



City and County of Swansea

## Minutes of the Council

Council Chamber - Guildhall, Swansea

Wednesday, 27 November 2019 at 5.00 pm

**Present:** Councillor D W W Thomas (Chair) Presided

### Councillor(s)

C Anderson  
J E Burtonshaw  
M C Child  
N J Davies  
A M Day  
C R Doyle  
M Durke  
C R Evans  
V M Evans  
E W Fitzgerald  
L S Gibbard  
K M Griffiths  
J A Hale  
D W Helliwell  
T J Hennegan  
C A Holley

### Councillor(s)

B Hopkins  
D H Hopkins  
L James  
O G James  
Y V Jardine  
J W Jones  
M H Jones  
P K Jones  
S M Jones  
A S Lewis  
M B Lewis  
W G Lewis  
C E Lloyd  
P Lloyd  
I E Mann  
P M Matthews

### Councillor(s)

P N May  
H M Morris  
C L Philpott  
S Pritchard  
A Pugh  
J A Raynor  
P B Smith  
R V Smith  
R C Stewart  
M Sykes  
M Thomas  
W G Thomas  
L J Tyler-Lloyd  
G D Walker  
L V Walton  
T M White

### Officer(s)

Huw Evans	Head of Democratic Services
Adam Hill	Deputy Chief Executive / Director of Resources
Sarah Lackenby	Chief Digital & Transformation Officer
Tracey Meredith	Chief Legal Officer / Monitoring Officer
Phil Roberts	Chief Executive
Ben Smith	Chief Finance Officer / Section 151 Officer

### Apologies for Absence

Councillor(s): P M Black, S E Crouch, J P Curtice, P Downing, W Evans, R Francis-Davies, S J Gallagher, P R Hood-Williams, L R Jones, M A Langstone, D Phillips, C Richards, K M Roberts, B J Rowlands, M Sherwood, A H Stevens, D G Sullivan, G J Tanner and L G Thomas

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## 94. Disclosures of Personal and Prejudicial Interests.

Chief Legal Officer gave advice regarding the potential personal and prejudicial interests that Councillors and / Officers may have on the agenda.

The Head of Democratic Services reminded Councillors and Officers that the

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“Disclosures of Personal and Prejudicial Interests” sheet should only be completed if the Councillor / Officer actually had an interest to declare. Nil returns were not required. Councillors and Officers were also informed that any declarable interest must be made orally and in writing on the sheet.

In accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea the following interests were declared:

- 1) Councillors C Anderson, J A Hale, M B Lewis, C E Lloyd, P Lloyd, R V Smith & T M White declared a Personal Interest in Minute 104 “Council Tax Base Calculation 2020/2021”;
- 2) Councillors C Anderson, J E Burtonshaw, M C Child, N J Davies, A M Day, C R Doyle, M Durke, C R Evans, V M Evans, E W Fitzgerald, K M Griffiths, J A Hale, D W Helliwell, T J Hennegan, C A Holley, B Hopkins, D H Hopkins, L James, O G James, Y V Jardine, J W Jones, M H Jones, P K Jones, S M Jones, A S Lewis, M B Lewis, W G Lewis, C E Lloyd, P Lloyd, I E Mann, P M Matthews, P N May, C L Philpott, S Pritchard, A Pugh, J A Raynor, P B Smith, R V Smith, R C Stewart, M Sykes, D W W Thomas, M Thomas, W G Thomas, L Tyler-Lloyd, L V Walton, G D Walker & T M White declared a Personal Interest in Minute 106 “Independent Remuneration Panel for Wales (IRPW) Draft Annual Report 2020-2021 - Consultation”.
- 3) Councillor N J Davies declared a Personal Interest in Minute 108 “Reimbursement of Costs of Care”.
- 4) Councillor W G Thomas declared a Personal & Prejudicial Interest in Minute 99 “Public Questions” and withdrew from the meeting during a question on Councillors Question 4.

Officers

- 1) A Hill declared a Personal & Prejudicial Interest in Minute 102 “Amendments to the Council Constitution” and withdrew from the meeting prior to its discussion.

**95. Minutes.**

**Resolved** that the following Minutes be approved and signed as a correct record:

- 1) Ordinary Meeting of Council held on 24 October 2019.

