

**Council – 27 July 2017**

**COUNCILLORS' QUESTIONS**

**PART A – SUPPLEMENTARIES**

1.	<p><b>Cllrs P M Black, C A Holley, C L Philpott</b></p> <p>Will the Cabinet Member provide an update on fire safety measures on Council buildings.</p> <p><b>Response of the Cabinet Member for Housing, Energy &amp; Building Services</b></p> <p>In relation to fire safety measures in Council owned high-rise blocks as Members will be appreciate this situation is continuing to change. The Cabinet Member for Housing, Energy, and Building Services will therefore provide a verbal statement to Council with the most up to date information available.</p>
2.	<p><b>Cllr W G Thomas</b></p> <p>Could the Leader/Cabinet Member please provide an update to the transfer of the Underhill lease from the City &amp; County of Swansea to Mumbles Community Association, when does he believe the Authority will be signing the lease.</p> <p><b>Response of the Cabinet Member for Culture, Tourism &amp; Major Projects</b></p> <p>Negotiations around the transfer of Underhill Park to Mumbles Community Association have been ongoing due to a number of changes and revisions of the principles of the transfer, on both parts, over the last year. We are now at a stage where the terms of both parties are understood, in respect of the land, roles and responsibilities and future permissions and reviews required. The final documentation has now been returned to MCA's solicitors. Once the final draft of the Development Agreement and Lease has been agreed a Public Open Space Notice will need to be published. The Notice will give an opportunity to make objections or representations within 28 days of the date of the Notice. Any such objection will need to be considered and dealt with, which may require further Cabinet Approval if a change to the original terms is needed. Completion of the Development Agreement and Lease will take place as soon as possible after that process has been completed.</p>
3.	<p><b>Cllr M A Langstone</b></p> <p>As the Council will be aware, the road closures for events such as the air show, which I appreciate is popular and well attended, have caused significant problems for traders in Mumbles. The closure of Mumbles Road/Oystermouth Road, which is the main point of access to Mumbles, for two consecutive weekends is damaging to businesses in my ward. Will the Council confirm how they will balance holding events with the interests of local business when planning future events.</p>

## **Response of the Cabinet Member for Culture, Tourism & Major Projects**

The Special Events Team is tasked with developing and delivering a wide ranging events programme that drives footfall and overnight stays to Swansea, for the purposes of overall economic impact, vibrancy, community cohesion, job creation, reputation and profile of the city as a destination. We are keen to ensure the positives of large scale events such as the Air show are felt by all our residents and businesses, but growing such an event at a time when the need for commercial opportunities, more sponsorship and heightened security means that efforts are concentrated on driving visitors into the key event site, which inevitably causes some displacement. That said, we are aware that the seafront and leisure businesses – all around the Swansea Bay Coast, from Mumbles to Aberavon, was exceptionally busy and many businesses did extremely well as a result of this added free attraction.

All the other Air shows close main roads which lie under the flying line as a matter of course and in the aftermath of the Shoreham disaster and security management, the closure created a safer, well managed space for our visitors. This year, the extent of the closure was imposed on the Council with very little notice, for security reasons, and we recognised it would inevitably cause disruption, but we communicated the diversions and mitigations well considering the timeframe we had. Our message to visitors was ‘if you don’t want to be in the Swansea then travel around us, but if you want to visit the city centre or mumbles, these are your routes’. Traffic for Mumbles was guided through the city, around the back of the event site to rejoin Mumbles Road from the bottom of Brynmill Lane – or Sketty Lane. These routes were well published online and in the local press, as well as announced with live updates, on the radio and via signage on Fabian Way, as well as to north and west of the event. All in all traffic flowed well but even without the closure, we would expect all the beaches to be busy with heavy traffic bypassing shopping districts on such a hot weekend, and so many new leisure, food and beverage attractions on the Mumbles seafront holding visitors. We have had reports that these were exceptionally busy.

We will endeavour to avoid consecutive weekends of disruption wherever possible, however with the Air show and Half Marathon, we are not able to fully control the dates. The Half Marathon is an independent event, which is diarised to fit with other regional and national running fixtures. The Air show, similarly is guided by the availability of the RAF and other Armed Service assets – within their own programme of events and other air shows. In future we would seek to liaise with all businesses in the city on the dates and management plans, to support them getting their own ‘business as usual’ messages out to the wider public, or capitalising on the prospects of more visitors that the event creates, with greater promotional activity. For example this year, we included a number of incentives, vouchers and offers, encouraging the public to visit local businesses in our online ‘App’ and many businesses held their own events and hospitality packages to gain benefit. For information, this year we commissioned an economic impact study to understand this better. We will be pleased to share the results once known.

