

Cyngor

Rydych dan wŷs trwy hyn i ddod i gyfarfod **Cyngor Dinas a Sir** i'w gynnal yn O bell drwy Microsoft Teams ar Dydd Mercher, 4 Tachwedd 2020 am 5.00 pm.

Gwyllo ar-lein: <https://bit.ly/3oelkRu>

Cynigir trafod y materion canlynol:

1. **Ymddiheuriadau am absenoldeb.**
2. **Datgeliadau o fuddiannau personol a rhagfarnol.**
www.abertawe.gov.uk/DatgeluCysylltiadau
3. **Cofnodion.** **1 - 23**

Cymeradwyo a llofnodi cofnodion y cyfarfod(ydd) blaenorol fel cofnod cywir
4. **Cyhoeddiadau'r Aelod Llywyddol.**
5. **Cyhoeddiadau Arweinydd y Cyngor.**
6. **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.
7. **Polisi Trwyddedu HMO 2020.** **24 - 83**
8. **Cynnig i dderbyn penderfyniad newydd i beidio â chyflwyno trwyddedau casino a diwygiadau arfaethedig i Bolisi Gamblo'r cyngor** **84 - 93**
9. **Adolygu'r refeniw wrth gefn.** **94 - 119**
10. **Datganiad cyllideb canol blwyddyn 2020/21. (Llafur)**
11. **Adroddiad Blynyddol Drafft Panel Annibynnol Cymru ar Gydabyddiaeth Ariannol (PACGA) 2021-2022 - Ymgynghoriad.** **120 - 131**
12. **Diwygiadau i Gyfansoddiad y Cyngor.** **132 - 135**
13. **Aelodaeth Pwyllgorau.** **136**

14. Cwestiynau gan y Cynghorwyr.

137 - 145

15. Rhybudd o Gynnig - Ymgyrch Hawlio Credyd Pensiwn.

146 - 147

Gweddarlledu: Gellir ffilmio'r cyfarfod hwn i'w ddarlledu'n fyw neu'n ddiweddarach drwy wefan y cyngor. Drwy fynd i mewn i Siambr y Cyngor, rydych yn cytuno i gael eich ffilmio ac i'r delweddau a'r recordiadau sain hynny gael eu defnyddio at ddibenion gweddarlledu a/neu hyfforddiant o bosib.

Mae croeso i chi siarad Cymraeg yn y cyfarfod.

Dywedwch wrthym erbyn canol dydd, ddeuddydd cyn y cyfarfod.

Cyfarfod nesaf: Dydd Iau, 3 Rhagfyr 2020 ar 5.00 pm



Huw Evans

Pennaeth Gwasanaethau Democrataidd

Neuadd y Ddinas,

Abertawe.

Dydd Mawrth, 27 Hydref 2020

I: Bob Aelod o'r Cyngor

Agenda Item 3.



City and County of Swansea

Minutes of the Council

Remotely via Microsoft Teams

Thursday, 1 October 2020 at 10.30 am

Present: Councillor D W W Thomas (Chair) Presided

Councillor(s)

C Anderson
P M Black
J E Burtonshaw
M C Child
J P Curtice
N J Davies
A M Day
P Downing
C R Doyle
C R Evans
W Evans
E W Fitzgerald
R Francis-Davies
S J Gallagher
L S Gibbard
F M Gordon
J A Hale
D W Helliwell
C A Holley
P R Hood-Williams

Councillor(s)

B Hopkins
D H Hopkins
L James
O G James
Y V Jardine
J W Jones
L R Jones
M H Jones
P K Jones
S M Jones
E J King
E T Kirchner
M A Langstone
A S Lewis
M B Lewis
W G Lewis
C E Lloyd
P Lloyd
P M Matthews
H M Morris

Councillor(s)

C L Philpott
S Pritchard
A Pugh
J A Raynor
C Richards
K M Roberts
B J Rowlands
M Sherwood
R V Smith
A H Stevens
R C Stewart
M Sykes
M Thomas
L G Thomas
W G Thomas
L J Tyler-Lloyd
L V Walton
T M White

Officer(s)

Huw Evans
Adam Hill
Tracey Meredith
Phil Roberts
Ben Smith

Head of Democratic Services
Deputy Chief Executive / Director of Resources
Chief Legal Officer / Monitoring Officer
Chief Executive
Chief Finance Officer / Section 151 Officer

Apologies for Absence

Councillor(s): M Durke, R D Lewis, D Phillips and D G Sullivan

1. Election of Presiding Member for 2020-2021 Municipal Year.

The Head of Democratic Services asked for nominations. A nomination was received for Councillor D W W Thomas. The nomination was proposed and seconded.

Resolved that Councillor D W W Thomas be elected Presiding Member for the Municipal Year 2020-2021.

Councillor D W W Thomas (Presiding Member) Presiding

2. Election of Deputy Presiding Member for 2020-2021 Municipal Year.

The Presiding Member asked for nominations. A nomination was received for Councillor J P Curtice. The nomination was proposed and seconded.

Resolved that Councillor J P Curtice be elected Deputy Presiding Member for the Municipal Year 2020-2021.

3. Disclosures of Personal and Prejudicial Interests.

The Chief Legal Officer gave advice regarding the potential personal and prejudicial interests that Councillors and / Officers may have on the agenda.

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

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

- 1) Councillors J P Curtice, E T Kirchner, A Pugh and T M White declared a Personal Interest in Minute 8 "Pay Policy Statement 2020/2021".
- 2) Adrian Chard and Huw Evans declared a Personal Interest in Minute 8 "Pay Policy Statement 2020/2021".
- 3) Adam Hill, Tracey Meredith, Martin Nicholls, Phil Roberts and Ben Smith declared a Personal & Prejudicial Interest in Minute 8 "Pay Policy Statement 2020/2021" and withdrew from the meeting prior to it being discussed.
- 4) Councillors C Anderson, P M Black, J E Burtonshaw, M C Child, J P Curtice, N J Davies, A M Day, P Downing, C R Doyle, C R Evans, W Evans, E W Fitzgerald, R Francis-Davies, S J Gallagher, L S Gibbard, F M Gordon, J A Hale, D W Helliwell, C A Holley, P R Hood-Williams, B Hopkins, D H Hopkins, O G James, L James, Y V Jardine, J W Jones, L R Jones, M H Jones, P K Jones, S M Jones, E J King, E T Kirchner, M A Langstone, A S Lewis, M B Lewis, W G Lewis, C E Lloyd, P Lloyd, P M Matthews, H M Morris, C L Philpott, S Pritchard, A Pugh, J A Raynor, C Richards, K M Roberts, B J Rowlands, M Sherwood, R V Smith, A H Stevens, R C Stewart, M Sykes, D W W Thomas, L G Thomas, M Thomas, W G Thomas, L J Tyler-Lloyd, L V Walton and T M White declared a Personal Interest in Minute 10 "Constitutional Matters 2020-2021".

4. Minutes.

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

- 1) Ordinary Meeting of Council held on 10 September 2020.

5. Announcements of the Presiding Member/Head of Paid Service.

1) Condolences

a) Former Councillor David Thomas

The Presiding Member referred with sadness to the recent death of Former Councillor David Thomas. David Thomas has served on the former West Glamorgan County Council.

David Thomas was also a Former Lord Mayor's Consort 2014-2015 and the husband of former Lord Mayor and former Councillor Ceinwen Thomas.

All present stood as a mark of sympathy and respect.

6. Names of Councillors that the Leader of the Council has chosen to be Members of the Cabinet. (For Information)

The Leader of the Council outlined the names of those Councillors that he had chosen to be Members of the Cabinet. He also outlined their Cabinet Portfolios:

Councillors	Cabinet Portfolio
Rob C Stewart	Leader of the Council Economy, Finance & Strategy
David H Hopkins	Joint Deputy Leader of the Council Delivery & Operations
Andrea S Lewis	Joint Deputy Leader of the Council Homes, Energy & Service Transformation
Clive E Lloyd	Adult Care & Community Health Services
Andrew H Stevens	Business Improvement & Performance
Elliott J King	Children Services
Jen A Raynor	Education Improvement, Learning & Skills
Mark Thomas	Environment Enhancement & Infrastructure Management
Robert Francis-Davies	Investment, Regeneration & Tourism
Louise Gibbard Alyson Pugh	Supporting Communities

Note:

The Cabinet Member responsible for the Supporting Communities Cabinet Portfolio is rotated on a regular basis.

Councillor Alyson Pugh shall be the Supporting Communities Cabinet Member for the periods:

- 1 October to 30 November 2020 & 1 February to 31 March 2021.

Councillor Louise Gibbard shall be the Supporting Communities Cabinet Member for the periods:

- 1 December 2020 to 31 January 2021 & 1 April to 20 May 2021.

7. Treasury Management Annual Report 2019/20.

The Section 151 Officer submitted a report which detailed the Council's Treasury Management activities during 2019-2020 and compared actual performance against the strategy laid down at the start of the year.

Resolved that the report be noted.

8. Pay Policy Statement 2020/2021.

The Delivery and operations Cabinet Member submitted a report, which sought approval for the Pay Policy Statement 2020-2021.

Resolved that the Pay Policy Statement 2020-2021 as attached to Appendix A of the report be approved and published.

9. Senior Management Structure.

The Chief Executive and Section 151 Officer jointly submitted a report, which set out proposals to create two Heads of Services posts within the wider finance function and appoint to those posts on an interim basis.

Resolved that:

- 1) A Head of Revenues and Benefits post be established and added to the Senior Management Structure.
- 2) A Head of Service Centre post be established and added to the Senior Management Structure.
- 3) The proposal that the current Manager of Revenue and Benefits and the current Manager of the Service Centre take on the duties of the Heads of Service be approved on an interim basis until 31 March 2021 whereupon the position will be reviewed.

10. Constitutional Matters 2020-2021.

The Head of Democratic Services submitted a report which informed Council of all necessary Constitutional matters that needed to be attended to at the Annual Meeting of Council. Such matters would in turn enable the efficient and lawful operation of Council.

The Head of Democratic Services reminded Council that paperwork relating to Committee Membership and Outside Bodies has been tabled and stated that these were also subject to further amendments submitted by the Political Group Leaders.

Resolved that:

- 1) The Independent Remuneration Panel for Wales' determinations in relation to Basic, Civic and Senior Salaries and the Fees for Co-opted Members as set out in **Appendix A** of the report be noted.
- 2) A **Senior Salary** be paid to the following:
 - Leader of the Council;
 - Deputy Leader of the Council;
 - Cabinet Members **x 8**;
 - Chair of General Licensing Committee;
 - Chair of Planning Committee;
 - Chair of Economy & Infrastructure Policy Development Committee;
 - Chair of Education & Skills Policy Development Committee;
 - Chair of Equalities & Future Generations Policy Development Committee;
 - Chair of People Policy Development Committee;
 - Chair of Poverty Reduction Policy Development Committee;
 - Chair of Scrutiny Programme Committee.
- 3) The Independent Remuneration Panel for Wales (IRPW) determination that the **Leader of the Largest Opposition Political Group** must be paid a **Band 4, Senior Salary** (subject to the 10% rule) be noted.
- 4) A **Civic Salary** be paid to the following (subject to them not already being in receipt of a Senior Salary):
 - Lord Mayor (Civic Head);
 - Deputy Lord Mayor (Deputy Civic Head).
- 5) The posts of **Presiding Member** and **Deputy Presiding Member** be re-established and that they Chair Meetings of Council. These posts shall receive a Senior Salary;
- 6) The Council Bodies and the Number of Allocated Seats as listed below be appointed:

Body	Seats
Council	72
Cabinet	10
Committees	
Appeals & Awards	7
Appointments	13
Audit	13

Minutes of the Council (01.10.2020)
Cont'd

Chief Exec Appraisal & Remuneration	9
Chief Officers Disciplinary	13
Chief Officers Disciplinary Appeals	13
Democratic Services	13
Family Absence Complaints	
Economy & Infrastructure Policy Development	12
Education & Skills Policy Development	12
Equalities & Future Generations Policy Development	12
People Policy Development	12
Poverty Reduction Policy Development	12
JCC	7
General Licensing	12
<i>General Licensing Sub</i>	3
Statutory Licensing	12
<i>Statutory Licensing Sub</i>	3
Pension Fund	6
Planning	12
Scrutiny Programme	13
Standards	9
West Glamorgan Archives	5
Panels, Forums, Groups etc.	
Admissions Panel	6
Armed Forces Community Covenant Signatories Panel	1
Community / Town Councils Forum	6
Corporate Parenting Board	9
Constitution Working Group	9
Development Advisory Group (DAG)	3
Gower AONB Partnership Group	6
<i>Sustainable Development Fund Panel</i>	2
<i>Sustainable Development Fund Appeal Panel</i>	1
Local Pension Board	1
Standards Cttee Vacancy Panel	3
Trustees Panel	17

- 7) The Committees listed in **Appendix C** of the report be exempted by Council from the Local Government (Committees and Political Groups) Regulations 1990 in order to allow greater representation on these Committees by the Opposition Political Groups;
- 8) Councillors be allocated to serve on Council Bodies in line with the nominations received from the Political Groups as outlined in **Appendix 1** to these Minutes;
- 9) The Leader of the Council' decision to allocate Councillors to sit on Outside Bodies be noted as outlined in **Appendix 2** to these Minutes;
- 10) The Council Constitution (www.swansea.gov.uk/constitution) be reaffirmed and adopted including any amendments made at this meeting;

- 11) Councillor L James be re-elected as Chair of the Democratic Services Committee;
- 12) Those Co-opted Members eligible for Co-opted Member payments be paid a maximum of 20 full days per Municipal Year;
- 13) The Councillors Handbook (www.swansea.gov.uk/CllrsHandbook) be reaffirmed;
- 14) The list of Member Champion Areas and Responsible Councillors be noted as outlined in **Appendix 3** to these Minutes;
- 15) The Council Bodies Diary 2019-2020 as listed in **Appendix E** of the report be confirmed and adopted;
- 16) Any consequential amendments to the Council Constitution and / or Councillors as a result of this report be carried out.

11. Common Seal.

Resolved that the Common Seal be affixed to any document necessary to carry into effect any resolution passed or confirmed at meetings during the previous municipal year.

Committee Membership Lists

COUNCIL (72)

Councillors:

Cyril Anderson	Myles A Langstone
Peter M Black	Andrea S Lewis
June E Burtonshaw	Mike B Lewis
Mark C Child	Richard D Lewis
Jan P Curtice	Wendy G Lewis
Nick J Davies	Clive E Lloyd
A Mike Day	Paul Lloyd
Phil Downing	Irene E Mann
C Ryland Doyle	Penny M Matthews
Mike Durke	Peter N May
Ceri R Evans	Hazel M Morris
V Mandy Evans	David Phillips
William Evans	Cheryl L Philpott
E Wendy Fitzgerald	Sam Pritchard
Robert Francis-Davies	Alyson Pugh
Steve J Gallagher	Jennifer A Raynor
Louise S Gibbard	Christine Richards
Fiona M Gordon	Kelly M Roberts
Kevin M Griffiths	Brigitte J Rowlands
Joe A Hale	Mary Sherwood
David W Helliwell	Paulette B Smith
Terry J Hennegan	Robert V Smith
Chris A Holley	Andrew H Stevens
Paxton R Hood-Williams	Rob C Stewart
Beverly Hopkins	D Gareth Sullivan
David H Hopkins	Mo Sykes
Oliver G James	Gloria J Tanner
Lynda James	Des W W Thomas
Yvonne V Jardine	L Graham Thomas
Jeff W Jones	Mark Thomas
Lyndon R Jones	Will G Thomas
Mary H Jones	Linda J Tyler-Lloyd
Peter K Jones	Gordon D Walker
Susan M Jones	Lesley V Walton
Elliott J King	T Mike White
Erika T Kirchner	Vacancy

APPEALS & AWARDS (7)

Labour Councillors: 5

June E Burtonshaw	Hazel M Morris
Jan P Curtice	Des W W Thomas
Joe A Hale	

Liberal Democrats/Independent Councillor: 1

Jeff W Jones	
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Conservative Councillor: 0

-1	
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APPOINTMENTS COMMITTEE (13)

Labour Councillors: 9 (8 permanent and 1 selected by the Leader)

Jan P Curtice	Clive E Lloyd
Robert Francis-Davies	Rob C Stewart
Andrea S Lewis	Mark Thomas
Mike B Lewis	June Burtonshaw

Liberal Democrats/Independent Councillors: 2

Chris A Holley	Mary H Jones
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Conservative Councillors: 2

Lyndon R Jones	Linda J Tyler-Lloyd
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AUDIT COMMITTEE (13)

Labour Councillors: 9

Cyril Anderson	Sam Pritchard
Terry J Hennegan	Andrew H Stevens
Peter K Jones	Lesley V Walton
Erika T Kirchner	T Mike White
Mike B Lewis	

Liberal Democrats/Independent Councillors: 2

Jeff W Jones	Peter M Black
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Conservative Councillors: 2

David Helliwell	Paxton R Hood-Williams
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CHIEF EXECUTIVES APPRAISAL & REMUNERATION COMMITTEE (9)

Labour Councillors: 5

Mark C Child	Jennifer A Raynor
Clive E Lloyd	Rob C Stewart
Andrea S Lewis	

Liberal Democrats/Independent Councillors: 2

Chris A Holley	E Wendy Fitzgerald
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Conservative Councillor: 1

Lyndon R Jones	
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Uplands Councillor: 1

Irene E Mann	
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CHIEF OFFICERS DISCIPLINARY COMMITTEE (13)

Labour Councillors: 9

Jan P Curtice	Elliott J King
Mark C Child	Mike B Lewis
Phil Downing	Wendy G Lewis
Joe A Hale	Penny M Matthews
Yvonne V Jardine	

Liberal Democrat/Independent Councillors: 2

E Wendy Fitzgerald	Mary H Jones
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Conservative Councillors: 1

Paxton R Hood-Williams	
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CHIEF OFFICERS DISCIPLINARY APPEALS COMMITTEE (13)

Labour Councillors: 9

	Christine Richards
Nick J Davies	Robert V Smith
William Evans	Rob C Stewart
Erika T Kirchner	Lesley V Walton
Clive E Lloyd	Vacancy

Liberal Democrats/Independent Councillors: 2

Chris A Holley	D Gareth Sullivan
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Conservative Councillors: 2(-1)

Will G Thomas	
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DEMOCRATIC SERVICES COMMITTEE (13)

Labour Councillors: 9

June E Burtonshaw	Erika T Kirchner
Nick J Davies	Wendy G Lewis
Mike Durke	Gloria J Tanner
Louise S Gibbard	Lesley V Walton
Joe A Hale	

Liberal Democrats/Independent Councillors: 2

Lynda James	Susan M Jones
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Conservative Councillors: 2

Brigitte J Rowlands	Linda J Tyler-Lloyd
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JOINT CONSULTATIVE COMMITTEE (7)

Labour Councillors: 5

V Mandy Evans	Clive E Lloyd
Joe A Hale	Mark Thomas
David H Hopkins	

Liberal Democrats/Independent Councillor: 1

Chris A Holley

Conservative Councillor: 1

Steve J Gallagher

PLANNING COMMITTEE (12)

Labour Councillors: 8

Cyril Anderson	Christine Richards
William Evans	Des W W Thomas
Mike B Lewis	Paulette B Smith
Paul Lloyd	T Mike White

Liberal Democrats/Independent Councillors: 2

Peter M Black	Mary H Jones
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Conservative Councillor: 2

Richard D Lewis	Linda J Tyler-Lloyd
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ECONOMY & INFRASTRUCTURE POLICY DEVELOPMENT COMMITTEE (12)

Labour Councillors: 8

Cyril Anderson	Wendy G Lewis
June E Burtonshaw	Paul Lloyd
Phil Downing	Penny M Matthews
Peter K Jones	T Mike White

Liberal Democrats/Independent Councillors: 2

Vacancy	Vacancy
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Conservative Councillors: 2

Paxton R Hood-Williams	Myles A Langstone
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EDUCATION & SKILLS POLICY DEVELOPMENT COMMITTEE (12)

Labour Councillors: 8

Jan P Curtice	Oliver G James
Fiona M Gordon	Sam Pritchard
Beverly Hopkins	Robert V Smith
Mike B Lewis	Des W W Thomas

Liberal Democrats/Independent Councillors: 2

Vacancy	Vacancy
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Conservative Councillors: 2

Lyndon R Jones	Myles A Langstone
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**EQUALITIES & FUTURE GENERATIONS POLICY DEVELOPMENT COMMITTEE
(12)**

Labour Councillors: 8

Cyril Anderson	Peter K Jones
V Mandy Evans	Mary Sherwood
Joe A Hale	Paulette B Smith
Terry J Hennegan	Lesley V Walton

Liberal Democrats/Independent Councillors: 2

Vacancy	Vacancy
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Conservative Councillors: 2

David W Helliwell	Linda Tyler-Lloyd
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PEOPLE POLICY DEVELOPMENT COMMITTEE (12)

Labour Councillors: 8

Jan P Curtice	Erika T Kirchner
Mark C Child	Gloria J Tanner
Ceri R Evans	Lesley V Walton
Yvonne V Jardine	T Mike White

Liberal Democrats/Independent Councillors: 2

Vacancy	Vacancy
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Conservative Councillors: 2

Steve J Gallagher	Paxton R Hood-Williams
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PENSION FUND COMMITTEE (6)

Labour Councillors: 4

Jan P Curtice	Mike B Lewis
Phil Downing	Clive E Lloyd

Liberal Democrats/Independent Councillor: 1

D Gareth Sullivan	
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Conservative Councillor: 1

Will G Thomas	
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POVERTY REDUCTION POLICY DEVELOPMENT COMMITTEE (12)

Labour Councillors: 8

C Ryland Doyle	Christine Richards
Erika T Kirchner	Kelly M Roberts
Peter K Jones	Mary Sherwood
David Phillips	Lesley V Walton

Liberal Democrats/Independent Councillors: 2

Vacancy	Vacancy
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Conservative Councillors: 2 (-1)

Vacancy	
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STANDARDS COMMITTEE (3)

Labour Councillors: 2

Joe A Hale	Mike B Lewis
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Liberal Democrats/Independent Councillors: 1

L Graham Thomas	
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STATUTORY LICENSING COMMITTEE (12)

Labour Councillors: 8

Cyril Anderson	Paul Lloyd
Jan P Curtice	Penny M Matthews
Phil Downing	Hazel M Morris
Nick J Davies	Lesley V Walton

Liberal Democrats/Independent Councillors: 2

Cheryl L Philpott	L Graham Thomas
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Conservative Councillors: 2

Steve J Gallagher	Brigitte J Rowlands
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STATUTORY LICENSING SUB COMMITTEE (3)

Note – 3 Councillors called on a rota basis.

Labour Councillors: 8

Cyril Anderson	Paul Lloyd
Jan P Curtice	Penny M Matthews
Phil Downing	Hazel M Morris
Nick J Davies	Lesley V Walton

Liberal Democrats/Independent Councillors: 2

Cheryl L Philpott	L Graham Thomas
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Conservative Councillors: 2

Steve J Gallagher	Brigitte J Rowlands
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GENERAL LICENSING COMMITTEE (12)

Labour Councillors: 8

Cyril Anderson	Paul Lloyd
Jan P Curtice	Penny M Matthews
Phil Downing	Hazel M Morris
Nick J Davies	Lesley V Walton

Liberal Democrats/Independent Councillors: 2

Cheryl L Philpott	L Graham Thomas
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Conservative Councillors: 2

Steve J Gallagher	Brigitte J Rowlands
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GENERAL LICENSING SUB COMMITTEE (3)

Note – 3 Councillors called on a rota basis.

Labour Councillors: 8

Cyril Anderson	Paul Lloyd
Jan P Curtice	Penny M Matthews
Phil Downing	Hazel M Morris
Nick J Davies	Lesley V Walton

Liberal Democrats/Independent Councillors: 2

Cheryl L Philpott	L Graham Thomas
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Conservative Councillors: 2

Steve J Gallagher	Brigitte J Rowlands
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SCRUTINY PROGRAMME COMMITTEE (13)

Labour Councillors: 9

Cyril Anderson	Peter K Jones
Mark C Child	Wendy G Lewis
Joe A Hale	Gloria J Tanner
Terry J Hennegan	T Mike White
Erika T Kirchner	

Liberal Democrats/Independent Councillors: 2

Peter M Black	E Wendy Fitzgerald
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Conservative Councillors: 2

David W Helliwell	Will G Thomas
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WEST GLAMORGAN ARCHIVES COMMITTEE

Labour Councillors: 3

Mike Durke	Robert V Smith
Louise S Gibbard	

Liberal Democrats/Independent Councillor: 1

Peter M Black	
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Conservative Councillor:

Lyndon R Jones	
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ADMISSIONS PANEL (3)

Labour Councillors: 2

Jan P Curtice	Robert V Smith
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Liberal Democrats/Independent Councillor: 1

A Mike Day	
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Conservative Councillor: 0 (-1)

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ARMED FORCES COMMUNITY COVENANT SIGNATORIES PANEL

Labour Councillors: 2

Wendy G Lewis	Alyson Pugh
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GOWER AONB PARTNERSHIP STEERING GROUP (6)

Labour Councillors: 4

Mark C Child	Paul Lloyd
Jan P Curtice	Andrew H Stevens

Liberal Democrats/Independent Councillor: 1

Lynda James	
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Conservative Councillor: 1

Paxton R Hood-Williams	
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GOWER AONB SUSTAINABLE DEVELOPMENT FUND PANEL (4)

Labour Councillors: 3

Mark C Child	Andrew H Stevens
Paul Lloyd	

Liberal Democrats/Independent Councillor: 1

Lynda James	
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GOWER AONB SUSTAINABLE DEVELOPMENT APPEALS PANEL

Labour Councillor: 1

Jan P Curtice	
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LOCAL PENSION BOARD (1)

Labour Councillor: 1

Peter K Jones

STANDARDS COMMITTEE VACANCY PANEL (3)

Labour Councillors: 2

Andrea S Lewis	Mike B Lewis
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Liberal Democrats/Independent Councillor: 1

Mary H Jones	
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TRUSTEES PANEL (17)

Labour Councillors: 11

Cyril Anderson	Christine Richards
Yvonne V Jardine	Alyson Pugh
Mike B Lewis	Paulette B Smith
Wendy G Lewis	Mark Thomas
Hazel M Morris	Lesley V Walton
	Vacancy

Liberal Democrats/Independent Councillors: 3

Chris A Holley	D Gareth Sullivan
Susan M Jones	

Conservative Councillors: 2

Lyndon R Jones	Brigitte J Rowlands
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Uplands Councillor: 1

Irene E Mann	
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CONSTITUTION WORKING GROUP (9)

Labour Councillors: 5

Leader	Presiding Member of Council
Deputy Leader	Deputy Presiding Member of Council
1 Cabinet Member (David H Hopkins)	

Liberal Democrats/Independent Councillors: 2

Group Leader	Deputy Group Leader
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Conservative Councillor: 1

Group Leader	
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Uplands Councillor: 1

Group Leader	
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COMMUNITY / TOWN COUNCILS FORUM (6)

Labour Councillors: 4

Cabinet Member for Delivery	Phil Downing
Jan P Curtice	Christine Richards

Liberal Democrats/Independent Councillors:

Lynda James	
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Conservative Councillor: 1

Will G Thomas	
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CORPORATE PARENTING BOARD (9)

Labour Councillors: 6

Ceri R Evans	Wendy G Lewis
Louise S Gibbard	Alyson Pugh
Elliott J King	Jennifer A Raynor

Liberal Democrats/Independent Councillor: 1

Susan M Jones	
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Conservative Councillor: 1

Brigitte J Rowlands	
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Uplands Councillor: 1

Irene E Mann	
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DEVELOPMENT ADVISORY GROUP (5)

Labour Councillors: 5

Robert Francis-Davies	Andrea S Lewis
David H Hopkins	Rob C Stewart
Peter K Jones	

SWANSEA BAY CITY DEAL SCRUTINY (3)

Labour Councillors: 2

Jan P Curtice	Phil Downing
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Liberal Democrats/Independent Councillors: 1

Jeff W Jones

Outside Bodies

Association of Public Service Excellence (APSE)	Clive Lloyd
Cambrian Educational Foundation for Deaf Children	Andrea Lewis
EOTAS (Education Other Than At School) Steering Group	Jennifer Raynor
ERW Joint Committee	Jennifer Raynor
	Rob Stewart
Fostering Panel (Friends and Family)	Elliott J King
Fostering Panel (Foster Swansea)	Mandy Evans
Gower College Swansea	Sam Pritchard
	Des Thomas
Heart of Wales Line Forum	Paul Lloyd
Inter Authority Agreement for Food Waste	Mandy Evans
	Mark Thomas
Joint Council of Wales (South Wales Provincial Council)	Rob Stewart
	David Hopkins
Local Government Association (LGA) Executive	Rob Stewart
	Clive Lloyd
	Andrea Lewis
	Mark Thomas
Mid and West Wales Fire Authority	Jan Curtice
	Terry Hennegan
	Mike Lewis
	Richard Lewis
	Paulette Smith
	Des Thomas
	Gordon Walker
National Association of British Market Authorities	Robert Francis-Davies

Minutes of the Council (01.10.2020)
Cont'd

National Waterfront Museum (Swansea) Ltd	Erika Kirchner
	Joe Hale
	Robert Francis-Davies
Oystermouth Castle Management Board	Mark Child
PATROL (Parking and Traffic Regulations Outside London) Joint Cttee	Mark Thomas
PRU (Pupil Referral Unit) Management Board	Jennifer Raynor
Regeneration Swansea Partnership	Rob Stewart
	Robert Francis-Davies
	David Hopkins
South Wales Police and Crime Panel	Will Evans
	Christine Richards
South West Wales Regional Waste Management Committee	Mark Thomas
	Mandy Evans
	Mike White
Standing Advisory Council on Religious Education	Lynda James
	Yvonne Jardine
	Sam Pritchard
	Peter Jones
Suresprung Board of Trustees	Ryland Doyle
	Alyson Pugh
	Jan Curtice
	Gloria Tanner
Swansea Bay City Region Joint Committee	Rob Stewart
Swansea Bay City Region Joint Scrutiny Cttee	Jan Curtice
	Phil Downing
	Jeff Jones
Swansea Bay Community Health Council	Alyson Pugh
	Mandy Evans
	Paulette Smith

Minutes of the Council (01.10.2020)
Cont'd

Swansea Bay Port Health Authority	Cyril Anderson
	Joe Hale
	Clive Lloyd
	Robert Smith
	Mike White
	Paul Lloyd
	Mike Lewis
	Chris Holley
	Gareth Sullivan
	Lyndon Jones
Swansea Bay Regional Equality Council	Erika Kirchner
	Sanctuary & Inclusion Member Champion (Yvonne Jardine)
Swansea Business Improvements Ltd (BID)	Robert Francis-Davies
	Rob Stewart
Swansea Community Energy & Enterprise Scheme (SCEES)	Andrea Lewis
Swansea Council for Voluntary Service	Peter Jones
	Jan Curtice
	Ceri Evans
Swansea Cycling Forum (Cycle Action Progress Group)	Nick Davies
Swansea Environment Centre	Peter Jones
Swansea PSB (Public Services Board) Joint Committee	Rob Stewart
	Andrea Lewis
Swansea PSB (Public Services Board) Partnership Forum	Andrea Lewis
	Erika Kirchner
	Mark Child
	Rob Stewart
	Clive Lloyd
	Sam Pritchard
	Jen Raynor
	Andrew Stevens
Swansea St Mary's Choral Trust	Sam Pritchard

Minutes of the Council (01.10.2020)
Cont'd

University of Swansea Court	Robert Francis-Davies
Vision in Wales (Wales Council for the Blind)	Christine Richards
Wales National Pool (Swansea) Ltd	Robert Francis-Davies
	Mark Child
	Robert Smith
Wales Strategic Migration Partnership	Sanctuary & Inclusion Member Champion (Yvonne Jardine)
Welsh Books Council	Robert Francis-Davies
WLGA (Welsh Local Government Association) Council	Mark Thomas
	Mary Sherwood
	Andrea Lewis
	Clive Lloyd
	Rob Stewart
WLGA (Welsh Local Government Association) Executive Board	Rob Stewart
Welsh Centre for Action on Dependency and Addiction	Terry Hennegan
	Erika Kirchner
Western Glamorgan Adoption Panel	Cabinet Member with Responsibility for SS (Elliott King)
Western Glamorgan Regional Partnership Board	Rob Stewart
	Clive Lloyd
	Elliott King

Member Champion Areas & Responsible Councillors

Member Champion Area	Councillor(s)
Animal Rights	Gloria J Tanner
Anti-Slavery & Ethical Employment	Clive E Lloyd
Armed Forces	Wendy G Lewis
Carers	Paulette B Smith
Children & Family Services	Mark C Child
Councillor Support & Development	Wendy G Lewis
Disability & Access to Services	Paul Lloyd
Diversity	Lesley V Walton
Domestic Abuse	Erika T Kirchner
Health & Wellbeing	Alyson Pugh
Healthy Cities & Sport	Terry J Hennegan
Human Rights	Mo Sykes
Language (Inc. Welsh)	Robert V Smith
LGBT+ (Lesbian, Gay, Bisexual & Transgender+)	Elliott J King
Looked After Children	Ceri Evans
Natural Environment & Biodiversity	Peter K Jones
Pensions	Louise S Gibbard
Poverty in Communities / Homelessness	Hazel M Morris
Poverty Reduction	Rob C Stewart
Public Transport	Nick J Davies
Rural Economy	Andrew H Stevens
Safeguarding	Mark C Child
Sanctuary & Inclusion	Yvonne V Jardine
UNCRC (United Nations Convention on the Rights of the Child)	Christine Richards & Sam Pritchard
Vulnerable & Older People	Jan P Curtice
Walking	C Ryland Doyle
Women	Louise S Gibbard
Young Carers	Sam Pritchard

The meeting ended at 11.11 am

Chair

Agenda Item 7.