**96. Written Responses to Questions asked at the Last Ordinary Meeting of Council.**

The Chief Legal Officer submitted an information report setting out the written responses to questions asked at the last Ordinary Meeting of Council.

**97. Announcements of the Presiding Member.**

**1) Condolences**

**i) Former Councillor Bill Hughes**

The Presiding Member referred with sadness to the recent death of former Councillor Bill Hughes. Bill served the Mumbles Community on the former Swansea City Council and former West Glamorgan County Council.

**ii) Former Councillor Jean Taverner**

The Presiding Member referred with sadness to the recent death of former Councillor Jean Taverner. Jean served the Uplands Community on the former Swansea City Council.

All present stood as a mark of sympathy and respect.

**2) Filming, Recording and Photography at Council Meetings**

The Presiding Member stated that under the Authority's "Filming, Recording and Photography at Council Meetings" Policy (adopted on 24 November 2011), he had allowed a film crew from Amazon News Media to film this Council Meeting.

**3) Local Authority Pension Fund (LAPF) Investment Awards 2019**

The Presiding Member stated that the City and County of Swansea Pension Fund had won the Best Approach to Sustainable Investing Award at the recent LAPF Investment Awards 2019.

The LAPF Investments Awards were established in 2015 in order to celebrate outstanding achievement in the Local Government Pension Schemes (LGPS). Over the years, an award from LAPF Investments Awards has come to be recognised as mark of excellence in the field of pension provision in the LGPS.

Karen Cobb from the Pension Team and Councillor C E Lloyd were present to receive the award.

**98. Announcements of the Leader of the Council.**

**1) Men Shed Initiative**

The Leader of the Council stated that he had set aside a £25,000 fund aimed at supporting the Men Shed Initiative.

**2) Swansea Christmas Parade 2019**

The Leader of the Council congratulated Swansea's Special Events Team and Councillor Robert Francis-Davies for their work in ensuring a very successful Christmas Parade 2019.

The Parade formed part of the 50<sup>th</sup> Anniversary of City status and saw hundreds of local people taking part. Thousands of people turned up to enjoy the excellent event.

**3) Together at Christmas 2018**

The Leader of the Council stated that JR Events & Catering were working with the Authority to deliver the Together at Christmas 2019 event on 19 December 2019.

A free two course Christmas lunch will be provided at the Brangwyn Hall between 12 noon and 3.00pm to the Homeless, Vulnerable and those In Need. He thanked all for assisting during the event.

**4) Swansea Central Phase 1 "The Arena"**

The Leader of the Council stated that work on the Arena project had commenced earlier in the week.

**99. Public Questions.**

A number of questions were asked by members of the public.

The relevant Cabinet Member(s) responded.

Those questions requiring written responses are listed below:

- a)** Janet Lovell and Shey Edlington Douglas submitted the following questions respectively; relating to Minute 109 "Councillors' Questions" – Questions 5 & 10, 5G:
- i) "Given the repeated evidence of the collapse of bee colonies following exposure to quite small quantities of WiFi radiation, what steps are the council taking to protect local parks, wild life and bee colonies from the proven damaging effects of 5G radiation when it is activated in Swansea?"*
  - ii) "Swansea council has officially declared a climate emergency so how can councillors stand back as the tech industry installs the infrastructure for 5G given that the anticipated carbon foot print of just 4G equivalent to the whole world's aviation industry combined is set to double by 2020 but will exponentially increase with 5G?"*

The Leader of the Council stated that a written response would be provided.

**Note:** The Leader of the Council also offered to meet with Susie Jewell, Janet Lovell and Shey Edlington Douglas in order to discuss the questions.