4.

**Cllr L R Jones**

I am very disappointed that it has been announced that the proposed new Major Trauma Centre is to be sited at the University of Wales Hospital in Cardiff and not at Murrison Hospital.

This would have been a great opportunity to upgrade Murrison Hospital and be a vote of confidence in the excellent nurses, doctors and staff that work there, in addition to providing new jobs.

In my view, Murrison Hospital is better placed than Cardiff geographically to serve the people of South & West Wales and is yet another example where Swansea has been overlooked in favour of Cardiff.

This decision was made by a panel of experts tasked by NHS Wales, but ultimately is the decision of the Welsh Government.

With this in mind, would the Leader and Cabinet say what representations they made to the Welsh Government to encourage them to site the Major Trauma Centre Murrison Hospital.

Even at this late stage, would they join me and in asking the Welsh Government to reverse this decision in favour of Murrison Hospital.

**Response of the Leader**

You may be aware that I am on record as opposing the Cardiff option for the Wales Major Trauma Centre. It would see large areas of the South West Wales population outside the critical one hour response time, whereas people in Cardiff will have two Trauma Centres within that critical one hour radius.

The Cabinet Secretary has said he is seeking wider views about the recommendation from the expert panel. I have already written to him to seek an urgent meeting to put the case for the Centre to be located in Swansea and to seek assurances on how the people of Swansea will be treated for trauma.

I hope that enough people from Swansea and the rest of West Wales will also contribute through the WG consultation process and ensure that our voices are heard. The final decision has yet to be made and I intend to promote the work that is already taking place through the ARCH programme and others, to promote the life sciences and expertise in emergency medicine, along with our ability to work closely across partnerships, to promote an option for Swansea to be the Major Trauma Centre for Wales.

5.

**Cllrs C A Holley, P M Black, S M Jones**

What is the current position in regard to the Council's Residential Homes. (in terms of the future of the homes and occupancy)

**Response of the Cabinet Member for Health & Wellbeing**

With regards current occupancy of the Council's Residential Homes

	<p>In older people services we have 124 long term care beds and there are currently 7 vacancies. We also have 22 respite beds and there are currently 2 vacancies. There are also 33 assessment beds with 4 vacancies. Assessment beds are predominantly used for reablement but also provide some emergency capacity when we need to make a judgement about the best way of supporting someone at a point of crisis.</p> <p>In mental health services we provide 24 supported living tenancies which are all full.</p> <p>In learning disability services we have 10 assessment/ emergency beds which are all full.</p> <p>All of these services are the subject of ongoing commissioning reviews to ensure that the Council remains well placed to meet the care and support needs of some of our most vulnerable citizens, as expressed in the Model for Social Services approved recently by Cabinet.</p>
6.	<p><b>Cllrs C A Holley, L James, J W Jones</b></p> <p>What is the planned start date for the Arena.</p> <p><b>Response of the Cabinet Member for Culture, Tourism &amp; Major Projects</b></p> <p>Following the successful securing of a parameters application for the Swansea Central Scheme and announcement of ATG as arena operator and Leisure anchor tenant, the Council has already commenced working toward delivery of the first phase of the Swansea Central proposals. This proposal includes a number of gateway milestones for the south of Oystermouth Road delivery to include: detail site investigations; working up detailed design through the various RIBA stages to discharge planning consent; tender and appoint a contractor; and secure any further lettings to enable a start on site late autumn 2018.</p>
7.	<p><b>Cllrs P M Black, Chris Holley, Mary Jones</b></p> <p>Considering the time that has already elapsed is the Cabinet Member now in a position to inform Council of the individual unit costs of the new Council Houses.</p> <p><b>Response of the Cabinet Member for Housing, Energy &amp; Building Services</b></p> <p>Works are still progressing on our first pilot site at Milford way with the first properties due to be completed in the next 2 months. As such as works are ongoing, costs are not yet finalised although I would wish to repeat the previous reassurances that once costs are known I would be happy to report them to council. In addition a formal FPR7 report will be presented to Cabinet as soon as possible to deal with both the costs at Milford way and our second site at Parc Y Helig.</p>

**8. Cllrs I E Mann and Cllr P N May**

Landlords of licensed HMOs are told that they have to adhere to licence conditions which are available in a public document on the council's website. The preamble to the document states:

"These conditions are mandatory and are imposed by The City & County of Swansea to all 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."

