proposals.</p>
10	<p><b>Councillors C A Holley, M H Jones &amp; J N Newbury</b>  A letter in the local press on Tuesday 20th December 2016 about the City Deal, Councillor J Raynor gave the impression that the Labour Party in Swansea would be in a position to run its own bus company. Will the Leader please explain to Council if this is correct and if so why has Council not been told that this was part of the City Deal.</p>

	<p><b>Response of the Leader</b></p> <p>The city deal is making very good progress and we hope to formally sign the deal in the next few week. The city deal provides funding for a number of projects. Alongside the defined projects we are looking at regional transport developments. One of the key challenges will be to provide a successful modern affordable integrated transport system to support the new city and region economy. This may include new bus and other public transport operations being provided by new operators which may include the authority.</p>
11	<p><b>Councillor N J Davies</b></p> <p>Can the Cabinet Member confirm that performance of this authority has improved over the last four years. Can he provide independent evidence of that Improvement.</p> <p><b>Response of the Cabinet Member for Transformation &amp; Performance</b></p> <p>I can confirm that performance has improved across the Authority over this period examples being improved examination outcomes for our pupils, reductions in the number of looked after Children across the Council with more localised care packages aimed at better outcomes, increased recycling rates for our domestic refuse and improved performance in terms of pothole repairs to highlight just a few.</p> <p>Evidence to support this can be found in the quarterly monitoring reports that are taken to Cabinet, from the external audit reports (such as the Annual Improvement Report, Annual Audit Letter, etc.) received from the Wales Audit Office and the reports arising from statutory inspections of our education and Social Services functions undertaken by Estyn and CSSIW respectively.</p> <p>Congratulations should also go to our schools for their continued performance evidenced by individual ESTYN inspections.</p> <p>Of course it is not just public services that have shown an improvement; The national and international standing of the Council has improved greatly arising, amongst others, from the adoption and development of the United Nations Convention on the Rights of the Child (UNCRC) which is now embedded across the Council and within schools, which has led to a generation of Children being made aware not only of their own rights but of course the rights of others, together with international recognition as a UNESCO City of Learning.</p> <p>This improvement has been brought about by developing a culture of setting clear and unambiguous Council priorities, consistently applied and promoted by Members and staff alike. It has been further developed by a collaborative and open dialogue with our external inspectors and a commitment to develop and implement action plans to address any issues which they identify. Key to the improvements has also been the significant effort that has been made in terms of collaborative working with our Public and Private Sector partners.</p> <p>Of course none of this improvement would have been possible without input from staff at all levels of the organisation; There have been many instances over the past four years, and particularly in the last year, where Council has had the</p>

	<p>pleasure of seeing staff receiving awards for innovative, creative and ground breaking work as well as for evidencing high performance. Indeed, during the term of this administration Swansea Council was voted the most sustainable organisation in the UK - an outstanding achievement by any standards.</p> <p>All this has been achieved against a background of fiscal austerity which has required the Council to make considerable savings across all services; such is the size and nature of the financial pressures facing the Council that no services can be exempt from these cuts; However, in line with the Council's stated priorities relative protection continues to be afforded to Social Services and Education within the overall Council Budget.</p> <p>It has also been achieved against a background of continued but significant developments in terms of the legislation which we have to adhere to such as the Social Services and Wellbeing Act, the Future generations (Wales) Act, the impact of legal cases such as the Deprivation of Liberty Standards and of course the implementation of Welsh Language standards.</p>
	<p><b>PART B - None</b></p>