

Council – 1 November 2016

COUNCILLORS' QUESTIONS

PART A – SUPPLEMENTARIES

1 Cllrs M H Jones, L G Thomas & T H Rees

The grant to Swansea City Opera is being discontinued this year. In light of the Cabinet Member's comments in a recent article in the local media about Swansea having a "lot of culture to savour" would he please supply a list of grants together with the amounts that have been given to arts organisations over the past 3 years. Would he confirm if any of these are being considered for the next financial year.

Response of the Cabinet Member for Enterprise, Development & Regeneration

The Council's Budget for Culture does not include a specific section or amount for 'grants' in respect of having a designate sum or function for this purpose. It is spread across the key areas of 'development' budgets within the Directorate – from which third party payments have been enabled; Venue costs and programming costs including the activities of the venues and Special Events.

For the purpose of clarifying our expenditure on culture in Swansea I can confirm that the following amounts were dedicated to arts and culture, for the benefit of residents and visitors to the City for the last three years – along with agreed funds for 16/17.

Third Party Payments to Organisations for Arts/Cultural Activity	13/14	14/15	15/16	16/17
National Waterfront Museum Wales excluding car park refunds	548,563	561,343	642,589	621,100
Celtic Media Festival	20,000			
Dawns Tan Dance Ltd	5,000	6,500		
Elysium Gallery	9,975			
Friends Of Cwmdonkin Park	10,000			
Locws International		15,000	15,000	
Maritime Heritage Wales Ltd	7,000			
Menter Iaith Abertawe	2,000	2,000	2,000	
Swansea City Opera & The Opera School	61,279	51,488	50,000	
Swansea International Festival of Music & the Arts	45,000 plus free use of the Brangwyn Hall	10,000 plus free use of the Brangwyn Hall	45,000 plus free use of the Brangwyn Hall	40,000 No free use of venues or Brangwyn Hall
Swansea International Jazz	15,000	15,000	Marketing	

Festival			support	
Swansea University(The Taliesin)	27,500	17,700	17,500	
The Dylan Thomas Prize Ltd	15,000	15,000		
Wales Theatre Co Ltd	10,000			
YMCA Swansea	10,000	2,000		
Various Minor Awards including for example grants of less than £5k to Theatr Na N'og, the Mission Gallery, etc.	9,570	10,813		

Clearly this does not represent the full picture of City & County of Swansea's investment in arts and cultural activity which is more fully illustrated by the investment in the Council's venues and the broad reaching education, outreach and development programmes they run.

CCS Cultural Venues	13/14	14/15	15/16	16/17
Brangwyn Hall	123,392	-17,417	36,465	98,800
Music Programme	6,158	38,223	12,914	0
Dylan Thomas Exhibition – HLF funding programme	205,000	10,903	32,043	31,500
Grand Theatre Total	574,122	784,350	694,610	862,600
Art Gallery Total	550,918	532,626	589,704	604,900
Dylan Thomas Centre	137,212	110,120	100,038	143,000
Swansea Museum & Store	711,092	593,535	598,384	575,600

In augmenting the cultural provision for residents and visitors we also commit the following:

Cultural Services	13/14	14/15	15/16	16/17
Public Libraries	2,977,935	2,817,201	2,745,303	2,912,000
Arts Development	39,035	42,803	86	0
Cultural Strategy & Development	422,705	32,838	21,099	320,500
Literature Programme	61,328	57,685	50,583	0
Museums Education Service (all venues excluding staff)	9,598	8,297	6,943	0

The above budget for strategy and development now includes the budget for the previous budget for the literature programming; museums and galleries education service, music and arts development. It is vital we ensure outcome driven decisions on how this budget is utilised to ensure we continue to meet our high targets for participation.

Please note that the following costs were excluded from this exercise:
CCS Special Events programme ie. Airshow; Proms; Live Music; Seasonal Events etc.

Provision for participation in play, recreation, support for Friends of Parks, parks development, beach management, sports or leisure which is a rich source of cultural activity and learning in Swansea;

Payments made by other Council Services, such as City Centre Management, Poverty and Prevention or Education in supporting third parties, events or arts activity;

Payments we make to third parties for providing leisure facilities such as the LC; Wales National Pool; 360 – or to the LC and Waterfront Museum to compensate for customer parking charges at the Waterfront Museum;

Value in Kind support for various events and activities in parks, City Centre and foreshore.

