



Council – 24 October 2019

Councillors' Questions

Part A – Supplementaries

1	<p>Councillors Mike Day, Cheryl Philpott & Chris Holley</p> <p>We congratulate the Cabinet on accessing a grant to bring the Palace Theatre back into beneficial use. Can the Leader tell Council whether the same action has been, or will be, taken with regard to Home Farm, which is also an important part of Swansea's historic heritage.</p> <p>Response of the Leader</p> <p>The grant funding targeted for the former Palace Theatre is Welsh Government 'Building for the Future' funding and EU Targeted Regeneration Investment Programme. Both funds have geographical boundaries focussed on Swansea City Centre. Therefore these funding streams are not available to Home Farm.</p> <p>Cadw have recently reopened their grants programme for listed buildings; these are small grants for the repair/ reinstatement of historic features and the amount available will be very small against the as yet unknown scale of the conservation deficit at Home Farm.</p>
2	<p>Councillors Jeff Jones, Mike Day & Gareth Sullivan</p> <p>Can the Cabinet Member tell Council how many supplier contracts have failed since April 2018. Given that the Council has seen problems in recent months with failure of contractors, such as those for the Kingsway and car parking ticketing machines, can the Cabinet member also tell Council</p> <ol style="list-style-type: none">What arrangements are in place to monitor all council contracts.What risk assessment process is applied to contractors.What contingency arrangements are in place to cover the possible failure of key suppliers and/or contractors. <p>Response of the Cabinet Member for Delivery & Performance</p> <p>Two suppliers have gone into administration since April 2018.</p> <ol style="list-style-type: none">What arrangements are in place to monitor all council contracts. <p>The Council contracts for a wide variety of goods and services and each contract is managed on a day-to-day basis by the Council Service that holds the budget for the contract in question, so for example if there is a purchase of new traffic lights then that would be the responsibility of the Highways and Transportation Service. There are two key nominated roles per contract – the contract's Authorised Officer (with day-to-day responsibility) and also the Responsible Officer for the contract which is the Head of Service responsible for</p>

the contract and its budget and ensuring that the performance measures set in the contract are met. Council Officers can also call upon the expertise of Corporate staff (Finance, Legal or Commercial for example) to obtain further advice in the event of any supplier issues during the contract.

b. What risk assessment process is applied to contractors.

The Council operates a robust procurement system with one of the key elements the need for due diligence of its suppliers via assessment of a 'supplier suitability questionnaire' and which will cover important issues such as health and safety checks, relevant insurances (professional indemnity, employer liability and so forth), financial checks, relevant experience and any necessary accreditations based on the needs of the contract. Furthermore during the procurement process extensive questioning is undertaken to assess a supplier's technical ability to provide the good or service in question, one example of this is the use of 'method statement' questions where suppliers are obliged to provide information on how they would deliver the Council's requirement, which are then also reviewed and assessed by Council staff.

c. What contingency arrangements are in place to cover the possible failure of key suppliers and/or contractors.

The Council, in common with other public sector organisations and the private sector, uses a number of mitigating measures to protect itself in the event of supplier failure. In addition to the general basic measure of paying a supplier after the service has been delivered other protections include the use of parent company guarantees (so in the event of a failure the Council may have direct recourse to a parent company body); performance bonds (which enable the Council to make a financial claim against a guarantor in the event that the contractor fails to perform); retention of funds to ensure that work is completed to a satisfactory standard; step in rights which would allow the Council to contract directly with any subcontractors, and also the use of vesting certificates that ensure the ownership of goods bought for the Council by a supplier become Council property, rather than say the goods being subject to retention by creditors in the event of any failure of the supplier.

3 **Councillor Mike Durke**

Following a previous question about the number of Swansea schools being accepted at Oxford and Cambridge Universities, over the last three years how many students have gained a place at our excellent Higher Education Institutions - University of Wales Trinity Saint David and Swansea University.

Response of the Cabinet Member for Education Improvement, Learning & Skills

Unfortunately this information is held by the Universities and Colleges Admissions Service (UCAS). As a local authority we would not be able to find out the numbers.

It would appear that under new GDPR rules, this information will be prevented from being shared.