Report of the Cabinet Member for Delivery & Operations

Council – 4 November 2020

HMO Licensing Policy 2020

Purpose:	To agree the proposed new HMO Licensing Policy, which includes the Mandatory HMO Licensing Scheme for the whole of Swansea and a new Additional HMO Licensing Scheme for Castle, Uplands and St Thomas electoral divisions.
Policy Framework:	HMO Licensing Policy 2016 Local Housing Strategy 2015 - 2020
Consultation:	Access to Services, Finance, Legal.
Recommendation(s):	It is recommended that Council: 1) Approves the Policy for publication.
Report Author:	Paula Livingstone
Finance Officer:	Aimee Dyer
Legal Officer:	Lyndsay Thomas
Access to Services Officer:	Rhian Millar

1. Introduction

- 1.1 Houses in multiple occupation (HMOs) provide an important source of affordable housing for people across our communities. The standards of management across the stock are variable.
- 1.2 Council approved its first HMO Licensing Policy in November 2006. This was reviewed in 2008, 2011 and 2015. An Additional HMO Licensing Scheme for Castle and Uplands was first introduced in 2008. The scheme has been re-designated in line with the Policy reviews in 2011 and 2015.

- 1.3 The current HMO Licensing Policy 2016 lays out Council's approach to HMOs across the whole authority area. The Policy includes the requirement for a review.
- 1.4 This report outlines the legal framework and options for control of HMOs within a changing landscape across the private rented sector.

2. Legal Framework

- 2.1 Mandatory HMO licensing is a statutory requirement, which, in Wales, applies to HMOs of three storeys or more that also have five or more occupiers.
- 2.2 Councils have discretion to introduce Additional HMO licensing schemes for smaller HMOs in part or all of their areas where specific conditions apply relating to how those properties are managed. Swansea has had an Additional HMO licensing scheme in the Castle and Uplands Wards since the legislation was introduced. This means that all HMOs in Castle and Uplands require licensing with a small number of legal exemptions.
- 2.3 The legislation governing HMO licensing, Housing Act 2004, states that a designation of an Additional HMO Licensing scheme will cease to have effect no later than five years after the date on which the designation comes in to force, if not revoked earlier. The current Additional HMO Licensing scheme came into force on 9th March 2016.
- 2.4 The National Assembly for Wales gave general approval on 13th March 2007 for designated areas made subject to additional licensing by the Council under the Housing Act 2004 (Additional HMO Licensing) (Wales) General Approval 2007. The designation of an Additional HMO Licensing scheme comes in to force on the date specified in the designation, which must be no earlier than three months after the date on which the designation is made.

3. The Proposed Policy

- 3.1 The new Policy includes a number of changes including:
 - a) The designation of a new Additional HMO Licensing scheme covering Castle, Uplands and St Thomas Wards replacing the existing scheme covering Castle and Uplands Wards;
 - b) A restriction on the duration of a licence where planning permission is pending;
 - c) Changes to licence conditions regarding external appearance of properties, minimum energy efficiency standards, initial provision of refuse and recycling bags for new tenants, the introduction of a requirement for carbon monoxide alarms in living accommodation with appliances that

burn solid fuel, mains gas or LPG fuel and clarification on the limitations of the licence.

4. Consultation

4.1 Cabinet approved a draft HMO Licensing Policy for public consultation on 19th September 2019 (Appendix A). Public consultation ran from November 2019 until 19th February 2020. Key consultees were landlords and agents across the private rented sector in Swansea, Ward Members in Castle, Uplands and St Thomas, Swansea University, University of Wales Trinity St David's and both Student Unions, Citizens Advice Bureau, South Wales Police, Mid and West Wales Fire and Rescue Service and Swansea Law Society. A specific consultation page was set up on the Council's website and information was placed on the Rent Smart Wales website. Colleagues in Neath Port Talbot Council also assisted with promoting the consultation in their area. A dedicated e-mail address was set up for responses.

4.2 Nine responses were received and they are included in Appendix B. A response has been provided to each of the respondents.

4.3 The key points raised in the responses to the consultation were:

- a) Fees and costs of running the scheme
- b) Duplicity between HMO licensing and Rent Smart Wales requirements
- c) Comments on licence conditions
- d) Concerns about anti-social behaviour
- e) Licensing process and enforcement
- f) Need for additional licensing scheme.

5. Response to Consultation

5.1 All the points raised have been considered and are commented on here:

a) Fees and costs of running the scheme

The Council may fix a fee to an HMO licence application. The fee may only take into account the costs incurred in carrying out the licensing function. In 2011, a graduated fee structure was introduced reflecting the additional costs in licensing larger properties. There were mixed views that the current fees are too high or not high enough.

The fee will remain in the 2020 Policy, but will be reviewed prior to it taking effect in 2021. An Additional HMO Licensing scheme, which includes Castle, Uplands and St Thomas, would require an estimated two additional officers in Housing and Public Health. These would be funded from fee income.

A review of HMO licensing fees will also take account of additional inspections and proactive monitoring of compliance with licence conditions throughout the duration of a licence. Further assessment of resources will

be required, but additional new posts could then be funded from licence fees in order to carry out this work. Such posts would be in addition to those required for the extension of the Additional HMO Licensing scheme.

b) Duplicity between HMO licensing and Rent Smart Wales requirements

The respondent appeared to mix HMO licensing and Rent Smart Wales requirements. HMO licensing is dealt with under Housing Act 2004 and is entirely enforced by local housing authorities. Rent Smart Wales registration and licensing requirements were introduced by Housing (Wales) Act 2014. Cardiff Council, working as Rent Smart Wales, is the single licensing authority for Wales. Elements of enforcement are shared between the single licensing authority and local housing authorities by agreement and delegation of authority.

An HMO licence relates to a specific licence holder concerning a specific HMO. Each property requires a separate HMO licence. Anyone letting or managing a residential property in Wales let under a domestic tenancy requires a licence from Rent Smart Wales. This applies to properties let to single households as well as those let in multiple occupation. They do not require a separate licence for each property they let or manage. An HMO licence cannot replace a Rent Smart Wales licence and vice versa.

c) Comments on licence conditions

Some of the suggestions for changes to the licence conditions are outside the remit of the Housing Act 2004 and cannot be included as part of the HMO Licensing Policy. The legislation specifically prohibits licence conditions requiring any alteration in the terms of a tenancy under which any person occupies the house.

d) Concerns about anti-social behaviour

Some of the suggestions for changes are outside the remit of the Housing Act 2004. The Act does not apply to Police powers. Requirements for licence holders to carry out regular inspections of their properties to assess if there is evidence of anti-social behaviour has been included in the licence conditions along with recording details of complaints received and subsequent action taken.

e) Licensing process and enforcement

The Public Health Service is moving to a new software solution over the next six – 12 months, which will help to streamline the administrative process, although as there are legal requirements involved in the licensing procedure it will always require checks and balances. Enforcement must be proportionate and in accordance with the published policy. Public Health officers take a lot of informal action, which results in positive improvements, however a programme of increased inspections and monitoring is proposed, subject to Council's approval and being resourced by additional officers financed via the review of licensing fees as detailed in response a) above.

f) Need for additional licensing scheme

Two respondents commented that there was no need for additional HMO licensing, that the evidence base was weak and that there are already too many controls on landlords.

As outlined in the report to Cabinet on 19th September 2019, prior to designating an Additional HMO licensing scheme, the Council is legally required to carry out a thorough appraisal and consultation exercise with the relevant stakeholders. In particular, this would include

- Consult persons likely to be affected by the designation and consider any representations
- Consider that a significant proportion of the HMOs are being managed ineffectively so as to give rise to, or likely to give rise to, one or more particular problems either for those occupying the HMOs or for members of the public.
- As part of this have regard to the extent to which any code of practice approved under Section 233, Housing Act 2004 has been complied with by persons managing HMOs in the area (no such code of practice has been introduced either by central or Welsh government).
- Ensure that the introduction of additional licensing is consistent with the authority's overall housing strategy.
- Ensure that there is a co-ordinated approach in connection with homelessness, empty properties and anti-social behaviour.
- Consider whether there are any other courses of action available to the Council that might provide an effective method of dealing with the problem or problems in question.
- Consider that making the designation will significantly assist the Council in dealing with the problems in the area.

Further information to support the requirements for Additional HMO licensing have been included in the Policy, specifically in Parts 4 and 6. This Policy aligns with the authority's overall housing strategy and references are made to housing demand, a co-ordinated and targeted approach to issues and enforcement options. In limiting the Additional HMO licensing scheme to Castle, Uplands and St Thomas Wards, the Authority is able to focus activities in areas with the greatest need, dealing with problems specifically related to HMOs and the impact they have on those communities.

Whilst the focus is often on student properties, HMOs also provide a vital choice for many households in the private rented sector. This includes young professionals and, increasingly, people for whom single occupancy properties are no longer an option due to reductions in their finances for housing because of the introduction of Universal Credit. The Local Housing Market Assessment in 2013, updated in 2015 reported that HMOs make an important contribution to the private rented sector in Swansea.

Alongside general concerns about the impact HMOs may have on specific communities, particularly around the issues of waste and anti-social behaviour, Ward Members and residents had raised concerns over the increase in numbers of HMOs in St Thomas. This has been primarily since the development of Swansea University's Bay Campus in September 2015 and the subsequent development by the University of Wales Trinity St David's in SA1. Concerns mainly relate to the possibility of the breakdown of and impact on, the long-term community with higher numbers of transient HMO tenants. The report to Cabinet on 19th September 2019 outlined officers' response to these concerns and the Policy also includes reference to survey work, inspection of properties and complaints in the area.

The Housing (Wales) Act 2014 introduced new responsibilities for local authorities to help homeless people and those who are threatened with homelessness. This includes options for helping people find a new home in the private rented sector and HMOs continue to provide solutions for some of these situations. Public Health officers liaise closely with Housing Options colleagues where individuals are being referred to private rented HMOs and properties are inspected so as to check conditions. The introduction of additional licensing conditions assists in reducing any health and safety risks and applying management conditions.

Without an Additional HMO licensing scheme, the only way to check conditions and legal compliance with the wider housing legislation applicable to HMOs proactively would be to carry out a survey periodically. Such surveys are resource-intensive and would be difficult to do within existing resources as they take officers away from other statutory duties.

6. Next Steps and Timetable

- 6.1 The National Assembly for Wales gave general approval on 13th March 2007 for designated areas made subject to additional licensing by the Council under the Housing Act 2004 (Additional HMO Licensing) (Wales) General Approval 2007. The Council approved its current Additional HMO Licensing scheme under this General Approval.
- 6.2 Subject to Council approval of the HMO Licensing Policy 2020, a new Additional HMO Licensing scheme for Castle, Uplands and St Thomas Wards will be designated to take effect from 15th February 2021. This scheme will be known as the Additional HMO Licensing (Castle, Uplands

and St Thomas) Scheme 2021 and will replace the existing Additional HMO Licensing (Castle and Uplands) Scheme 2016.

- 6.3 This Additional HMO Licensing scheme specifically applies to all HMOs, which do not come within the remit of mandatory licensing within the Castle, Uplands and St Thomas wards including HMOs defined under Section 257, Housing Act 2004 i.e. 'poorly converted' blocks of self-contained flats. The only exceptions to this will be those HMOs specifically excluded from licensing under relevant parts of the Housing Act 2004.
- 6.4 HMO licences issued under the previous Additional HMO Licensing scheme in the Castle and Uplands Wards will be pass ported through to the new scheme. Their expiry dates and licence conditions will not be altered by the new scheme, but on expiry, if the properties remain HMOs they will be subject to the requirements of the Additional HMO Licensing (Castle, Uplands and St Thomas) Scheme 2021.
- 6.5 The proposals will be aligned to the five ways of working of the Well-being of Future Generations (Wales) Act 2015.
- 6.6 The draft HMO Licensing Policy for 2020 is included as Appendix C to this report. The principal changes since the draft was put out for public consultation in November 2019 are summarised as follows:
- Policy. **General updating** of contents page to include new Sections 3 and 4 and re-numbering of subsequent Sections.
 - Policy. Introduction. **General updating** of dates, statistics and re-numbering of some paragraphs due to moving information on importance of HMOs in the private rented sector to new Sections 2 and 3.
 - Policy. Removal of paragraph 1.11 introducing **Additional Licensing in St Thomas Ward** to Section 6.
 - Policy. Inclusion of new Section 3 to include information on **Swansea Population and Household Information**.
 - Policy. Inclusion of new Section 4 to reference **Local Housing Strategy 2015 – 2020** and role of HMOs in providing housing options in private rented sector, including some information previously included in Introduction.
 - Policy. Revision to Section 6 (previously Section 4) including new paragraphs 6.2 - 6.4 including references to **Corporate Plan 2018 – 2022 and Local Housing Strategy 2015 - 2020**.
 - Policy. Revision to paragraph 6.7 and 6.8 (previously 4.4 and 4.5) to **update statistics**.
 - Policy. Revision to paragraph 6.10 (previously 4.7) to **revoke Additional HMO Licensing scheme in Castle and Uplands and introduce new Additional HMO Licensing scheme in Castle, Uplands and St Thomas (Designation)**.
 - Policy. Revision to paragraph 7.4 (previously 5.4) to include **restriction on duration of licence** where planning permission is pending.

- Policy. Revision to paragraph 8.3 (previously 6.3) relating to **Public Protection Enforcement Policy**.
- Appendix D. Correction in condition 8 to numbering of condition relating to **written information about anti-social behaviour**.
- Appendix D. Simplification of condition 20 relating to **arrangements for dealing with false alarm of fire alarm system**.
- Appendix D. Amendment to condition 27 relating to **provision of carbon monoxide detector**.
- Appendix D. Amendment to section heading for conditions 29 – 32 relating to **Anti-social behaviour and Neighbourhood Cohesion**.
- Appendix D. Expansion of condition 30 relating to inspections to monitor **anti-social behaviour** and occupiers' compliance with relevant HMO Management Regulations.
- Appendix D. Amendment to condition 31 regarding **issues affecting neighbours**.
- Appendix D. Condition 42 now contains reference to **Rent Smart Wales**.

7. Equality and Engagement Implications

7.1 The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

Our Equality Impact Assessment process ensures that we have paid due regard to the above.

7.2 The Equality Impact Assessment (EIA) process has been applied to the review of the policy.

7.3 An EIA Screening Form was completed prior to consultation and has been reviewed with the agreed outcome that a full EIA report was not required:

- The Policy will apply across the whole of Swansea and the application of Additional HMO licensing provisions is based upon specific legal requirements in the Housing Act rather than on any particular characteristic of individuals or groups within a community.
- Whilst landlords of licensable properties will have to apply for an HMO licence, which will incur a cost in paying the licence fee, this is set on a cost-recovery basis as required by statute. The Council has no control over whether any costs to landlords in the private rented sector are re-charged in some way to their tenants.

- The aims of the legislation relating to HMOs are based around improving housing conditions, which has a positive effect for tenants irrespective of any individual characteristics.

7.4 Information on the legislation relating to HMOs, including HMO licensing and the current Council's Policy is already available bilingually on the Council's website. The 2020 Policy, when adopted, will also be available in both English and Welsh. Landlords are able to make a licence application in either language. The Screening Form is included as Appendix D.

8. Financial Implications

8.1 There are financial implications in carrying out the review of the existing HMO Licensing Policy, but as any Additional HMO licensing scheme can only run for a maximum of five years before being reviewed, these costs are already considered as part of the current HMO licensing fees.

8.2 Existing resources are not sufficient to deal with any extension of Additional HMO licensing and an increased number of compliance inspections. As detailed in this report, this will require extra staffing resources on a permanent basis, including professionally qualified Environmental Health Officers recruited from outside the local authority. The costs of new staff must be recovered from licence fees. Subject to the Policy being approved and new Additional HMO licensing scheme being approved, the current HMO licensing fees will be reviewed.

8.3 Only costs incurred in the licensing process can be recovered from HMO licence fees. Other costs including those of kerbside waste and recycling collections cannot be included.

9. Legal Implications

9.1 The proposals in this report and any subsequent revisions to the Policy are in line with the Housing Act 2004 and subordinate regulations, Welsh Government guidance on Additional HMO Licensing Schemes. It will also allow the Council to meet its statutory duty in respect of the Housing Health and Safety Rating System.

9.2 The legal framework is set out in Parts 2 and 6 of this report.

9.3 The proposed designations for Additional Licensing will apply to all private rental HMO properties in the designated areas.

9.4 The National Assembly for Wales gave general approval on 13th March 2007 for designated areas made subject to additional licensing by local authorities in Wales under the Housing Act 2004 (Additional HMO Licensing) (Wales) General Approval 2007.

- 9.5 The proposed designations for Additional Licensing can be challenged by way of a Judicial Review if not done in accordance with The Housing Act 2004 and Regulations.
- 9.6 The power to recover expenses must be exercised in accordance with the express statutory power.

Background Papers: None

Appendices:

Appendix A: Link to Report of the Cabinet Member for Delivery to Cabinet, HMO Licensing Policy, 19th September 2019

<http://democracy.swansea.gov.uk/ieListDocuments.aspx?CId=124&MId=8583&Ver=4&LLL=0>

Appendix B: Comments from Consultation Respondents

Appendix C: HMO Licensing Policy 2020 and appendices.

Appendix D: EIA Screening

HMO Licensing Policy 2020 - Comments from Consultation Respondents

The key points raised in responses to the consultation were:

- A Fees and costs of running the scheme
- B Duplicity between HMO licensing and Rent Smart Wales requirements
- C Comments on licence conditions
- D Concerns about anti-social behaviour
- E Licensing process and enforcement
- F Need for additional licensing scheme.

Comments from Respondent	Key points
Not clear on need for review of Policy. Is there a shortfall in accommodation for students or young professionals?	F
Too many controls on private landlords. Duplicity of licensing controls between Rent Smart Wales and local councils. How will scheme stop or reduce nuisance.	B, F
HMOs should be required to have soundproofing. Garages at properties should be made available for occupiers and they should not qualify for residents' parking.	C, D
Could Declaration of Understanding be changed to say that taking of drugs is prohibited? Could renewal of HMO licences be done via the Council's website?	C, D, E
Suggestion that HMO landlords pay £1,300 per year for HMO fees in line with Council Tax to enable the money to spent on more bins, more street cleaners, more officers to deal with signs, more Police to patrol the streets to prevent county lines and refuse officers to clean mess away that landlords leave in the lanes.	A, D
More information about anti-social behaviour in the Declaration of Understanding for both the landlord and tenant would be helpful as it applies both inside and outside the property.	C, D
No objection to proposals, but uncertain how licence condition relating to a licence holder making regular inspections of their property would identify issues of anti-social behaviour. Complaints would come via neighbours.	D
Welcome new licensing policy. Concerned that conditions will not be adhered to without effective enforcement, which is due to lack of resources. Additional resources could be funded by increasing licence fee to cover administering HMO licence system in broadest sense. There must be a wide discretion so that refusal of an application for an HMO licence could be considered for repeated breaches of licence conditions, which may not be the most serious, but when repeated cause community tension and a drain on the resources of the authority.	A, E

Opposed to continuation of additional licensing in Castle and Uplands and introduction of additional licensing in St Thomas. Evidence base for proposed policy is weak. Fees are too high and place additional burdens on landlords. Licence processing times should be set out. HMOs could be inspected when planning applications are submitted. Duplicity of licensing controls between Rent Smart Wales and local councils. Councils should fully use existing enforcement powers rather than additional licensing schemes. No account taken of the amount of informal enforcement activity undertaken between local authorities and private landlords. Little evidence that licensing schemes improve housing standards. Renting Homes (Wales) Act 2016 will be sufficient to improve housing standards. Council Tax records should be used to identify private rented properties and landlords rather than licensing schemes.

A, B, E, F



SWANSEA COUNCIL

HOUSES IN MULTIPLE OCCUPATION (HMO)

LICENSING POLICY 2020

Including

DESIGNATION OF AREAS FOR ADDITIONAL LICENSING

Contents

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Appendices

- (a) Amenity Standards
- (b) Means of Escape – Fire Precautions
- (c) Criteria for Fit and Proper Person
- (d) New Licence Conditions
- (e) Map of Castle and Uplands Electoral Divisions
- (f) Map of St Thomas Electoral Division

1 Introduction

- 1.1 This policy replaces the HMO Licensing Policy 2016 and sets out the way Swansea Council implements the requirements of the Housing Act 2004 in relation to HMO licensing and health and safety hazards. It also outlines how the Council intends to continue to use the discretionary powers in the Act to ensure fair and equitable enforcement.
- 1.2 The total number of HMOs in Swansea is estimated to be approximately 2,200. All HMOs that are three storeys or more with five or more occupants must be licensed. This is a statutory requirement and is known as mandatory licensing. Every HMO meeting this description in all parts of Swansea must be licensed.
- 1.3 Discretionary powers are available to Council to require licensing of other, often smaller, HMOs not subject to mandatory licensing. Section 4 contains further details on this. Of the total estimated number of HMOs in Swansea, 1,850 are estimated to be in the Castle and Uplands electoral divisions. Additional HMO licensing schemes have been in force in these two areas since the introduction of the legislation in 2006, incorporating smaller HMOs with less than three storeys and those with three or more occupants, including certain converted self-contained flats.
- 1.4 This means that all HMOs in the Castle and Uplands electoral divisions have been subject to licensing with the exception of some properties that are specifically exempt under the provisions of the Housing Act 2004 e.g. HMOs that are owned and managed by a university.
- 1.5 Additional HMO licensing schemes have a maximum five years duration.
- 1.6 The exact number of HMOs in Swansea varies over time as properties come in to and out of multiple occupation. The detail below gives an indication of the number and geographical distribution of HMOs across the city about licensed HMOs.

There were 1,695 HMOs licensed under both the mandatory and additional schemes in Swansea on 28th August 2020. These were in the following wards:

Castle	529
Landore	2
Oystermouth	1
St Thomas	12
Sketty	15
Townhill	1
Uplands	1,135

- 1.7 Community cohesion and sustainability issues are linked with high concentrations of HMOs in the Castle and Uplands Wards. Both have high

and increasing proportions of single person and multi- adult households. In contrast, traditional family households are on the decline in these areas.

- 1.8 Alongside general concerns about the impact HMOs may have on specific communities, particularly around the issues of waste and anti-social behaviour, Ward Members and residents have raised concerns over the potential increase in numbers of HMOs in St Thomas. This has primarily been since the development of Swansea University's Bay Campus in September 2015 and the subsequent development by the University of Wales Trinity St David's in SA1. Concerns mainly relate to the possibility of the breakdown of and impact on, the long-term community with higher numbers of transient HMO tenants.
- 1.9 HMOs are a frequent source of complaints about housing conditions, refuse and the impact of HMOs on neighbours. Complaints are concentrated in Castle and Uplands, reflecting high numbers of HMOs in the area. The enforcement of licence conditions is a significant factor in bringing about improvements in HMO condition and management.
- 1.10 The HMO Team is responsible for inspecting HMOs and processing new applications, progress and management visits, reactive service requests, advice and enforcement including prosecutions. Since the introduction of the 2011 HMO Licensing Policy the Council has taken 46 prosecutions and issued 38 Simple Cautions. Licensing Committee has found six landlords not fit and proper and has subsequently revoked 13 licences and refused 10 applications. One landlord successfully appealed to the Residential Property Tribunal against Committee's decision and his existing licence was re-instated and two applications were granted.
- 1.11 There are concerns from many quarters that the number and density of HMOs in certain areas is adversely affecting the sustainability of communities. This policy, based around the application of functions under Part 2, Housing Act 2004, deals with licensing, condition and management of HMOs. It cannot address HMO density issues, which are a Planning matter and are now dealt with by way of the Local Development Plan (LDP)¹ and new Supplementary Planning Guidance (SPG).²
- 1.12 This Policy will be reviewed prior to the expiry of the Additional HMO Licensing Scheme.

2 Aims and Objectives

- 2.1 The aim of the policy is to improve housing and management standards in the private rented sector specifically Houses in Multiple Occupation.

¹ The Swansea Local Development Plan (LDP) 2010-2025

² Swansea Council Supplementary Planning Guidance – House in Multiple Occupation and Purpose Built Student Accommodation in Swansea

2.2 The objectives of the policy are to:

- Meet the statutory obligations of the Housing Act 2004 and regulations made pursuant to it.
- Eliminate poor property conditions and management standards through regulation and enforcement.
- Promote high standards across the HMO sector.