As you can see, despite the reduction in our Cultural Services budget this year and projected for the next two years, our investment in providing and enabling a rich spread of cultural activity in Swansea has continued. Priorities have meant that difficult decisions have had to be made and we have experienced a reduction in staff in some areas alongside a reduced ability to provide third party payments. We continue to seek new ways for efficiencies and shared resources, new partnerships and different ways of delivering services in order to keep cuts to a minimum. Some good examples are the fact that we are moving to self-management for many of our sports and leisure facilities; alongside new income generation schemes and an extensive programme to identify whether other existing, not for profit leisure and cultural organisations can support the facility management requirements at reduced costs to the Council.

2 Cllrs P M Black, A M Day, M H Jones

Will the Cabinet Member comment on the procedures that are in place in schools to protect the integrity of biometric data collected from pupils.

Response of the Cabinet Member for Education

In July 2013, the Welsh Government issued 'Protection of biometric information in schools and further education institutions'. In line with all other Welsh Government documents for schools, copies are sent to schools. A number of Swansea schools had already expressed an interest in using biometric data for catering and attendance and schools were issued with a link to the England Department of Education document published in December 2012 which also provided information on the introduction and protection of biometric data collected from pupils.

School Governing Bodies are data controllers for the school and will usually delegate day to day management and responsibility to the Head Teacher in accordance with the School Data Protection Policy where applicable. Schools are required to ensure data is held securely, destroyed when no longer needed, used only for the purposes for which it was obtained and not unlawfully disclosed. Any concerns about data security should be addressed to the school directly.

To ensure all City & County of Swansea schools are reminded of the need for data protection the local authority plans to issue the following link to the July 2013 information from the Welsh Government on guidance and templates to support schools in the implementation of information management strategy (IMS) and to ensure biometric data is properly collected and processed:

<http://gov.wales/topics/educationandskills/schoolshome/schooldata/ims/datamanagementims/?lang=en>

The above updated information will be issued to Swansea schools in the newsletter on Monday 10 October 2016.

For the benefit of councillors who are not school governors I am reproducing the 'Frequently Asked Questions' from the Welsh Government guidance. In Swansea arrangements are in place for pupils to be issued with a PIN number if parents do not wish them to engage in the biometric process.

Frequently asked questions

What information should schools/FEIs provide to parents/learners to help them decide whether to object or to give their consent?

Schools and FEIs should take steps to ensure parents receive full information about the processing of their child's data including a description of the kind of system they plan to use, the nature of the sensitive data they process, what the purposes of the processing are and how the data will be obtained, used and stored. This will enable any objection or consent by a parent to be an informed decision.

What if one parent disagrees with the other?

Schools and FEIs will be required to notify all parents that they intend to take and process the child's biometric information. If one parent objects then the school or FEI will not be permitted to process the child's data.

How will the child's right to object work in practice – must they do so in writing?

No – the child is not required to object in writing. Whilst an older child may be able to say that they object to the processing of their biometric data, a younger child may show reluctance to take part in the physical process of giving the data. In either case the school or FEI will not be permitted to collect or process the data and will have to provide reasonable alternative arrangements to enable the child to access the relevant service.

What if a child requests that their parents are not contacted?

Schools and FEIs must notify all parents of learners under the age of 18 where they intend to obtain and subsequently use their child's biometric information as part of an automated biometric recognition system. If a child requests that their parents are not contacted, schools and FEIs may decide not to contact the child's parents. However, if all parents are not notified and consent cannot be obtained from parents whose consent is required (see paragraph 4.2 above) biometric information cannot be collected or processed.

Do local authorities have a right to refuse to allow schools to install biometric systems?

Governing bodies of maintained schools have the power in law to do anything

which appears to them to be necessary or expedient for the purposes of, or in conjunction with the conduct of the school. They therefore have the power to install a biometric system in their school for purposes such as improving the administrative efficiency of the school. The law does not require a governing body of a maintained school to obtain the express consent of the local authority to a proposal to install a biometric system in the school.

Are schools/FEIs required to ask/tell parents before introducing an automatic biometric recognition system?

The law does not require schools and FEIs to consult parents before installing an automated biometric system. However, they are required to notify parents and obtain consent from at least one parent before their child's biometric data is obtained or used for the purposes of such a system. It is up to schools and FEIs to decide whether they think it is appropriate to consult parents and learners in advance of installing such a system.

Do schools need to renew consent every year?

No – the original written consent is valid until such time as it is withdrawn. However, if a parent or the child objects at any stage to the processing of the data, then the processing must cease. When the learner leaves the school or FEI, his/her data should be removed from the school's/FEIs system.

