

Council – 15 December 2016

COUNCILLORS' QUESTIONS

PART A – SUPPLEMENTARIES

1 Councillor P M May

The council currently has a voluntary code in an attempt to control the display of letting boards. It is mainly targeted at flats and HMOs.

Many elements of this voluntary code are not being complied with. Examples of these include:

1. The prohibition of displaying letting boards from October 1st to December 31st. This is clearly being breached as a walk around areas of the Uplands Ward will certainly demonstrate.

2. Only one board per building will be permitted.
Many properties are displaying multiple boards.

3. The board shall be mounted flush to the wall.
Boards are still being periodically displayed in front gardens in many areas. A walk along Bryn Road will clearly demonstrate a prime example of this practice.

4. Board will have a white background and will conform to the following layout: 34cm x 48cm or 48cm x 34cm.

Various multi coloured boards are still proliferating the street scene. Also large banners are now also appearing completely disregarding these clear size specifications. I use as examples, banners that have recently appeared in Brynmill Lane.

5. One board shall be permitted per landlord/agent per street. However, if a landlord/agent wishes to advertise properties having different numbers of bedrooms, one board shall be permitted for each property with a different number of bedrooms, up to a maximum of three per street, as long as the number of bedrooms is specified on the board.

Again, this is not being complied with.

6. Letting boards shall be removed not later than 14 days after the granting of a tenancy for the room, house or flat in question.

I periodically receive reports from constituents that boards are simply left for months on end and forgotten about.

From these examples, it is quite clear that the voluntary code is not having an effect.

Other cities such as Leeds, Nottingham and Newcastle have now been granted powers by the Secretary of State to control the display of To Let boards in parts of their area.

The link to Newcastle's progress on the matter is here:

<https://www.newcastle.gov.uk/planning-and-buildings/planning-policy/let-boards-controls>

Newcastle also state that the reason that they now need powers was that the voluntary code "has been ineffective in managing the problem."

Newcastle's legislation does not apply city wide but specifies areas obviously need the protection.

I believe that the time has now come in Swansea to effectively tackle the problem after demonstrating similar experiences to the code. Street scenes in areas of the Uplands ward are being blighted at the moment. Undoubtedly other areas of the city are too.

I am therefore asking the Cabinet Member to start the process to introduce powers from whatever body can grant them.

Please can the Cabinet Member confirm that he is in agreement and suggest a timetable for implementation.

Response of the Cabinet Member for Enterprise, Development & Regeneration

The concerns raised are noted and officers will shortly be writing to local residential letting agents reminding them of the voluntary code as part of the consultation and stakeholder engagement on the draft HMO/Student Accommodation SPG, which is due to be adopted in 2017. The HMO/Student Accommodation SPG will include reference to the importance the Council places on the voluntary code.

In the longer term there may be scope to seek approval from the Welsh Planning Minister to introduce local controls over the erection of residential letting boards - known as a Regulation 7 Direction. The evidence and research required to support any such application to the Minister would be separate, and in addition to, that currently being prepared in support of the HMO/Student Accommodation SPG. This additional work would necessarily include:

- Letting Board surveys
- Street by street character appraisals and visual impact assessments
- Preparation of draft policy guidance for landlords and letting agents for the erection of letting boards
- Consultation with landlords, letting agents and local residents on the draft guidance
- Adoption of guidance
- Evidence of action taken to date to control letting boards and address the

impact of high student populations and HMOs

- Identification of resources to redirect towards monitoring and enforcement

Based on recent experience of Cardiff Council, an application to introduce such control may take up to 6 months to prepare and be considered. It would then only be approved for those areas where it could be demonstrated by robust evidence collated that the letting boards were environmentally unsatisfactory, i.e. it would not be a blanket control. Where this could be demonstrated there would be a further period before any ministerial direction could take effect. In terms of a timescale from start to finish this process could take around a year.