There are three specific conditions in the document that we wish to focus our question on relating to waste management. These conditions are:

"30. 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.

31. 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.

32. 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."

Over the last month there has been BBC television coverage to supplement the local media coverage about condition 31. It has highlighted the failure of hundreds of licence holders to comply with it.

Every day, houses have been emptied and their rubbish placed on the street by departing tenants. This amounts to tens of bags of various colours. This behaviour pays no regard whether it is refuse collection day or not. There is also food waste contained in the bags which inevitably ends up being strewn across the street after suffering gull attack.

The council in response have cleared up the mess as fast as they can on a daily basis and our local workers in Uplands are well respected in our community for doing this unpleasant job. This is despite the licence holders obligations to clear the waste themselves under condition 31.

- a. How many licence holders have been recharged over the last month by the council for failing to comply with their obligation under condition 31?
- b. How much has the clearing up of the licence holders' mess cost the tax payer over the last month?

Throughout the year Uplands councillors and residents regularly report breaches of conditions 30 and 32.

The remedy is that the HMO team talks to the licence holder and the breach is remedied. However, there are many instances where the same licence holder breaches again. It appears that there is no escalation.

The perception of Uplands constituents is that the mass breach that occurred of condition 31 is that a culture has built up among licence holders that there

will be no sanction or consequence for breaching a licence.

- c. How many licence holders have had a sanction imposed against them for breaches of conditions 30 to 32 in the last year and what has it been?

Newham council have been heralded as a good example of prosecuting licence holders under the offence of “*Failing to properly manage a house in multiple occupation*”

- d. Has our council ever utilised this power? If so, how many times and when?

### **Response of the Cabinet Member for Housing, Energy & Building Services**

a. No licence holders have been re-charged as there is no provision for re-charging licence holders under the Housing Act 2004 which is the legislation dealing with HMO licensing.

b. There has been no cost to the tax payer directly attributable to the licence holders. The cost of the additional demands on refuse collection and street cleansing at this time of year are incorporated in to the services as a whole and are not kept separately.

c. Legal sanctions available to the Council for failure to comply with HMO licence conditions are:

- granting a licence for less than the maximum five year period,
- prosecution, and
- revocation of a licence.

None of these sanctions has been imposed against licence holders for breaches of conditions 30 to 32 in the last year.

When considering any enforcement action local authorities are required to have regard to the Regulators’ Code. This involves taking a risk-based approach to enforcement starting with informal action including conversations and meetings with licence holders. This is then escalated through letters and written warnings.

There must be relevant, usable evidence to confirm an offence prior to consideration of prosecution. Licence holders have the right of appeal and may have a relevant defence or mitigation. Importantly this may include reference to the occupiers themselves and their responsibilities, for example in not putting household waste out on the correct days or in the correct bags.

Whilst there have been some repeated issues at properties these are often when there is a change of tenancy rather than because of a perceived management failing.

d. There is no specific offence of ‘failing to properly manage a house in multiple occupation’. Swansea Council has taken prosecutions against HMO licence holders for failure to comply with HMO licence conditions in April 2012, May 2012, August 2012 and November 2012 (four cases) and against