- b)** Nortridge Perrott submitted the following questions, relating to Minute 109 "Councillors' Questions" (Questions 7 & 11, Houses in Multiple Occupation (HMO's)):
- i) "Could the Council say if this PINS decision is susceptible to similar s288 Statutory Challenge/Review as the sandwiching policy within H9 was not considered in the reasoning given?"*
  - ii) Whose view of the Sustainable Devt Principle, Well Being objectives and the WCFG Act –Goal of Cohesive Communities should prevail or be preferred?*
  - iii) What specific actions are being undertaken by the Council to rectify, remedy or otherwise correct this PINS challenge to the H9 policy and say how and when during the AMR Process the CCS will reflect any procedural and substantive deficiencies in the operation of the LPA or H9 policy?*
  - iv) What statutory guidance and / or ministerial directions to PINS Inspectors could be litigated to achieve consistency and comprehensibility and does the CCS think that the WFG Act Commissioner [Menu for Action for Planning actors] is helpful / useful?*
  - v) Is this accurate for the Council [CCS] and say what is the basis of the £2.4mn investment figure & say if the s13A Provisions were used?*
  - vi) Does the Council have any plans to promote, instigate or otherwise facilitate the above modus operandi within the CCS area and describe the consequent use of the s13A Provisions?"*

The Delivery & Performance Cabinet Member stated that a written response would be provided.

**Note:** The Delivery & Performance Cabinet Member also offered to meet with Nortridge Perrott in order to discuss the questions.

**100. Presentation - None.**

No presentations were received.

**101. Standards Committee Annual Report 2018-2019.**

The Chair of the Standards Committee, Jill Burgess submitted the Standards Committee Annual Report 2018-2019 for information. The report set out the work of the Standards Committee during that period.

**102. Amendments to the Council Constitution.**

The Presiding Member, Monitoring Officer and Head of Democratic Services jointly submitted a report seeking to amend in order to simplify, improve and / or add to the Council Constitution in relation to the following areas:

- a) Part 3 "Responsibility for Functions" - "Chief Executive's Appraisal & Remuneration Committee Terms of Reference";
- b) Part 4 "Rules of Procedure" - "Land Transaction Procedure Rules".

**Resolved** that:

- 1) The Chief Executive's Appraisal & Remuneration Committee' Terms of Reference" be amended to read:

*"This Committee is exempt from the Committee Balance Rules in order to allow the following membership:*

- *Leader & Deputy Leader of the Ruling Group;*
  - *Leader and Deputy Leader of Largest Opposition Group;*
  - *Leader only of other Political Groups;*
  - *3 other Councillors from the Ruling Group.*
- a) *Responsible for the Performance Appraisal and objective setting of the Chief Executive.*
  - b) *Assisting the Chief Executive in the annual appraisal of the Deputy Chief Executive and endorsing the objectives set for the Deputy Chief Executive and agreeing the Deputy Chief Executive's salary banding for performance related pay.*

**Note:**

*Where the Authority proposes to appoint a Chief Officer or Deputy Chief Officer, and the remuneration which it proposes to pay to the chief officer is £100,000 or more per annum, it must:*

- i) *Draw up a statement specifying:*
  - *The duties of the officer concerned, and*
  - *Any qualifications or qualities to be sought in the person to be appointed.*
- ii) *Make arrangements for the post to be publicly advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and*
- iii) *Make arrangements for a copy of the statement mentioned in a) to be sent to any person on request.*

*The Authority is not required to publicly advertise, if it proposes to appoint the Chief Officer for a period of no longer than 12 months."*

- 2) Paragraphs 3 and 4 of Appendix 1 "Concessionary Letting Policy" of the Land Transaction Procedure Rules be amended to read:

*"3 The General Disposal Consent (Wales) 2003 Order came into force on 31 December 2003. This Order removed the former requirement for the Council to seek a specific consent for a disposal at an undervalue where the Council considers that the disposal is in the interests of the economic, social or environmental well-being of the whole or part of its area, or any or all persons resident or present in its area and the undervalue is **up to and including** £2,000,000 or less.*

*4 Under the Council's Constitution a Responsible Officer has delegated authority to exercise functions for which he or she has budgetary, managerial, operational or statutory authority provided that the Cabinet does not itself make a decision in a particular case. At present, the exercise of the executive functions by an Officer in relation to estate management on the disposal of a freehold or leasehold interest is limited up to **and including** £500,000."*

### **103. Amendments to the Council Constitution.**

The Presiding Member, Monitoring Officer and Head of Democratic Services jointly submitted a report seeking to amend in order to simplify, improve and / or add to the Council Constitution in relation to the following areas:

- a) Part 4 "Rules of Procedure" - "Contract Procedure Rules".