The Planning Authority has already allocated additional resources to prepare HMO/Student Accommodation SPG. Any new guidance prepared in conjunction with a 'Regulation 7' application to the Minister would be stand-alone guidance, which would need to be adopted as SPG to the Swansea LDP when it replaces the UDP as the extant development plan for Swansea. Resources within the Strategic Planning and Development Management Teams are considerably stretched at this time and it is unlikely that resources could be released from current priorities for at least 12 months. At this time there would be a need to consider the need to prioritise the issue of introducing letting board controls alongside other strategic planning work, including the requirements for other SPG priorities.

2 Councillors M H Jones, C A Holley & J Newbury

Will the Cabinet Member/s please tell Council why Labour having been in power for at least 20 years prior to 2004 failed to implement the Equal Pay Act of 1970 in that time.

Response of the Cabinet Member for Transformation & Performance

The Equal Pay Act was passed in 1970 however the commencement date was 29th December 1975. This Act has been mostly replaced by the Equality Act 2010.

The preamble to the 1970 Act stated that it's aim was 'to prevent discrimination as regards terms and conditions of employment between men and women.' Bearing in mind that this Council did not come into existence until 1996 I am not aware of any challenge to prior Councils or indeed this Council in respect of non-implementation.

Councils negotiated with Trade Unions 'single status job evaluation' to enforce the provisions of the Equal Pay Act and the concept of equal pay for equal for work of equal value. Single status ensured equal pay should be applied across jobs rated as equal in terms of a formal agreed job evaluation scheme.

The timetable for developing single status within Local Government was as follows:-

- 1997 National Joint Council (NJC) of employers and unions devise the single status agreement to end pay discrimination.

- 2004 NJC sets the timetable for the completion and implementation of pay and grading reviews to be completed by 31 March 2007.
- 2006 The Treasury announces it will set a national capitalisation fund for local government liability costs on single status agreements, with a cap of £200m. Similar provisions were made across Wales
- 2007 Councils had until 31 March to implement single status deals. More than two-thirds of councils missed that deadline.
- You will see from the above that in line with NJC agreements and timescales it was up to the previous administration to implement single status across the Council. This was not implemented by March 2007, March 2008, March 2009, March 2010, March 2011 or indeed March 2012.

It is a stain on the record of the previous administration that they continued to allow women to work for less pay than their male colleagues.

This Labour Administration made a manifesto commitment prior to the 2012 election that stated” Future discussions (with Trade Unions) will also include resolving long standing issues over equal pay and grading. Swansea Labour will review the current process for consultation and make them fit for purpose”

I am proud to say that following 8 years of indecision by the previous administration and thanks to the hard work of Officers, Labour Councillors and Trade Union representatives, the single status agreement has been implemented during the current term of office, as promised. Furthermore, by the next local government elections, all appeals should have also been concluded proving that Swansea Labour delivers on its Manifesto commitments. In doing this, we have ensured that many of the lowest paid employees are paid what they rightly deserve.

3 Councillors M H Jones, P M Black & C A Holley

Service at Swansea was at a very crucial stage in the autumn of 2004. There were only two bidders left bidding for the contract following a decision by the ruling Labour Cabinet in 2003 to discard the “in-house” bid. Will the Leader explain that decision?

Response of the Leader

The e-government programme, of which Service at Swansea was one element, was intended to deliver widespread and extensive organisational change across the City and County of Swansea including the introduction of single Authority wide support systems, transformation of all back office processes and structures and a radical change to the way that frontline Customer Services were delivered.

Whatever else this was not seen as a simple replacement of an ICT service although clearly the whole process was heavily IT dependent.

Given the size and scale of the transformation required there was at the time no indication that the Council had the required resources to deliver such a large and

complex programme of change within a reasonable timescale, and the clear recommendation from the Corporate Management Team and the Council's then external advisors was that the Council would need to engage a strategic partner to deliver the entire e-government programme of which Service at Swansea was one element. As you will see below the commissioning of an external strategic partner left open the opportunity for all CCS staff – including those employed in ICT – to remain in the employment of the Council.

However, it was always intended that the decision as to what employment model would be put in place for existing City and County of Swansea ICT staff would be subject to negotiation and evaluation following the appointment of the successful tenderer for the strategic partner role.