3 Swansea Population and Household Information

- 3.1 The latest official estimate of the population of the City and County of Swansea stands at 247,000 (mid-2019 estimates, Office for National Statistics - ONS). Swansea has the second highest population of the 22 Welsh local authorities, representing almost 8% of the total population of Wales (3,152,900).
- 3.2 The latest official mid-year household estimates are those for mid-2018 (as published by Welsh Government in December 2019). These estimates suggest that there were around 108,900 households in Swansea in 2018.³
- 3.3 Average household size provides a simple 'headline' measure of household composition, and is calculated by dividing estimates of the number of people living in private households by the number of households. Over the 10-year period 2008-2018, the number of households in Swansea has grown at a faster rate than the private household population (in line with all parts of Wales). As a result, average household size in Swansea has decreased from 2.28 in 2008 to 2.22 people per household in 2018 (although below the current Wales average of 2.27).
- 3.4 In 2018, one and two person households together account for just over two-thirds of all households in Swansea, with single person households (approx. 38,000 or 34.9% of the total) and two person, no child households (32,000 or 29.4%) being by far the most common household types. The proportion of single person households in Swansea is above the Wales average (32.0%), but the proportion of two adult (only) households is slightly lower (Wales: 31.2%).
- 3.5 The largest household type category increase, in numeric terms, between 2008 and 2018 has been in single person households – up by approximately 5,300 (+16.2%) over the period.
- 3.6 A significant change over the last ten years, at least in percentage terms, has occurred in the proportion of four+ adult, no child households, with a total

³ Mid-year Household Estimates, 2018. Swansea Council - Information, Research & GIS (Strategic Delivery Unit), December 2019

increase of 18.4% (+700) to 4,500 by 2018. This could in part reflect the recent increase in student numbers (and therefore student/shared households) in Swansea and other recent social trends in living arrangements and household composition.

- 3.7 Data from the UK Census of Population 2011 identified 15,260 households (14.7%) in Swansea living in private rented accommodation and 2,800 households living in part of a converted or shared house (including bedsits).⁴

4 Housing Need and Role of HMOs

- 4.1 Swansea's Local Housing Strategy 2015 – 2020⁵ included information from The Local Housing Market Assessment in 2013, updated in 2015. It reported that HMOs make an important contribution to the private rented sector in Swansea by providing housing for specific groups and households, for example students. Further, they contribute to the local economy by providing a housing supply for those moving to an area for work reasons, or for the existing population in lower paid employment. This classification of housing must be considered alongside accommodation for people who share housing and housing costs in order to afford self-contained market housing.
- 4.2 Changes outlined in the Welfare Reform and Work Act are leading to a greater demand for smaller accommodation as well as for an increase in shared accommodation from single persons under 35 years. Previously, single people aged over 25 were entitled to Housing Benefit to cover one bedroom, self-contained accommodation. The changes mean that single people aged up to 35 are now assessed using the lower shared accommodation rate. This is increasing demand for HMO accommodation within Swansea.
- 4.3 The Housing (Wales) Act 2014 introduced new responsibilities for local authorities to help homeless people and those who are threatened with homelessness. This includes options for helping people find a new home in the private rented sector and HMOs continue to provide solutions for some of these situations.
- 4.4 The role of the private rented sector in helping meet the housing aspirations of local households is expanding. The sector has grown significantly in recent years. The number of students in Swansea has increased significantly and although demand across the local housing market is well dispersed, the concentration of students in the Castle and Uplands wards indicates a localised market sensitive to external influences.
- 4.5 The Local Housing Market Assessment in 2015 highlighted the need for a significant increase in the number of one bed homes, which if not delivered becomes a requirement for additional private sector one bed homes which is likely to be a requirement for HMOs.

⁴ 2011 Census, Office for National Statistics

⁵ Local Housing Strategy 2015 - 2020

- 4.6 Records of properties exempt Council Tax due to student occupancy suggest that students occupy around 65% of HMOs in Swansea. It is important to ensure an appropriate number and quality of accommodation is provided for students to allow for the sustainable growth of Swansea's expanding universities alongside purpose-built student accommodation. Purpose-built accommodation is increasingly helping to meet the needs of students and potentially may reduce the pressure for additional HMOs.

5 The Legal Framework

5.1 Housing Health & Safety Rating System

The Housing Health and Safety Rating System (HHSRS) applies to all housing including HMOs regardless of type or tenure. It involves a risk assessment of the effect of housing conditions on the health of occupiers and an assessment of 29 potential hazards. If Category 1 hazards (i.e. the more serious hazards) are found the Council has a duty to require the owner to take appropriate action. If Category 2 hazards (i.e. less serious hazards) are found the Council may take appropriate action as provided for within its enforcement policies. Councils are required to assess licensable HMOs to ensure that there are no functions under Part 1 of the Act (HHSRS) that ought to be exercised by them. This has to be done within five years of a licence being issued and in practice requires an inspection to be carried out.

5.2 HMO Definition

A house is in multiple occupation where three or more people forming more than one household share amenities, such as a kitchen or bathroom, occupy the house as their only or main residence and where rent is payable for their occupation.

The Act defines a building as an HMO if it meets one of the following tests:

- the Standard Test – any building in which three or more people forming more than one household share basic amenities;
- the Self-contained Flat Test – any flat in which three or more people forming more than one household share basic amenities;
- the Converted Building Test – any converted building with one or more units that are not self-contained and which is occupied by three or more people forming more than one household;
- certain Converted Blocks of Flats – any converted building comprising self-contained flats that do not meet the 1991 Building Regulations Standards and more than one third of the flats are occupied on short

tenancies and where there are three or more people in total forming more than one household.

Certain buildings are exempt from HMO legislation:

- buildings managed by a local council, housing association, police, fire or health authority;
- registered care homes;
- halls of residence that are managed by the university;
- buildings occupied by religious communities;
- buildings, predominantly owner-occupied, including resident landlords where the owner-occupier occupies the building (of flat) with no more than two other persons (lodgers);
- buildings occupied by only two persons who do not form a single household.

5.3 Mandatory HMO Licensing

Mandatory licensing applies to HMOs where there is an occupation of five (or more) persons in properties of three (or more) storeys. HMOs consisting entirely of fully self-contained flats, which are not occupied as flats in multiple occupation, are exempt, except for where the flat itself is arranged on three storeys (with the exception of certain converted blocks of flats as referred to in 3.2). When assessing the number of storeys account will be taken of all storeys of residential accommodation, whether above or below adjoining ground level, including habitable attics.

All residential parts of the building will be subject to these provisions where the property as a whole is eligible for licensing, except for any parts of the property that are solely occupied by a landlord.

5.4 Public Register

It is a requirement for the Council to make a public register of HMO licences available which includes prescribed information. This will include, amongst other things: the name and address of the licence holder, property details and the duration and start of the licence term.

6 Additional HMO Licensing

- 6.1 The Council may adopt an Additional HMO Licensing Scheme, which may include the smaller, lower risk HMOs that fall outside mandatory licensing. The Additional scheme may be based on an area, or areas, or may apply to the entire Council area. The scheme will need to meet other criteria set down by Welsh Government and may only be applied where there are management problems with existing HMOs within the area.

- 6.2 Additional HMO licensing supports the Council's Corporate Plan 2018 – 2022⁶ particularly linking with the Value of a *People Focus* – focussing on community needs and outcomes and on improving the lives of the people who live and work in Swansea, by working to improve housing conditions and management.
- 6.3 Additional HMO licensing supports the three key principles outlined in the Plan of Sustainability, Prevention and Partnerships and our well-being objectives. Chapter 5 of the Local Housing Strategy 2015 – 2020 - Improving and Making the Best Use of Existing Housing Stock includes a section of the private rented sector. This again reflects the One Swansea Plan value that people have good places to live and work and the Service Objective of Leading and promoting improvement of housing conditions in the private sector.
- 6.4 Regulating HMOs effectively prevents them from becoming problematic for surrounding neighbours and communities in terms of both the physical property and the behaviour of residents. Properties that do cause problems damage community cohesion and have a knock-on negative impact on surrounding properties, which if left unchecked could lead to a downward spiral in a neighbourhood. Unregulated HMOs can have a serious impact on the health and wellbeing of individuals. Residents in poor quality or unsafe housing are less likely to contribute positively to the city and thrive in work or education. Positive improvements can be made by the Council working in partnership with local communities, landlords, agents, universities, police and voluntary agencies.
- 6.5 As a result of a Scrutiny Working Group review of HMOs in November 2016 and January 2017, a survey was carried out in March 2017 to identify HMOs in St Thomas. Officers visited approximately 3,100 residential properties. This suggested that 107 of those were HMOs and 11 of those were already licensed under mandatory HMO licensing requirements. No further licensable properties were identified.
- 6.6 Further investigations were made using existing records and details from Council Tax and Planning records and 99 properties were inspected using existing Housing Act powers. 71 properties were found to be existing or proposed HMOs. 60 properties were identified as properties, which do not currently require licensing, but would under an Additional HMO licensing scheme.
- 6.7 Information about relevant complaints in Castle, Uplands and St Thomas between April 2016 and March 2020 is shown in the tables below. The ability to deal with many of these issues is linked to conditions applied as a result of HMO licensing and particularly Additional HMO licensing in the Castle and Uplands wards.

⁶ Swansea Council Corporate Plan 2018 – 2022 Delivering a Successful & Sustainable Swansea
HMO Licensing Policy 2020 and Designation
V5 August 2020

Number of complaints received by type April 2016 – March 2020	Castle	
	All residential properties	HMOs
Waste within property curtilage	289	158
Noise (all types including DIY, music, barking dogs etc.)	948	414
General HMO enquiries	-	811
From HMO occupiers about conditions, licence status etc.	-	92
From non-HMO occupiers about HMOs	-	114
Requests for HMO Advisory service	-	44

Number of complaints received by type April 2016 – March 2020	Uplands	
	All residential properties	HMOs
Waste within property curtilage	658	539
Noise (all types including DIY, music, barking dogs etc.)	835	619
General HMO enquiries	-	1428
From HMO occupiers about conditions, licence status etc.	-	178
From non-HMO occupiers about HMOs	-	206
Requests for HMO Advisory service	-	52

Number of complaints received by type April 2016 – March 2020	St Thomas	
	All residential properties	HMOs
Waste within property curtilage	116	6
Noise (all types including DIY, music, barking dogs etc.)	292	15
General HMO enquiries	-	199
From HMO occupiers about conditions, licence status etc.	-	5
From non-HMO occupiers about HMOs	-	9

Requests for HMO Advisory service	-	28
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6.8 Information about housing enforcement activity, other than HMO licensing, in HMOs in Castle, Uplands and St Thomas between April 2016 and March 2020 is shown in the table below. The majority of issues are dealt with via informal action or licence conditions.

Ward	Number of Improvement Notices served	Number of Prohibition Orders served	Number of warning letters sent regarding management or licence conditions
Castle	5	5	25
Uplands	7	5	33
St Thomas	6	-	22

6.9 General Consent

The National Assembly for Wales gave general approval on 13th March 2007 for designated areas made subject to additional licensing by the Council under the Housing Act 2004 (Additional HMO Licensing) (Wales) General Approval 2007.

6.10 Designation

A designation of an area subject to additional licensing ceases to have effect five years after the date it comes into force, unless previously revoked.

Under the terms of the General Consent Order, Council, by way of this policy, revokes the designation made in 2016 in respect of Castle and Uplands wards and that scheme will cease to have effect on 14th February 2021.

The prescribed requirements for consultation have been applied and the requirements for publication of a designation of an Additional HMO Licensing scheme will be applied to enable the Castle, Uplands and St Thomas Wards to be designated Additional HMO Licensing areas with effect from 15th February 2021, subject to the terms of this policy. This scheme will be known as the Additional HMO Licensing (Castle, Uplands and St Thomas) Scheme 2021.

This Additional HMO Licensing scheme specifically applies to all HMOs which do not come within the remit of mandatory licensing within the Castle, Uplands and St Thomas wards including HMOs defined under Section 257, Housing Act 2004 i.e. 'poorly converted' blocks of self-contained flats. The only exceptions to this will be those HMOs specifically excluded from licensing under relevant parts of the Housing Act 2004.

HMO licences issued under the previous Additional HMO Licensing scheme in the Castle and Uplands Wards will be pass ported through to the new scheme. Their expiry dates and licence conditions will not be altered by the new scheme, but on expiry, if the properties remain HMOs they will be subject to the requirements of the Additional HMO Licensing (Castle, Uplands and St Thomas) Scheme 2021.

7 HMO Licensing Process

7.1 The HMO licensing process applies to all HMOs requiring a licence whether under the mandatory or additional licensing scheme.

7.2 Applications

The licensing process and duration will start from the date of receipt of the application form. Where there are incorrect or incomplete forms the licence may be granted for a reduced period to take account of those delays.

Applications for the renewal of an existing licence by the same applicant will not be accepted earlier than two months prior to the expiry date of the existing licence.

Inspection priority will be in order of the date applications are received.

Properties will normally be inspected prior to issuing a licence. The inspection will also address any Part 1 issues relating to the Housing Health and Safety Rating System.

7.3 Granting of a Licence

In accordance with Housing Act 2004, Sections 64 – 66, in order to grant a licence the Council must be satisfied that:

The property is (or can be made) **reasonable suitable for occupation** for the maximum number of occupants, in that it:

- meets the amenity standards set out in Appendix A
- has satisfactory means of escape in case of fire and other fire precautions. Any remedial works will be risk assessed for each property using the schedule in Appendix B as a basis.

The proposed licence holder is a **fit and proper person**

- The Council will issue a licence to an owner or manager of an HMO provided they self-certify that they meet the criteria for Fit and Proper Person as set out in Appendix C.

- In cases where applicants do not meet this criteria the Council will exercise its discretion to issue a licence. These cases will be considered by the Licensing Committee.
- The Council may prosecute and may revoke a licence if significant false information is provided on the application form, which influences the decision to issue a licence.

There are satisfactory **management arrangements** in place

The Council may issue a licence if satisfied that there are satisfactory management arrangements in place. These must include, but are not limited to:

- Management competency (assessed at the Council's discretion)
- Fit and proper person criteria of any person involved in the management of the house (see Appendix C)
- Suitable management structures (assessed at the Council's discretion)
- Appropriate funding arrangements (assessed at the Council's discretion)

And may include other matters such as:

- The ability to meet the licence conditions (assessed at the Council's discretion)
- Any unsatisfactory history relating to the management of the property (assessed at the Council's discretion).

The details of the manager, if appointed, will be included in a licence issued by the Council. The Council will provide advice to applicants on how to demonstrate satisfactory management arrangements.

7.4 **Approval and Duration of Licence**

The Council will normally grant a licence for a period of five years from the date of application, but may grant a licence for a shorter period in some circumstances as described below.

In the case of a renewal of a licence to the same licence holder the Council will normally grant a new licence for a period of five years from the date of expiry of the previous licence.

As an enforcement sanction the Council may issue a licence for a reduced period. The circumstances for this sanction include, but are not limited to:

- Delays in submitting a complete application

- The issuing of a Simple Caution to the licence applicant
- Considerations of the Licensing Committee.

With the change to the Town and Country Planning (Use Classes) Order 1987 proposed licence holders will be required to evidence planning permission for the use of the property as an HMO, where appropriate. Where planning permission is pending, a licence will generally be issued for one year in order for the relevant consent to be determined.

7.5 Refusal

Refusal will be the decision of the Licensing Committee.

The Committee may refuse an application if:

- the property is not capable of being made suitable for occupation
- the licence holder or manager is not a fit and proper person
- the management arrangements are not satisfactory.

When considering if the licence holder or manager is a fit and proper person the Committee must have regard to:

- whether there have been breaches of the matters set out in Appendix C
- any other matters which include, amongst other things, previous history relating to unsatisfactory management of the property.

7.6 Revocation

Licensing Committee may revoke a licence if:

- there has been a breach of licence conditions
- the licence holder or manager is no longer a fit and proper person.

7.7 Licence Conditions

The Housing Act 2004 lays down mandatory licence conditions relating to:

- provision of annual gas safety certificates
- safety of electrical appliances and furniture
- provision and maintenance of smoke alarms
- provision of written statement of terms for tenants.

In addition the Council can impose its own discretionary conditions. By imposing more demanding conditions the Council is able to have more effective regulatory control over both the physical standards of HMOs and their standards of management.

The Council will grant a licence subject to conditions set out in Appendix D. These conditions may be varied for specific property requirements by the Director of Place or Officers authorised to act on his behalf.

7.8 Fees

The Council will charge a fee for HMO licence applications. Fees will be set to cover costs incurred in administering the licensing schemes.

Fees are not refundable unless in exceptional circumstances and at the discretion of the Director of Place or Officers authorised to act on his behalf.

7.9 Temporary Exemption Notices (TEN)

These are used when a landlord of an HMO, which should be licensed, notifies the Council of his intention to take steps to ensure that the HMO is no longer required to be licensed.

The Council may grant a TEN where:

- the owner of a licensable HMO states in writing that he is asking to make it non-licensable and
- the Council is satisfied that it will be non-licensable within three months of the date of receiving the notice.

The Council will not normally grant more than one TEN per property and in doing so will have regard to the proposals for the property, any planning considerations and the arrangements for meeting the needs of the occupiers including those likely to be displaced.

The Council will only grant a second TEN in exceptional circumstances.

8 Enforcement

8.1 The Council may generally take any relevant enforcement action against a landlord who operates an HMO without a licence or fails to comply with HMO licence conditions or a landlord or manager who knowingly lets a property to more people than authorised by the licence.

8.2 The Council will take into account wilful non-compliance and avoidance and those circumstances where occupants or immediate neighbours are put at unnecessary risk.

8.3 The Council will exercise its powers in accordance with the Public Protection Enforcement Policy 2018 and will apply them in a consistent, transparent and proportionate manner.

8.4 The requirements for the registration of landlords and licensing of landlords and agents in the private rented sector in Wales under Part 1, Housing (Wales) Act 2014 (Rent Smart Wales) will be taken in to account when consideration is being given to fit and proper person status.

8.5 Housing Act 2004, Part 1 – Housing Health and Safety Rating System

The legal framework for HHSRS is described in section 3. In the case of Category 1 hazards encountered in HMOs the Council will exercise its statutory duty to intervene and take the appropriate enforcement option. In the case of Category 2 hazards the Council will exercise its discretionary power and consider the appropriate enforcement option.

The Council may serve a variety of enforcement notices including Improvement, Emergency Remedial, Prohibition and Hazard Awareness, all of which may be suspended or varied.

Additionally, the Council has powers under the Housing Act 1985 relating to demolition and declaration of Clearance Areas.

8.6 Rent Repayment Orders

A landlord who is convicted of operating an unlicensed HMO can be made subject to a Rent Repayment Order (RRO) by a Residential Property Tribunal (RPT) (First Tier Tribunal).

Upon application by a tenant, an RRO may require the repayment of rent received by the landlord over a period of up to 12 months. Where the rent is paid as Housing Benefit, the Council may apply to the RPT for an RRO.

8.7 Interim and Final Management Orders

The Act gives Councils powers to serve notices and take action where there is no prospect of an HMO being licensed. In relevant circumstances Councils are under a duty to act. Where extreme circumstances require it, Councils must take over the management of an HMO, becoming responsible for running it, making necessary improvements and collecting rents.

The Council reserves the power to make an HMO Management Order in exceptional circumstances and having regard to the criteria included in the Act.

8.8 Management Regulations

The Management of Houses in Multiple Occupation (Wales) Regulations 2006 apply to all HMOs with the exception of some converted blocks of flats which are covered by the Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (Wales) Regulations 2007.

The Regulations impose certain duties on managers including the maintenance of fixtures and fittings, fire safety measures, gas and electricity supplies and waste disposal arrangements. The Regulations also impose duties on occupiers. A person who fails to comply with these Regulations commits an offence which carries a fine not exceeding Level 5 on the standard scale— see also 6.9 below.

Where there are breaches of these Regulations the Council will normally issue a warning letter to the relevant person specifying remedial measures and the consequences of failing to address them.

Where there are significant breaches of these Regulations the Council may move immediately to a prosecution.

8.9 Penalties

The Act lays down a number of licensing-related offences and corresponding penalties including:

- Operating an unlicensed HMO or allowing an HMO to be occupied by more persons than a licence allows: fine
- Breach of a licence condition: fine not exceeding Level 5 on the standard scale
- Supplying incorrect information in a licence application: fine not exceeding Level 5 on the standard scale.

The standard scale is a system whereby fines have maximum levels set against a standard scale.

It is a defence to any of the above if the accused person can demonstrate that they have reasonable excuse.

9 Delegation

9.1 The enforcement options contained within Part 1 (Housing Health and Safety Rating System), Part 2 (HMO Licensing), Part 4 (Management Orders and Overcrowding Notices), Part 6 (Powers of Entry etc.) and the relevant Schedules of the Housing Act 2004 shall be delegated to the Director of Place or Officers authorised to act on his behalf.

9.2 Decisions relating to the refusal or revocation of a licence on grounds of fit and proper person and satisfactory management arrangements shall be delegated to the Licensing Committee.

9.3 Where, as an enforcement sanction, a licence is granted for a shorter period than five years, there will be a right of appeal to the Licensing Committee.

- 9.4 Changes to the technical specifications in Appendices A (Amenities) and B (Means of Escape and Other Fire Precautions) shall be delegated to the Director of Place or Officers authorised to act on his behalf.
- 9.5 Changes to licence conditions (Appendix D) shall be delegated to the Director of Place or Officers authorised to act on his behalf.

10 Non-Licensable HMOs

- 10.1 HMOs that fall outside the licensing requirements will be subject to the Management of Houses in Multiple Occupation (Wales) Regulations 2006 or the Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (Wales) Regulations 2007.
- 10.2 Where they are inspected under Part 1 of the Act each property will be risk assessed. The remedial work for fire safety will be based on Appendix B.



HMO

Amenity Standards

A guide for landlords of bedsits, shared housing and other housing in multiple occupation

City and County of Swansea
Housing & Public Health Division
Directorate of Place
Civic Centre
Oystermouth Road
Swansea SA1 3SN



HMO LICENSING - AMENITY STANDARDS

Legislation

The Housing Act 2004 means that it is a legal requirement for certain Houses in Multiple Occupation (HMO) to be licensed in order to operate legally.

Whilst not all HMOs need a licence to operate, they must comply with minimum legal standards for means of escape in case of fire and amenities.

Before issuing a licence or ensuring a property is compliant with legislation the Council has to look at certain factors, one of them being the amenities at the property, to ensure that the house is suitable for occupation by the number of occupiers.

The Housing Health and Safety Rating System (HHSRS)

The Housing Act 2004 significantly increases the amenity standards for houses in multiple occupation with the overall aim of improving standards generally in this type of accommodation.

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (Wales) Regulations 2006 (as amended)

These Regulations prescribe the standard amenities required in HMOs.

If you are responsible for the management of an HMO you must pay particular attention to the requirement of these Regulations.

Minimum Bedroom Sizes

The Council has adopted guidance for minimum floor areas for certain types of bedrooms in licensed HMOs.

- Single bedroom (where there is a separate lounge provided) - 6.5m²
- Single bedroom (where no separate lounge is provided) - 10m²
- Double bedroom (where there is a separate lounge provided) - 10.2m²
- Double bedroom (where no separate lounge is provided) - 15m²
- Single person bedsit - 13m²

Revision date :- January 2016

WASHING FACILITIES AND SANITARY CONVENIENCES

Unless the individual unit of accommodation i.e. bedroom, bedsit, self-contained flat, etc contains bathing and toilet facilities for the exclusive use of that individual household*, then washing and toilet facilities must be provided in the following ratios:

NB 'Bathroom' - means a room with bath or shower

'Full bathroom' - means a room containing a bath or shower, WC and wash hand basin.

MINIMUM STANDARDS

1-4 persons	1 full bathroom: containing bath or shower, wash hand basin and WC
5 persons	1 bathroom: containing bath or shower AND 1 separate WC: with wash hand basin (or a second bathroom which contains a WC)
6-10 persons	2 bathrooms: each containing bath/shower AND At least 2 WCs: one of which must be separate and contain a wash hand basin, the second may be contained within one of the bathrooms

- ◆ All baths, showers and wash-hand basins **must** have taps providing an adequate supply of cold and constant hot water.
- ◆ All bathrooms **must** be suitably and adequately **heated** and **ventilated**
e.g. central heating radiator
ventilation in the form of openable window of adequate size and/or mechanical ventilation, having an overrun device.
- ◆ All bathrooms and toilets must be of adequate size and layout to be safe to use. (HHSRS requirement).
- ◆ All baths, toilets, wash hand basins and showers must be 'fit for the purpose' i.e. in good repair and safe to use and capable of being easily cleaned.
- ◆ All showers, baths and wash hand basins must have suitable splashbacks.
- ◆ All bathrooms and toilets in an HMO must be suitably located within the house.

NB

- ★ **A Household** - is persons who are members of the same family, i.e. married couples, relatives, co-habiting partners.
- ◆ All facilities listed in the above table must be capable of being shared for bedsits and shared house HMOs.

The table overleaf gives optional layouts for bathrooms and WCs for numbers of occupants of HMOs in order to comply with legal requirements.

Total No. of occupiers		Options Available			
4	1 'full' bathroom				
	1 bath/shower room AND 1 separate WC with wash hand basin	A 'full' bathroom (i.e. with WC & wash hand basin) OR	AND 1 shower/bathroom	2 'full' bathrooms containing bath/shower, WC and wash hand basin OR	2 'full' bathrooms each with bath/shower, wash hand basin and WC AND 1 separate WC with wash hand basin/bathroom
5	1 bath/shower room AND 1 separate WC with wash hand basin	A 'full' bathroom (i.e. with WC & wash hand basin) OR	AND 1 shower/bathroom	2 'full' bathrooms each with bath/shower, wash hand basin and WC OR	2 'full' bathrooms each with bath/shower, wash hand basin and WC AND 1 separate WC with wash hand basin/bathroom
	1 bathroom containing bath/shower AND 1 full bathroom containing bath/shower, WC and wash hand basin AND 1 separate WC with wash hand basin	2 'full' bathrooms each with bath/shower, wash hand basin and WC OR	AND 1 shower/bathroom	2 'full' bathrooms each with bath/shower, wash hand basin and WC OR	2 'full' bathrooms each with bath/shower, wash hand basin and WC AND 1 separate WC with wash hand basin/bathroom
6 - 10	1 bathroom containing bath/shower AND 1 full bathroom containing bath/shower, WC and wash hand basin AND 1 separate WC with wash hand basin	2 'full' bathrooms each with bath/shower, wash hand basin and WC OR	AND 1 shower/bathroom	2 'full' bathrooms each with bath/shower, wash hand basin and WC OR	2 'full' bathrooms each with bath/shower, wash hand basin and WC AND 1 separate WC with wash hand basin/bathroom
	1 bathroom containing bath/shower AND 1 full bathroom containing bath/shower, WC and wash hand basin AND 1 separate WC with wash hand basin	2 'full' bathrooms each with bath/shower, wash hand basin and WC OR	AND 1 shower/bathroom	2 'full' bathrooms each with bath/shower, wash hand basin and WC OR	2 'full' bathrooms each with bath/shower, wash hand basin and WC AND 1 separate WC with wash hand basin/bathroom

**NB Full bathroom - bath/shower, WC and wash hand basin
Bathroom - room containing bath or shower
All separate WCs should have a wash hand basin**

KITCHEN FACILITIES - SHARED ACCOMMODATION

Unless the unit of accommodation, i.e. bedroom, bedsit, self contained flat, etc., contains facilities for cooking food, then kitchen facilities must be provided, as follows:

KITCHEN SIZE/LAYOUT

- ◆ There must be a kitchen of suitable size and layout and having such facilities so as to enable those sharing it to store, prepare and cook food.

Generally, the size of kitchens should be:

kitchen used by 1 - 5 persons	~	minimum 7m²
kitchen used by 6 - 10 persons	~	minimum 10.5m²

EQUIPMENT

- ◆ The kitchen **must** have the following equipment, which must be fit for the purpose and supplied in sufficient quantity for the number of people sharing the facilities:
 - o **Sink units** (with draining board)

used by 1 – 5 persons	~	1 sink unit
used by 6 – 10 persons	~	2 sink units (or double bowl sink with drainer)

Each sink unit **must** be provided with an adequate supply of cold and constant hot water and have an impervious splashback.

NB For a maximum of 6 persons ~ 1 sink unit **and** a functional full size dishwasher will be accepted.
 - o **Cooker** (i.e. 4 ring hob plus oven)

used by 1 – 5 persons	~	1 full size cooker
used by 6 persons	~	2 full size cookers or 1 cooker with 6 ring hob plus a microwave
used by 7 – 10 persons	~	2 full size cookers

(A work surface of at least 500mm must be sited adjacent to each cooker).
 - o **Fridges**

used by 1 – 4 persons	~	1 standard under-counter fridge
used by 5 – 8 persons	~	2 standard under-counter fridges (or equivalent large fridge)
used by 9 – 12 persons	~	3 standard under-counter fridges
 - o **Freezers**

To be provided in **addition** to fridges in the same ratio and size if no freezer compartment within the fridge.

NB ice boxes will **not** be counted as freezer compartment.

- o **Storage Cupboards (for food & utensils)**
1 x 500mm standard base/wall unit per occupier.
NB Cupboards below sink units will not be counted as food/utensil cupboard.
- o **Work surfaces (for food preparation)**
Minimum size 1m x 0.6m - to have an impervious splashback of 0.45m height.
NB A work surface of at least 500mm must be sited adjacent to each cooker.
- o **Electrical Sockets**
It is recommended that a minimum of **3 double power sockets** are provided in each kitchen adjacent to work surfaces, in addition to the cooker socket.
- o **Refuse disposal facilities**
Provide suitable receptacles in kitchen for kitchen waste.
- o **Extractor fans**
Should be fitted where appropriate and will always be necessary if kitchen has no natural ventilation.
- o **Fire Blankets & Fire Doors**
To be fitted in accordance with the LACORS Quick Reference Guide (on Council's website) or as specified in schedules of work attached to Licence or Statutory Notice.