**Resolved** that:

- 1) The Contract Procedure Rules be replaced with the version as outlined in Appendix A of the report.

### **104. Council Tax Base Calculation 2020/2021.**

The Leader of the Council submitted a report detailing the calculation of the Council Tax Base for the City and County of Swansea, its Community / Town Councils and the Swansea Bay Port Health Authority for 2020-2021. The Council is required to determine the Council Tax Bases for 2020-2021 by 31 December 2019.

**Resolved** that:

- 1) The calculation of the Council Tax Bases for 2020-2021 be approved;
- 2) In accordance with the Local Authorities (Calculation of Tax Base) (Wales) Regulations 1995, as amended, the calculation by the City and County of Swansea Council for the Year 2020-2021 shall be:

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<b>For the whole area</b>	91,923
<b>For the area of Community / Town Councils:</b>	
Bishopston	1,986
Clydach	2,661
Gorseinon	3,319
Gowerton	1,972
Grovesend	426
Ilston	327
Killay	2,148
Llangennith, Llanmadoc and Cheriton	508
Llangyfelach	947
Llanrhidian Higher	1,626
Llanrhidian Lower	341
Llwchwr	3,446
Mawr	762
Mumbles	9,822
Penllergaer	1,437
Pennard	1,482
Penrice	426
Pontarddulais	2,340
Pontlliw and Tircoed	1,039
Port Eynon	433
Reynoldston	300
Rhossili	190
Three Crosses	715
Upper Killay	589
<b>For the area of the Swansea Bay Port Health Authority</b>	63,778

**105. Treasury Management – Interim Year Review Report 2019/20.**

The Section 151 Officer submitted an information report to receive and note the Treasury Management Interim Year Review Report 2019/2020.

**106. Independent Remuneration Panel for Wales (IRPW) Draft Annual Report 2020-2021 - Consultation.**

The Head of Democratic Services submitted a report informing Council of the Independent Remuneration Panel for Wales (IRPW) Draft Annual Report 2020-2021 and outlined the determinations proposed by the IRPW. The report also contained the recommended draft response of the Democratic Services Committee of 6 November 2019 to the consultation.

The Head of Democratic Services also referred to a proposed determination of the IRPW in relation to publication of the costs of Reimbursement of Costs of Care. He stated that “*relevant authorities should only publish the total amount reimbursed during the year*”. As the publication of the Reimbursement of Costs of Care against an individual was a barrier for those with caring responsibilities to claim, he proposed that this element of the IRPW report be implemented with immediate effect.



**Resolved** that:

- 1) The comments and observations as set out in Appendix A of the report be adopted as the Authority's formal response to the IRPW;
- 2) The Authority cease the publication of the amounts claimed by individual Councillors in relation to the Reimbursement of Costs of Care and that an annual amount of the total claimed by Councillors and Co-opted members be published.

**107. Scrutiny Dispatches – Quarterly Impact Report.**

The Chair of the Scrutiny Programme Committee submitted an information report setting out the Scrutiny Dispatches - Quarterly Impact Report.

**108. Reimbursement of Costs of Care.**

The Head of Democratic Services submitted an information report aimed at promoting the take up of the Reimbursement of Costs of Care.

**109. Councillors' Questions.**

1) **Part A 'Supplementary Questions'**

Six (6) Part A 'Supplementary Questions' were submitted. The relevant Cabinet Member(s) responded by way of written answers contained in the Council Summons.

Those supplementary question(s) required a written response are listed below:

**Question 1**

Councillor C A Holley asked the relevant Cabinet Member:

*"Can you please specifically outline what the surplus car park monies were used for?"*

The Environment & infrastructure Management Cabinet Member stated that a written response would be provided.

**Question 2**

Councillor SM Jones asked the relevant Cabinet Member:

*"Could the Cabinet Member look into the possibility of placing an Amnesty Skip at Civic Amenity Sites at certain periods of the year?"*

The Environment & infrastructure Management Cabinet Member stated that he would look into the possibility of providing an occasional amnesty skip.

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2) Part B 'Questions not requiring Supplementary Questions'

Five (5) Part B 'Questions not requiring Supplementary Questions' were submitted.

The meeting ended at 6.43 pm

**Chair**