At the Cabinet meeting on 16th December 2004 the then Cabinet decided to appoint CapGemini as the Council's preferred supplier for the e-government programme. The business case highlighted in that report highlighted the following costs and benefits:-

	Costs based on Bidder A (CG)
a) Estimated programme cost (10 years)	£159m
b) Existing Council Budgets	£99m
c) New investment	£20m
d) Benefits target	£40m

In other words there was a clear commitment to funding additional cost and extensive reliance on future savings to fund the proposals.

The report made clear that the decision to be made was whether to continue with the procurement process and, if so, which of the then two bidders should be appointed as preferred supplier.

That decision was predicated on a financial and operational model that required cross Council transformational work across all services and systems, itself requiring significant further investment and a total commitment to changed processes and practices.

Following an extensive period of negotiation with the preferred supplier the contract was eventually signed by the then Chief Executive in December 2005.

That investment was never made and the subsequent savings never achieved.

That decision was followed on 14th April 2005 by a report to the then Cabinet outlining three potential models of employment for the ongoing ICT service which were:-

Model	Title	Effect
A	Capgemini design, Build and operate	All ICT staff will remain in the employment and management of the Council, and on the Councils

		prevailing terms and conditions of employment, working alongside Capgemini staff
B	Mixed Economy	Staff would be given the option of transferring their employment to Capgemini or to be seconded to the services of Capgemini whilst remaining in the employment of the Council on the Councils terms and conditions of employment.
C	Contractually guaranteed transfer	The Councils ICT service would transfer to Capgemini as part of an identified TUPE transfer with CCS staff becoming Capgemini employees on the day of transfer. The transfer conditions were expected to exceed TUPE requirements including full protection of pension provisions

The report to Cabinet clearly set out the recommendations of the Councils Corporate management Team and professional advisers and also set out the views of the two internal staff ICT teams (an ICT staff evaluation team and an in house case team).

It was this meeting that decided the final employment model for CCS ICT staff which could have maintained full in-house employment but even the then CCS ICT staff did not consider that to present a viable option.

Following an extensive period of negotiation with the preferred supplier the contract was eventually signed by the then Chief Executive in December 2005.

4 **Councillors C A Holley, J W Jones & M H Jones**

Given that the Metro bus project was first discussed in early 2002 when the need was established for a cross valley route and to link up the two hospitals. This had all party support. The bus only route through the Hafod and the building of bus only lanes throughout the city was also supported by all parties. The finance was given to the city by the Welsh Government with the buses being bought by the bus company. The route was shown to councillors in early 2004. Will the Leader explain why he continues to mislead the public over this issue.

Response of the Leader

I am very happy to confirm that the statements I have made are correct and are backed up by numerous documents and recorded decisions.

While members of the opposition who were in power at the time will want the public to forget who made the decisions on the metro scheme, and want to distance themselves from this debacle. The records show that they could have delivered the cross valley /cross city link, later called the metro scheme

differently. It did not require a 'bendy bus' vehicle or the £9m of highway changes that did such damage to business in the city centre and that has frustrated commuters for years.

So for completeness and full clarity I am including the information below.

It is correct to say that the broad premise of an improved network of bus priority measures had been considered and partially approved prior to April 2004. This was in the context of the investments in the two much needed park and ride sites at (Fabian Way and Landore). However, the detail of the cross valley link scheme was still being developed at that point. No decision on the type of vehicle or specific metro infrastructure were made until after May 2004.

It is also true to say the final Metro Scheme cost was in the region of £9m and was funded through the Welsh Government/Welsh Assembly Government. The buses were purchased by First Group and the metro was run on a commercial basis.

However this does not mean that the cross valley link could have been achieved differently and at a lower cost to the taxpayer, with different vehicles and without £9m of road infrastructure changes.