	<p>HMO landlords under relevant HMO Management Regulations in August 2012, September 2012, November 2012 and May 2013 (six cases). We have a robust approach to enforcement and there are further cases pending.</p>
9.	<p><b>Cllr B J Rowlands</b></p> <p>We understand that despite being installed in 2012, the Nowcaster system is still not operational and that the Welsh Government Cabinet Member for Environment was going to write to the Council about this guidance and in particular about the Nowcaster system in Swansea.</p> <p>Could the Cabinet Member confirm whether he has received a letter from Welsh Government about both the delayed Nowcaster system and how the Council intends to implement the Welsh Government's Local Air Quality Management guidance.</p> <p><b>Response of the Cabinet Member for Environment Services</b></p> <p>On 28 June 2017, in answer to a question about Local Air Quality Management, Lesley Griffiths, the National Assembly Cabinet Secretary for Environment and Rural Affairs, stated that she would be writing to all Welsh Local Authorities on the matter of Local Air Quality Management. As of 7 July no such letter has been received.</p> <p>In answer to the second question posed, the Council will continue to strive towards improving local air quality to the benefit of the local population and will, of course, take into account the recently published guidance from the National Assembly Wales. However, given that the management of local air quality in Swansea relies on the efforts and expertise of officers in a number of Department and Services, this cannot and should not be done without careful consideration and planning in order that the long term implications of any actions can be assessed, the necessary resources can be allocated and the financial implications understood.</p> <p>Additionally, it must be recognised that air quality management is not only a local issue but must be considered on a Regional and National level, as highlighted within the guidance, and this aspect also requires careful consideration.</p> <p>Members will be aware of the Nowcaster project which is designed to create improvements in air quality in the lower Swansea Valley through the manipulation of traffic flows. Unfortunately the project has been delayed by third party software development issues. The Pollution Control Division has written to both the third party hardware and software providers involved. An acknowledgement to this, received on 3 July, suggests that a detailed response to the issues raised is expected soon.</p>
	<p><b>PART B – NO SUPPLEMENTARIES</b></p>
10.	<p><b>Cllrs M H Jones, J W Jones, C A Holley</b></p> <p>When are the railings in the middle of the Kingsway going to be removed.</p> <p><b>Response of the Cabinet Member for Environment Services</b></p> <p>The consultation process for the Kingsway scheme has now been completed and the timescale for the delivery of the works is currently being developed.</p>

Hence it is not possible at present to provide a date when the pedestrian barriers from the central reserve will be removed.

11. **Cllrs A M Day, M H Jones, J W Jones**

We thank the Cabinet Member for the answer to the question at the last council in which she provided figures for Welsh medium secondary school surplus capacity.

Can she now give the figures for the English medium secondary schools? For the ease of reference, the questions are:

Will the Cabinet Member

- a. Give the surplus capacity for the English medium secondary sector for each of the last 10 academic years;
- b. For each school in the English medium secondary sector, state the number and percentage of surplus places for each, and separately for 11-16 year olds and 16-18 year olds;
- c. Give the projected number and percentage of surplus places in each English medium secondary school for each of the next 5 years;
- d. Tell Council what the approximate cost of 23.7% surplus places is to the authority;
- e. Tell Council what target number of surplus places the cabinet member is setting and when will this target be achieved;
- f. Indicate what action is being and will be taken to address the current number of surplus places;
- g. State how stakeholders are being involved in the process of addressing surplus places in the secondary sector;
- h. Commit to reporting to Council every six months on progress on reducing the number of surplus places.

**Response of the Cabinet Member for Children, Education & Lifelong Learning**

The attached table provides the requested surplus capacity data for the last 10 years, both in number and percentage terms, for each English medium secondary school and for the sector as a whole. It is not possible to separate 11-16 and 16-18 year olds as the capacity figures are not calculated in this way.

The table also provides the latest projected number and percentage of surplus places for the period until 2023.

It will be apparent that the continuing robust management of school places is such that the Authority is well placed to more than meet the Welsh Government's guideline of 10% over this period. Indeed, it may be necessary to increase the number of places to meet the potential impact of the Local Development Plan and ensure sufficient places to meet the numbers transferring from the primary sector.

Since the current number of places are required to meet anticipated future pupil numbers, and the vast majority of schools delegated funding reflects the actual number of pupils educated, the cost to the authority of such short term surplus places is modest. There is no adequate nor accepted basis for estimating such costs.



There is a national guideline figure of 10% on average in relation to the level of surplus places generally considered appropriate to enable short term fluctuations in parental preferences and pupil numbers to be effectively managed through the admissions processes. On the basis of current projections a 10% level of surplus capacity would be expected to be once again reached by 2020. Consequently, no action is necessary to reduce the overall number of surplus places in the sector. Projected pupil numbers within each school will of course continue to be monitored.

Stakeholders have been fully involved in the development of the current QEd programme and will continue to be engaged as the Council further considers its future capital investment priorities and continues to plan strategically for the potential demand for English medium education. Progress in delivering the programme will be regularly reported, as appropriate for such an important investment programme.