4	<p>Councillors Chris Holley, Jeff Jones & Kevin Griffiths</p> <p>What is the current advice for the distribution of gritting Materials given the history of major changes in our climate over the winter months and what are our stocks of the materials.</p> <p>Response of the Cabinet Member for Environment & Infrastructure Management</p> <p>No major changes have been made to the Winter Service Plan both in terms of existing gritting routes and resilience of salt. Gritting routes are available on the councils web pages (online mapping). The salt stock is being replenished prior to start of the winter season and will meet the levels recommended by best practice (over 5,000 tonne).</p> <p>All grit boxes will be refilled at the start of season.</p>
5	<p>Councillors Wendy Fitzgerald, Lynda James & Mary Jones</p> <p>Could the Cabinet Member update Council as to what signage improvements have been made to ensure that those using the 30 minute free parking for the railway station know how to exit the High Street multi-storey car park.</p> <p>Response of the Cabinet Member for Environment & Infrastructure Management</p> <p>Following on from some reports from members of the public that the signage of High St MSCP was confusing, a thorough review of all floors was carried out by the Car Parks Team.</p> <p>Following this review, a significant number of old and faded signs together with numerous ‘temporary’ signs have been removed with a much clearer sign being designed. This sign has been approved and once printed will be installed on all floors of the car park. This sign directs people who are using the MSCP to drop off for the train station to press the intercom to exit the car park.</p> <p>The tender for the new equipment is being finalised with the successful bidder being confirmed and an installation program.</p>
6	<p>Councillors Wendy Fitzgerald, Mary Jones & Jeff Jones</p> <p>Many thousands of trees are going to be lost across Swansea as a consequence of Ash Dieback. Could the Cabinet Member inform Members if there is likely to be any funding available to enable new planting to take place specifically along stretches of heavily trafficked roads where increased air and noise pollution as a consequence of tree loss could impact on nearby residential areas.</p> <p>Response of the Cabinet Member for Environment & Infrastructure Management</p> <p>The Authority and other Welsh authorities are working through the process of the ash dieback ‘toolkit’ developed and refined by the Tree Council along with several English authorities that have already dealt with the disease.</p>

The toolkit provides a four stage process for dealing with the disease, with planting and re-planting being the fourth and last stage. It is likely to take a number of years before this last stage is completed, although we are attempting overlap the stages and the council is planting many hundreds of large trees and many thousands of small trees through other schemes across the county that all go some way to replacing what is being lost. For example we have recently been successful in our bids for new woodland funded under the Glastir project.

With regard to specific areas to replant, these will need to be assessed to see if they are suitable. Many areas of woodland and woodland strips for example should not require replanting as other species should fill the space created and natural regeneration will outstrip any new trees added in these areas. Tree planting on verges will only be possible where they form part of the highway, as verge areas can be in private ownership.

At the present time there is no new funding available for specific replacement replanting of lost ash trees. Funding for all parts of the disease is a major issue for the authority and the council is approaching WG on the issue.

Part B – No Supplementaries

7 Councillors Peter May & Irene Mann

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"

- a. Does "to pursue this strongly" refer to just the St Thomas decision or the Uplands decision as well as the press article is unclear on this point?
- b. The only way to overturn the decision(s) of the inspector(s) is to apply to the High Court. Does "To pursue this strongly" mean that an application is actually being made to the High Court, or will the decision of the inspector(s) to allow the HMO(s) remain unchallenged by Swansea Council?
- c. Have any cases involving other policies in the new LDP been overturned by the planning inspectorate and if so what are they.

Response of the Cabinet Member for Delivery & Performance

a. The Council are in the process of taking legal advice in relation to both appeal decisions.

b. As stated, 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.

c. Yes. Since the adoption of the LDP 7 other appeals involving LDP policies have been allowed.

