



Council – 27 November 2019

Councillors' Questions

Part A – Supplementaries

1	<p>Councillors Chris Holley, Mike Day, Mary Jones</p> <p>Will the Cabinet Member please give Council a list of income and expenditure for each of the council car parks over the last 4 years and</p> <ul style="list-style-type: none">(a) What is the income and expenditure from the parking enforcement department over the last 4 years,(b) What is the income received during the 'summer' charging period compared to the 'winter',(c) When can we expect all the ticket machines to have been upgraded. <p>Response of the Cabinet Member for Environment & Infrastructure Management</p> <p>Please see Appendix 1</p>
2	<p>Councillors Jeff Jones, Mary Jones, Susan Jones</p> <p>The Cabinet Member has told us in this Chamber that the reason the wood recycling has been moved to Llansamlet is that the wood can be segregated. Can he confirm that this is the case.</p> <p>Response of the Cabinet Member for Environment & Infrastructure Management</p> <p>I can confirm that the reason all waste wood was diverted to Llansamlet was for the flexibility to allow segregation of different wood types to be able to adjust to a changeable regulatory/market position.</p> <p>Prior to the implementation of the change, Natural Resources Wales (NRW) had written to all Authorities in Wales stating that Authorities could only claim their wood reprocessor's facility recycling rate, or assess the percentage of separately recyclable wood they receive at their recycling centres. The wood reprocessor contracted by the Council saw their facility recycling rate drop below 30% as they were sending a high quantity of wood, from other sources, to biomass. Being able to sort wood brought to us would enable us to maximise the percentage of separately recyclable wood sent for recycling, and then send the remainder to biomass directly as a non domestic operation, thereby mitigating the adverse impact on our recycling performance.</p> <p>Since the implementation of the change, we have been fortunate that our wood processor has been able to find an alternative facility to process our wood</p>

	<p>waste, thereby blending the mixed quality of wood with wood from other sources, achieving a facility rate of around 90%.</p> <p>Whilst this is the current position, the flexibility to segregate the different quality of woods remains important in case capacity at this alternative facility is lost, and because the Environment Agency, with NRW likely to follow, continue to consider changing how waste wood from Council Recycling Centres is going to be classified going forward.</p>
3	<p>Councillors Chris Holley, Graham Thomas, Wendy Fitzgerald</p> <p>Will the Leader/Cabinet Member tell Council what lease agreements are in place for Civic Centre and</p> <p>(a) Who holds them, (b) What are the timescales.</p> <p>Response of the Cabinet Member for Delivery & Performance</p> <p>(a) There are effectively two leasehold interests in the Civic Centre- Swansea University and National Academy for Educational Leadership (b) The leases expire 31st January 2021 and 2nd September 2021 respectively</p>
4	<p>Councillors Will Thomas & Myles Langstone</p> <p>In 2018 Mumbles Community Council requested an asset transfer of the toilet block and all the tennis courts at Langland Bay with the intention of dramatically improving the toilet and sports facilities at the site. This request was refused and the site remains in poor condition. With the double court site planned to be advertised for regeneration could the cabinet member confirm how many tennis courts will be advertised (and most likely lost) for sale/redevelopment, two or three? In my opinion a minimum of 4 tennis courts is needed to keep Langland's famous identity as a tennis destination. The LTA have also confirmed that they would need to see four fully refurbished courts to bring back the prestigious youth tournament that was stopped due to the state of the facilities. Could you please give me your opinion on this, do you agree that four courts as a minimum are required? The double court area is very large and offers ample room for commercial redevelopment, relocation of toilet facilities and sports and recreational facilities. If the community is to lose two tennis courts I would like to see other facilities such as better toilets, warm showers, changing area for surfers, basketball court, public seating area and a padel tennis court. Can the Cabinet Member commit to any potential developer having to improve facilities at the site.</p> <p>Response of the Cabinet Member for Investment, Regeneration & Tourism</p> <p>The Council has agreed to grant a 25 year lease (without security of Tenure) for 3 courts to Mumbles Community Council for the purpose of refurbishing the existing Tennis Courts. Lawyers are currently dealing with agreeing this documentation.</p> <p>With regard to the 4th "single" court Mumbles Community Council were told that it cannot be included until the development / improvement of public service</p>