SELF-CONTAINED ACCOMMODATION

A) **Kitchen Facilities**

Where kitchen facilities are for the **exclusive use** of an individual household. **i.e.** in a self contained flat, or individual bedsit, the following **must** be provided as a minimum:

- A **cooker** of adequate size to include 2 to 4 ring hob with oven or a microwave.
- A **sink unit** (with drainer) with adequate supply of cold and constant hot water.
- A **work top** for food preparation, of minimum size 1m x 0.6m
NB A work surface of at least 500mm must be sited adjacent to each cooker.
- A standard under-counter size **fridge** as a minimum.
- A freezer to be provided in addition to the fridge
NB One standard fridge/freezer would meet this requirement.
- A **cupboard** for food and utensil storage, of minimum size 500mm standard base or wall unit.
- Sufficient **electrical sockets**. It is recommended that at least 2 double sockets are provided **in addition** to the cooker socket.

B) Bathroom Facilities

Where bathroom facilities are for the **exclusive use** of an individual household, i.e. in self contained flats or individual bedsits, the following **must** be provided as a minimum:

- A toilet
- A bath or shower with adequate supply of cold and constant hot water.
- A wash hand basin

These must be provided in an enclosed and adequately laid out and ventilated room, either

- within the living accommodation, **or**
- within reasonable proximity to the living accommodation.

HEATING

Each unit of living accommodation in an HMO must be equipped with adequate means of space heating, i.e. a system that can be controlled by the occupants, that has been safely and properly installed and maintained and can heat the whole dwelling. The occupiers must be able to regulate the temperature.

Example: *A gas fired / oil fired central heating system with individual radiators throughout the property with a thermostat centrally located (or on individual radiators) that the occupiers can adjust themselves, or electric storage heaters with individual thermostatic controls.*

All bathrooms must be suitably and adequately heated and ventilated.

FURTHER ADVICE

Contact: Housing and Public Health Division
Directorate of Place
Civic Centre
Oystermouth Road
Swansea SA1 3SN

Tel : 01792 635600
e-mail : evh@swansea.gov.uk
or visit www.swansea.gov.uk/hmos

City and County of Swansea
Housing & Public Health Division
Directorate of Place
Civic Centre
Oystermouth Road
Swansea SA1 3SN

www.swansea.gov.uk/hmos



APPENDIX B – Means of Escape – Fire Precautions

Housing Fire Safety - Quick Reference Guide (Wales)

(Prepared in association with the All Wales Housing Technical Panel)

This Quick Reference Guide provides a summary of the fire safety measures outlined in “Housing – Fire Safety: Guidance on fire safety provisions for certain types of existing housing” published by LACORS in August 2008.

The guide provides enforcement officers and landlords with a brief summary of appropriate fire safety measures that may be applied to a number of property types and aims to ensure consistency in the application of fire safety measures. However, officers and landlords should familiarise themselves with the provisions of the National Guidance.

The Housing Act 2004 introduced the Housing Health and Safety Rating System, which is a method by which housing conditions can be assessed. It uses a risk-based approach and its aim is to provide a system to enable risks from hazards to health and safety in dwellings to be removed or minimised. Some houses must also achieve an acceptable standard of fire safety under HMO Licensing provisions. These provisions are enforced by local councils.

In some premises, landlords must carry out a fire risk assessment under the provisions of the Regulatory Reform (Fire Safety) Order 2005. These provisions are enforced by fire and rescue authorities.

The National LACORS Guidance recommends that individual risk based solutions to fire safety are applied to each individual property, and this document must not therefore be viewed as a prescriptive standard.

Please note that the works described in this document are a guide only. Alternative fire safety measures may be carried out in order to achieve an equivalent level of fire safety. However, if the recommendations in this Quick Reference Guide are followed it should be possible to achieve an acceptable level of fire safety in premises of normal risk. Additional measures may be required in higher risk premises.

How to use the Quick Reference Guide

Introduction

- The information given in this guide for provision of safe means of escape in case of fire relates to the 'ideal' level of fire safety measures required for each type of property. The 'ideal' is generally a 30 minute protected escape route for all HMOs.
- It may be possible to 'relax' these ideal standards in certain circumstances e.g. where a property is classed as low risk on completion of a Housing Health and Safety Rating System (HHSRS) risk assessment.
- Please note that the examples D1, D2 etc. in the tables in guide relate to the examples in the main LACORS Guidance Manual.

To use the guide, you must first know:

- 1) The number of storeys of the property.
- 2) The manner of occupation.
- 3) The risk level of that property.

The appropriate table in the guide can then be used to provide a list of the type of work required for a specific property type.

1. Number of storeys

- Ground + first floor = 2 storeys
- Ground + first + 2nd floor = 3 storeys, etc.

NB. A 2 storey house with a habitable basement or attic room is classed as a 3 storey property (4 storeys, if both present).

2. Occupancy

There are 3 main types (See page 3 opposite for full definitions).

- Shared HMO
- Bed-sit 'type' HMO
- Traditional bed-sit HMO

NB. Shared HMOs and Bed-sit type HMOs are very similar, with subtle differences relating to type of tenancy, lockable doors, single group or individual/smaller groups.

3. Risk

This will be assessed by the inspecting officer. Generally 3 types:-

- Low risk
- Normal risk
- High risk

NB. This guide specifies details for 'normal' risk HMOs. The majority of HMOs will fall into this category. (Low risk properties must possess all the characteristics, as listed at the bottom of the table of Example D4 on page 4).

Summary

Once the 3 criteria have been established use the correct section of the guide for an idea of work required.

NB. It is strongly advised to await an HHSRS inspection from an officer from this Department prior to completing works.

Housing Fire Safety – A Quick Reference Guide

Note – for the purposes of this guide the following definitions apply:

Single household occupancy – a house occupied by a single person, a co-habiting couple or a family and where the property is not a house in multiple occupation.

Shared House HMO – A House in Multiple Occupation where the whole property has been rented out by an identifiable group of sharers such as students, work colleagues or friends as joint tenants. Each occupant normally has their own bedroom but they share the kitchen, dining facilities, bathroom, WC, living room and all other parts of the house. There is a single tenancy agreement. The group shares the characteristics of a single family household but is still technically an HMO because the occupants are not related.

Bedsit-type HMO (with Shared Cooking Facilities) – a building which has been divided into separate letting units or bedrooms (usually of one room only) and let to unconnected individuals or several small groups. Kitchens, bathrooms and WCs are usually shared.

Traditional Bedsit HMO (with Individual Cooking Facilities) - a building which has been divided into separate letting units or bedrooms (usually of one room only) and let to unconnected individuals. Each unit or bedroom may contain cooking facilities but bathrooms and WCs are shared.

<u>Single Household Occupancy</u>	
2 STOREY	3/4 STOREY
(EXAMPLE D1)	(EXAMPLE D2)
<ul style="list-style-type: none"> • No requirement for protected route, but escape route should be sound, conventional construction and should not pass through risk rooms. • Where means of escape is through a risk room, the option of escape windows to habitable rooms may be considered. • Where construction standards are poor, travel distances are long, or other high risk factors are present, a 30 mins protected route may be required. • 30 mins separation to cellar/basement (including door) OR accept sound traditional construction in good repair. • Fire blanket in kitchen. • Grade D LD3 Alarm system (i.e. interlinked smoke alarms to escape route plus cellar/basement). 	<ul style="list-style-type: none"> • No requirement for protected route, but escape route should be sound, conventional construction and should not pass through risk rooms. • Where construction standards are poor, travel distances are long, or other high risk factors are present, a 30 mins protected route may be required. • 30 mins separation to cellar/basement (including door) OR accept sound traditional construction in good repair. • Fire blanket in kitchen. • Grade D LD3 Alarm system (i.e. interlinked smoke alarms to escape route plus cellar/basement).
Fire Safety Order does not apply to this type of property.	

2 STOREY SHARED HMO	2 STOREY BEDSIT-TYPE HMO (WITH SHARED COOKING FACILITIES)
(EXAMPLE D4)	(EXAMPLE D7)
<p>1. Ideal standard (for normal risk property)</p> <ul style="list-style-type: none"> (a) 30 minute protected route with FD30 Fire Doors (no smoke seals) (b) Walls/ceilings between units of accommodation to be of sound, traditional construction. (c) 30 mins separation to cellar/basement (including door) OR accept sound traditional construction in good repair. 2 Storey + habitable basement/attic – treat property as 3 storey shared house. (d) <i>Multi-purpose AFFF 6 litre foam or 1.5kg dry powder extinguisher on each floor in escape route recommended.</i> (e) Fire blanket in kitchen. (f) Grade D LD3 Alarm system (i.e. interlinked smoke alarms to escape route plus lounge and cellar/basement, and interlinked heat alarm to kitchen). <p>OR</p> <p>2. In low risk shared houses (see below)</p> <ul style="list-style-type: none"> • Solid, close fitting doors, AND/OR escape windows to rooms leading on to escape route. Walls/ceilings on escape route to be of sound, traditional construction. • Additional fire door (FD30) on last door from kitchen to escape route. • Plus specifications as (b) to (f) above. <p>NB. ‘Low’ risk properties are those having the following characteristics:</p> <ul style="list-style-type: none"> • low occupancy level - all able-bodied; • little chance of fire occurring and few combustible/flammable materials; • little chance of fire spreading throughout property. Quick detection to allow occupants to escape • more than one acceptable escape route. 	<p>‘Bed-sit type’ houses - individual rooms with shared cooking facilities. (e.g. where property is not occupied by a single group, there are individual contracts, locks on doors etc).</p> <ul style="list-style-type: none"> (a) Either - 30 minute protected route with FD30S Fire Doors or - in low risk properties, close fitting, solid doors and escape windows. (b) 30 mins separation to walls/ceilings between units of accommodation. (c) 30 mins separation to cellar/basement (including door) (d) Multi-purpose AFFF 6 litre foam or 1.5kg dry powder extinguisher required on each floor in escape route (subject to risk assessment under Fire Safety Order). (e) Fire blanket in kitchen. (f) Grade D LD2 Alarm – interlinked smoke alarms to escape route plus lounge and cellar/basement and heat alarm in each shared kitchen PLUS Interlinked Grade D smoke alarms in each bedroom.
	<p>Fire Safety Order MAY apply in these property types.</p>
2 STOREY TRADITIONAL BEDSIT (COOKING FACILITIES IN BEDROOMS)	(EXAMPLE D7)
<p>Traditional Bedsits – <u>those with cooking facilities in each bedroom/unit of accommodation.</u></p> <ul style="list-style-type: none"> (a) Either - 30 minute protected route with FD30S Fire Doors. (b) 30 mins separation to walls/ceilings between units of accommodation. (c) 30 mins separation to cellar/basement (including door) (d) Multi-purpose AFFF 6 litre foam or 1.5kg dry powder extinguisher required on each floor in escape route (subject to risk assessment under Fire Safety Order). (e) Fire blanket in kitchen. (f) <u>Mixed Alarm System. Grade D, LD2</u> system with interlinked smoke alarms to escape route and basement/cellar with interlinked heat alarms to each bedsit PLUS additional non-interlinked mains wired smoke alarm to each bedsit. 	<p>Traditional Bedsits – <u>those with cooking facilities in each bedroom/unit of accommodation.</u></p> <ul style="list-style-type: none"> (a) Either - 30 minute protected route with FD30S Fire Doors. (b) 30 mins separation to walls/ceilings between units of accommodation. (c) 30 mins separation to cellar/basement (including door) (d) Multi-purpose AFFF 6 litre foam or 1.5kg dry powder extinguisher required on each floor in escape route (subject to risk assessment under Fire Safety Order). (e) Fire blanket in kitchen. (f) <u>Mixed Alarm System. Grade D, LD2</u> system with interlinked smoke alarms to escape route and basement/cellar with interlinked heat alarms to each bedsit PLUS additional non-interlinked mains wired smoke alarm to each bedsit.
<p>Fire Safety Order does not apply to this type of property.</p>	<p>Fire Safety Order applies to these property types.</p>

3/4 STOREY SHARED HMO	3 STOREY BEDSIT-TYPE HMO (WITH SHARED COOKING FACILITIES)
(EXAMPLE D5)	(EXAMPLE D8)
<p>Ideal standard (for normal risk property)</p> <ul style="list-style-type: none"> (a) 30 minute protected route with FD30 Fire Doors (no smoke seals) (b) 30 mins separation to walls/ceilings between units of accommodation. (c) 30 mins separation to cellar/basement (including door). (d) <i>Multi-purpose AFFF 6 litre foam or 1.5kg dry powder extinguisher on each floor in escape route recommended.</i> (e) Fire blanket in kitchen. (f) Grade D LD3 Alarm system (i.e. interlinked smoke alarms to escape route plus lounge and cellar/basement, and heat alarm to kitchen. (g) No requirement for emergency lighting or signage, unless complex escape route. 	<ul style="list-style-type: none"> (a) 30 minute protected route with FD30S Fire Doors (b) 30 mins separation to walls/ceilings between units of accommodation. (c) 30 mins separation to cellar/basement (including door) (d) Multi-purpose AFFF 6 litre foam or 1.5kg dry powder extinguisher required on each floor in escape route (subject to risk assessment under Fire Safety Order). (e) Fire blanket in kitchen. (f) Grade A LD2 Alarm system –interlinked smoke detectors to escape route plus each bedsit, lounge and cellar/basement, and heat detector to shared kitchen. To include control panel, call points and min 75db at bedhead. (g) No requirement for emergency lighting or signage, unless complex escape route. <p>Fire Safety Order MAY apply in these property types.</p> <p style="text-align: center;">3 STOREY TRADITIONAL BED-SIT (COOKING FACILITIES IN BEDROOMS)</p> <p style="text-align: center;">(EXAMPLE D8)</p> <ul style="list-style-type: none"> (a) 30 minute protected route with FD30S Fire Doors (b) 30 mins separation to walls/ceilings between units of accommodation. (c) 30 mins separation to cellar/basement (including door) (d) Multi-purpose AFFF 6 litre foam or 1.5kg dry powder extinguisher required on each floor in escape route (subject to risk assessment under Fire Safety Order). (e) Fire blanket in kitchen. (f) <u>Grade A LD2 Alarm system</u> –interlinked smoke detectors to escape route plus lounge and cellar/basement, <u>and</u> interlinked heat detector to each bedsit with cooking facilities. To include control panel, call points and min 75db at bedhead <p style="text-align: center;"><u>PLUS</u></p> <ul style="list-style-type: none"> (g) Non interlinked Grade D smoke detectors in EACH bed-sit.
Fire Safety Order does not apply to this type of property.	Fire Safety Order applies to these property types.

Houses Converted to Self-Contained Flats	
2 STOREY	3/4 STOREY
(EXAMPLE D10)	(EXAMPLE D11)
<p>(a) 30 minute protected common escape route with FD30S Fire Doors (with smoke seals) i.e. flat entrance doors</p> <p>(b) Within individual flats – sound, well constructed and close fitting doors.</p> <p>(c) 30 mins separation to walls/ceilings between each flat.</p> <p>(d) 30 mins separation to cellar/basement (including door)</p> <p>(e) Multi-purpose AFFF 6 litre foam or 1.5kg dry powder extinguisher required on each floor in <u>common escape route</u> (subject to risk assessment under Fire Safety Order).</p> <p>(f) Fire blanket in kitchen.</p> <p>(g) <u>Grade D LD2 Alarm system</u> –interlinked smoke detectors to common escape route plus heat detector in entrance hall of each flat</p> <p><u>PLUS</u></p> <p>(h) Non-interlinked Grade D smoke detectors in hallway of each flat.</p> <p>(i) No requirement for emergency lighting or signage, unless complex escape route.</p>	<p>(a) 30 minute protected common escape route with FD30S Fire Doors (with smoke seals) i.e. flat entrance doors</p> <p>(b) Within individual flats – sound, well constructed and close fitting doors.</p> <p>(c) 30 mins separation to walls/ceilings between each flat.</p> <p>(d) 30 mins separation to cellar/basement (including door)</p> <p>(e) Multi-purpose AFFF 6 litre foam or 1.5kg dry powder extinguisher required on each floor in <u>common escape route</u> (subject to risk assessment under Fire Safety Order).</p> <p>(f) Fire blanket in kitchen.</p> <p>(g) <u>Grade A LD2 Alarm system</u> –interlinked smoke detectors to common escape route plus heat detector in entrance hall of each flat. To include control panel, call points and min 75db at bed head</p> <p><u>PLUS</u></p> <p>(h) Non-interlinked Grade D smoke detectors in hallway of each flat.</p> <p>(i) No requirement for emergency lighting or signage, unless complex escape route.</p>
Fire Safety Order applies to these property types.	

A Note on Fire Extinguishers and Alarm Systems

In shared houses, a multi-purpose fire extinguisher (type 1.5kg dry powder or 6 litre AFFF Foam) is **recommended** on each floor within the escape route.

In all HMOs where the Fire Safety Order applies, including houses converted to self-contained flats and bedsits, multi-purpose extinguishers (type as above) are **required** unless the landlord can demonstrate through risk assessment that an acceptable level of safety can be achieved without the provision of extinguishers.

LD3 – A system incorporating detectors in circulation spaces that form part of the escape route from the dwelling only.

LD2 – A system incorporating detectors in circulation spaces that form part of the escape route, and in all rooms that present a high fire risk to occupants.

Grade D – A system of one or more mains powered smoke / heat alarms each with battery standby supply. There is no control panel.

Grade A – A system of mains powered smoke / heat detectors, which are linked to a control panel to give information on the location of the fire or any fault. In general the system must incorporate manual call points, which should be located on each floor level and at final points of exit.

Appendix C

Criteria for Fit and Proper Person

Before the Council can grant a Licence it must determine if the proposed licence holder or manager of the house is a fit and proper person.

For this purpose the following matters are relevant if any such person has:

- (a) Committed an offence involving fraud, dishonesty, violence, drugs or sexual offences listed in Schedule 3 to the Sexual Offences Act 2003;
- (b) Practised unlawful discrimination on grounds of sex, colour, race, ethnic, or national origins or disability in connection with a business, or
- (c) Contravened any provision of the law relating to housing or of landlord and tenant law, or
- (d) Acted in contravention of any Approved Code of Practice made under the Housing Act 2004.



LICENCE CONDITIONS FOR A HOUSE IN MULTIPLE OCCUPATION HOUSING ACT 2004

PREMISES:

These conditions are mandatory and are imposed by Swansea Council to Houses in Multiple Occupation (HMOs) that are subject to a licensing scheme within the scope of Part 2 of The Housing Act 2004. The Council may apply other licence conditions with discretion in appropriate cases.

These conditions are made under the Council's HMO Licensing Policy 2020. A copy of the Policy can be found on the Council's website xxxxxxxxxxxx

Any reference to the Council shall mean Swansea Council.

Number of persons permitted to occupy the property

1. The number of persons residing at the property shall not exceed the maximum number stated on the licence.
2. Where the numbers are in excess of the permitted level at the time of the granting of the licence the licence holder must take the appropriate legal steps to reduce the numbers at the earliest opportunity.
3. The use and level of occupancy of each room shall not be changed without the approval of the Council.

Changes to the property, management arrangements or licence holder

4. No alteration that may impact on the licence conditions will be made to the property without prior notification to the Council.
5. Any material change of circumstances in respect of the licence holder, manager or anyone else involved with the property itself or its management must be notified to the Council within 14 days of such a change occurring. This will include any change in contact details or sale of the property.

6. If any proposed changes mean that the property will no longer be suitable for use as an HMO, that the management arrangements are no longer satisfactory or that the licence holder or any manager are no longer considered to be fit and proper persons, the Council may vary or revoke the licence.

Letting arrangements

7. The licence holder shall supply all occupiers of the house with a written statement of the terms on which they occupy it.
8. The licence holder will provide each new occupier at the start of their occupancy with:
 - a) Written information on recycling and refuse storage (both inside and outside the property), collection and disposal arrangements including how to get recycling bags (the Council's guide to recycling and refuse disposal shall be displayed within the property);
 - b) Written information on procedures for the escape from the building in case of fire, including, but not limited to, understanding the alarm, the importance of fire doors and protecting the escape route, keeping the escape route free from obstruction and the proper use of fire-fighting equipment provided. The licence holder shall ensure that all occupiers are fully aware of procedures for dealing with false fire alarms;
 - c) Written details of the arrangements that are in place for dealing with repairs and emergency situations at or in connection with the property. This should include names, telephone numbers and e-mail addresses where available;
 - d) Written information about anti-social behaviour as detailed in condition 29 of this licence.
9. The licence holder shall ensure that each occupier, following receipt of the information above, signs the Declaration of Understanding. A copy of the signed Declaration must be provided to the Council on demand.

Condition of the property

10. The licence holder must carry out the works in the attached schedule within the specified times.
11. The licence holder must maintain the structure and fabric of the house in good condition.
12. The external appearance of the house shall be maintained in good repair and decorative order. All external painted walls of the house must be painted at least once during the licence period and more often if required to remain compliant.
13. The licence holder shall ensure that all issues concerning repairs and maintenance of the fabric of the building, appliances, equipment or furniture

notified to him by the occupiers, Council, letting or managing agent or visitors to the property are remedied within a timescale appropriate to the urgency of the issue.

14. The licence holder must ensure that the property complies with the Council's adopted space standards.
15. The licence holder must ensure that the property meets the Council's adopted amenity standards having regard to the maximum number of occupiers stated on the licence. All such amenities, facilities and equipment shall be maintained in good working order.
16. The licence holder must ensure that adequate space heating is provided and maintained in each unit of living accommodation.
17. The licence holder shall ensure that the property attains a minimum E rating energy performance unless the premises is exempt in accordance with criteria specified in The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015. A copy of the EPC certificate shall be provided to the Council on demand.

Fire precautions

18. The licence holder must ensure that there are appropriate means of escape, fire precaution facilities and equipment provided at the property in line with the Council's adopted standard. The licence holder will provide the Council with a declaration, on demand, as to the design, installation and condition of the fire precaution system.
19. The licence holder shall ensure that the fire alarm and detection system, including suppression system, if fitted and fire extinguishers provided at the property are maintained in good working order and that the alarm system, including sounders, smoke detectors and suppression system, if fitted, are tested at appropriate intervals in accordance with the installer's/manufacturer's instructions. Any defects are to be remedied immediately and written records must be kept of testing and maintenance of the alarm and suppression system, if fitted. As a minimum, servicing of the alarm, suppression system, if fitted and extinguishers should be carried out annually, or on a six monthly basis if an L2 system. This record must be made available for inspection by the Council on demand.
20. The licence holder shall ensure that arrangements are in place for an appropriate person to be available to attend the property at any time in the event of a false alarm to ensure that the fire alarm system is properly re-set. Details shall be provided to the Council.
21. The licence holder shall ensure that the fire alarm system is tested by a suitable and competent contractor following all false alarms and fire occurrences to ensure the system is properly re-set. The licence holder shall

ensure that the Council is informed of a fire occurrence at the property within 24 hours of the licence holder or their nominated representative becoming aware of the fire.

Gas, Electrics, Carbon Monoxide and Furniture

22. If gas is supplied to the house, the licence holder shall submit to the Council the gas safety certificate obtained for the property within the last 12 months. This shall be from a contractor registered with Gas Safe Register and shall include each gas installation, appliance and flue provided by the licence holder within the property.
23. The licence holder shall keep all electrical appliances they provide in the property in a safe condition. On demand, the licence holder must supply the Council with a declaration by him as to the safety of such appliances.
24. The licence holder shall ensure that the electrical installation condition report for the property is renewed every five years as a minimum. All Code 1 and 2 works listed in the Defects and Suggestions sections are to be completed. On demand, the licence holder must supply the report to the Council.
25. On each occasion that the electrical circuits and/or installation are altered in any way, the licence holder must produce to the Council a further certificate from a suitably qualified electrician confirming the satisfactory condition of the circuits and/or installation.
26. Electrical installations providing power to the fire alarms or emergency lighting systems must not be supplied via token meters or via any occupier's metered supply.
27. A working carbon monoxide (CO) alarm must be provided in any room that is used wholly or partly as living accommodation and also contains any appliance which burns, or is capable of burning, solid fuel, mains gas or LPG (liquid petroleum gas) fuel.
28. The licence holder shall only supply furniture to the property that complies with the requirements of the Furniture and Furnishings (Fire Safety) Regulations 1988 (as amended). All such furniture should be kept in safe condition and good repair. The licence holder shall provide the Council with a declaration to this effect on demand.

Anti-social behaviour and Neighbourhood Cohesion

29. The licence holder shall take all reasonable and practicable steps to prevent or reduce anti-social behaviour by occupiers of or visitors to the property. This shall include:
 - a) Setting out in writing to each occupier what is meant by anti-social behaviour;
 - b) Explaining the impact of anti-social behaviour on others in the area;

- c) Recording details of all complaints received directly in respect of anti-social behaviour;
 - d) Invoking appropriate tenancy sanctions where necessary.
30. The licence holder shall ensure that the property is inspected on a regular basis to assess if there is evidence of anti-social behaviour or occupiers' non-compliance with relevant HMO Management Regulations. This should be at least quarterly, but more frequently if anti-social behaviour has been established or complaints have been received. Records should be kept of such inspections and any action taken.
31. The licence holder will provide the names of the current occupiers to the Council on demand and will co-operate with the Council in order to eradicate problems relating to anti-social behaviour or issues affecting neighbours. The licence holder will, on request, demonstrate that they have taken reasonable and practicable steps to manage the problem including evidence of verbal or written warnings that they have issued.
32. Where the licence holder has reason to believe that criminal activity is taking place at the property, they must ensure that the appropriate authorities are informed.

Waste arrangements

33. The licence holder shall provide a general waste bin, recycling waste bin and waste food caddy to each kitchen area. An initial four-week supply of all relevant recycling and black bags shall be provided to new occupiers of the property.
34. The licence holder shall ensure that suitable and sufficient, lidded external storage facilities are provided for household waste and recycling pending disposal to prevent access to the waste by animals and birds. As a general guide, facilities shall be a minimum of 40 litres per occupier. A larger kerbside food waste caddy shall also be provided in the external storage area for the storage of full food bags from the kitchen caddy. These storage facilities will preferably be to the rear of the property, but siting and size of facilities may be agreed after discussion with the Council to suit each individual HMO.
35. The licence holder shall ensure that occupiers are aware of their responsibilities with regards to cleanliness of gardens, yards and forecourts.
36. The licence holder shall ensure that any building works, improvements and general maintenance are carried out with the minimum of disruption to the occupants, neighbours and wider community and that wherever possible, any waste arising from building works or improvements to the property does not accumulate in the curtilage of the property or near to it. Where such accumulations are unavoidable, they shall be removed as soon as reasonably practicable, to a licensed waste disposal facility.

- 37.No other waste, such as old furniture or appliances shall be allowed to accumulate in the curtilage of the property. If arrangements have been made for the removal of such items they should only be placed at the front of the property on the date of collection.
- 38.Any waste left by occupiers leaving the property shall be removed by the licence holder as soon as possible and prior to new occupiers occupying the property.
- 39.The gardens, forecourts and boundary walls/fences of the property shall be kept free from overgrowth, litter or other accumulations and maintained in a clean and tidy condition.

General

- 40.A copy of the licence currently in force in respect of the property shall be clearly displayed in a prominent position at the property.
- 41.The licence holder shall ensure that written details of the arrangements that are in place for dealing with emergency situations at or in connection with the property are provided to the occupiers of immediately adjacent properties. This should include names and telephone numbers.
- 42.The licence holder shall ensure that anyone involved with the management of the property is, to the best of their knowledge, a 'fit and proper person' for the purposes of the Housing Act 2004 and hold the appropriate Rent Smart Wales licence.
- 43.The licence holder shall ensure that anyone involved in the management of the property is fully aware of these licence conditions and the extent to which their involvement with the property allows the licence holder to comply with these conditions.
- 44.The licence holder shall attend any professional development and/or training course relating to matters covered by Approved Codes of Practice that the Council shall provide or recognise during the term of the licence.
- 45.The licence holder shall keep any records and certificates referred to in these licence conditions for the entire length of the licence and shall produce them to the Council on demand.

Signed
Martin Nicholls
Director

Limitations of the Licence

Licence transfer - This licence **cannot** be transferred to another person or organisation or property.

Registered Companies - If the licence holder is a registered company and it is dissolved whilst the licence is in force, the licence ceases to be in force on the date of dissolution.

Death of Licence holder - If the licence holder dies whilst the licence is in force, the licence ceases to be in force on his death.

Property Condition - This licence is **not** proof or evidence that the house is safe and free from hazards and defects. The licence does not prevent criminal or civil legal action being taken against the licence holder, or anyone else with an interest in the property, if any hazards or nuisances are found or any other problems discovered in relation to the condition of the property.

Building Control - This licence does **not** grant any Building Control approvals, consent or permissions, retrospectively or otherwise. This licence does not offer any protection or excuse against any enforcement action taken by the Building Control Division.

Planning Permission - This licence does **not** grant any planning approvals, consents or permissions under the Town and Country Planning Act 1990 or any related planning legislation, retrospectively or otherwise. You should check that the correct planning permissions are in place. This licence does not offer any protection or excuse against any enforcement action taken by Planning Enforcement Officers. If you are unclear on the matters outlined above, you should seek professional planning advice.

Please note - It is your responsibility to ensure that you have any other necessary permissions or consents in place to enable the property to be used as a house in multiple occupation. The granting of a licence does not override any other private or public law provisions in this respect.