Can consent be withdrawn by the child or parent?

Parents will be able to withdraw their consent, in writing, at any time. In addition, any other parent will be able to object, in writing, at any time to the processing of their child's data. The child's right to refuse applies both to the giving of consent and the ongoing processing of biometric data. If at any time the child objects to the processing of biometric data the school or FEI must stop doing so.

Will consent given on entry to primary or secondary school be valid until the child leaves that school?

Yes. Consent will be valid until the child leaves the school. If at any point the parents or the child decide that the data should not be processed they will have the right to have it stopped and removed from the school's system.

Can the school notify parents and accept consent via email?

Yes – as long as the school is satisfied that the email contact details are accurate and the consent received is genuine.

Will parents be asked for retrospective consent?

No – any processing that has taken place prior to the Protection of Freedoms Act 2012 coming into force will not be affected. However any school or FEI that wishes to use, or to continue to use automated biometric recognition systems after 1 September 2013 (when the new duties in the Act come into force in Wales) will have to ensure that they have sent the necessary notifications to all parents and obtained the written consent from at least one parent **before** continuing or starting to use, such systems.

Does the legislation cover other technologies such a palm and iris scanning?

The legislation covers all systems which by means of equipment operating automatically record or use physical or behavioural characteristics for the purpose of identification. This will include systems which use palm, iris or face recognition amongst others, as well as fingerprints.

Is parental notification and consent required for the use of photographs and CCTV in schools?

No – not unless the use of photographs and CCTV is for the purpose of an automated biometric recognition system. However, schools and FEIs must adhere to the requirements in the Data Protection Act 1998 when using CCTV on their premises for general security purposes or when using photographs of learners as part of a manual ID system or as part of an automated system that uses a barcode to provide a child with access to services. Depending on the circumstances of each case, consent may be required or be advisable under the Data Protection Act provisions. The Government believes this is sufficient to regulate the use of CCTV and photographs for such purposes. Photo ID card systems where a child's photograph is scanned to provide him or her with services would fall within the obligations on schools and FEIs, under sections 26 to 28 of the Protection of Freedom Act 2012, as such systems fall within the definition in that Act of automated biometric recognition systems.

Is parental notification or consent required where a child uses or accesses standard commercial sites or software which use face recognition technology?

The provisions in the Protection of Freedom Act 2012 only cover the processing of biometric data by or on behalf of the school or FEI. If a school or FEI wishes to use such software for school/college work then the requirement to notify parents and to obtain parental consent will apply. However, if a learner is using this software for their own personal purposes then the provisions do not apply, even if the software is accessed using school or FEI equipment.

3 Councillors E W Fitzgerald, D G Sullivan, D W Cole, L James, S M Jones, K M Marsh, I M Richard & G D Walker

Could the Leader suggest why there was such a fall (2,500) in the number of professional and financial jobs in Swansea in the year 2014 and 2015 given the backdrop of an overall increase in jobs in this sector across Wales?

Does he consider this bodes well in terms of the 14,700 new jobs for Swansea proclaimed in the LDP.

Response of the Cabinet Member for Enterprise, Development & Regeneration

The data was published by Welsh Government as an update of their Priority Sector Statistics, and the employment section of this is essentially sourced from Office for National Statistics' Annual Population Survey (APS) data. These priority sectors are aggregations of the specific industry (SIC) codes which Welsh Government considers best represent these wider sectors.

Looking at the annual data for Swansea figures for this professional and financial sector for each available year:

2006: 10,000
2007: 10,300
2008: 11,300
2009: 12,200
2010: 10,100
2011: 11,900
2012: 16,400
2013: 15,500
2014: 15,700
2015: 13,200

There appears quite a fluctuation, with the latest figure around half-way between recent low (2010) and high (2012) points.

Due to sampling variability, the margin for error in this source can be quite wide, as is acknowledged in the accompanying text - "Each year's data is based on around 14,000 people in employment in Wales"; and also "As it is a sample based survey estimates can be volatile where the sample sizes are small." This volatility can also be seen between 2011 and 2012, with a large (reported) annual increase.

With such volatility, it may not be possible to infer from the 2015 data that there is necessarily a significant decline in employment numbers in Swansea. My Officers are not aware of anything that has happened in the Swansea economy to account for such a decline.

I acknowledge the 2015 data is disappointing, but I suspect this data may be affected by the survey sampling size. My Officers will continue to monitor this closely for any other relevant information that may shed light on this data.