The planning application reference of these appeals are reproduced below and full details on each case can be accessed on the Council web site:

2018/1255/FUL

2018/1887/FUL

	<p>2018/2082/FUL 2018/2275/FUL 2018/2506/OUT 2018/2564/FUL 2019/0317/FUL</p>
8	<p>Councillors Peter May & Irene Mann</p> <p>An application to convert a family home to an HMO was referred to the planning committee by officers. The application in question was 2019/1617/FUL, 141 Western Street, Sandfields, Swansea, SA1 3JY: Change of use from 3 bedroom residential (Class C3) to 4 bedroom HMO (Class C4). At the time of writing, the outcome of the committee's vote was unknown.</p> <p>In essence, the planning department wanted the planning committee to test the application of an exemption to the H9 HMO policy rather than do it themselves under delegated powers.</p> <p>a. If the planning department wanted the committee to independently test and debate the application of a new policy, why was a recommendation, in this case approval, offered to them.</p> <p>The test involved in this case was to determine whether a C3 property that was already sandwiched could be converted into C4 HMO despite being above the percentage threshold by considering it as an exceptional circumstance. In the draft supplementary planning guidance, the planning department has introduced this very same exceptional circumstance for public consultation. The public consultation is not yet complete.</p> <p>b. Would it have been wiser to have not involved the planning committee to determine an application based on an aspirational exemption which is not yet official recognised supplementary planning guidance and simply decided the application under delegated powers on the LDP H9 policy as written. Would it have been wiser to let the public consultation run its course.</p> <p>On examining the HMO public register, there are over 150 properties in the Uplands ward which are C3 residential and are sandwiched between two HMO properties.</p> <p>c. If the above application was approved can the cabinet member appreciate the vulnerability that these 150 family home C3 properties would now face to be converted into HMOs by this precedent. Can he see that there would be real potential for these properties to be targeted by estate agents and developers in order to circumvent the percentage threshold.</p> <p>Response of the Cabinet Member for Delivery & Performance</p> <p>a. The issues are fully addressed in the Committee report. In this instance there were considered to be overriding material considerations which outweighed concerns regarding harmful concentration or intensification. In this respect if the application were not approved any future residents of the application property will likely have long term negative amenity impacts because they are sandwiched between two HMO's.</p>

	<p>b.The application was not considered against the provisions of the draft SPG because this carries little material weight at this stage. As the Planning Committee report states policy H9 provides that “HMO proposals that would lead to a breach of the maximum thresholds will only be permitted where there are exceptional circumstances or overriding material considerations that demonstrably outweigh any concerns regarding harmful concentration or intensification.” The application was considered on this basis.</p> <p>c.Each application is considered on its own merits having regard to the provisions of the development plan including the provisions quoted above. It is not considered that the determination of this application would set a precedent for the consideration of future applications as these will need to be assessed having regard to the individual circumstances prevailing at the time.</p>
9	<p>Councillors Peter Black, Graham Thomas & Gareth Sullivan</p> <p>How many households as a proportion of the total, presenting as homeless or in danger of homelessness had a household member who was in paid employment at the time.</p> <p>Response of the Cabinet Member for Homes Energy & Service Transformation</p> <p>This information is not reported on currently and we are not required to record it for Welsh Government statistical purposes. An analysis of our own records however shows that in the first quarter of 2019/20 (April to June), out of 627 households that presented as threatened with homelessness, 22% were in paid employment, which could be part-time or full time employment.</p> <p>It should be noted that these figures are for the main applicant only, and it is possible that other household members may be in paid employment and therefore the overall figure may be slightly higher than 22%.</p>
10	<p>Councillors Susan Jones, Mary Jones & Jeff Jones</p> <p>Could the Cabinet Member explain why the Council’s automatic telephone system is apparently unable to recognise several Welsh names, insisting on providing an alternative English one instead, and also has difficulty in understanding a Welsh accent.</p> <p>Response of the Leader</p> <p>The system is working very well and of course, it does recognise Welsh names and Welsh accents. It was introduced in June this year to improve our customer service and was already being successfully used by other local authorities, health boards and police forces. Inevitably there are some words, both English and Welsh, that are not initially in the system’s directory and as soon as we become aware of these they are added. There are also some words that some people pronounce differently and we are able to change the phonetics so these are easily recognised the next time.</p> <p>Calls in the Welsh language go through to a dedicated member of staff.</p>

	<p>The benefits of the system are improved efficiency and the technology will allow us in the future to take calls and to deliver some services 24 hours a day.</p> <p>It also frees up our customer service advisors to deal with more complex calls from the public.</p>