	<p>opportunities at the site have been thoroughly explored but that it may become available to them if it is not essential for any proposed development project. The current intention is to advertise for development 3 courts, on the basis that any developer will be required to provide and maintain new public toilet facilities and that the that Council would like to see a mix of commercial and leisure facilities included. However, offers on any basis are welcome for consideration.</p> <p>The fact that the LTA have confirmed that four fully refurbished courts will be required to bring back the prestigious youth tournament is new information and this has not been formally communicated to the Council by the LTA/Tennis Wales.</p>
5	<p>Councillors Wendy Fitzgerald, Gareth Sullivan, Gordon Walker</p> <p>What advice is the Council providing to parents, schools and other care providers on how to protect children from the recognised dangers of EMF both current and following the deployment of 5G across Swansea.</p> <p>Response of the Cabinet Member for Environment & Infrastructure Management</p> <p>Advice has been received from Public Health Wales that 5G technology is safe. For concerns relating to both ionizing and non-ionizing radiation, like other UK public health bodies, Public Health Wales is advised by Public Health England's – Centre for Radiation, Chemical and Environmental Hazards (PHE-CRCE). PHE provides independent, impartial and authoritative advice on exposure to radiofrequencies and electromagnetic fields.</p> <p>The current professional evidence based advice is clear. The overall exposure is expected to remain very low relative to guidelines and as such there should be no consequences for public health.</p> <p>We are aware there are a number of unsubstantiated claims about 5G technology circulating. This is no different to what happened prior to the introduction of 3G and 4G.</p> <p>We understand the introduction of new technology can raise concerns and we have urged that this be kept under constant review by the National Government and national public health organisations.</p>
6	<p>Councillors Wendy Fitzgerald, Gareth Sullivan, Kevin Griffiths</p> <p>Given the increasing concerns about the health impacts of masts located close to residential areas can the Cabinet Member comment on the fact that these can be installed, despite objections from the public, under Prior Approval arrangements.</p> <p>Response of the Cabinet Member for Delivery & Performance</p> <p>The relevant prior approval process is prescribed by Welsh Government under the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended).</p>

	<p>Applications for telecommunication masts determined under these prior approval arrangements by this Authority are, however, subject to similar consultation arrangements and policy considerations as full planning applications for such developments. Any issues raised as part of the consultation exercise regarding the health impacts of such developments are, therefore, fully taken into account as part of this determination process.</p>
	<p>Part B – No Supplementaries</p>
7	<p>Councillors Peter May & Irene Mann</p> <p>Cases involving Swansea Council planning officers' interpretation of policy H9 on HMOs in the new LDP have recently been overturned twice on appeal by the planning inspectorate. The two cases in question were Montpelier Terrace (Uplands) and Ysgol St (St Thomas). The council leader has indicated in the press that "We intend to pursue this strongly"</p> <p>In response to our question to Council of the 24th October 2019, it was stated that: "...the Council are in the process of taking legal advice in relation to both appeal decisions. After considering the advice, legal proceedings will be issued if appropriate."</p> <p>a. What was the deadline for issuing the legal proceedings in each case? b. Has the legal advice now been taken and if so what will be the Council's course of action after taking it.</p> <p>Response of the Cabinet Member for Delivery & Performance</p> <p>a) 22nd and 23rd October 2019 respectively.</p> <p>b) Legal advice has been taken in respect of both appeal decisions. After considering the advice the Council have issued legal proceedings under s.288 of the Town and Country Planning Act 1990 for a statutory review of the appeal decision relating to 1 Montpelier Terrace, Swansea. The matter is currently being considered by the High Court of Justice. Based on legal advice no action is being taken in relation to 73 Ysgol Street, Swansea.</p>
8	<p>Councillors Peter Black, Chris Holley, Kevin Griffiths</p> <p>Will the Leader/Cabinet Member inform Council how much the new lighting outside The Guildhall cost and how was it financed.</p> <p>Response of the Cabinet Member for Investment, Regeneration & Tourism</p> <p>The total cost for the new lighting outside The Guildhall was £69,000. This was financed from the Building Capital Maintenance budget for 19/20, as approved by Cabinet on the 21st March 2019.</p>
9	<p>Councillors Lynda James, Mike Day, Gareth Sullivan</p> <p>What method is used to ascertain whether a property is deemed a second home especially if the owner lives outside the authority area.</p> <p>Response of the Leader / Cabinet Member for Resilience & Strategic Collaboration</p>

Although commonly referred to as 'second homes', the actual definition of this type of property is: A dwelling which is furnished and which is not the sole or main residence of an individual.

In other words it is a furnished property and no-one lives there as their normal home. The concept of 'sole or main residence' is a well-established principle in assessing council tax liability and is subject to significant case law that is referred to when deciding where someone's 'sole or main residence' lies. In the regulations that enable the charging of Council Tax premiums, these properties are also referred to as "dwellings occupied periodically".