**SWANSEA COUNCIL
HMO LICENCE
DECLARATION OF UNDERSTANDING**

PREMISES

FIRE PRECAUTIONS

The use and purpose of the fire precaution facilities as set out below have been explained to me and I understand them:

1. The fire alarm
2. The means of escape
3. Protection of the escape route and keeping it free from obstruction
4. The importance of fire doors
5. Fire-fighting equipment

WASTE MANAGEMENT

The arrangements for waste storage, collection and recycling have been explained to me as set out below and I understand them:

1. Non-recycling waste to be placed for collection in black refuse bags.
2. Waste recycling requirements specified by the Council will be met.
3. Refuse & recycling bags & food waste bin must be placed at the kerbside in front of the property no earlier than 7.00 pm the night before collection.
4. No refuse bags or any other type of waste must accumulate in the garden or yard before collection. They must be stored correctly in the bins or other storage area provided by the landlord.
5. Only normal household waste may be disposed of within a refuse or recycling bag. Sharp objects must always be wrapped. Oil, grease, asbestos, clinical waste, building waste or garden waste must not be disposed of in this manner. The contact telephone number for any queries is 01792 635600.

ANTI-SOCIAL BEHAVIOUR

The requirements relating to anti-social behaviour as set out below have been explained to me and I understand them:

1. What may constitute anti-social behaviour
2. The impact of anti-social behaviour on other people
3. The standard of behaviour expected
4. The consequence of anti-social behaviour
5. The possible consequences in terms of my tenancy agreement.

THE MANAGEMENT OF HOUSES IN MULTIPLE OCCUPATION (WALES) REGULATIONS 2006 and THE LICENSING AND MANAGEMENT OF HOUSES IN MULTIPLE OCCUPATION (ADDITIONAL PROVISIONS) (WALES) REGULATIONS 2007

The duties of occupiers under Regulation 10 of these Regulations (Regulation 11 of the 2007 Regulations for Section 257 HMOs) as set out below have been explained to me and I understand them:

1. Act in a way that will not hinder or frustrate the manager in the performance of the manager's duties
2. Allow the manager, for any purpose connected with the carrying out of any duty imposed on the manager by these Regulations, at all reasonable times to enter any living accommodation or other place occupied by me
3. Provide the manager, at the manager's request, with any such information as the manager may reasonably require for the purpose of carrying out any such duty
4. Take reasonable care to avoid causing damage to anything which the manager is under a duty to supply, maintain or repair under these Regulations
5. Store and dispose of litter in accordance with the arrangements made by the manager
6. Comply with the reasonable instructions of the manager in respect of any means of escape from fire, the prevention of fire and the use of fire equipment.

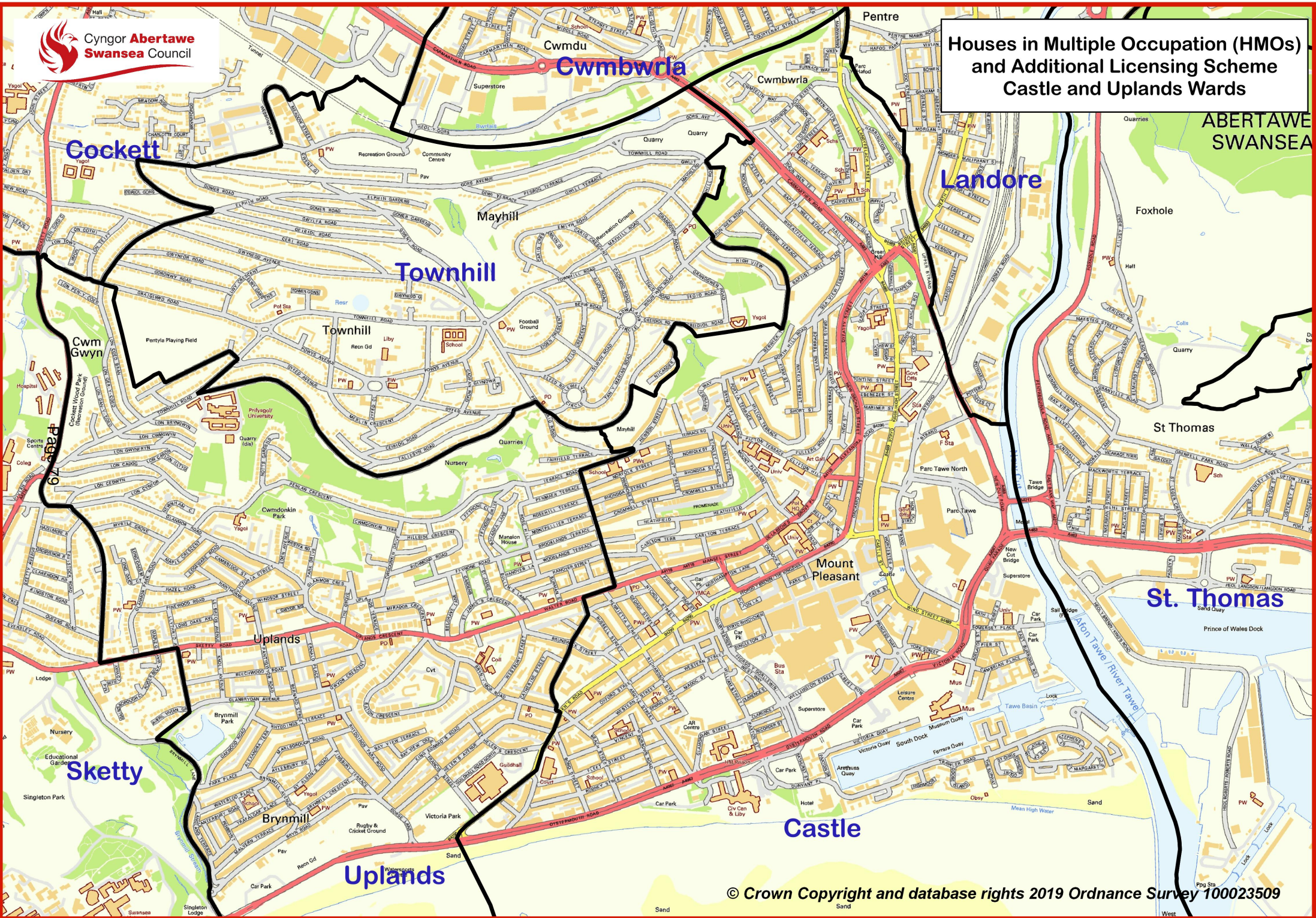
I have read and understood the Declaration of Understanding in relation to Fire Precautions, Waste Management, Anti-Social Behaviour and the Management Regulations summary.

I understand that if I fail to comply with these, I may be committing an offence for which I may be prosecuted.

I understand that the Licence holder of this property may have to provide a copy of this document, including my details below, to Swansea Council as required under the conditions of the HMO licence for the property. My details will only be used in connection with the enforcement of legislation and conditions relating to the letting of this property as a licensable house in multiple occupation.

OCCUPIER			LICENCE HOLDER
Full Name	Signature	Date	Signature & Date

**Houses in Multiple Occupation (HMOs)
and Additional Licensing Scheme
Castle and Uplands Wards**



**Houses in Multiple Occupation (HMOs) and
Proposed Additional Licensing Scheme
St. Thomas Ward**

Landore

**ABERTAWE /
SWANSEA**

Bonymaen

Castle

St Thomas

Dan-y-graig

Port Tennant

**Neath Port
Talbot CBC**

St. Thomas

Equality Impact Assessment Screening Form – Appendix D

Please ensure that you refer to the Screening Form Guidance while completing this form. If you would like further guidance please contact the Access to Services team (see guidance for details).

Section 1

Which service area and directorate are you from?

Service Area: Housing and Public Health

Directorate: Place

Q1(a) WHAT ARE YOU SCREENING FOR RELEVANCE?

Service/ Function	Policy/ Procedure	Project	Strategy	Plan	Proposal
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(b) Please name and describe here:

HMO Licensing Policy (Houses in Multiple Occupation) – review and update of existing policy

Q2(a) WHAT DOES Q1a RELATE TO?

Direct front line service delivery	Indirect front line service delivery	Indirect back room service delivery
<input checked="" type="checkbox"/> (H)	<input type="checkbox"/> (M)	<input type="checkbox"/> (L)

(b) DO YOUR CUSTOMERS/CLIENTS ACCESS THIS...?

Because they need to	Because they want to	Because it is automatically provided to everyone in Swansea	On an internal basis i.e. Staff
<input checked="" type="checkbox"/> (H)	<input type="checkbox"/> (M)	<input type="checkbox"/> (M)	<input type="checkbox"/> (L)

Q3 WHAT IS THE POTENTIAL IMPACT ON THE FOLLOWING...

	High Impact	Medium Impact	Low Impact	Don't know
	(H)	(M)	(L)	(H)
Children/young people (0-18) →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Older people (50+) →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Any other age group →	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race (including refugees) →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Asylum seekers →	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gypsies & travellers →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Welsh Language →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion →	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers) →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Community cohesion →	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Equality Impact Assessment Screening Form – Appendix D

Q4 WHAT ENGAGEMENT / CONSULTATION / CO-PRODUCTIVE APPROACHES WILL YOU UNDERTAKE?

Please provide details below – either of your planned activities or your reasons for not undertaking engagement

There has already been a public consultation about the changes to the existing policy (Nov 2019 – Feb 2020) following a report to Cabinet in September 2019. A subsequent report, including feedback on the public consultation, is now being taken to Council for adoption of the new policy. This will be available on the Council's website and notification will specifically be given to existing landlords, agents, landlords' groups, partner organisations including Police, Fire Service, universities, residents' groups and CAB in line with statutory requirements under Housing Act 2004.

Q5(a) HOW VISIBLE IS THIS INITIATIVE TO THE GENERAL PUBLIC?

High visibility <input type="checkbox"/> (H)	Medium visibility X <input checked="" type="checkbox"/> (M)	Low visibility <input type="checkbox"/> (L)
---	--	--

(b) WHAT IS THE POTENTIAL RISK TO THE COUNCIL'S REPUTATION? (Consider the following impacts – legal, financial, political, media, public perception etc...)

High risk <input type="checkbox"/> (H)	Medium risk X <input checked="" type="checkbox"/> (M)	Low risk <input type="checkbox"/> (L)
---	--	--

Q6 Will this initiative have an impact (however minor) on any other Council service?

X Yes No **If yes, please provide details below**

Will assist with enforcement of legislation to improve housing conditions within our own Service, but will also assist Planning in determining applications for new HMOs under their existing controls in that it will enable better identification of HMO properties, assisting with community cohesion. It was also assist Waste Enforcement, Cleansing and StreetScene in introducing additional regulatory controls over possible problematic properties/areas.

Q7 HOW DID YOU SCORE? Please tick the relevant box

MOSTLY H and/or M → HIGH PRIORITY → EIA to be completed
Please go to Section 2

MOSTLY L → LOW PRIORITY / NOT RELEVANT → X Do not complete EIA
Please go to Q8 followed by Section 2

Q8 If you determine that this initiative is not relevant for an EIA report, you must provide a full explanation here. Please ensure that you cover all of the relevant protected groups.

This policy follows a review of an existing policy and replaces the existing policy from 2016. There is no specific group, in terms of any characteristics, that will be impacted over any other. Existing knowledge of this type of shared housing is that there are a limited number of older people, children or people with disabilities living

Equality Impact Assessment Screening Form – Appendix D

in HMOs. One of the impacts is intended to be an increase in community cohesion with increased ability to apply legislation to improve housing conditions. The review was in part carried out as a result of calls from residents to improve conditions in their local areas and also to comply with a statutory timescale for review of the existing policy. Information is already available on our website, bilingually and updates and amendments will continue to be available this way. It is intended that, subject to ICT developments, in due course, applicants for HMO licences will be able to submit their applications online. There is a statutory process to follow for applications and the granting of licences. There is a cost involved for landlords as the Council levies a licence fee set on a cost-recovery basis as controlled by the legislation. In normal circumstances this is for a licence which is granted for five years. There is the possibility that landlords will pass this cost on to their tenants, but this is the same for any costs they incur in letting a property.

Section 2

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email – no electronic signatures or paper copies are needed.

Screening completed by:
Name: Paula Livingstone
Job title: Divisional EHO – Pollution Control and Private Sector Housing
Date: 14/9/2020
Approval by Head of Service:
Name:
Position:
Date:

Please return the completed form to accesstoservices@swansea.gov.uk

Agenda Item 8.



Report of the Cabinet Member for Delivery & Operations

Council – 4 November 2020

Proposal to Pass a New Resolution Not to Issue Casino Licences and Proposed Amendments to the Council's Gambling Policy

Purpose:	<p>i) To consider the outcome of the consultation in respect of a proposal to pass a new resolution not to issue casino premises licences; and proposed amendments to the City and County of Swansea's Statement of Principles (Gambling Policy)</p> <p>ii) To make a decision regarding passing a new resolution not to issue casino premises licences</p>
Policy Framework:	Gambling Policy, January 2019 - 2022
Consultation:	Access to Services, Finance, Legal, existing licence holders, representatives of persons carrying on gambling businesses, statutory bodies, representatives of interested parties and City and County of Swansea Members.
Recommendation(s):	<p>It is recommended that:</p> <ol style="list-style-type: none">1) Council considers the outcome of the consultation in respect of a proposal to pass a new resolution not to issue casino premises licences and proposed amendments to the City and County of Swansea's Statement of Principles (Gambling Policy).2) Council takes into account the matters identified in paragraph 4 of the report and agrees to pass a new resolution not to issue casino premises licences;3) If Council agrees to pass a new resolution not to issue casino premises licences: <p>Council agrees the proposed amendments to the Gambling Policy for publication and specifies the date of the 6th December 2020 as the date on which the resolution takes effect.</p>

Report Author:	Lynda Anthony
Finance Officer:	Aimee Dyer
Legal Officer:	Lyndsay Thomas
Access to Services Officer:	Rhian Millar

1.0 Introduction

1.1 On the 4th November 2014, Council agreed to pass a resolution not to issue casino licences (A No Casino Resolution) and also agreed amendments to the Council's Gambling policy (the Policy) in respect of the resolution. The resolution came into effect on the 5th December 2014 as the resolution cannot take effect until 4 weeks after the date following the date of the Council decision. Council considered the matter again in 2017 and passed a further resolution not to issue casino licences in October 2017. This resolution came into effect on the 6th December 2017.

1.2 The decision to pass the resolution was based on the Council's priorities and commitments to improving the wellbeing of people in Swansea. In particular the decision was based on:

- addressing poverty and the impact of poverty on its communities;
- research which suggests that casinos are associated with higher bankruptcy rates in their localities and the increased likelihood of a person becoming a problem gambler,
- the links between problem gambling and the negative impact on communities; and
- the promotion of the licensing objective "*Protecting children and other vulnerable persons from being harmed or exploited by gambling*".

1.3 A resolution needs to be passed every 3 years to keep the Policy in place. The current resolution expires on 5th December 2020 and Council needs to pass a new resolution by the 4th November 2020 for the resolution to be in place on 6th December 2020.

2.0 A No Casino Resolution

2.1 The Gambling Act 2005 (the Act) allows a licensing authority to pass a No Casino Resolution and to specify the date on which the resolution takes effect. This decision must be taken by Council and must be published in the Policy.

2.2 The resolution must specify the date it comes into effect and it may also be revoked by passing a further resolution, subject to further consultation.

- 2.3 A No Casino Resolution will only affect new casinos. It will not have any effect on casino premises that were originally licensed under the Gaming Act 1968, casino premises licences issued before the resolution takes effect.
- 2.4 There are 3 casino licences in force in Swansea. These licences relate to premises that were previously licensed under the Gaming Act 1968. In practice only one premises, the Grosvenor, is currently operating as a casino but is covered by 2 licences.
- 2.5 The Authority was awarded the power to grant a new small casino premises licence on the 19th May 2008. Passing the resolution will affect the issue of this premises licence as the Authority will not be able to grant the licence whilst the resolution is in force.

3.0 Considerations when passing a No Casino Resolution

- 3.1 In making the decision to pass a No Casino Resolution, the Authority may take into account any principle or matter and not just the licensing objectives. The licensing objectives in respect of the Gambling Act 2005 are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way;
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.

4.0 Current Considerations

- 4.1 Tackling poverty remains one of the five key priorities for the City and County of Swansea.
- 4.2 Swansea continues to have an above average level of deprivation, with 17 (11.5%) of its 148 Lower Super Output Areas (LSOAs) now ranked in the top 10% most deprived in Wales, as measured by the Wales Index of Multiple Deprivation 2019. This has decreased slightly from 18 in 2014 to 17 in 2019, the most deprived LSOAs in Swansea are in Townhill, Penderry, Castle, Morriston, Bonymaen, and Mynyddbach.
- 4.3 Previous research has shown that disadvantaged social groups who experience poverty, unemployment, dependence on welfare, and low levels of education and household income are most likely to suffer the adverse consequences of increased gambling. Problem gambling can lead to debt, divorce, crime, depression and also suicide, all of which can have a negative impact on communities, particularly those already experiencing the stresses of life on a low income.
- 4.4 It is also considered that licensing objective 3, "Protecting children and other vulnerable persons from being harmed or exploited by gambling"

remains relevant in this case. The term “vulnerable persons” is not defined but the statutory guidance produced by the Gambling Commission states that for regulatory purposes it must be assumed that this group includes people who gamble more than they want to, people who gamble beyond their means and people who are unable to make informed or balanced decisions about gambling.

5.0 Proposal to Pass a New No Casino Resolution

- 5.1 On the 3rd September 2020 a report was considered by the Director of Place seeking agreement for the Council’s intention to pass a new resolution not to issue casino licences and minor amendments to the relevant dates contained with the Policy, to be issued for consultation.
- 5.2 The Director agreed that the Council’s intention to pass a new resolution, not to issue casino licences and the associated amendments to the Policy, could be issued for consultation with the results being reported to Council for decision.

6.0 Consultation and Response

- 6.1 Consultation was undertaken involving existing licence holders, representatives of persons carrying on gambling businesses, statutory bodies, representatives of interested parties and City and County of Swansea Members.
- 6.2 The consultation period ended on the 25th September 2020 and one response was received from Councillor Cyril Anderson confirming support for the Council’s intention to pass a new resolution not to issue casino licences.

7.0 Proposed Changes to the Policy

- 7.1 The proposed changes to the Policy relate to the dates only and are identified in paragraph 18.1, in bold italic type in the extract of the policy relating to casinos which is attached at Appendix A.

8.0 Equality and Engagement Implications

- 8.1 The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.

Our Equality Impact Assessment process ensures that we have paid due regard to the above.

- 8.2 An Equalities Impact Assessment Screening Form has been completed. This report is to enable this Authority to complete a review of the existing gambling policy to include a proposed new resolution not to issue casino licences. (Current resolution remains in force for 3 years and lapses on the 5th December 2020). If the resolution is passed by Council and the minor policy amendments adopted it will prevent an application for a small casino premises licence being granted under the Gambling Act 2005. It will not affect variations and transfers of currently licensed casinos. The high impact noted for poverty/social exclusion is considered to have a positive impact in line with Council initiatives. There are no further equality implication in relation to this proposal. As such no full EIA is required.

9.0 Financial Implications

- 9.1 Acceptance of the proposed amendment would mean the City foregoing the possibility of potential financial benefits from the development of a Casino for up to the next three years, although there appears to be a lack of interest from potential casino operators.

10.0 Legal Implications

- 10.1 The Authority's original submission of a bid to the Government's Casino Advisory Panel for the Licence was subject to a willingness to licence and the Authority made representations to demonstrate its commitment to licence if it was awarded the power to grant a large/small licence.
- 10.2 Authorities unable to demonstrate a willingness to commit to the grant of a licence were not considered.
- 10.3 At this time there is no deadline imposed for granting the Licence.
- 10.4 A no casino resolution is a non- executive function and cannot be delegated therefore it has to be passed by full Council. The resolution must be published in the Policy before being given effect.

Background Papers: Report to the Director of Place, 28th August 2020, Agreement for the Proposal to Pass a Further Resolution not to Issue Casino Licences and Associated Policy Amendments to be Issued for Consultation

Appendices:

Appendix A Proposed changes to the Gambling Policy 2020

Extract Of
City and County Of Swansea
Statement of Principles
Gambling Act 2005

Draft Amendment September 2020

(The amendments are draft and will not take effect unless approved by Council following the consultation)

18.0 Casinos

- 18.1 On the ~~26th October 2017~~, ***date to be inserted*** the City and County of Swansea acting as a Licensing Authority agreed to pass a resolution not to issue casino licences under Section 166 of the Act. This resolution came into effect on the ~~5th December 2017~~ ***date to be inserted***. The decision followed a consultation process and consideration of the responses received.
- 18.2 A potential applicant for a casino premises licence should be aware that this resolution has been passed and that applications for a casino premises licence will not be considered by this Authority. Any application received will be returned and the applicant informed that a resolution not to issue casino licences is in place for the City and County of Swansea.
- 18.3 This resolution will not affect existing casino premises licences including any applications for variations or transfers of these licences.
- 18.4 The resolution will last for a period of 3 years from the date it takes effect. After this time the Authority may pass a new resolution not to issue casino premises licences.
- 18.5 In 2006, the City and County of Swansea submitted a proposal to the Independent Casino Advisory Panel to licence one Large and one Small casino. On 19th May 2008 the Categories of Casino Regulations 2008 and the Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 were made. The latter Order specifies which Licensing Authorities may issue Large and Small Casino Premises Licences. The City and County of Swansea was one of the eight authorities authorised to issue a Small Casino Premises Licence.
- 18.6 On 26th February 2008, the Secretary of State for Culture Media and Sport issued the Code of Practice on Determinations under Paragraphs 4 and

5 of Schedule 9 to the Act, relating to Large and Small Casinos, which sets out: -

- the procedure to be followed in making any determinations required under Paragraphs 4 and 5 of Schedule 9 to the Act; and;
- matters to which the Licensing Authority should have regard in making those determinations.

18.7 The Licensing Authority is permitted to grant a Premises Licence for a Small Casino. To grant a casino premises licence the Licensing Authority is required to publish an invitation for applications to be made for a Small Casino Licence under Schedule 9 of the Gambling Act 2005 and will determine the applications received in accordance with The Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008, the Department for Culture Media and Sport's Code of Practice and the Gambling Commission's Guidance to Licensing Authorities.

18.8 There are potentially two stages to the determination process. In making a determination required by Paragraph 4 of the Schedule, the Licensing Authority must apply the procedure for assessing applications for premises licences which it ordinarily applies to such applications (Casino Application Stage 1). Where the Licensing Authority determines that it would, if it were able, grant more than one of the Stage 1 applications, the applicants who made those applications would be invited to participate in Casino Application Stage 2.

Note: paragraphs 18.7 & 18.8 do not apply whilst the resolution not to issue casino licences is in force

18.9 As the City and County of Swansea has been authorised to issue a small casino premises licence it is required to set out the principles it would apply in determining such an application, notwithstanding that it has passed a resolution not to issue casino licences.

19.0 General Principles – Casino Premises

19.1 Subject to the provisions in the Act, any person may make an application. The Licensing Authority will determine each application according to criteria which are: -

- the same for all applicants;
- made known to all applicants;
- not pre-selected to favour a particular applicant or application.

19.2 The Licensing Authority shall ensure that any pre-existing contract, arrangements or other relationship with a company or individual does not affect the procedure for assessing applications so as to make it unfair or perceived to be unfair to any applicant. The Licensing Authority shall therefore disregard any contract, arrangement or other relationship.

- 19.3 The Licensing Authority recognises that applicants may either apply for a full Casino Premises Licence or alternatively a Provisional Statement. Applicants for full Premises Licences however must fulfil certain criteria in that they must: -
- hold or have applied for an Operating Licence; and
 - have the right to occupy the premises in question.
- 19.4 Unless otherwise specified, any reference to the application and procedures for a 'premises licence' for a casino in the following parts of this section of this document shall also include the application and procedures for a 'provisional statement' for a casino.
- 19.5 In making any decision in respect of an application, the Licensing Authority shall not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building regulation and any decision shall not constrain any later decision by the Authority under the law relating to planning or building.
- 19.6 The Licensing Committee will make the determination on casino licence applications at Stage 1 and at Stage 2. During Stage 2, the Licensing Committee will be supported by an Advisory Panel of Officers and others with appropriate experience.
- 19.7 In accordance with the Code of Practice issued by the Secretary of State, the Licensing Authority will ensure that there is a Register of Interest in place disclosing interest in any contract, arrangement or other relationship with an applicant or a person connected or associated with an applicant. Applicants should note that this does not apply to any agreement between the Licensing Authority and applicant entered into during Stage 2 of the application process.

20.0 Casino Application Stage 1

- 20.1 The Licensing Authority will provide an Application Pack which will include a statement of the principles that it proposes to apply and the procedure that it proposes to follow in assessing applications for the Small Casino Premises Licence.
- 20.2 At this stage, the Licensing Authority cannot accept any additional information other than the prescribed application form laid down in The Gambling Act 2005 (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007. All such additional information will be disregarded and returned to the applicant.
- 20.3 With regard to Stage 1, the principles as stated in Paragraphs 12-18 of the Gambling Policy shall apply to all applications.
- 20.4 The Licensing Authority recognises that each of the other applicants is considered an 'interested party' and as a result may make representations. It

is recognised that the Licensing Authority's decision at Stage 1 may be appealed against, in which case the Licensing Authority will not proceed further until all appeals have been dealt with.

20.5 If this process results in more than one provisional decision to grant a Premises Licence, Casino Application Stage 2 will be implemented.

21.0 Principles to be applied to casino application Stage 2

21.1 The Licensing Authority will apply to Stage 2 the following principles in determining whether or not to grant a Casino Premises Licence: -

- Any provision that is made for the protection of children and other vulnerable people from harm or exploitation arising from gambling, whether in the proposed casino or the wider community;
- Any provision that is made for preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Any provision that is made for ensuring that gambling is conducted in a fair and open way;
- Likely effects of an application on employment and regeneration in Swansea;
- Design and location of the proposed development;
- Range and nature of non gambling facilities to be offered as part of the proposed development;
- Any financial and other contributions;
- The deliverability of the proposals contained in the applications.

21.2 In determining which application is likely to result in the greatest benefit to Swansea, the Licensing Authority has set out matters which are likely to receive the greatest weight (Appendix C). However, an applicant is not debarred from putting forward other benefits which the Licensing Authority will consider and weight to the extent that it considers them relevant.

21.3 Although applicants are able to submit an application for any location within Swansea which will be judged on its own individual merits, the Licensing Authority is provisionally of the view that the locations for the Small Casino likely to bring the greatest benefit to Swansea is Swansea City Centre.

22.0 Casino Application Stage 2

22.1 The Licensing Authority will agree and implement a protocol governing the storage of confidential information submitted during Stage 2 of the application process so as to maintain confidentiality.

22.2 At this Stage, applicants will be required to state the benefits their applications, if granted, would bring to Swansea.

- 22.3 The Licensing Authority will itself evaluate all applications and make the decision to grant the available Small Casino Premises Licence to the applicant that in its opinion will result in the greatest benefit to Swansea.
- 22.4 The Licensing Authority may enter into a written agreement with an applicant and may determine to attach conditions to any licence issued so as to give effect to any agreement entered into. The Licensing Authority may have regard to the effect of any agreement so entered in making the determination on the applications.
- 22.5 The Advisory Panel, appointed by the Licensing Authority, will carry out a preliminary assessment of each Stage 2 application. Following the preliminary assessment, the Advisory Panel may engage in discussions or negotiations with each Stage 2 applicant with a view to the particulars of an application being refined, supplemented or otherwise altered so as to maximise the benefits to the Authority's area that would result from it, were it granted.
- 22.6 The Advisory Panel will assess each bid according to criteria set out in the Application Pack. The applicant will be sent the Advisory Panel's assessment of its application to enable the applicant to correct any factual errors or (without providing new information) make representations as to the assessment.
- 22.7 The Advisory Panel will then provide a final written report to the Licensing Committee which will include its recommendation as to the correct band for each criterion, its qualitative assessment and also the applicant's response. The Licensing Committee will consider the Advisory Panel's report and will determine the precise score for each criterion. The Licensing Committee will not take further evidence or representations made by the applicants but will then make its decision. Any legal advice required shall be supplied by the Solicitor acting for the Licensing Authority. The Licensing Authority will accept or reject any advice given as it considers appropriate.
- 22.8 All Stage 2 applicants will be informed of the decision and reasons for approval or rejection as soon as is reasonably practicable. It is noted that once a decision has been made there will be no right of appeal.

Agenda Item 9.



Report of the Section 151 Officer

Council – 4 November 2020

Review of Revenue Reserves

Purpose:	To undertake a mid-year review of the Revenue Reserves position and to agree any suggested reclassification of reserves based on current requirements.
Policy Framework:	Sustainable Swansea Budget Plan 2020/21
Consultation:	Cabinet Members, Corporate Management Team, Legal and Access to Services.
Recommendations:	That Council approves: 1) the recommendations made in this report at Sections 3.11 and 3.12.
Report Author:	Ben Smith
Finance Officer:	Ben Smith
Legal Officer:	Tracey Meredith
Access to Services Officer:	Rhian Millar

1. Introduction and Context

- 1.1. Local Authorities have a corporate responsibility to operate within available resources and to remain financially sound over the short, medium and longer term.
- 1.2. One of the key tools available to Authorities in managing its affairs is the creation and use of both General and Earmarked reserves to assist in delivering services over a period longer than one financial year.
- 1.3. In terms of guidance on the review and management of reserves, the Chartered Institute of Public Finance and Accountancy (CIPFA), via the Local Authority Accounting Panel, issued a bulletin in July 2014 (LAAP 99) intended to give guidance to Local Authorities on the management and review of reserves. This bulletin is considered best practice in terms of Local Authority

financial administration and effectively must be followed. A copy of the bulletin is at Appendix A to this report.

