

**Providing Council with Written Responses to Questions at Council  
28 July 2016**

1.	<p><b>Tony Beddow</b> In relation to Minute 44 “City and County of Swansea Community Benefit Policy”. With regard to Section 106 agreements, is it legal for the Authority to bolster the requirement by placing a deposited bond requirement on developers so as to ensure that the planning gain element is guaranteed.</p> <p><b>Response of the Cabinet Member for Enterprise, Development and Regeneration</b> The proposal to place a Bond for section 106 contributions is not lawful. The use of planning obligations are covered by s.106 of the Town and Country Planning Act 1990 and by the Community Infrastructure Levy Regulations 2010.</p> <p>Planning obligations must be:</p> <ul style="list-style-type: none"> <li>a) necessary to make the Development acceptable in planning terms;</li> <li>b) directly related to the Development; and</li> <li>c) fairly and reasonably related in scale and kind to the Development.</li> </ul> <p>The applicant must have a legal interest in the site being developed and so it is not possible to invite tenders for Planning Contributions. Planning obligations are identified by the Planning Department (after consulting with the relevant departments) after receiving an application for Planning Consent. Planning obligations may be necessary to make a development acceptable in planning terms which would otherwise be refused.</p> <p>Trigger points are identified in the agreement for when the contributions are payable. If the obligations are not met the remedy is an injunction to stop work or legal proceedings to recover a debt. A section 106 agreement is essentially a contract so if one party does not comply with their obligations legal action should be taken to remedy the situation.</p> <p>In respect of highway agreements, where the developer carries out the work a Bond is put in place which gets reduced as the work is carried out and is only released when the works are complete.</p>
2.	<p><b>Lis Davies</b> In relation to Minute 49 “Councillors’ Questions – Question 11”. What is the name of the weed killer used by the Authority on highways and Footpaths.</p> <p><b>Response of the Cabinet Member for Wellbeing and Healthy City</b> Dakar Pro an approved amenity herbicide, it is Supplied as a water soluble granule and used as a translocated, non-residual herbicide. Active ingredient is Glyphosate as monoammonium salt.</p>
3.	<p><b>Councillor P M Black</b> Councillor Question 1 - Did the additional cost of the removal of asbestos at the former Oceana building distort the tender process.</p>

	<p><b>Response of the Leader</b> The tender process has not been distorted by the costs of removal of additional asbestos.</p> <p>Tenders submitted were based upon a defined scope of works incorporating Works Information taken from the original Asbestos Refurbishment/Demolition Survey Report.</p> <p>The costs arising from the removal of additional asbestos is based upon forecast additional direct costs as defined within the NEC3 conditions of contract. These are adjusted for overheads and fees using provisions made within tenders submitted.</p> <p>These provisions were included within part of the tender evaluation process via a sample calculation to arrive at a notional tender price, but not specifically relating to removal of asbestos.</p>
4.	<p><b>Councillor M H Jones</b> Councillor Question 3 - What will happen to the Pavilions and the maintenance of Pavilions if a bowls club refuses to take over maintenance of the greens or if there is no bowls club locally to do so.</p> <p><b>Response of the Cabinet Member for Wellbeing and Healthy City</b> Any unused Pavilions will be secured and will continue to be maintained by the Authority's Corporate Property and Buildings service, whilst alternative uses are considered. Ongoing discussions will take place with groups such as Friends of Parks and, where applicable, Town or Community Councils as to potential options for future responsibility and use.</p>
5.	<p><b>Councillor J Newbury</b> Councillor Question 3 - Asked for a full breakdown and update of the position relating to each of the bowling greens within the Authority.</p> <p><b>Response of the Cabinet Member for Wellbeing and Healthy City</b> From 1 April 2016 all responsibility for bowls greens has been devolved to either community bowls associations, individual clubs or Community Councils, who have responsibility for maintenance of the green.</p> <ul style="list-style-type: none"> <li>• 8 greens are maintained by the club or association themselves or by way of an external contractor. These are: Coedbach, Parc y Werin (x2), Parc Williams, Coedgwilym Park, Jersey Park, Landore, Dyfatty Park</li> <li>• 8 greens are maintained by Parks to a specification agreed with the community bowls associations, individual clubs or Community Councils, who are charged for the maintenance arrangements. These are: Hafod Park , Morryston Park, Mumbles Bowls Green, Primrose Park, Parc Llewellyn, De la Beche, Dunvant Park and Victoria (x1).</li> </ul>
6.	<p><b>Councillor P M Black</b> Councillor Question 6 - How many City and County of Swansea Council houses had been brought up to the Welsh Housing Quality Standard</p> <p><b>Response of the Cabinet Member for Next Generation Services</b> The policy for measuring and reporting the extent to which the Council's housing stock complies with the Welsh Housing Quality Standard (WHQS)</p>

was adopted by the Council at its meeting on the 25 February 2016. The policy is in keeping with the Welsh Government's approach to measuring compliance which is calculated against 10 building elements. Compliance data is reported annually to the Welsh Government in the August of each year and is expressed in terms of the number of properties compliant with the required element and as a percentage of the whole Council stock. The most recent submission made in August 2015 is detailed below.

- Roofs and Associated Components: 11,128 (85% compliance)
- Windows: 13,418 (99.3% compliance)
- Doors: 13,217 (98% compliance)
- Kitchens: 7,071 (58% compliance)
- Bathrooms: 2,927 (22% compliance)
- Central Heating: 11,216 (93% compliance)
- Gardens, external storage and boundaries: 3,108 (23% compliance)
- Electrical systems (94.3% compliance)
- Mains Powered Smoke Detector's (99.4% compliance)
- Energy rating (57% compliance)

The approach taken by the Council, is to not to bring individual properties up to the standard in one go but rather to address individual elements of the standard over large geographical areas. This elemental approach is less disruptive for tenants and is the most cost effective approach for the Council given the economies of scale that can be derived from large contracts for specific building elements. This elemental approach was adopted in 2009 when a decision was made by Cabinet to concentrate on addressing the structural integrity and thermal efficiency of properties first, as at the time the Council could not identify sufficient financial resources to meet the standard by the 2020 Welsh Government deadline.

The Authority is also obliged to report the overall number of properties that comply with all 10 elements and the 2015 return indicated that **282** fulfilled this requirement at that time. This relatively low number compared to the overall compliance on an element by element basis is due to the fact that properties only need to fail on one of the above to be non-compliant. Data for 2016 is currently being prepared for submission which is anticipated to show an increase in compliance as a result of the continuing investment in repairs and improvements to Council housing to ensure full WHQS achievement across all elements by the statutory deadline of 2020.

7.

**Councillor C A Holley**

Councillor Question 7 - It appears that Council staff who park at the Civic Centre are required to purchase a car parking permit whilst staff worked for the NHS in the Civic Centre do not need to pay for a car parking permit. Why

**Response of the Cabinet Member for Transforming and Performance**

As part of the agreement for the joint hub working arrangements in the Civic Centre, ABMUHB are recharged the full cost of a number of floating permits. However, as part of ABMUHB's employee's terms and conditions, car parking must be provided on site with no charge; that is of course a matter for them over which the Council has no influence