When a person contacts the local authority to advise us that they have become the owner of a property, they are asked a series of questions relating to their ownership / occupation of the address. For example, when they became the owner, will they be residing in the property, their normal place of residence, is it tenanted and other questions the answers for which will allow the authority to correctly determine who should be liable for Council Tax, whether any discounts or exemptions should be applied and so the correct amount to be paid. It is during this process that we identify whether a property is a 'second home' based on the information provided. The same questions are initially asked of all owners, regardless of whether they live inside or outside of the Swansea area. Similar questions are asked in our online forms and in the paper forms left at empty dwellings by our property inspector.

In reality, many taxpayers just tell us the property has been bought as a holiday home so it is often a very clear cut statement of fact.

In the run up to the implementation of Council Tax premiums for 'second homes' from April 2021, we will review the various processes and forms involved in establishing Council Tax liability and the amount to be paid in order to ensure that our determinations remain accurate. It will be particularly important that we gather information that might lead us to determine that a property falls into one of the exceptions that would prevent a Council Tax premium being charged so additional questions may need to be asked and possibly supporting evidence provided by the owners.

10 **Councillors Peter May & Irene Mann**

Swansea Council has officially recognised and declared a " climate emergency " Can the Council respond to the concerns voiced by many residents with ref to the installation of 5G infrastructure which will increase carbon emissions exponentially.

Response of the Leader

5G will lead to an increase of data being transmitted wirelessly and this will lead to an increase of power consumption. However, this will be offset by the environmental benefits and efficiencies that 5G will bring.

This could include smart lighting, smart heating and other energy, health and environmental benefits. 5G will also improve and encourage more home working thus reducing the use of transport to the working place. Another potential benefit to 5G would be smart parking within the city centre, it is

	<p>estimated that smart parking could significantly reduce emissions and fuel consumption.</p> <p><i>A report by 02 highlights some benefits and efficiencies that a 5G-enabled Smart City would bring: https://d10wc7q7re41fz.cloudfront.net/wp-content/uploads/2018/03/Smart-Cities-Report.pdf</i></p>
11	<p>Councillors Peter May & Irene Mann</p> <p>The U.D.P.2008 supported the conversion of residential properties to HMOs subject to 5 criteria. This has resulted in a surfeit of HMOs in the area. Would the council consider supporting the conversion of HMOs to family homes by either providing a small grant or reduced council tax as incentive. This would function on 3 levels:</p> <ol style="list-style-type: none"> a) Rebalancing communities. b) Provide the council with an income stream HMOs do not normally pay council tax. c) Financing internal modifications to the property. <p>Response of the Cabinet Member for Delivery & Performance</p> <p>It is important to note that the definition of a HMO for Council Tax purposes is different to the definition of a HMO for Environmental Health purposes as different legislation applies. In its simplest terms, a Council Tax HMO is a property that is not occupied by a single household and the tenants do not have a right to occupy the whole of the property i.e. they rent a room with shared facilities. A property let to joint tenants who can decide themselves who occupies what areas is not a HMO for Council Tax purposes. Also, some larger HMOs may have been split into separate Council Tax assessments by the Valuation Office (VO) and if the VO agrees to merge them back into one unit it is likely that the overall Council Tax charge would be reduced.</p> <p>Under Section 13A of the Local Government Finance Act 1992 the Council has discretionary powers to reduce Council Tax liability to such extent as it thinks fit. The full cost of allowing this relief would have to be met by the authority.</p> <p>In order to allow a reduction The Authority's Council Tax Discretionary Relief Policy requires the taxpayer to provide evidence of financial hardship or personal circumstances that justifies a reduction in their Council Tax liability. The relief is therefore based on the circumstances of the taxpayer, not the location or type of the property. The taxpayer must also satisfy the Council that all reasonable steps have been taken to resolve their situation prior to application.</p> <p>Granting Section 13a relief purely because a taxpayer intends to convert a property from a HMO to a family home would not fall in line with that policy. It would have been a matter of personal choice to purchase the property and it would be reasonable to expect the purchaser to have sufficient financial resources available to meet the necessary costs without incurring financial hardship. To buy the property in other circumstances would have been a bold decision and the authority should not provide financial support in such circumstances as it could be seen to be using its limited financial resources to support property speculation at a cost to the other taxpayers in the area.</p>

However, depending on the extent of the work required at the property for conversion, Council Tax exemption class A allows a dwelling which is undergoing major repair work to render it habitable or is undergoing structural alteration to be exempt from Council Tax for a continuous period of up to 12 months. This is a statutory exemption and if the necessary criteria are satisfied could legitimately and fairly be awarded at no cost to the authority.

The Council does not offer a specific financial assistance scheme for such works. If however a particular HMO had been vacant for more than 6 months then the Council's Welsh Government funded empty homes loan scheme may be appropriate for any conversion works subject to an applicant satisfying relevant eligibility criteria.