

# Public Document Pack

Penallta House,  
Tredomen Park,  
Ystrad Mynach,  
Hengoed CF82 7PG

Ty Penallta,  
Parc Tredomen,  
Ystrad Mynach,  
Hengoed CF82 7PG



[www.caerphilly.gov.uk](http://www.caerphilly.gov.uk)  
[www.caerffili.gov.uk](http://www.caerffili.gov.uk)

For all enquiries relating to this agenda please contact Helen Morgan  
(Tel: 01443 864267 Email: [morgah@caerphilly.gov.uk](mailto:morgah@caerphilly.gov.uk))

**Date: 19th July 2017**

This meeting will be filmed and made available to view in live and archive form via the Council's website. The whole of the meeting will be filmed, except for discussions involving confidential or exempt items. The webcast will be available for 18 months from the date of the meeting at [www.caerphilly.gov.uk](http://www.caerphilly.gov.uk)

It is possible that the public seating areas could be filmed and by entering the Chamber you are consenting to being filmed and to those images and sound recordings being used.

You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so. A simultaneous translation will be provided if requested.

If you have any queries please contact the Interim Head of Legal Services and Monitoring Officer by email [willige@caerphilly.gov.uk](mailto:willige@caerphilly.gov.uk) or telephone 01443 863393

Dear Sir/Madam,

A meeting of **Council** will be held in the **Council Chamber - Penallta House, Tredomen, Ystrad Mynach** on **Tuesday, 25th July, 2017** at **5.00 pm** to consider the matters contained in the following agenda.

Yours faithfully,

A handwritten signature in blue ink that reads 'Chris Burns'.

**Chris Burns**  
INTERIM CHIEF EXECUTIVE

## AGENDA

Pages

- 1 To receive apologies for absence.
- 2 Mayor's Announcements.

A greener place Man gwyrddach



3 Presentation of Awards.

4 Declarations of Interest.

Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.

To approve and sign the following minutes: -

5 Council held on 13th June 2017. 1 - 8

To receive and consider the following reports: -

6 Supplementary Planning Guidance LDP1 - Affordable Housing Obligations. 9 - 34

7 Election of Caerphilly Youth Champion. 35 - 38

8 Implementation of Immigration Act 2016 and Associated Amendments to the Authority's Statement of Licensing Policy. 39 - 44

To receive and answer questions received under Rules of Procedure 10(2) which may have been submitted after the preparation of the agenda

**Circulation:**

All Members And Appropriate Officers



## COUNCIL

### MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON 13TH JUNE 2017 AT 5.00PM

---

---

#### PRESENT:

Councillor J. Bevan - Mayor  
Councillor M. Adams - Deputy Mayor

#### Councillors:

Mrs E. Aldworth, C. Andrews, A. Angel, C. Bezzina, L. Binding, S. Cook, D. Cushion, C. Cuss, W. David, M. Davies, D.T. Davies, K. Dawson, N. Dix, K. Etheridge, M. Evans, A. Farina-Childs, Miss E. Forehead, A. Gair, N. George, C. Gordon, R.W. Gough, D. Harse, D. Havard, A. Higgs, A. Hussey, M. James, V. James, L. Jeremiah, S. Kent, G. Kirby, C.P. Mann, P. Marsden, B. Miles, S. Morgan, B. Owen, Ms A. Passmore, Mrs L. Phipps, D.V. Poole, D.W.R. Preece, Mrs D. Price, J. Pritchard, J. Ridgewell, J.E. Roberts, R. Saralis, Mrs M.E. Sargent, J. Scriven, G. Simmonds, J. Simmonds, S. Skivens, Mrs E. Stenner, J. Taylor, C. Thomas, A. Whitcombe, R. Whiting, L G. Whittle, T. Williams, W. Williams, B. Zaplatynski

#### Together with:-

C. Burns (Interim Chief Executive), C. Harray (Corporate Director - Communities), D. Street (Corporate Director - Social Services), G. Williams (Interim Head of Legal Services and Monitoring Officer), S. Harris (Interim Head of Corporate Finance), R. Hartshorn (Head of Public Protection) and R. Barrett (Committee Services Officer)

Also in attendance: Mr J. Cuthbert (Police and Crime Commissioner for Gwent), Ms E. Thomas (Deputy Police and Crime Commissioner for Gwent), Ms S. Curley (Chief of Staff, Office of the Police and Crime Commissioner for Gwent)

#### 1. MAYOR'S ANNOUNCEMENT – RECENT EVENTS

The Mayor referred to the Manchester Arena bombing on the night of Monday 22nd May 2017, which resulted in the deaths of 22 people and left many more injured. He also referred to the London Bridge terrorist attack on Saturday 3rd June 2017, which left 8 people dead and many people injured. All present stood for a moment of silence as a mark of respect for the victims of these tragic events.