The decision making timeline for the Metro System is as follows;

Labour administration reports:

- March 2003: The Transport Grant allocation for 2003/04 was reported to Cabinet with an outline that this was to continue the bus priority works at M4 Junction 45, as well as indicative allocations for future years.
- June 2003: The Swansea Local Authority Bus Strategy was approved by Cabinet on 26th June 2003.
- February 2004: A Transport Grant allocation was made by the Welsh Assembly Government (WAG) to the scheme on 6th February 2004, then entitled as Bus Priority Demonstration Corridor: £880k for 2004/05. This was reported to Cabinet on 12th February 2004.
- February 2004: David Whitehead, Group Leader of Transportation presented the Bus Strategy and the need for 'more bus lanes and bus priority', including the need for more 'cross city services' to the Development and Environment Performance Review Board on 16th February 2004.

May 2004 - Lib dems form administration with Independents, Plaid Cymru and Conservatives.

Lib Dem / Independent / Plaid Cymru / Conservative administration reports:

- June – October 2004: Design and plans of Fixed Infrastructure was developed.
- October 2004: A meeting with the Council (David Whitehead), First Bus (Justin Davies) & Arup (Gwyn Ephraim) was held in July 2004 and a subsequent report published in October 2004.

- December 2004: The scheme was presented to WAG in December 2004.
- A subsequent bid was prepared and submitted to WAG.
- January 2005: An allocation of £584k was made via Transport Grant for (2005/06) and this was reported to and approved by Cabinet on 20th January 2005 to Bus Priority Demonstration Corridor (as far as can be determined, this is to fund the design element. A second scheme entitled "Swansea Transport Package" was first funded this year and given an allocation of £4.7m which I believe is the capital infrastructure works.
- April 2005: An 'Outline Design of Fixed infrastructure' was prepared by Arup in April 2005.
- July 2005: An Infrastructure Capacity Assessment was prepared by Arup and published in July 2005. This provided the most technical assessment of the highway constraints and opportunities to that point.
- May 2006: Cabinet approved the award of the contracts to allow the works to begin.

To add further clarity the list below shows the capital finding allocations and the years in which they were allocated:

Please note that these funds, particularly in the earlier years were not always exclusively for the 'Metro' scheme as it became known, but for bus corridor development generally so will include works for Park & Ride and the M4 Jn45 bus priority works for example.

- a. 2003/04: £1,000k
- b. 2004/05: £800k
- c. 2005/06: £584k
- d. 2006/07: £2,225k
- e. 2007/08: £3,500k
- f. 2008/09: £3,343k
- g. 2009/10: £1,296k
- h. ERDF: £1m

The information above confirms that while early work on Park and Ride scheme and a cross valley link were considered by the previous Labour administration it was not considered in the way it was subsequently delivered.

The work to establish this in the form of a metro/bendy bus with all the associated disruption and costs was conceived, approved and implemented by the Lib Dem/ Independent/Plaid Cymru/Conservative coalition after May 2004.

This scheme could and should have been delivered differently, at a lower cost and more importantly without damaging the city centre, especially the Kingsway area.

The metro /bendy bus is one of the worst schemes ever delivered by the coalition. It costed the taxpayer over £9m. It used high polluting low efficient vehicles which damaged the air quality of our city. It created a city centre road system that was widely criticised. It damaged trade in the city centre.

The previous Lib Dem led administration, backed up by the independents, Plaid Cymru and the Tories, left a transport system in the city centre which is still causing real difficulties and frustrations today. We intend to change this system, deliver a road network that works for all, as we rebuild our city and repair the damage done by the Coalition administration.”

5 Councillors P M Black, A M Day & C L Philpott

Will the Cabinet Member inform Council what surplus places we have currently in schools both for English and Welsh Medium education and
 (a) What are the projected figures going forward to 2020 and
 (b) Can she name the schools where there will be projected surplus places.