- 1.4. Within the existing statutory and regulatory framework, it is the responsibility of Chief Financial Officers to advise Local Authorities about the level of reserves that should be held and to ensure there are clear protocols for their establishment and use. Reserves should not be held without a clear purpose.
- 1.5. It is the duty of the Chief Financial Officer to specifically report on the robustness of estimates and reserves when the Council considers its budget requirement, as such the Revenue Budget approved by Council in March 2020 made specific references to the adequacy of reserves at that time.
- 1.6. Notwithstanding that specific statutory requirement, it is the duty of the Chief Finance Officer to regularly review the position regarding available reserves of the Authority having specific regard to:
 - The original and current need for each category of reserve held
 - An assessment of current and future risks (both operationally and financially) facing the Council
 - The impact of known and predicted funding levels likely to impact on the Council going forward.
- 1.7. Swansea Council's Chief Finance Officer is the Section 151 Officer and Chief Finance Officer.
- 1.8. This report considers the position regarding both General and Earmarked reserves as at 31st March 2020 and makes specific recommendations in respect of reclassification of elements of those specific reserves.

2. Position as at 31st March 2020

- 2.1. The audited Statement of Accounts 2019/20 includes the following entries in respect of reserves as at 31st March 2020:
- 2.2.

Cash-Backed Usable Reserves	£'000	Purpose
1. General Fund Revenue Reserves		
a) General Fund Balance	9,352	Used as an overall contingency to cushion the impact of unexpected events or emergencies and as a means of smoothing out annual budgets where there is significant change
b) Earmarked Revenue Reserves	84,400	Consisting of sums set aside for specific purposes to support Corporate and Service needs
2. General Fund Capital Reserves		(only usable for capital purposes)
a) Capital Receipts Reserve	6,373	Capital monies received by the Council set aside for funding ongoing Capital schemes per the Capital Programme.

		These sums are committed to current schemes and cannot be used to support Revenue expenditure
b) Capital Grants Unapplied Account	21,043	Relates to committed funding on Capital schemes and cannot be used to support Revenue expenditure
3. Housing Revenue Account (HRA) Reserves		(only usable for HRA purposes)
a) Housing Revenue Account	5,341	Exists to support expenditure for Housing Revenue Account purposes only and cannot be used to support General Fund Council Revenue or Capital expenditure
Total Usable Cash Backed Reserves	126,509	

- 2.3. Usable reserves are cash-backed and can be used to support expenditure – albeit occasionally with some specific rules around the type of expenditure that they can be used for. For example the Housing Revenue Account Reserve has been created from rents received, it is a cash reserve, however it is ring-fenced for use within the Housing Revenue Account only; it can only be spent on items relating to Council Housing.
- 2.4. In addition the Council holds a net £172.282m in unusable reserves arising purely from accounting technicalities (this includes capital financing and pensions liabilities). These reserves are not cash-backed and therefore cannot be spent, they tend to arise from entries that have to be made for accounting purposes, but which are not permitted to affect the taxpayer. **These cannot be used to support revenue or capital expenditure of the Council in any form and as such are not part of this review.**
- 2.5. The HRA reserve and the Capital reserves detailed above are ring-fenced and are regularly reviewed as part of business planning. As such they are provided for general information only, no further review is proposed at this time.
- 2.6. The General Fund Balance of the Council as detailed above takes account of decisions made by Cabinet based on the 2019/20 Revenue Outturn position considered on 16th July 2020.
- 2.7. Comparisons with other Welsh Councils show that, as a percentage of Gross Revenue Expenditure, the level of the General Fund reserve is below the All Wales average (as at 31st March 2019) and as such no planned use of the balance is recommended. Indeed the view of the Section 151 Officer is that, should the opportunity arise, consideration should be given to increasing the level of the General Fund Reserve as this is deemed to be low both in absolute and proportionate terms both historically and compared to all other Councils in Wales. For Members to achieve that aim, whilst trying to maintain services in the face of significant budgetary constraint, especially due to the

COVID-19 pandemic, is accepted by the Section 151 to be exceptionally equally difficult to consider.

- 2.8. The Statement of Accounts as agreed by our external Auditors (Wales Audit Office) and presented to Council on 10th September 2020 included an analysis of earmarked reserves with the proviso that each reserve was subject to strategic review by the Section 151 Officer based on an analysis of current need and changing Council risks.
- 2.9. This report is the result of that strategic review.

3. Outcomes and recommendations

- 3.1. The Medium Term Financial Plan approved by Council on 5th March 2020 forecast a cumulative deficit on General Fund Revenue Expenditure of some £34m by 2023/24, based on a 2% increase in Government funding, with an immediate savings requirement of £13m for 2021/22. This is in addition to the current year savings requirement of £17.9m. More recent forecasts indicate an even larger savings requirement will be likely, predominantly as a result of ongoing demographic pressures and issues such as loss of income arising from the COVID-19 pandemic, as well as the already planned and ultimately significant additional capital investment and the associated costs of borrowing. Brexit introduces yet greater uncertainty into the financial landscape.
- 3.2. Equally, there is clear and compelling evidence that it is unlikely that any Directorate will be able to live within budget this year primarily due to the COVID-19 pandemic. The pandemic has also limited the ability of departments to achieve savings planned in the 2020/21 budget, which may put future years' savings in jeopardy.
- 3.3. To put it into context, if all planned savings for 2020/21 are achieved it still leaves a minimum gap of £13m to be addressed for 2021/22, in line with previous medium term financial plan assumptions. The impact of COVID-19 is likely to significantly affect this.
- 3.4. The Council's strategy for dealing with ongoing budget reductions and Service reforms – Sustainable Swansea – which will in due course be refreshed and delivered alongside a Recovery Plan – is ongoing and it is clear that, whether as a result of commissioning reviews or emergency action being required to produce a balanced budget going forward, there is likely to be considerable cost in relation to change, together with potential significant investment in digital technology solutions.
- 3.5. Dealing with the cost of future structural change is a significant financial risk facing the given the scale and pace of budget pressures to be addressed by the Council.
- 3.6. Traditionally exit costs in relation to downsizing the organization have been dealt with through the use of the annual contingency fund. However, in 2020/21, whilst the contingency fund has been substantially increased (by £6.3m rolled forward from 2019/20 plus the 2020/21 contribution of £3.6m),

this has been predominantly earmarked to contribute to any overspend on the Council's budget due to COVID-19.

- 3.7. In assessing both the level and use of Earmarked and General reserves, the LAAP bulletin sets out some of the factors that should be considered, including:-
- The treatment of demand led pressures
 - The treatment of planned efficiency savings/productivity gains
 - The financial risks inherent in any significant new funding partnerships or changes in service delivery
 - The general financial climate to which the Authority is subject.
- 3.8. Having considered the above, and in the context of a medium term financial plan that shows ongoing and sustained budget reductions, it is the opinion of the Section 151 Officer that the Council needs to continue to prepare for significant change in service delivery that will inevitably impact on direct employment levels going forward.
- 3.9. Changes on such a scale will inevitably come with substantial up-front costs and it is important at this time that the Council plans operationally and financially to meet these changes. There is £3m held in the Restructure Reserve for these costs.
- 3.10. It is vitally important that the Restructuring Reserve is protected as much as possible to enable the Council to carry out any necessary restructuring as it continues to transform under the Sustainable Swansea programme.
- 3.11. As recommended previously a capital equalisation reserve was created from the underspending on debt charges and the fundamental review by council last year of our approach to the Minimum Revenue Provision calculation. The recommendation continues to be that this reserve is topped up wherever possible, by capital financing underspending in year, to help with any timing issues around the need to fund any City Deal projects in advance of receipt of funding from other bodies. Exceptionally, however, , as reported in the Quarter 1 Budget Monitoring Report to Cabinet on 15th October the S151 Officer has identified that the £6.3m rolled forward contingency fund will be required to fund additional costs arising from the COVID-19 pandemic, on top of the full use of the in-year contingency fund. In addition to this the 1st Quarter monitoring report identifies that **up to** £10m will be required and released from the Capital Equalisation reserve to protect the Council from any shortfall in reimbursement of COVID-19 expenditure. This figure may fluctuate significantly throughout the year as further funding packages and support measures are announced by the Welsh Government but it is considered prudent to assume the need for this draw at this point in time.

- 3.12. To this extent, and following a review of current earmarked reserves, the following re-classification of earmarked reserves is recommended:-

Category of Earmarked Reserve	Current Balance 31/03/20 £'000	Proposed Change £'000	Recommended Position £'000
Technical/third party	1,695	0	1,695
Insurance	16,332	0	16,332
Transformation and efficiency	46	0	46
Schools delegated reserves	7,729	0	7,729
Equalisation reserves	21,678	-10,000	11,678
Commuted sums	6,991	0	6,991
Repair and renewal funds	1,946	0	1,946
Profit share on joint ventures	1,488	0	1,488
Service earmarked reserves	9,857	0	9,857
Capital reserves	7,332	0	7,332
Restructuring costs reserve	3,000	0	3,000
Contingency	6,306	-6,306	0
Total Earmarked Reserves	84,400	-16,306	68,094

4. Evaluation of reserve requirements

- 4.1. A number of the reserves highlighted above have been set aside for specific purposes; these include the insurance reserve set aside to meet the potential cost of excess payments should a claim on external insurers materialise or should the Council have to meet claims from its own resources. Repair and renewal funds set aside to meet future major repair and renewal costs on strategic assets (for example Crematorium, Quadrant Bus Station), and reserves set aside for profit share on disposals of assets where reclamation has been funded by the WDA/Welsh Government.
- 4.2. It is essential that monies set aside for the above purposes are regularly reviewed in order to confirm their accuracy and relevance.
- 4.3. To that extent formal assurance will be sought on the adequacy of these reserve levels as part of the annual budget setting process.
- 4.4. As part of the budget setting process for 2019/20 a formal review of the Insurance reserve was completed and it was further determined that a take from the reserve of £700k per annum could be extended until 2022/23. This has already been built into planning assumptions.
- 4.5. As part of the budget setting process for 2021/22 a review will be carried out again of all service earmarked reserves to test their continued relevance and value.

5. Legal implications

- 5.1. There are no direct legal implications arising from this report. However, Section 151 of the Local Government Act 1972 requires each Local Authority

to make arrangements for the proper administration of its financial affairs and that the Chief Finance Officer (in our case the Head of Financial Services and the Service Centre) has responsibility for those affairs.

5.2. Under guidance detailed at Appendix A to this report the Chief Finance Officer is required at all times to monitor the purpose and use of reserves.

6. Equality and Engagement implications

6.1. The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

Our Equality Impact Assessment process ensures that we have paid due regard to the above.

6.2. Having assessed the current planned use of earmarked reserves there are no significant equalities implications arising from these changes. An EIA screening form has been attached at Appendix B.

Background Papers: None

Appendices:

Appendix A – LAAP Bulletin 99 – Local Authority Reserves and Balances

Appendix B – Glossary of Terms

Appendix C – EIA Screening Form

LAAP BULLETIN 99

Local Authority Reserves and Balances

July 2014

The Local Authority Accounting Panel issues LAAP Bulletins to assist practitioners with the application of the requirements of the Code of Practice on Local Authority Accounting, SeRCOP and Prudential Code, and to provide advice on emerging or urgent accounting issues. Bulletins provide influential guidance that is intended to be best practice, but are not prescriptive and do not have the formal status of the Code, SeRCOP or Prudential Code.

Please address any queries to CIPFA Technical Enquiry Service for CIPFA members and students
technical.enquiry@cipfa.org.uk

The Chartered Institute of Public Finance and Accountancy
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INTRODUCTION AND BACKGROUND

1. LAAP Bulletin 55 (Guidance note on local authority reserves and balances) was issued in February 2003. This was followed by its replacement in 2008 by LAAP Bulletin 77. LAAP Bulletin 77 included a number of events and changes that occurred including the publication of the Prudential Code and the beginnings of the financial downturn. Since the issue of LAAP Bulletin 77, the IFRS-based Code¹ has been published and this bulletin has been updated to reflect the new requirements of that Code. In addition, during a period of financial austerity for the public sector, the Local Authority Accounting Panel considers that it is necessary to update the guidance on local authority reserves and balances.
2. The "New Reporting Framework" described in LAAP Bulletin 55 has now largely been overtaken by statutory requirements, but is included in Appendix A for information.
3. The advice previously provided by LAAP Bulletin 77 which focussed on the financial impact of flooding is included in Appendix B.
4. Further resources and information are provided at Appendix C.
5. Relevant extracts from the IFRS-based Code are provided at Appendix D.

PURPOSE

6. This bulletin provides guidance to local authority chief finance officers in England, Northern Ireland, Scotland and Wales on the establishment and maintenance of local authority reserves and balances.

APPLICATION

7. In England, Scotland and Wales the guidance is applicable to local authorities, joint committees and joint boards of principal authorities.
8. In England and Wales the guidance is applicable to Police and Crime Commissioners, Chief Constables and fire and rescue authorities.
9. In Northern Ireland the guidance applies to all district councils.
10. The general principles set out in this guidance apply to an authority's General Fund, Council Fund, Police Fund and, where appropriate, to the Housing Revenue Account (HRA).
11. The advice in this bulletin relates to reserves, not provisions. The Code definitions of provisions and reserves are included in Appendix D to this bulletin for information.
12. This bulletin replaces LAAP Bulletin 77.

¹ *Code of Practice on Local Authority Accounting in the United Kingdom* (the Code).

LEGISLATIVE / REGULATORY FRAMEWORK

13. The requirement for financial reserves is acknowledged in statute. Sections 31A, 32 42A and 43 of the Local Government Finance Act 1992 require billing and precepting authorities in England and Wales to have regard to the level of reserves needed for meeting estimated future expenditure when calculating the budget requirement. Section 93 of the 1992 Act requires Scottish authorities, in calculating council tax, to take into account 'any means by which those expenses may otherwise be met or provided for'. This includes reserves.
14. In Scotland there are explicit statutory powers under schedule 3 of the Local Government (Scotland) Act 1975 permitting certain local authorities to establish a renewal and repair fund, an insurance fund and a capital fund alongside a requirement, as in England and Wales, to maintain a General Fund (section 93 of Part VII of the Local Government (Scotland) Act 1973). LASAAC has published guidance on reserves which is available from the LASAAC website. In Northern Ireland, Section 9 of the Local Government Finance Act (Northern Ireland) 2011 enables councils to maintain other funds in addition to the General Fund. Local authorities may however ' earmark ' specific parts of the General Fund reserve. This earmarking of a proportion of the General Fund is referred to in this Bulletin as Earmarked Reserves.
15. There are also a range of safeguards in place that help to prevent local authorities over-committing themselves financially. These include:
 - the balanced budget requirement:
 - England, sections 31A, 42A of the Local Government Finance Act 1992, as amended
 - Wales, sections 32 and 43 and Scotland, 93 of the Local Government Finance Act 1992 and
 - section 85 of the Greater London Authority Act 1999
 - chief finance officers' duty to report on robustness of estimates and adequacy of reserves (under section 25 of the Local Government Act 2003) when the authority is considering its budget requirement (England and Wales)
 - chief finance officers' duty to report on the robustness of estimates and the adequacy of reserves (under sections 4 and 6 of the Local Government and Finance Act (Northern Ireland) 2011
 - the legislative requirement for each local authority to make arrangements for the proper administration of their financial affairs and that the chief finance officer / proper officer has responsibility for the administration of those affairs section 151 of the Local Government Act 1972, section 95 of the Local Government (Scotland) Act 1973 and section 1 of the Local Government and Finance Act (Northern Ireland) 2011
 - the requirements of the Prudential Code.
16. These requirements are reinforced by section 114 of the Local Government Finance Act 1988 which requires the chief finance officer in England and Wales to report to all the authority's councillors if there is or is likely to be unlawful expenditure or an unbalanced budget. This would include situations where reserves have become seriously depleted and it is forecast that the authority will not have the resources to meet its expenditure in a particular financial year. The issue of a section 114 notice cannot be taken lightly and has serious operational implications. Indeed, the authority's full council must meet within 21 days to consider the s114 notice and

during that period the authority is prohibited from entering into new agreements involving the incurring of expenditure.

17. Whilst it is primarily the responsibility of the local authority and its chief financial officer to maintain a sound financial position, external auditors will confirm that there are no material uncertainties about going concern. Even where as part of their wider role auditors have to report on an authority's financial position, it is not their responsibility to prescribe the optimum or minimum level of reserves for individual authorities or authorities in general.
18. CIPFA's Prudential Code requires chief finance officers in local authorities to have full regard to affordability when making recommendations about the local authority's future capital programme. Such consideration includes the level of long term revenue commitments. Indeed, in considering the affordability of its capital plans, the authority is required to consider all of the resources available to it/estimated for the future, together with the totality of its capital plans and revenue forecasts for the forthcoming year and the following two years.

ROLE OF THE CHIEF FINANCE OFFICER (PROPER OFFICER IN SCOTLAND)

19. Within the existing statutory and regulatory framework, it is the responsibility of chief finance officers (proper officer in Scotland) to advise local authorities about the level of reserves that they should hold and to ensure that there are clear protocols for their establishment and use. Reserves should not be held without a clear purpose.
20. CIPFA and the Local Authority Accounting Panel consider that local authorities should establish reserves including the level of those reserves based on the advice of their chief finance officers. Authorities should make their own judgements on such matters taking into account all the relevant local circumstances. Such circumstances vary. A well-managed authority, for example, with a prudent approach to budgeting should be able to operate with a level of general reserves appropriate for the risks (both internal and external) to which it is exposed. In assessing the appropriate level of reserves, a well-managed authority will ensure that the reserves are not only adequate but are also necessary. There is a broad range within which authorities might reasonably operate depending on their particular circumstances.
21. Section 26 of the Local Government Act 2003 gives Ministers in England and Wales a general power to set a minimum level of reserves for local authorities. However, the government has undertaken to apply this only to individual authorities in the circumstances where an authority does not act prudently, disregards the advice of its chief finance officer and is heading for serious financial difficulty. This accords with CIPFA's view that a generally applicable minimum level is inappropriate, as a minimum level of reserve will only be imposed where an authority is not following best financial practice (including the guidance in this bulletin).

TYPES OF RESERVE

22. When reviewing their medium term financial plans and preparing their annual budgets local authorities should consider the establishment and maintenance of reserves. These can be held for three main purposes:
 - a working balance to help cushion the impact of uneven cash flows and avoid unnecessary temporary borrowing – this forms part of general reserves;
 - a contingency to cushion the impact of unexpected events or emergencies – this also forms part of general reserves;

- a means of building up funds, often referred to as earmarked reserves (or earmarked portion of the general fund in Scotland - see below), to meet known or predicted requirements; earmarked reserves are accounted for separately but remain legally part of the General Fund.

Category of Earmarked Reserve	Rationale
Sums set aside for major schemes, such as capital developments or asset purchases, or to fund major reorganisations	Where expenditure is planned in future accounting periods, it is prudent to set aside resources in advance.
Insurance reserves (note that the Insurance Fund is a statutory fund in Scotland)	Self-insurance is a mechanism used by a number of local authorities. In the absence of any statutory basis (other than in Scotland) sums held to meet potential and contingent liabilities are reported as earmarked reserves where these liabilities do not meet the definition of a provision under the requirements of the Code's adoption of IAS 37 <i>Provisions, Contingent Assets and Liabilities</i>).
Reserves of trading and business units	Surpluses arising from in-house trading may be retained to cover potential losses in future years, or to finance capital expenditure.
Reserves retained for service departmental use	Authorities may have internal protocols that permit year-end underspendings at departmental level to be carried forward.
Reserves for unspent revenue grants	Where revenue grants have no conditions or where the conditions are met and expenditure has yet to take place. The Code Guidance Notes recommend that these sums are held in earmarked reserves (see paragraph 29 below).
Schools balances	These are unspent balances of budgets delegated to individual schools.

FINANCIAL REPORTING FOR RESERVES

23. The IFRS-based *Code of Practice on Local Authority Accounting in the United Kingdom* (the Code) introduced the Movement in Reserves Statement to local authority financial statements in the 2010/11 financial year. This Statement presents the movement in the year of the reserves of the authority analysed into usable reserves, (eg General Fund, HRA Balances and earmarked reserves) and unusable reserves (see paragraph 24 below).
24. Unusable reserves arise out of the interaction of legislation and proper accounting practice either to store revaluation gains or as adjustment accounts to reconcile accounting requirements driven by reporting standards to statutory requirements.

These reserves², which are not resource-backed and cannot be used for any other purpose, are described below:

Revaluation Reserves

- The Revaluation Reserve - this is a reserve that records unrealised gains in the value of property, plant and equipment. The reserve increases when assets are revalued upwards, and decreases as assets are depreciated or when assets are revalued downwards or disposed of. Local authorities might benefit from these gains in the future from the continued use of the assets or from their sale. The Reserve contains only revaluation gains accumulated since 1 April 2007, the date that the Reserve was created. Accumulated gains arising before that date are consolidated into the balance on the Capital Adjustment Account.
- The Available-for-Sale Financial Instruments Reserve – this is a reserve that records unrealised revaluation gains arising from holding available-for-sale investments, plus any unrealised losses that have not arisen from impairment of the assets. Local authorities might benefit in the future from the gains when the investments mature or are sold or they might be lost in falls in value.

Adjustment Accounts

- The Pensions Reserve – this is a specific accounting mechanism used to reconcile the payments made for the year to various statutory pension schemes in accordance with those schemes' requirements and the net change in the authority's recognised liability under the Code's adoption of IAS 19 – *Employee Benefits*, for the same period. A transfer is made to or from the pensions reserve to ensure that the charge to the General Fund reflects the amount required to be raised in taxation. For example, the debit balance on the Reserve shows that an authority has made commitments to fund pensions that the Government has permitted it to fund from contributions to be made in future years.
- The Capital Adjustment Account - this is a specific accounting mechanism used to reconcile the different rates at which assets are depreciated under proper accounting practice and are financed through the capital controls system. Statute requires that the charge to the General Fund is determined by the capital controls system. For example, the credit balance on the Account shows that an authority has generally financed capital investment in advance of receiving the benefits of that investment. The Account also contains revaluation gains accumulated on Property, Plant and Equipment before 1 April 2007, the date that the Revaluation Reserve was created to hold such gains.
- The Financial Instruments Adjustment Account – this is a specific accounting mechanism used to reconcile the different rates at which gains and losses (such as premiums on the early repayment of debt) are recognised under proper accounting practice and are required by statute to be met from the General Fund. For example, the debit balance on the Account shows that an authority has incurred expenses on borrowings that the Government has permitted it to spread over future years.

² In addition to the Reserves included in this list authorities may hold the deferred capital receipts reserve and the accumulated absences account. Further details on these reserves are included in the *Code of Practice on Local Authority Accounting in the United Kingdom Guidance Notes for Practitioners 2013/14 Accounts*.

- The Unequal Pay Back Pay Account - this is a specific accounting mechanism used to reconcile the different rates at which payments in relation to compensation for previous unequal pay are recognised under proper accounting practice and are required by statute to be met from the General Fund. This account is not applicable to Scotland.
 - Collection Fund Adjustment Account – this is a specific accounting mechanism used to reconcile the differences arising from the recognition of council tax and non-domestic rates income (England)) in the Comprehensive Income and Expenditure Statement to those amounts required to be charged by statute to the General Fund. For example, the credit balance on the Account shows that more tax has been collected on behalf of the authority and the precepting bodies (and central government in England for non-domestic rates income) than an authority is permitted to transfer out of the Collection Fund by 31 March. This account is not applicable to Scotland.
25. Other such reserves may be created in future where developments in local authority accounting result in timing differences between the recognition of income and expenditure under proper accounting practice and under statute or regulation.
26. In addition authorities will hold the following two usable reserves:
- a Major Repairs Reserve (England and Wales), where relevant – in England this reserve records the unspent amount of HRA balances for capital financing purposes in accordance with statutory requirements for the Reserve. In Wales this represents the amounts unspent from the Major Repairs Allowance capital grant.
 - a Capital Receipts Reserve (Capital Fund in Scotland³) – this reserve holds the proceeds from the sale of assets, and can only be used for those purposes specified in the capital finance and accounting regulations⁴ in England, Northern Ireland and Wales and for capital purposes in Scotland.
27. The Code recommends that earmarked reserves are reported on the face of the Movement in Reserves Statement. Particularly significant movements might need to be reported individually on the face of the Statement to ensure key messages are presented clearly to users. However, effective reporting may either as an alternative or as a supplementary report necessitate similar disclosures in the notes to the financial statements (see paragraphs 3.4.2.41 and 3.4.2.42 of the Code which are also included in Appendix D for ease of reference).
28. When establishing reserves, local authorities need to ensure that they are complying with the Code and in particular the need to distinguish between reserves and provisions. Definitions of reserves and provisions are included in Appendix D of this Bulletin.
29. The introduction of the IFRS-based Code on 1 April 2010 has meant that grant income should be recognised in the Comprehensive Income and Expenditure Statement (and therefore against the General (Council) Fund or HRA Balances for

³ *The Statutory Basis for Accounting and Disclosing Reserves in Local Authorities in Scotland* [LASAAC, 2005] states "Useable capital receipts reserves are considered to be allowable under the power contained within Schedule 3, para 22 of the 1975 Act. Such a reserve effectively acts as a subset of the capital reserve specifically permitted by legislation."

⁴ The Local Authorities (Capital Finance and Accounting)(England) Regulations 2003, as amended, The Local Authorities (Capital Finance and Accounting) (Wales) Regulations 2003, as amended and the Local Government (Capital Finance and Accounting) Regulations (Northern Ireland) 2011.

revenue grants) where grant payment is unconditional or grant conditions have been satisfied⁵. The Code Guidance Notes recommend⁶ that where these grants have been received prior to the expenditure having taken place authorities should consider establishing earmarked reserves. This will ensure that amounts are set aside from the General (or Council) Fund and HRA balances in earmarked reserves to provide financing to meet the requirements of the grant. The amounts set aside will be posted back from earmarked reserves to meet General Fund and HRA expenditure in future years. It is likely therefore that since the introduction of the IFRS-based Code there is an increased tendency to hold earmarked reserves.

30. The statutory reporting regime described earlier and effective financial management underpin the need for clear, transparent reporting arrangements for reserves and therefore in addition to the financial reporting requirements above, LAAP recommends that for each earmarked reserve (earmarked portion of the general fund in Scotland) held by a local authority there should be a clear protocol setting out:
- the reason for / purpose of the reserve;
 - how and when the reserve can be used;
 - procedures for the reserve's management and control; and
 - a process and timescale for review of the reserve to ensure continuing relevance and adequacy.

PRINCIPLES TO ASSESS THE ADEQUACY OF RESERVES

31. In order to assess the adequacy of unallocated general reserves when setting the budget, chief finance officers should take account of the strategic, operational and financial risks facing the authority. Where authorities are being reorganised, this assessment should be conducted on the basis that the services will continue to be provided, and adequate reserves will therefore be required by successor authorities. The assessment of risks should include external risks, such as flooding, as well as internal risks, for example, the ability to deliver planned efficiency savings. In England and Wales, statutory provisions require authorities to review at least once in a year the effectiveness of their system of internal control, which will include risk management. The CIPFA/SOLACE framework *Delivering Good Governance in Local Government* details an approach to giving assurance that risk, control and governance matters are being addressed in accordance with best practice.
32. The Codes of Audit Practice in England, Wales, Scotland and Northern Ireland make it clear that it is the responsibility of the audited body to identify and address its operational and financial risks, and to develop and implement proper arrangements to manage them, including adequate and effective systems of internal control. The financial risks should be assessed in the context of the authority's overall approach to risk management.

Budget Assumptions	Financial standing and management assessment/impact
The treatment of inflation and interest rates	The overall financial standing of the authority (level of borrowing, debt outstanding, council tax collection rates)

⁵ See Code of Practice on Local Authority Accounting in the United Kingdom Section 2.3.

⁶ See *Code of Practice on Local Authority Accounting in the United Kingdom Guidance Notes for Practitioners 2013/14 Accounts*, paragraphs C39 and C40.

	<p>etc.). Rises in the prices of some commodities, eg fuel, highlight the relevance of using a number of inflation rates in the budget and financial strategy, and considering whether general reserves are adequate to deal with unexpected increases. Volatility in the financial markets also points to the need to consider investment and borrowing risks and their impact on income.</p>
<p>Estimates of the level and timing of capital receipts</p>	<p>The authority's track record in budget and financial management including the robustness of the medium term plans. Authorities will also need to take into account changes in the property market, and adjust estimates and assumptions for reserves accordingly.</p>
<p>The treatment of demand led pressures</p>	<p>The authority's capacity to manage in-year budget pressures, and its strategy for managing both demand and service delivery in the longer term.</p>
<p>The treatment of planned efficiency savings/ productivity gains</p>	<p>The strength of the financial information and reporting arrangements. The authority should also be in a position to activate contingency plans should the reporting arrangements identify that planned savings or gains will either not be achieved or be delayed.</p>
<p>The financial risks inherent in any significant new funding partnerships, major outsourcing arrangements or major capital developments</p>	<p>The authority's virement and end of year procedures in relation to budget under/overspends at authority and department/directorate level. Risk management measures in relation to partnerships, including consideration of risk allocation. Contract provisions designed to safeguard the authority's position in the event of problems arising from outsourcing arrangements.</p>
<p>The availability of reserves, government grants and other funds to deal with major contingencies and the adequacy of provisions</p>	<p>The adequacy of the authority's insurance arrangements to cover major unforeseen risks. When considering insurance cover, the structure of the cover as well as the overall level of risk should be taken into account. Risk assessments should be used when balancing the levels of insurance premiums and reserves.</p>
<p>The general financial climate to which the authority is subject</p>	<p>External factors, such as future funding levels expected to be included in Spending Reviews and expected referenda principles and limits, will influence an authority's ability to replenish reserves once they have been used. Any plans for using reserves will</p>

	need to consider the need and ability of the authority to replenish the reserves, and the risks to which the authority will be exposed whilst replenishing the reserves.
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Whilst many of these factors relate to setting the annual budget, the level of risk and uncertainty associated with these factors will be relevant in determining an appropriate level of reserves.