4 Cllrs Chris Holley, Mary Jones, Paul Meara

The NHS staff who are attached to our Hubs are using of our offices, utilities and car parks. What arrangements are in place to cover their costs.

Response of the Cabinet Member for Transformation & Performance

CCS recovers all ongoing costs for the most recent location of the Central Hub into the Civic Centre as this was considered to be outside of the joint partnership arrangement between CCS and ABMUHB. The question of car parking was the subject of a recent Council Question where it was confirmed that ABMUHB are recharged the full cost of a number of floating permits.

5 Councillor Chris Holley, Mary Jones, Paul Meara

What current grants have been used by the Council from Welsh Government and are these grants yearly.

Response of the Cabinet Member for Finance & Strategy

The Council is expecting to receive approximately £54m directly from the Welsh Government in 2016/17. These are for a variety of schemes, for example

Supporting People (£13.8m), Concessionary Fares and Local Transport Services (£6.8m), Bus Services Support (£6.8m), Post 16 provision in Schools (£5.5m), Single Revenue Grant (Waste) (£4.8m), Communities First (£3.2m), The European Rural Plan (£1.5m), Western Bay Health (£1.3m) and Health Visiting (£1.7m). The majority of schemes are awarded on an annual basis, although there may be a 3 year indicative offer on some schemes these quite often are only confirmed on an annual basis.

6 Councillors J W Jones, C A Holley, P M Black

In the Council meeting on September 22 2016, reference was made to the Council's borrowing. It was stated that a figure of £73.580m was used to buy out of the HRA Subsidy System. Considering that the borrowing for the year was £90.2m will the Leader / Cabinet Member tell to Council what the difference was used for.

Response of the Leader/Cabinet Member for Next Generation Services

The HRA Subsidy buyout was mandated by Regulation and therefore required to be undertaken on that date and for that amount and for that purpose.

Actual borrowing is not hypothecated to actual capital schemes/purpose. The borrowing requirement is informed by the capital financing requirement which is a function of developing and formulating the capital programme as approved in the capital budget 2016/17- 2019/20 presented at Council in Feb 2016.

The timing of this borrowing is delegated to the S151 Officer determined by good treasury management practice, i.e. evaluation of interest rates, cashflow, and availability of counterparties etc., and such an opportunity arose to undertake some borrowing in March 2016 as outlined in the Treasury management annual report 2015/16.

The marginal borrowing referred to above was undertaken to support the capital programme 2016/17-2019/20.

7 Councillors E W Fitzgerald, D G Sullivan, D W Cole, L James, S M Jones, K M Marsh, I M Richard & G D Walker

In relation to the Planning Approval granted a few years ago for a Wind Turbine complex at Mynydd y Gwair, are appropriate Cabinet members aware that none of the planning conditions have yet been discharged at the date of writing this question 21-9-16, so the whole project has still not got formal planning permission to effect any development work start? Furthermore, are appropriate Cabinet Members aware that the proposed capacity of this project is being reduced under the Company's simplified new name of Innogy, from 48 MW down to 33.6 MW, meaning the annual Community Benefit Fund for the County will be reduced from £240,000 per annum to £168,000 per annum spread across Swansea, if and when the project ever gets into the reduced full production?

Will the appropriate Cabinet Members concede that the average effectiveness of 25% for inshore Wind Turbines means that 25% of 33.6 MW for Mynydd y Gwair will be just 8 MW compared to up to 299 MW capacity for the proposed Swansea Bay Tidal Lagoon and compared to the proposed 3,200 MW capacity Hinckley

Point Power Station?

Will the appropriate Cabinet Member explain what just 8 MW of Renewable Energy will do to combat Global Climate change compared to the loss of the carbon sink peat bogs on Mynydd y Gwair.

Response of the Cabinet Member for Enterprise, Development & Regeneration

The Mynydd y Gwair Wind Farm was granted planning permission 10 March, 2014 subject to conditions (ref:2012/1221). The Local Planning Authority are currently considering 16 pre-commencement conditions. The MYG onshore wind farm will comprise 16 turbines, each capable of generating between 2 and 3 MW of electricity, giving a total installed capacity of between 32 to 48MW.

Innogy are proposed to establish a community benefit fund with the proposed payments of up to £5,000 per MW of installed capacity, which based on the installed capacity, would be in the region of £160,000 to £240,000. It is stressed, however, that the community benefit fund does not constitute part of the planning permission.

The effectiveness of any form of electricity generation system will be influenced by a wide variety of factors and it is not considered appropriate to compare the effectiveness of wind turbines with the capacity of tidal or nuclear power in this respect.