Response of the Cabinet Member for Education

(a) Information based on the last count in January 2016 is outlined below:

	FT No on roll Jan 16*	Published Capacity 2015/ 2016	Unfilled Places	Projections 01/09/20	
				FT No on roll*	Unfilled Places
Welsh Medium Primary	2661	3078	417	3017	61
Welsh Medium Secondary	1602	2172	576	2134	44
Total Welsh Medium	4263	5250	993	5151	105
					0
English Medium Primary	16007	17519	1775	16027	1755
English Medium Secondary	12008	13014	1230	12032	1206
Total English Medium	28015	30533	3005	28059	2961
					0
Total	32278	35783	3998	33210	3066

* includes pupils in STF classes. These pupils are excluded when calculating unfilled places

The majority of schools will still have some unfilled places as some flexibility is needed. Ministers are aiming for no more than 10% unfilled places overall for Wales. Based on current school buildings, capacity calculations and pupil projections, the data relating to unfilled places per school for September 2020 is in the attached document.

(b) see appendix

6 Councillors C L Philpott, A M Day & T H Rees

Will the Cabinet Member tell us what the programme is for gully cleaning?

Response of the Cabinet Member for Environment & Transportation

Gulley cleaning is carried out on a 3 year cycle with some individual high priority gulley’s cleaned on a more frequent basis - maximum of 6 monthly. However, routine programme may be interrupted by urgent reactive work.

Should any Member wish to discuss their particular area, they are able to contact Officers to discuss the regime in more detail.

7 Councillors M H Jones, P M Black & C A Holley

Will the Cabinet Member please tell council how many hours has the I.T. system been down in the last 12 months which resulted in loss of service to staff and Councillors?

Response of the Cabinet Member for Transformation & Performance

Due to the complexity of ICT there are hundreds of ICT systems. The summary below provides information on the business critical services identified in the Councils ICT Disaster Recovery Plan. These include email, network, telephony and CITRIX. This is where there was unplanned loss of service and where Critical and High priority incidents have been raised.

There have been ten instances of downtime for critical services. These total 29 hours and 20 minutes, over a period of 12 months since November 2015. Of these, three instances have been the responsibility of a 3rd party, one was a UK wide issue. Only one incident has breached the ICT service level agreement.

In November 2015 there was also the major disaster recovery which ICT had to undertake following the scheduled power down to re-wire the server room which affected numerous Council systems. The ICT DR Plan was invoked and all critical services were prioritised and restored as per the plan.

As we continue our investment in the Council's ICT infrastructure, with our priority to modernise the Council's digital network over the coming years, it is hoped that resilience will be significantly improved on the position which this Administration inherited in 2012.

8 Councillors C L Philpott, P M Black & C A Holley

Can the Cabinet Member tell us how many calls have been directed, as invited by preliminary contact with the council's telephone recorder message, to a Welsh speaker?

Response of the Cabinet Member for Transformation & Performance

From the 1st April 2016 to 28th November 2016 the Council has received 1408 calls via the Council's switchboard or Corporate Customer Services from residents choosing option 1 to speak through the medium of Welsh, however, 581 of those when answered by a Welsh speaking Advisor, confirmed that they wished to proceed in English, meaning that the actual number of calls handled through the medium of Welsh were 827. In comparison, as 184,981 switchboard calls were received over the same period in total, this means that only 0.4% of those were Welsh Language calls.

Unfortunately, outside of Customer Services, the Council does not record any welsh language calls, therefore we are unable to quantify the total volume of calls across the Council as a whole that have been requested through the medium of Welsh.

9 Councillors C A Holley, L G Thomas & M H Jones

Will the Cabinet Member tell us what has happened to the futuristic Christmas tree that was at the junction of the Kingsway and Princess Way last year and how much did the Christmas Lights” Switch On” cost this year.

Response of the Cabinet Member for Enterprise, Development & Regeneration

Christmas Tree

With regard to the Tree in 2015, this was not funded by Swansea council but was procured by Swansea Business Improvement District (BID) on the basis of a one year hire agreement, which included removal. For 2016, the Christmas lights scheme reverted back to the Council and a decision was made to install a real tree in response to public feedback.

Purchase of 10 metre Real Christmas Tree & Decorations, installation and removal.

Total: £8,225

Christmas Lights Switch-On Event

Total cost of the Event was £45,000. This was made up of £40,000 from CCS and £5,000 contribution from Swansea BID

PART B - None