33. Authorities have been faced by increasing financial pressures since 2008. This has been followed by a period of significant reduction in government funding which is anticipated to continue for some time, ie the spending review 2013 announced that the government will reduce total spending in 2015/16, 2016/17 and 2017/18 in real terms at the same rate as during the spending review 2010 period. Demands on local government services continue to increase. In addition to reduction in government funding other pressures include:
- councils striving to constrain council tax increases,
 - reductions of income,
 - new service demands and responsibilities such as:
 - the transfer of public health functions
 - the localisation of non-domestic rates retention, council tax freezes and council tax benefits/support
 - severe weather and floods.

Furthermore, events such as the losses in Icelandic banks and the problems in global financial markets are likely to mean that Councils will focus on cautious investment strategies. Council budgets and reserves have remained under pressure and are likely to continue to do so for some time.

34. The many factors involved when considering appropriate levels of reserves can only be assessed properly at a local level. A considerable degree of professional judgement is required. The chief finance officer may choose to express advice on the level of balances in cash and/or as a percentage of budget (to aid understanding) so long as that advice is tailored to the circumstances of the authority. The Audit Commission Report (December 2012) *Striking a Balance* makes a number of recommendations to both Chief Finance Officers and elected members to better assist councils in their decision making. Similarly the Accounts Commission in its report *An overview of local government in Scotland 2014*⁷ commented that more needs to be done to provide information on why reserves are held, how this fits with the councils financial strategy and how they will be used. The principles and financial reporting established in this and the previous LAAP bulletins on reserves will provide for the information requirements and an appropriate framework for this.
35. The advice should be set in the context of the authority's risk register and medium term plans and should not focus exclusively on short-term considerations. Balancing the annual budget by drawing on general reserves may be viewed as a legitimate short-term option. However, it is not normally prudent for reserves to be deployed

⁷ Issued by the Accounts Commission in March 2014

to finance recurrent expenditure. CIPFA has commented⁸ that Councils should be particularly wary about using one off reserves to deal with shortfalls in current funding. Where such action is to be taken, this should be made explicit, and an explanation given as to how such expenditure will be funded in the medium to long term. Advice should be given on the adequacy of reserves over the lifetime of the medium term financial plan, and should also take account of the expected need for reserves in the longer term.

36. Events such as the floods and severe weather that occurred earlier this year (2014) and previously in the floods during the summers of 2007 and 2008 have emphasised the need for authorities to be prepared for major unforeseen events. Adequate insurance cover combined with appropriate levels of reserves will enable authorities to manage the demands placed on them in such circumstances. However, these arrangements need to take account of all possible scenarios. An example quoted in the Audit Commission report *Staying Afloat* is that the total cost of the flooding was reduced where authorities had specifically considered the impact of a wide scale, serious event affecting many assets, and had taken appropriate action, for example, negotiating insurance policies that capped the total excesses linked to one event.
37. Part of the risk management process involves taking appropriate action to mitigate or remove risks, where this is possible. This in turn may lead to a lower level of reserves being required, and it would be appropriate to consider reducing the level of balances held where appropriate action to mitigate or remove risks has been successfully undertaken. A balance will need to be found between maintaining adequate levels of reserves and investing in risk reduction measures. This balance should form part of the risk management process and be considered as part of the annual budget process.
38. Emergency financial assistance from central government may be available to assist authorities in dealing with the immediate consequences of major unforeseen events, normally under the Emergency Financial Assistance to Local Authorities scheme (commonly known as the 'Bellwin' scheme). However, there is no automatic entitlement to financial assistance, and where financial assistance is given, it will not cover all of the costs even in exceptional circumstances. Further details of the scheme are available on the relevant government web sites (links can be found in Appendix C of this bulletin). Authorities should plan to have access to sufficient resources (through reserves, insurance or a combination of both) to cover the costs of recovering from events that are likely to be unavoidable.
39. When considering the level of reserves, it would be appropriate for authorities to take into account the likely level of Government support that would be available, and to consider how the balance would be funded in the event of an unforeseen event occurring.
40. Flooding, the effects of severe weather and the impact of the problems experienced by the global financial markets are examples of external risks which local authorities may need to take into account in setting levels of reserves and wider financial planning. An assessment of external risks should not be limited to those issues, but should range more widely, to take account of all significant external risks identified through the authority's risk management processes.

⁸ See comments by CIPFA Chief Executive *Building up council reserves to protect the public from future financial problems is good financial management* – CIPFA
<http://www.cipfa.org/about-cipfa/press-office/latest-press-releases/building-up-council-reserves>

EXTRACT FROM LAAP BULLETIN 55

7 A New Reporting Framework

7.1 The finance director has a fiduciary duty to local taxpayers, and must be satisfied that the decisions taken on balances and reserves represent proper stewardship of public funds.

7.2 The level and utilisation of reserves will be determined formally by the Council, informed by the advice and judgement of the finance director⁹. To enable the Council to reach its decision, the finance director should report the factors that influenced his or her judgement, and ensure that the advice given is recorded formally. Where the finance director's advice is not accepted this should be recorded formally in the minutes of the council meeting.

7.3 It is recommended that:

- the budget report to the Council should include a statement showing the estimated opening general reserve fund balance for the year ahead, the addition to/withdrawal from balances, and the estimated end of year balance. Reference should be made as to the extent to which such reserves are to be used to finance recurrent expenditure
- this should be accompanied by a statement from the finance director on the adequacy of the general reserves and provisions in respect of the forthcoming financial year and the authority's medium term financial strategy
- a statement reporting on the annual review of earmarked reserves (including schools' reserves) should also be made at the same time to the Council. The review itself should be undertaken as part of the budget preparation process. The statement should list the various earmarked reserves, the purposes for which they are held and provide advice on the appropriate levels. It should also show the estimated opening balances for the year, planned additions/withdrawals and the estimated closing balances.

⁹ LAAP Bulletin 99 normally refers to Chief Finance Officers – previous editions of this Bulletin referred to Finance Directors.

EXTRACT FROM LAAP BULLETIN 77

27. "...Alternative arrangements, for example mutual aid agreements, may help to reduce the reliance on reserves or insurance. The Pitt Review into the 2007 floods, although specifically focused on England, will be of relevance to all local authorities. This recommended that "Local authorities should continue to make arrangements to bear the cost of recovery for all but the most exceptional emergencies, and should revisit their reserves and insurance arrangements in light of last summer's floods." The Government's position remains that it is primarily the local authority's responsibility to bear such costs, and authorities should note this position when considering the appropriate level of reserves."

28 "... However, both the Pitt Review and Staying Afloat noted that most central government assistance provided to local authorities in relation to the 2007 floods was ad hoc in nature. The government has been keen to stress that they should not be seen as setting a precedent and should not be relied on in the future. Authorities will therefore need to make their own assessments of the likely level of support. "

FURTHER INFORMATION:

The Pitt Review can be downloaded from:

http://webarchive.nationalarchives.gov.uk/20100807034701/http://archive.cabinetoffice.gov.uk/pittreview/thepittreview/final_report.html

Staying Afloat can be downloaded from:

http://archive.audit-commission.gov.uk/auditcommission/SiteCollectionDocuments/AuditCommissionReports/NationalStudies/StayingAfloat_REP14Dec07.pdf

Both reports provide additional advice to local authorities on planning for and managing the financial impacts of exceptional events.

LASAAC Guidance on Reserves in Scotland can be downloaded from:

<http://www.cipfa.org/regions/scotland/policy-and-technical/local-authority-scotland-accounts-advisory-committee/guidance-and-publications/accounting-for-interest-on-reserves>

Details of the Emergency Financial Assistance (Bellwin) Scheme can be downloaded from:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/210953/The_Bellwin_Scheme_of_Emergency_Financial_Assistance_to_Local_Authorities.pdf

<http://www.scotland.gov.uk/Topics/Government/local-government/17999/Bellwin>

<http://wales.gov.uk/topics/localgovernment/finandfunding/emergency/publications/efas-guidance-notes-14-15/?lang=en>

The Audit Commission Report *Striking a Balance* can be downloaded from:

<http://www.audit-commission.gov.uk/2012/12/striking-a-balance-improving-councils-decision-making-on-reserves/>

Accounts Commission *An overview of local government in Scotland 2014* (March 2014) can be accessed at:

http://www.audit-scotland.gov.uk/docs/local/2014/nr_140327_local_government_overview.pdf

CODE OF PRACTICE ON LOCAL AUTHORITY ACCOUNTING IN THE UNITED KINGDOM
DEFINITIONS (AND RELEVANT EXTRACTS OF) RESERVES AND PROVISIONS

CHAPTER TWO: CONCEPTS AND PRINCIPLES

2.1.2.25 Reserves – the residual interest in the assets of the authority after deducting all its liabilities. The Movement in Reserves Statement shows the true economic cost of providing the authority's services, represented by the line 'Surplus or (deficit) on the provision of services'. Some income and expenditure is required to be recognised on a different basis or in a different accounting period (ie in accordance with legislation) in the General Fund and Housing Revenue Account. These differences are shown in the line 'Adjustments between accounting basis and funding basis under regulations'. Voluntary transfers to or from the General Fund Balance and Housing Revenue Account Balance also affect the amount to be funded from council tax or council dwelling rents; these are shown in the line 'Transfers to or from reserves available to fund services'. The Movement in Reserves Statement also shows Other Comprehensive Income and Expenditure, for example revaluation gains.

CHAPTER THREE: FINANCIAL STATEMENTS

3.4.2.41 The classification of reserves presented in the Movement in Reserves Statement shall include the following items; authorities may choose to present additional items on the face of the statement:

- a) General Fund Balance (in Scotland, includes earmarked portion of General Fund Balance)
- b) Earmarked General Fund Reserves (not Scotland) (recommended but not mandatory)
- c) Housing Revenue Account Balance (in Scotland, includes earmarked portion of Housing Revenue Account Balance)
- d) Earmarked Housing Revenue Account Reserves (not Scotland) (recommended but not mandatory)
- e) Major Repairs Reserve (England and Wales)
- f) Revenue statutory funds (Scotland)
- g) Capital Receipts Reserve (England and Wales); Capital statutory funds (Scotland)
- h) Capital Grants Unapplied Account
- i) Total usable reserves
- j) Unusable reserves
- k) Total reserves of the authority
- l) Authority's share of the reserves of subsidiaries, associates and joint ventures (Group Accounts only)
- m) Total reserves (Group Accounts only).

3.4.2.42 A local authority shall present, either in the Movement in Reserves Statement or in the notes, an analysis of the amounts included in each item of the classification of reserves required by paragraph 3.4.2.41. This analysis shall present amounts held for capital purposes separately from those held for revenue purposes, and shall separately identify the total reserves held by schools.

CHAPTER EIGHT: LIABILITIES

8.2.2.9 A **provision** is a liability of uncertain timing or amount.

8.2.2.12 A provision shall be recognised when:

- an authority has a present obligation (legal or constructive) as a result of a past event
- it is probable that an outflow of resources embodying economic benefits or service potential will be required to settle the obligation, and
- a reliable estimate can be made of the amount of the obligation.

8.2.2.13 If the above conditions are not met, no provision shall be recognised.

8.2.2.14 In some cases it is not clear whether there is a present obligation. In these cases, a past event is deemed to give rise to a present obligation if, taking account of all available evidence, it is more likely than not that a present obligation exists at the reporting date. A past event that leads to a present obligation is called an obligating event.

Glossary of Terms	
Reserves	A sum or sums of money held by the Council for future use or application
General Reserves	A sum of money set aside by the Council for general use in an emergency. Should not be considered for everyday use.
Earmarked Reserves	Sums of money set aside by the Council for use in specific instances. Some of these may be legally enforceable (such as commuted sums), others are just an indication of what the Council wishes to set monies aside for.
Commutated Sums	Monies given to the Council to carry out specific works as per Section 106 agreements - as an example a developer may wish to give the Council a sum of money to maintain open spaces on new housing estates. These monies must be used for the purpose for which they were given, or returned under the terms of the agreement.
Chief Finance Officer	The Officer of the Council with ultimate responsibility for all things financial. Also referred to as 'The Section 151 Officer' as this is the legislation awarding the powers.
Usable/Unusable Reserves	Reserves can be usable or unusable - to be usable they must be cash backed ie there must be cash available to support the reserve. Unusable reserves are those created through technical accounting entries and will have no cash to support the reserve.
Gross Revenue Expenditure	A particular calculation of a Council's gross spend, this can be used to compare across Councils
Medium Term Financial Plan	The Council's three year forecast of budget pressures and savings
Minimum Revenue Provision	The minimum amount of money the Council needs to set aside each year to repay debt.

Please ensure that you refer to the Screening Form Guidance while completing this form. If you would like further guidance please contact the Access to Services team (see guidance for details).

Section 1

Which service area and directorate are you from?

Service Area: Financial Services and the Service Centre

Directorate: Resources

Q1(a) WHAT ARE YOU SCREENING FOR RELEVANCE?

Service/ Function	Policy/ Procedure	Project	Strategy	Plan	Proposal
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(b) Please name and describe here:

S151 Officer's recommendation/review of reserves held by the Council

Q2(a) WHAT DOES Q1a RELATE TO?

Direct front line service delivery	Indirect front line service delivery	Indirect back room service delivery
<input type="checkbox"/> (H)	x <input type="checkbox"/> (M)	<input type="checkbox"/> (L)

(b) DO YOUR CUSTOMERS/CLIENTS ACCESS THIS...?

Because they need to	Because they want to	Because it is automatically provided to everyone in Swansea	On an internal basis i.e. Staff
<input type="checkbox"/> (H)	<input type="checkbox"/> (M)	<input type="checkbox"/> (M)	x <input type="checkbox"/> (L)

Q3 WHAT IS THE POTENTIAL IMPACT ON THE FOLLOWING...

	High Impact (H)	Medium Impact (M)	Low Impact (L)	Don't know (H)
Children/young people (0-18)	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>
Older people (50+)	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>
Any other age group	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>
Race (including refugees)	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>
Asylum seekers	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>
Gypsies & travellers	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers)	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>
Community cohesion	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>

Q4 WHAT ENGAGEMENT / CONSULTATION / CO-PRODUCTIVE APPROACHES WILL YOU UNDERTAKE?

Please provide details below – either of your planned activities or your reasons for not undertaking engagement

None - this is a proposed review and one off release from existing reserves to continue to discharge Council and S151 Officer duties to maintain a balanced budget.

Q5(a) HOW VISIBLE IS THIS INITIATIVE TO THE GENERAL PUBLIC?

High visibility <input type="checkbox"/> (H)	Medium visibility <input type="checkbox"/> (M)	Low visibility X <input checked="" type="checkbox"/> (L)
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(b) WHAT IS THE POTENTIAL RISK TO THE COUNCIL'S REPUTATION?
(Consider the following impacts – legal, financial, political, media, public perception etc...)

High risk <input type="checkbox"/> (H)	Medium risk <input type="checkbox"/> (M)	Low risk x <input checked="" type="checkbox"/> (L)
---	---	---

Q6 Will this initiative have an impact (however minor) on any other Council service?

Yes x No **If yes, please provide details below**

Q7 HOW DID YOU SCORE?
Please tick the relevant box

MOSTLY H and/or M → HIGH PRIORITY → EIA to be completed
Please go to Section 2

MOSTLY L → LOW PRIORITY / NOT RELEVANT → Do not complete EIA
Please go to Q8 followed by Section 2

Q8 If you determine that this initiative is not relevant for an EIA report, you must provide a full explanation here. Please ensure that you cover all of the relevant protected groups.

This is a review of accumulated reserves and recommended release from reserves to maintain a balanced budget and enable the Council to function lawfully. It has no otherwise direct ongoing impact on any service user. Failure to review reserves and act as necessary to draw necessary sums would fail to ensure there is a balanced budget which could necessitate statutory intervention and then have a direct impact on current and future service users.

Section 2

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email – no electronic signatures or paper copies are needed.

Screening completed by:
Name: Ben Smith
Job title: Chief Finance Officer, Head of Financial Services and the Service Centre, Section 151 Officer
Date: 09/09/2020
Approval by Head of Service:
Name: : Ben Smith
Position: Chief Finance Officer, Head of Financial Services and the Service Centre, Section 151 Officer
Date: 09/09/2020

Agenda Item 11.



Report of the Head of Democratic Services

Council – 4 November 2020

Independent Remuneration Panel for Wales (IRPW) Draft Annual Report 2021-2022 - Consultation

Purpose:	To approve the recommendations of the Democratic Services Committee as the Authority's response to the Independent Remuneration Panel for Wales' (IRPW) Draft Annual Report 2021-2022.
Policy Framework:	None.
Consultation:	Access to Services, Finance, Legal.
Recommendation(s):	It is recommended that: 1) The comments and observations as set out in Appendix A of the report be approved as the Authority's response to the Independent Remuneration Panel for Wales.
Report Author:	Huw Evans
Finance Officers:	Ben Smith
Legal Officer:	Tracey Meredith
Access to Services Officer:	Rhian Millar

1. Introduction

- 1.1 The Independent Remuneration Panel for Wales (IRPW) is tasked with setting the remuneration levels for Councillors & Co-opted Members in Wales. Each year, they publish a Draft Annual Report which is circulated for consultation. The Draft Report may be viewed at <https://gov.wales/independent-remuneration-panel-wales>
- 1.2 The consultation period closes on 23 November 2020. The final IRPW report will be published in February 2021.

2. Determinations within the IRPW Draft Annual Report 2021-2022

- 2.1 The IRPW Draft Annual Report contains a number of determinations that don't affect the City and County of Swansea and are omitted from this report.
- 2.2 The Democratic Services Committee at its meeting on 14 October 2020 considered the IRPW Draft Annual Report and recommended that the Committee's comments and observations as set out in **Appendix A** to this report be adopted by Council as the Authority's response to the consultation.

3. Equality and Engagement Implications

- 3.1 The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
- 3.2 There are no equality implications in relation to this report.

4. Financial Implications

- 4.1 The IRPW proposes setting the salaries as follows in order to avoid further erosion in relation to average earnings:
- a) Basic Salary at £14,368.
 - b) Civic Salaries & Senior Salary to receive a 1.06% increase.
- 4.2 The total theoretical financial cost envelope as a result of these draft IRPW determinations in relation to Salaries is £14,095 and this will need to be fully reflected in future budgets from 2021-2022. The actual cost in any one year will depend upon who holds any of the Civic or Senior Salary Offices in year (i.e. where one Councillor might discharge two roles but only receive one higher allowance).
- 4.3 The Costs of Care element has also been amended with the removal of the £403 monthly cap. This has been replaced with:
- Formal (registered with Care Inspectorate Wales) care costs to be reimbursed in full.
 - Informal (unregistered) care costs to be reimbursed up to a maximum rate equivalent to the Real Living Wage at the time the costs are incurred.

- 4.4 This determination will place an additional financial burden on the Council; however given the historic low numbers of claimants, it is envisaged that this will be managed within budget.
- 4.5 The payments to Co-opted Members has also increased; however it is envisaged that this will be managed within budget.

5. Legal Implications

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

Background Papers: None.

Appendices:

- Appendix A Extract of the Determinations of the IRPW Draft Annual Report and City and County of Swansea's Comments.

Extract of the Determinations of the IRPW Draft Annual Report 2021 and the City and County of Swansea’s Comments

Note: This report only outlines the salary figures of Group A Council’s to which the City and County of Swansea belongs.

General Observations

1)	<p>Use of the terms “Elected Member” and “Elected Members. The Authority suggests that the terms “Councillor” and “Councillors” be used instead, to make the document more user friendly for the public. Swansea Council has made this observation annually for the past few years and would welcome feedback on this suggestion.</p> <p>To date the Council has never received any feedback as to the IRPW’s reluctance to make this proposed change. A response would be welcomed.</p>
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Section 3 - Payments to Elected Members of Principal Councils: Basic, Senior and Civic Salaries

Page 123	Determination 1	The Basic Salary in 2021/22 for elected members of principal councils shall be £14,368 with effect from 1 April 2021.
	Comments	This is a rise of £150 per Councillor. Given the explanation for the pay rise as outlined in the Draft Annual Report, the Authority makes no comment on the increase.

Determination 2	Senior Salary levels in 2021/22 for members of principal councils shall be as set out in Table 3 (of the IRPW Report) with effect from 1 April 2021. <i>The proposed and current levels are outlined below for ease.</i>
Comments	Senior Salaries include the Basic Salary element. Senior Salaries receive a 1.06% increase. Given the explanation for the pay rise as outlined in the Draft Annual Report, the Authority makes no comment on the increase. Determination 2 of the IRPW would have the following effect:

Senior Salaries (inclusive of basic salary) - Group A Councils	Current 2019/20	Proposed 2020/21
Band 1 Leader Deputy Leader	£54,450 £38,450	£55,027 £38,858
Band 2 Executive Members	£33,450	£33,805
Band 3 Committee Chairs (if remunerated)	£22,918	£23,161
Band 4 Leader of the Largest Opposition Group	£22,918	£23,161
Band 5 Leader of Other Political Groups	£17,918	£18,108

Determination 3	Where paid, a Civic Head must be paid a Band 3 salary of £23,161 and, where paid, a Deputy Civic Head must be paid a Band 5 salary of £18,108 with effect from 1 April 2021.
Comments	Civic Salaries include the Basic Salary element. Civic Salaries receive a 1.06% increase. Given the explanation for the pay rise as outlined in the Draft Annual Report, the Authority makes no comment on the increase.

Civic Salaries (inclusive of Basic Salary)	Current 2019/20		Proposed 2020/21	
Responsibility Level	Civic Leader	Dep Civic Leader	Civic Leader	Dep Civic Leader
	£22,918	£17,918	£23,161	£18,108

Determination 4	Where appointed and if remunerated, a Presiding Member must be paid a Band 3 Senior salary of £23,161.
Comments	The Presiding Member within the City and County of Swansea is not remunerated. No comment.

Determination 5	The post of Deputy Presiding Member will not be remunerated.
Comments	No Change. Agreed.

Determination 6	<p>a) An elected member must not be remunerated for more than one senior post within their authority.</p> <p>b) An elected member must not be paid a senior salary and a civic salary.</p> <p>c) All senior and civic salaries are paid inclusive of basic salary.</p> <p>d) If a council chooses to have more than one remunerated deputy leader, the difference between the senior salary for the deputy leader and other executive members should be divided by the number of deputy leaders and added to the senior salary for other executive members in order to calculate the senior salary payable to each deputy leader.</p>
Comments	No Change. Agreed.

Determination 7	Members in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any NPA or FRA to which they have been appointed. They remain eligible to claim travel and subsistence expenses and contribution towards costs of care and personal assistance from NPA or FRA.
Comments	Slight amendment to the wording. Agreed.

Determination 8	Members in receipt of a Band 1 or Band 2 salary cannot receive any payment from a Community or Town Council of which they are a member. They remain eligible to claim travel and subsistence expenses and contribution towards costs of care and personal assistance from the Community / Town Council.
Comments	Slight amendment to the wording. Agreed.

Determination 9	Each authority, through its Democratic Services Committee, must ensure that all its elected members are given as much support as is necessary to enable them to fulfil their duties effectively. All elected members should be provided with adequate telephone, email and internet facilities giving electronic access to appropriate information.
Comments	No Change. Agreed.

Determination 10	Such support should be without cost to the individual member. Deductions must not be made from members' salaries by the respective authority as a contribution towards the cost of support which the authority has decided necessary for the effectiveness and or efficiency of members.
Comments	No Change. Agreed.

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(25)

Determination 11	Principal Councils can apply for specific or additional senior salaries that do not fall within the current Remuneration Framework.
Comments	No Change. Agreed.

Section 5 - Pension provision for Elected Members of Principal Councils

Determination 12	The entitlement to join the Local Government Pension Scheme (LGPS) shall apply to all eligible elected members of principal councils.
Comments	No Change. Agreed.

Section 6 – Entitlement to Family Absence

Determination 13	An elected member is entitled to retain a basic salary when taking family absence under the regulations irrespective of the attendance record immediately preceding the commencement of the family absence.
Comments	No Change. Agreed.

Determination 14	When a senior salary holder is eligible for family absence, they will continue to receive the salary for the duration of the absence.
Comments	No Change. Agreed.

Determination 15	It is a matter for the authority to decide whether or not to make a substitute appointment. The elected member substituting for a senior salary holder taking family absence will be eligible to be paid a senior salary, if the authority so decides.
Comments	No Change. Agreed.

Determination 16	If the paid substitution results in the authority exceeding the maximum number of senior salaries which relates to it, as set out in the Panel's Annual Report, an addition to the maximum will be allowed for the duration of the substitution. However, this will not apply to the Isle of Anglesey or Merthyr Tydfil Councils if it would result in the number of senior salaries exceeding fifty percent of the Council membership. Specific approval of Welsh Ministers is required in such circumstances.
Comments	No Change. Agreed.

Determination 17	When a Council agrees a paid substitution for family absence the Panel must be informed within 14 days of the date of the decision, of the details including the particular post and the duration of the substitution.
Comments	No Change. Agreed.

Determination 18	The Council's schedule of remuneration must be amended to reflect the implication of the family absence.
Comments	No Change. Agreed.

Section 7 - Payments to Members of National Park Authorities

Determinations 19-25 relate to Members of National Park Authorities. The Authority does not have any Councillors that are Members of National Park Authorities. No comment.

Section 8 - Payments to Members of Welsh Fire and Rescue Authorities

Determination 26	The basic salary for FRA ordinary members shall be £2,026 with effect from 1 April 2021.
Comments	There are 7 Swansea Councillors that are Members of Welsh Fire and Rescue Authorities. This determination would lead to a salary increase per Councillor which would be payable by the Fire and Rescue Service. No comment.

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Determination 27	The senior salary of the Chair of an FRA shall be £10,818 with effect from 1 April 2021.
Comments	The Chair is paid by the Fire and Rescue Service. No comment.

Determination 28	An FRA senior salary of £5,765 must be paid to the Deputy Chair where appointed.
Comments	The Deputy Chair is paid by the Fire and Rescue Service. No comment.

Determination 29	Chairs of committees or other senior posts can be paid. This shall be paid at £5,765.
Comments	Chair of Committees are paid by the Fire and Rescue Service. No comment.

Determination 30	Members must not receive more than one FRA senior salary.
Comments	No Comment. Agreed

Determination 31	A FRA senior salary is paid inclusive of the FRA basic salary and must reflect significant and sustained responsibility.
Comments	No Comment. Agreed.

Determination 32	Members of a principal council in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any FRA to which they have been nominated.
Comments	No Comment. Agreed.

Section 9 - Payments to Co-opted Members of Principal Councils, National Park Authorities and Fire and Rescue Authorities

Determination 33	Principal councils, NPAs and FRAs must pay the following fees to co-opted members who have voting rights Table 6 (of the IRPW Report).
Comments	No Change. Agreed.

Chairs of Standards, and Audit Committees	£268 (4 hours and over) £134 (up to 4 hours)
Ordinary members of Standards Committee who also Chair Standards Committees for Community / Town Councils	£238 daily fee (4 hours and over) £119 (up to 4 hours)
Ordinary members of Standards Committees; Education Scrutiny Committee, Crime and Disorder Scrutiny Committee and Audit Committee	£210 (4 hours and over) £105 (up to 4 hours)
Community and Town Councillors sitting on Principal Council Standards Committees	£210 (4 hours and over) £105 (up to 4 hours)

Determination 34	Reasonable time for pre-meeting preparation is to be included in claims made by co-opted members the extent of which can be determined by the appropriate officer in advance of the meeting.
Comments	No Change. Agreed.

Determination 35	Travelling time to and from the place of the meeting is to be included in the claims for payments made by co-opted members (up to the maximum of the daily rate).
Comments	No Change. Agreed.

Determination 36	The appropriate officer within the authority must determine in advance whether a meeting is programmed for a full day and the fee will be paid on the basis of this determination even if the meeting finishes before four hours has elapsed.
Comments	No Change. Agreed.

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Determination 37	Fees must be paid for meetings and other activities including other committees and working groups (including task and finish groups), pre-meetings with officers, training and attendance at conferences or any other formal meeting to which co-opted members are requested to attend.
Comments	No Change. Agreed.

Determination 38	Each authority, through its Democratic Services Committee or other appropriate committee, must ensure that all voting co-opted members are given as much support as is necessary to enable them to fulfil their duties effectively. Such support should be without cost to the individual member.
Comments	No Change. Agreed.

Section 10 – Reimbursement of Costs of Care

Page 129	Determination 39	<p>All relevant authorities must provide for the reimbursement of the contribution towards necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs as follows:</p> <ul style="list-style-type: none"> • Formal (registered with Care Inspectorate Wales) care costs to be reimbursed in full. • Informal (unregistered) care costs to be reimbursed up to a maximum rate equivalent to the Real Living Wage at the time the costs are incurred. <p>Reimbursement must be for the additional costs incurred by members to enable them to carry out official business or approved duties. Each authority must ensure that any payments made are appropriately linked to official business or approved duty. Reimbursement shall only be made on production of receipts from the carer.</p>
	Comments	<p>This determination represents a significant change. It sees the removal of the £403 monthly cap and allows a Councillor and / or Co-opted Member to seek their full costs of care to be reimbursed fully for formal carers and up to a maximum rate equivalent to the real Living Wage for informal carers.</p> <p>This determination will place an additional financial burden on the Council; however given the historic numbers of claimants, it is envisaged that this will be managed within budget.</p> <p>Agree.</p>

Section 13 - Payments to Members of Community and Town Councils

Determinations 40-48 relate to Community / Town Councils. They are listed below for information only.