The planning application Ref: 2012/1221 was accompanied by a Carbon Balance Report. It concluded that the results of the carbon calculator for the proposed wind farm development at Mynydd y Gwair show that the wind farm development itself is estimated to produce annual carbon savings in the region of 45,202 tonnes of CO₂ per year through the displacement of grid electricity (based on a counterfactual emission factor of 0.43 kg CO₂/kWh). This was calculated on an assumed turbine capacity of 2.5MW. This represents displacing grid electricity generated by combined cycle gas turbines, a source of electricity used as balancing power within the grid and the most likely source to be displaced as additional generation sources are added to the grid. Based on the proposed life expectancy of the wind farm of 25 years this would equate to 25 x 45,202 tonnes of CO₂ per year = 1,130,050 tonnes of CO₂.

The assessment of the carbon losses has estimated an overall loss of around 50,356 tonnes of CO₂ due to the construction of the wind farm and the impact of drainage on the peat. The estimated payback period of the wind farm is therefore **1.1 years**, with a minimum/maximum range of 0.8 to 1.6 years. The sensitivity analysis shows that this estimate is robust with respect to key parameters; altering these does not significantly increase the payback period, increasing the confidence in this estimate.

The key area of anticipated carbon loss (59.3%) is from the turbine manufacture. Soil organic matter, in particular the CO₂ loss from excavated peat contributes to approximately 37.8% of carbon losses (assuming some worst case parameters). The wind farm has been specifically designed to minimise the impacts on the

peatland habitat and to reduce the volume of excavated peat removed by avoiding peat or by locating on shallow peat deposits <0.3m. Mitigation measures such as blocking drains to restore degraded bogs are not proposed. However it is anticipated that any gains from site restoration would be relatively small compared to anticipated losses and would only marginally reduce losses.

8 Councillors M H Jones, J W Jones, J Newbury

Will the Cabinet Member please explain the report that was in the local media on Friday 30 September which highlights a crisis within Social Services regarding the signing off of the Deprivation of Liberty Safeguards (DoLS) There were reports and comments from both the Council and Trade Unions yet we as Councillors have not been told anything about this problem. Will the Cabinet Member tell Council what is going on.

Response of the Cabinet Member for Adults & Vulnerable People

Following a court case a few years back (commonly referred to as the Cheshire West case), all local authorities, health boards and care providers were found to have been effectively misinterpreting the legislation in relation to deprivation of liberty safeguards and that far more individuals than was previously believed to be the case should have been subject to these safeguards.

In practice this meant that for Swansea the number of individuals needing to be assessed increased from an average of 20 each year to over a 1000.

As a result all local authorities suddenly accrued significant historic backlogs.

2014/15 was something of a transition year when Swansea along with other local authorities began to assess the likely impact on demand and resources.

From April 2015, Swansea put in place additional resources including extra business support (to relieve the burden on teams), extra finance to pay for medical assessments and extra social work capacity (from external trained assessors) to help clear the backlog.

At the same time Swansea trained all our qualified staff and managers to be able to undertake the process and be compliant with the findings of the Cheshire West case.

The approach agreed with team managers across the service was that once the historic backlog was cleared, ongoing assessment activity would be undertaken spread across the whole service.

We calculated that we expect to receive 90 requests for assessment each month. This would equate to each trained worker carrying out 1 assessment per month (taking about half a day). The expected figure of 90 per month has now been shown to be accurate following 2 years of data.

The team managers agreed that spreading the workload across the service was a preferred option to creating a dedicated resource both in terms of overall resilience and recognising that this fits better with our approach that safeguarding is everyone's business.

The historic backlog was cleared by April 2016 (we are probably ahead of many other local authorities and the health board in this regard).

However post April, it has become evident that new backlogs have accrued within teams. When we reviewed the causes for these backlogs it was identified that the robust arrangements to allocate new assessments and monitor completion of this work had not been implemented.

This issue has been picked up at an early stage, expectations of the responsible managers clarified and arrangements to clear the newly accrued backlog put in place.

These statutory assessments are an important additional safeguard for many of our most vulnerable citizens. The court has recognised it as a human rights issue and where local authorities or health boards are found to be in breach of that responsibility, compensation to affected individuals has been awarded.

A concern has been raised about overall workload capacity within adult services and whilst the ratio of adult social workers per head of population remains high compared with other local authorities, further exploration of any specific team issues will continue.

PART B - None