Determination 40	All community and town councils must make available a payment to each of their members of £150 per year as a contribution to costs and expenses.
Comments	No Change. Agreed.
Determination 41	Community and town councils in Group A must make available an annual payment of £500 each to a minimum of 1 and a maximum of 5 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses.
Comments	No Change. Agreed.
Determination 42	Community and town councils in Groups B or C can make an annual payment of up to £500 each to up to 5 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses.
Comments	No Change. Agreed.
Determination 43	<p>Community and town councils can make payments to each of their members in respect of travel costs for attending approved duties. Such payments must be the actual costs of travel by public transport or the HMRC mileage allowances as below:</p> <ul style="list-style-type: none"> • 45p per mile up to 10,000 miles in the year. • 25p per mile over 10,000 miles. • 5p per mile per passenger carried on authority business. • 24p per mile for private motor cycles. • 20p per mile for bicycles.
Comments	No Change. Agreed.

Determination 44	<p>If a community or town council resolves that a particular duty requires an overnight stay, it can authorise reimbursement of subsistence expenses to its members at the maximum rates set out below on the basis of receipted claims:</p> <ul style="list-style-type: none"> • £28 per 24-hour period allowance for meals, including breakfast where not provided. • £200 - London overnight. • £95 - elsewhere overnight. • £30 - staying with friends and/or family overnight.
Comments	No Change. Agreed.

Determination 45	<p>Community and town councils can pay financial loss compensation to each of their members, where such loss has occurred, for attending approved duties as follows:</p> <ul style="list-style-type: none"> • Up to £55.50 for each period not exceeding 4 hours. • Up to £110.00 for each period exceeding 4 hours but not exceeding 24 hours.
Comments	No Change. Agreed.

Determination 46	<p>Community and town councils can provide a payment to the mayor or chair of the council up to a maximum of £1,500. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed.</p>
Comments	No Change. Agreed.

Determination 47	<p>Community and town councils can provide a payment to the deputy mayor or deputy chair of the council up to a maximum of £500. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed.</p>
Comments	No Change. Agreed.

Determination 48	<p>Members in receipt of a Band 1 or Band 2 senior salary from a principal council (that is Leader, Deputy Leader or Executive Member) cannot receive any payment from any community or town council, other than travel and subsistence expenses and reimbursement of costs of care.</p>
Comments	No Change. Agreed.

Agenda Item 12.



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

Council – 4 November 2020

Amendments to the Council Constitution

Purpose:	To note the Monitoring Officer amendments to the Council Constitution following management and staffing changes to the Resources Directorate structure.
Policy Framework:	Council Constitution.
Consultation:	Deputy Chief Executive / Director of Resources, Access to Services, Finance and Legal
Report Author:	Huw Evans
Finance Officer:	Ben Smith
Legal Officer:	Tracey Meredith
Access to Services Officer:	Rhian Millar
For Information	

1. Introduction

- 1.1 In compliance with the Local Government Act 2000, the City and County of Swansea has adopted a Council Constitution. From time to time it is necessary to review the Council Constitution in line with legislative requirements and to ensure good governance arrangements.

2. Delegated Minor Corrections to the Council Constitution

- 2.1 Article 15 “Review and Revision of the Constitution” allows the Monitoring Officer to make changes / updates to the Council Constitution in relation to:
- Legislation;
 - Changes to the Officer structure or changes of responsibility within the Officer Structure;
 - The need to correct any administrative or typing errors.

2.2 Changes to the Council Constitution which fall under the sub paragraphs above may be made solely by the Monitoring Officer. The Monitoring Officer has amended Article 12 “Officers” in order to reflect changes that have been made to the Officer structure within the Resources Directorate.

3. Part 2 “Articles of the Constitution” - “Article 12 “Officers”

3.1 In light of the changes to Part 7 “Management Structure” of the Council Constitution made by Council on 1 October 2020, there was a requirement to amend Article 12 - Officers in the Constitution which sets out the various functions and areas of responsibility of Chief Officers.

3.2 The relevant extract of Article 12 is shown below:

<p>Deputy Chief Executive / Director of Resources</p>	<p>To support the Chief Executive and overall Corporate, Operational and Strategic Management responsibility for Communications & Marketing, Finance & the Service Centre, Legal, Democratic Services & Business Intelligence and Transformation Service Units together with Emergency Planning.</p> <p>To deputise for the Chief Executive in his absence in respect of all directorate / service activities.</p> <p>The Service Units deal with the following broad work areas:</p> <p>Commercial Services. Led by the Head of Commercial Services.</p> <p>Communications & Marketing. Led by the Head of Communications & Marketing. Broad areas of work include Communications and Marketing, Health & Safety and the Lord Mayoralty.</p> <p>Finance & the Service Centre. Led by the Chief Finance Officer. Broad work areas include Financial Services, Payroll, Provision of the Authority’s Council Tax, Financial Planning & Management, Housing Benefits, Internal Tax and Accountancy services.</p> <p>Legal, Democratic Services and Business Intelligence. Led by the Chief Legal Officer. Broad work areas include Legal Services, Democratic Services, Electoral Services, Coroner, Scrutiny and Access to Services.</p>
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	<p>Transformation. Led by the Chief Transformation Officer. Broad areas of work include Commercial Services, Customer Services & Complaints, Digital Transformation, Human Resources & Organisation Development; Strategic Delivery, Performance, Transformation and Training.</p>
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3.3 The Monitoring Officer has amended as shown below. The deletion is shown as ~~strikethrough~~ and the additions in **red**:

<p>Deputy Chief Executive / Director of Resources</p>	<p>To support the Chief Executive and overall Corporate, Operational and Strategic Management responsibility for Communications & Marketing, Finance & the Service Centre, Legal, Democratic Services & Business Intelligence and Transformation Service Units together with Emergency Planning.</p> <p>To deputise for the Chief Executive in his absence in respect of all directorate / service activities.</p> <p>The Service Units deal with the following broad work areas:</p> <p>Commercial Services. Led by the Head of Commercial Services.</p> <p>Communications & Marketing. Led by the Head of Communications & Marketing. Broad areas of work include Access to Services, Communications and Marketing, Health & Safety and the Lord Mayoralty.</p> <p>Finance & the Service Centre. Led by the Chief Finance Officer. Broad work areas include Financial Services, Payroll, Provision of the Authority's Council Tax, Financial Planning & Management, Housing Benefits, Internal Tax and Accountancy services.</p> <p>Deputy Chief Finance Officer. Directly assists and deputises as S151 Officer for the Chief Finance Officer. Acts as professional lead on pension administration and pension fund, treasury management and capital planning and funding.</p> <p>Head of Revenues & Benefits. Directly assists the Chief Finance Officer and acts as professional lead on</p>
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	<p>council tax, non-domestic rates, benefits and social care financial assessments.</p> <p>Head of Service Centre. Directly assists the Chief Finance Officer and acts as professional lead on employee services, employee and pensioner payroll, accounts receivable, accounts payable and cashiers.</p> <p>Legal, Democratic Services and Business Intelligence. Led by the Chief Legal Officer. Broad work areas include Legal Services, Democratic Services, Electoral Services, Coroner, Scrutiny and Access to Services.</p> <p>Transformation. Led by the Chief Transformation Officer. Broad areas of work include Access to Services, Commercial Services, Customer Services & Complaints, Digital Transformation, Human Resources & Organisation Development; Strategic Delivery, Performance, Transformation and Training.</p>
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Background Papers: None

Appendices: None



Report of the Cabinet Member for Delivery & Operations

Council – 4 November 2020

Membership of Committees

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

Chief Executives Appraisal & Remuneration Committee

Remove Councillor C E Lloyd

Add Councillor D H Hopkins

3. Financial Implications

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

4. Legal Implications

- 4.1 There are no legal implications associated with this report

Background Papers: None

Appendices: None

Agenda Item 14.



Council – 4 November 2020

Councillors' Questions

Part A – Supplementaries

1	<p>Councillors Jeff Jones, Mike Day, Mary Jones, Cheryl Philpott & Susan Jones</p> <p>There have been numerous incidents of flooding across the city but, more recently in Killay and Sketty which has affected both residential and business properties alike. Many of the complaints that have been received are about blocked drains. Will the Cabinet Member inform Council:-</p> <p>(a) The normal timescale for routine gully emptying and whether he thinks that the current timescales are sufficient.</p> <p>(b) Whether any improvements works are needed to eradicate flooding problems.</p> <p>(c) How many emergency call outs have there been to empty blocked and/or overflowing gullies and drains in the year 2019/20 and how many since April 2020.</p> <p>(d) Does he think that the drainage department has the capacity to properly assess drainage reports submitted by Developers.</p> <p>Response of the Cabinet Member for Environment Enhancement & Infrastructure Management</p> <p>(a) Each of the 40,000 gullies in Swansea has been assessed and given a frequency according to its relative importance. Schedules are 3 years, 1 year and 6 months. The previous regime was 2 years for all drains and the switch to a prioritised approach is recommended practice. An increase in demand due to weather changes has been recognised and an additional gulley tanker and crew have been funded to deal with reactive reports.</p> <p>(b) Yes it is very clear that improvements are needed to eradicate some of the flooding issues in the Killay and Sketty Wards but to address the flooding issues the Authority needs to gain a full understanding on the cause and impacts of flooding not only in these locations but across the whole of Swansea. Officers are continually investigating areas which have been significantly affected by flooding and in many cases are working with other risk management Authorities such as Welsh Water and Natural Resources Wales in order share information and are collaboratively working together to investigate the causes of flooding.</p> <p>In relation to surface water flooding such as that in Killay and Sketty, Welsh Government have made grants available to the Local Lead Flood Authority to investigate/design and build major relief schemes. Consequently, due to the number of flooding incidents on Killay Square which is causing a major concern to the local community the Authority will be applying to access Welsh Government grant funding in order to support a business case to examine the area more closely with a view of mitigating the flood risk and to explore options to protect businesses, residential properties and flooding of Highway.</p>
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	<p>I also understand that the Birchtree watercourse is also being examined following concerns raised by the residents living on Derwen Fawr Road and I can confirm that the adequacy of the existing drainage features serving the area are currently being assessed so that a potential solution can be considered once the findings are fully understood.</p> <p>Whilst I appreciate that there were many other areas affected by flooding, where there are affordable solutions then these will have to be considered within the existing funding streams and against other demands for flood prevention measures in Swansea. This year there is an annual allocation of £400k allocated to highways drainage, and an additional £200k allocated to assist with urgent problems.</p> <p>(c) Unfortunately, this is impossible to answer as no distinction is made between highway emergency flooding and standard blocked gullies, gullies blocked by leaves. It should be noted that the majority of flooding emergencies are due to pluvial or surface water flooding which are over and above the remit of the highway drainage system.</p> <p>(d) The drainage responsibilities of the Authority are split into three areas, SAB - sustainable, Highway Drainage and LLFA drainage. All developer submissions are competently reviewed in relation to all three areas. All three areas are under pressure, however and a new SAB officer has just been appointed to support the assessment of the increasing numbers of drainage reports being received by the Authority and a further drainage technician/Inspector post has been approved. The resources are currently being evaluated.</p>
2	<p>Councillors Chris Holley, Mary Jones & Gareth Sullivan</p> <p>In the local media (8/10/20), there is a very worrying article about the difficulties currently facing traders in Swansea Market regarding their rent. As the market is a vital part of the shopping experience in Swansea, can the Cabinet Member update Council on any proposals that are actively being considered now to help traders again, given that we are promising to invest £439k in the Market.</p> <p>Response of the Cabinet Member for Investment, Regeneration & Tourism</p> <p>As summarised below Swansea Council has provided a strong package of support to Swansea Market traders during the COVID-19 pandemic.</p> <ul style="list-style-type: none"> • 9 March to 28 June 2020 (a period of 16 weeks) – rents were fully waived • 29 June to 23 August 2020 (a period of 8 weeks) – rents were charged at 35% of the standard rate • 24 August to 15 November (a period of 12 weeks) – rents are being charged at 70% of the standard rate <p>This represents financial support from the Council for a total of £568,941.</p> <p>Following research of other indoor markets across the UK, a more generous support package has not been found. For example, locally Llanelli and Carmarthen Market has offered the following:</p> <ul style="list-style-type: none"> • April to June – rents were fully waived • July – rents charged at 50% • August & September – rents charged at 75%

	<p>To qualify for this, traders had to evidence a 50% or more reduction in turnover and complete an application form.</p> <p>Swansea Market traders have all been granted rent concessions without condition. It is also important to note, that whilst the concessionary rent to date has been invoiced, it does not mean that it has been paid by all traders and there is potential for arrears to accrue.</p> <p>Additionally, Swansea Market traders have been eligible for Welsh Government support such as grants and schemes. For example, the vast majority (about 90%) have received the NNDR grant of £10,000. All traders are also eligible for the new 'local lockdown' grants which were due to open on 25 October but has been paused whilst Welsh Government review its support for businesses in light of further measures such as a 'circuit breaker'.</p> <p>Despite the report in the local media (8/10/20), no formal representations regarding further financial support have been made by the Swansea Market Traders' Federation (the body which represents the traders). If a formal proposal was presented, it would be considered.</p> <p>Aside from the support with rents, significant investment continues to be made into the development of Swansea Market. The £439k investment programme which is jointly funded by Welsh Government is well underway including the opening of public toilets and a Changing Places facility last month.</p> <p>The projects which make up this programme respond to priorities that have been driven by traders and the Federation (e.g. toilets, entrance improvements, way-finding) and are designed to ensure that the Market continues to meet customer needs and is fit for the future (e.g. WIFI, the redevelopment of a central communal area).</p> <p>Budget is also being invested in a new multi-media marketing campaign to encourage shoppers and support traders. It will promote how Swansea Market has adapted to the present situation and that by working together with customers, we'll move forward and the Market will continue to be the heart of Swansea.</p> <p>The Council fully recognises the vital role that the Market plays in the City Centre. This is reflected not only in the most recent financial support for traders, but in investments made to continually improve the Market and ensure its sustainability. This includes a £2.2 million refurbishment of the roof in 2014.</p>
3	<p>Councillors Wendy Fitzgerald, Kevin Griffiths & Graham Thomas</p> <p>During the current crisis, litter has become an increasing problem, be it fly tipping, debris left on the beach or rubbish on the streets. What action does the Cabinet Member believe should be taken to ensure that people are fully aware that dropping litter is a criminal offence.</p> <p>Response of the Cabinet Member for Environment Enhancement & Infrastructure Management</p> <p>It is felt that it is well known that fly tipping and dropping litter are criminal offences, and we will continue to both promote this fact and encourage people not to engage in these activities. We have recently a "Don't be a Tosser" Campaign through</p>

	<p>posters and social media, we have supported a national Keep Wales Tidy Anti-Litter Campaign, and continue to publicise any prosecutions where appropriate.</p>
4	<p>Councillors Peter Black, Mary Jones & Jeff Jones</p> <p>What plans are in place to find a permanent solution for those rough sleepers found temporary accommodation under emergency provisions during the pandemic.</p> <p>Response of the Cabinet Member for Homes, Energy & Service Transformation</p> <p>Since the start of the pandemic, large numbers of single persons have been placed in temporary accommodation. Over 200 individuals have been moved on to more suitable accommodation during this 6 months period, however the number of households becoming homeless continues to grow, so each week new households need to be placed into temporary accommodation.</p> <p>It is important to note that those households occupying temporary accommodation are not only made up of former rough sleepers but also include those leaving prison, hospital, care, parental and relationship breakdown, refugees, no recourse to public funds, victims of domestic abuse and so on. Therefore we need to ensure that we find permanent solutions for all those households that are currently in temporary accommodation.</p> <p>The pandemic continues to provide us with challenges, we are seeing a rise in homeless presentations and people in housing need whilst the number of end of tenancies and new lettings have decreased by about a third since April. In addition we anticipate that evictions from the across the sector will increase when the WG lift the current ban on evictions from private rented and social housing, and there are real concerns about levels of unemployment rising which will impact on the levels of homelessness.</p> <p>In Phase 1, through funding by Welsh Government, there has been a focus on moving people off the streets and into temporary accommodation. Since April 20 we have been working with our RSL partners and the private rented sector team and ensured that prioritisation has been given to those individuals in temporary accommodation and supported accommodation and this will continue to be our priority in the next few months. The Council's Landlord Services are also prioritising the allocation of one bed flats to those people in temporary accommodation. The Ty Tom Jones Project continues to be invaluable in terms of providing a safe and secure option for tackling rough sleeping during the pandemic, and we are currently looking at options to how this project can continue past March 21.</p> <p>Welsh Government has made available Phase 2 funding to local authorities in Wales to be used over the next 6 months, with the express aim to ensure that those housed in temporary accommodation are moved on into permanent accommodation with appropriate support. Swansea has successfully bid for the following amounts;</p> <ul style="list-style-type: none"> • Capital funding – £5,385,878 • Revenue funding – £247,400 <p>This funding will focus on working with partners to provide intensive support to enable households to rapidly access and sustain long-term accommodation and increase the availability of affordable 1-bedroom properties in Swansea. The</p>

	<p>funding will provide an additional 80/90 one bed flats across the City, specifically to offer to those currently in temporary accommodation. These additional properties will be made up of acquisitions and new developments through the Local Authority, Pobl, Coastal and Family Housing. But we will also be working with private landlords to bring a number of empty private rented properties back into stock.</p> <p>One of the Homeless Strategy's key objectives is tackling rough sleeping and prior to the pandemic Swansea was committed to ensuring that no-one needed to sleep rough. We are determined to continue to tackle rough sleeping despite these difficult times, but we mustn't underestimate the challenge ahead. Phase 2 will undoubtedly help with accommodating some of the most vulnerable in our City, but we need to ensure that we are able to continue to provide intensive support on a long term basis. Moreover, we need to ensure that the multi-agency partnership approach that we have taken in the last 6 months continues and that preventing homeless lies at the heart of 'our' approach in Swansea.</p>
5	<p>Councillors Chris Holley, Susan Jones & Jeff Jones</p> <p>Will the Cabinet Member confirm the standard the current building programme for council housing in Swansea is being built too as there appears to be confusion on whether they are part of the "homes for power stations" (City Deal) or just energy efficient homes.</p> <p>Response of the Homes, Energy & Service Transformation</p> <p>The Council has developed its own Swansea Standard for its new council homes which are high energy efficient homes constructed significantly above current building regulation whilst also embedding new technology such as ground source heat pumps, Photo Voltaic panels and battery storage. The schemes are fully aligned with the Homes and Power Stations concept but until the full business case has been signed by Welsh and UK government for the regional project no schemes in the region can yet be formally "badged" as HaPS projects.</p> <p>The development at Parc Yr Helig also focussed on significant use of local supply chains with over 90% of spend within Swansea (up to a 15 mile radius) and a further 9.5% within the rest of South Wales. We will continue to utilise the construction of our Council Home developments to support local SMEs and local supply chains and to continue supporting the development of apprenticeships and traineeships in construction which will be vital for the major pipeline of construction that we have in the City and Region.</p>
	<p>Part B – No Supplementaries</p>
6	<p>Councillors Lynda James, Mary Jones & Chris Holley</p> <p>Other councils in Wales are moving to use ZOOM instead of TEAMS so they have immediate Welsh Translation of the meeting. Is Swansea Council considering using ZOOM instead of TEAMS in order to have immediate Welsh Translations to the meetings as other Welsh Councils are doing.</p> <p>Response of the Cabinet Member for Business Improvement & Performance</p>

	<p>The issue of simultaneous translation is being discussed nationally by IT Managers across Wales and includes Welsh Government. By working together we can have a consistent approach and take advantage of economy of scale and learning.</p> <p>Colleagues in the Welsh Government have compiled a list of what Microsoft could do to increase their provision and support for the Welsh Language and discussions with Microsoft are underway. Moving to an alternative platform is a complicated and costly undertaking for the Council due to the resources required to ensure it is compatible, secure, and fit for purpose for council business. Further analysis is required around what functionality may be coming in Teams before this decision is taken.</p> <p>In addition, the Senedd Culture and Welsh language committee will be conducting an Inquiry into Welsh language and how technology can support use of the language. The Council will keep a watching brief on the outcomes of this inquiry.</p>
7	<p>Councillors Lynda James, Peter Black & Jeff Jones</p> <p>What checks are carried out to ensure that all patients being discharged from hospital to Council Care Homes are tested prior to discharge. Also do all such homes have adequate facilities to isolate residents on their return from hospital.</p> <p>Response of the Cabinet Member for Adult Social Care and Community Health Services</p> <p>The Care Home team receive confirmation and copy of the test result before admission and a copy of test result are included as part of the discharge papers.</p> <p>All homes have adequate facilities to isolate residents on their return from hospital. These arrangements are included in the care home's risk assessment.</p>
8	<p>Councillors Wendy Fitzgerald, Gareth Sullivan & Mary Jones</p> <p>Can the Cabinet Member tell Council when the promised upgrade for all ticket machines in car parks will be concluded</p> <p>Response of the Cabinet Member for Environment Enhancement & Infrastructure Management</p> <p>Following a tender advertised on Sell2Wales, a supplier was approved to provide 75 new machines and back office software in Feb 2020 with initial specification works taking place. It was hoped that the install would commence mid-March 2020. Unfortunately due to the Covid Pandemic, a significant amount of key staff from the company and their supply network were furloughed which resulted in delays in the timeline for the install.</p> <p>The first phase of installation of machines commenced on 12th August 2020. However, it quickly became apparent that faults were being identified in the machines. The installation was halted until the company could provide a reliable solution. Fortunately, the faults were identified and solutions developed. However, this took some time, until September 2020. The replacement parts have been fitted and trialled over a three week period to confirm they are working correctly. As such, officers now have the confidence to accept the second batch of machines, which have also received the upgraded components.</p>

	<p>The second and final batch of machines are being finalised, tested, with anticipated delivery, installation and commissioning being concluded early November 2020.</p>
9	<p>Councillors Wendy Fitzgerald, Gordon Walker & Jeff Jones</p> <p>Could the Cabinet Member inform Council if hard plastic collected from households as recyclable material is being recycled or sent to landfill.</p> <p>Response of the Cabinet Member for Environment Enhancement & Infrastructure Management</p> <p>I can confirm that all plastic bottles, tubs and trays collected from households are recycled.</p>
10	<p>Councillors Mike Day, Peter Black & Lynda James</p> <p>Can the Cabinet Member tell Council what the waiting time is for assessments for adaptations and :-</p> <p>(a) What is the average time after that for getting the work completed. (b) How many people are awaiting assessments. (c) Are any of the people on the waiting list having to stay in hospital or residential accommodation while they wait for adaptations to be made.</p> <p>Response of the Cabinet Member for Homes, Energy & Service Transformation</p> <p>Currently the waiting time for a Housing Renewals and Adaptations in-house Occupational Therapist (OT) assessment is 3 to 4 months. Prior to the Covid pandemic lockdown the waiting list was 3 to 4 weeks. The Covid lockdown and resulting restrictions prevented OTs from carrying out assessments of disabled applicants within their home from the end of March through to middle of July 2020. As a result we now have a significant backlog of adaptations enquiries that require OT assessments.</p> <p>Since July 2020, OTs have recommenced assessments. However, the ongoing restrictions relating to Covid social distancing, hygiene and PPE measures has resulted in OTs not being able to carry out the number of assessments they were previously able to produce. For example, to assist in social distancing and reduce the time within client's homes, OTs are now carrying out a dual assessment of the client with an initial assessment undertaken over the phone followed by an assessment of the person's mobility at their home.</p> <p>The Housing Renewals and Adaptations service are in the process of increasing resources to address the current backlog of assessments.</p> <p>(a) Minor adaptations (grabrails, bath aids, small steps / ramps, keysafes etc) – 3 months - this is an average timescale and includes minor building works and some wet trades. In reality most are delivered in much shorter timeline and we are constantly working on new ways to speed delivery with our partners.</p> <p>Medium sized adaptations (level access shower facilities, ramps etc) – 6 months.</p>

	<p>Large sized adaptations (bedroom / shower room extensions etc) – 13 months</p> <p>(b) There are 120 applicants awaiting an assessment from our OTs.</p> <p>(c) Applicants requiring adaptations to their home to enable discharge from hospital are usually deemed a priority case and dealt with immediately. Typically adaptations needed to enable an applicant to be discharged from hospital are minor in nature and can be undertaken quickly.</p> <p>For private households Western Bay Care and Repair handyman service will undertake the minor adaptations. They also have access to additional health board hospital discharge schemes and funding including the Rapid Response programme.</p> <p>For Council properties, Building Services carry out the minor adaptations to enable hospital discharge.</p>
11	<p>Councillors Mike Day, Jeff Jones & Wendy Fitzgerald</p> <p>What is the normal cycle for mechanical street sweeping of gutters. Can the Cabinet Member provide information on how the mechanical street sweepers have been employed in 2019/20 and since April 2020.</p> <p>Response of the Cabinet Member for Environment Enhancement & Infrastructure Management</p> <p>The majority of road gutters are generally swept 4 times a year, with footways being done about 3 times a year. Busy commercial areas are swept more often with the core city centre being visited every morning. In addition, areas of leaf fall are targeted in the Autumn on a needs basis.</p> <p>Since April 2020, the mechanical brushes were only used for emergency works during the full lockdown, but resumed their normal duties in May.</p> <p>Additional sweeping resources have been allocated to leaf fall this year to further supplement the usual targeting of resources on this issue.</p>
12	<p>Councillor Mike Day</p> <p>Can the appropriate Cabinet Member tell Council what accreditation schemes to be Covid-19 secure are available to businesses in the Tourism and Hospitality sectors in Swansea and</p> <p>(a) How many have applied for accreditation and how many have been successful so far. (b) How many staff are involved in checking that venues are in compliance. (c) Are there any new staff. If so, how many. If not, what other duties are not being undertaken.</p> <p>Response of the Cabinet Member for Investment, Regeneration & Tourism</p> <p>The Council doesn't run any accreditation schemes for businesses, but nationally, the "We're Good To Go" industry standard mark has been designed by</p>

VisitEngland in partnership with the national tourist organisations Tourism Northern Ireland, VisitScotland and Visit Wales. This scheme is a self-assessment tool, to offer a 'ring of confidence' for all sectors of the tourism industry, as well as reassurance to visitors that businesses have clear processes in place and are following industry and Government COVID-19 guidance on cleanliness and social distancing. The scheme is free to join and open to all businesses across the tourism & hospitality industry across the UK. Once the online process has been completed and approved, businesses receive certification and the We're Good To Go branding for display in their premises and online.

The Tourism Team has been actively encouraging local tourism operators to sign up, through regular trade communications and have given prominence to 'Good to Go' businesses on the official destination website www.visitswanseabay.com in order to encourage good practice amongst our tourism industry. Since its launch in July, over 170 Swansea businesses have registered. More information on the scheme can be found at <https://goodtogo.visitbritain.com/>

Agenda Item 15.



Council – 4 November 2020

Notice of Motion – Pension Credit Take Up Campaign

Notice of Motion from Councillors A Pugh, M Sherwood, L S Gibbard, R C Stewart, A Lewis, D H Hopkins, J P Curtice, D W W Thomas, S Pritchard, M B Lewis, W G Lewis, L V Walton, M C Child & R Francis-Davies

Tackling Poverty is a corporate priority for Swansea Council, so that every person in Swansea can achieve their potential.

The Council's Vision for Swansea states: "The Council aspires to ... achieve a Swansea in which residents **Maximise their Income** and get the most out of the money that they have".

We note that:

1. The under-claiming of welfare benefits and tax credits keeps vast amounts of money locked out of local people's pockets and our local economy. The charity EntitledTo reported in February this year that an estimated total of £16bn is unclaimed in the UK every year. (www.entitledto.co.uk)
2. The most highly under-claimed benefit is Council Tax support, with over 2.7m people UK-wide choosing not to claim, or not knowing they can. As a council we are already working hard to promote this support.
3. The next most highly under-claimed benefit is Pension Credit, with 2 in 5 eligible people not claiming it, missing out on an average of over £2,000 per year per household.
4. The number of pensioners in poverty is increasing across the UK (The Joseph Rowntree Foundation Annual Report 2019/20).
5. The lack of income arising from the under-claiming of Pension Credit means older people sacrifice healthy food, heat and opportunities to connect with friends and family. Pension Credit under-claiming is often identified when an older person qualifies for intensive personal support, having been entitled for many years.
6. Since August 1st, over-75s now face an annual charge of £157 for a TV licence, unless they receive pension credit.
7. The ongoing Coronavirus crisis is creating financial stress for households of all kinds, and ensuring that older people are receiving all the income they can is an important strategy for supporting all of our resident community.

Therefore this Council agrees to:

1. Commit to working with our key partners to increase take-up of Pension Credit in Swansea, these are Citizens Advice, Carer Centres and Care and Repair.
2. Consider developing resources to raise the level of Pension Credit Take-Up through a campaign with our key partners over a 6-9 month period.
3. Encourage action across all Council services to support a Pension Credit Take-Up Campaign and raise awareness amongst those who would benefit from it. This could include the use of direct mail to identifiable cohorts e.g. through Revenues and Benefits; this may be repeated throughout the campaign. We will engage wider Council services through the Swansea Council Poverty Forum to maximise the impact of the campaign. Also Marketing and Communications including posters, leaflets, bridge banners and digital marketing communications to reach a wide audience.