#### 2. WEB-CASTING FILMING AND VOTING ARRANGEMENTS

The Interim Chief Executive reminded those present that the meeting was being filmed and would be made publically available in live and archive form via the Council's website. He advised that decisions would be made by a show of hands.

### **3. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors P.J. Bevan, A. Collis, C. Elsbury, Mrs C. Forehead, J.E. Fussell, Ms. J. Gale, D.T. Hardacre, L. Harding, G. Johnston, Mrs B. Jones, Ms P. Leonard, G.D. Oliver and T. Parry.

### **4. MAYOR'S ANNOUNCEMENTS**

The Mayor referred to the many events and visits that he and the Deputy Mayor have undertaken since the last meeting, and made specific reference to two concerts he had attended (a Poppy Appeal fundraising concert at Blackwood Methodist Church and the Annual Bedwas, Trethomas and Machen Band Society Summer Concert). In addition to these concerts, the Mayor recently had the honour of representing the local authority at a Royal Garden Party at Buckingham Palace.

Members were also advised that the Mayor's consort, Hilary Lynn, had stepped down from her role due to other commitments, and that as such, his daughter, Beverley Wooldridge, would take on this role.

### **5. PETITION – REQUEST TO REINSTATE THE PARK RANGER AT YSTRAD MYNACH PARK**

The Mayor received a petition presented by Councillor M.P. James, on behalf of local residents of Ystrad Mynach, which requested the reinstatement of the park ranger at Ystrad Mynach Park. The Mayor indicated that it would be referred to the appropriate directorate for attention.

### **6. PRESENTATION OF AWARDS**

#### **Local Authority Building Control (LABC) Regional Building Excellence Awards**

Members were advised that the Council's Building Control Team work with residents and building firms to ensure that construction work across the county borough meets Building Regulation Technical Standards. Those parties who are recognised as delivering best practice and exemplary work are nominated at the annual Local Authority Building Control (LABC) Regional Building Excellence Awards.

Mr Chris Jones (Taylor Wimpey) was awarded 'Best Residential Site Manager' at the LABC Awards 2017, and will now go on to represent South Wales in the all-Wales finals in Cardiff later this year. Additionally, Mr and Mrs Joyce (local residents) were highly commended in the 'Best Extension or Alteration' category, and P&P Building and Roofing Contractors Ltd were highly commended in the 'Best Affordable New Housing Scheme' category.

Jason Lear from the Building Control Team, together with Mr Chris Jones and Mr and Mrs Joyce, came forward in order that Members could recognise their awards, and they were congratulated on their achievements.

### **7. DECLARATIONS OF INTEREST**

During the course of the meeting, Councillors A. Angel, M. Adams, D.T. Davies, N. George, C. Gordon, J. Simmonds and J. Taylor declared an interest in respect of Agenda Item No. 12 (Internal Investigation of Senior Officers - Additional Financial Provision). Details are minuted with the respective item.

## 8. PRESENTATION – POLICE AND CRIME COMMISSIONER FOR GWENT

Mr Jeff Cuthbert, the Police and Crime Commissioner for Gwent, was welcomed to the meeting, together with the Deputy Police and Crime Commissioner (Ms Eleri Thomas) and his Chief of Staff (Mrs Sian Curley).

Mr Cuthbert opened his presentation by outlining his role and reflecting on his first year in office and explained that during that time, he had set out his direction of travel, consulted with the residents and businesses of Gwent, and attended over 425 engagement activities. The Commissioner highlighted the importance of shared partnership working by Gwent Police and advised Members that all of the aforementioned actions had helped to populate the new Gwent Police and Crime Plan 2017-2021, which launched on 31st March 2017 and provides a four-year strategic direction for policing in Gwent.

The Commissioner outlined the priorities of the Police and Crime Plan, namely crime prevention, supporting victims, community cohesion, dealing with anti-social behaviour (ASB), and effective service delivery, and explained the importance of delivering a balanced Plan against national policing priorities. He referred to the increasing challenges faced by Gwent Police in countering the sophisticated approaches used to carry out crimes such as internet/cyber-based crime and human trafficking, and spoke of the need to tackle newer types of crime such as “mate crime”. Mr Cuthbert also spoke of the importance of supporting victims of crime and of the need for partnership and engagement work across a wide range of groups and communities in order to tackle and reduce instances of crime.

Mr Cuthbert referred to austerity measures and of the need to deliver and manage a balanced police budget. Members were advised that although there have been significant budget cuts over the past few years (with further cuts anticipated for the future), savings have been identified and reinvested, which have led to the recruitment of 100 new police officers during 2016/17.

The Commissioner also spoke of the potential changes that lay ahead in view of the impending retirement of the Chief Constable for Gwent Police (Mr Jeff Farrar) and confirmed that the process to appoint his replacement is currently underway.

In closing, Mr Cuthbert referred to an earlier review of the police funding formula and spoke of the potential for a further review arising from the outcome of the recent General Election, together with recent terrorism incidents in the UK, which could present fresh challenges for policing across Gwent.

Discussion of the Commissioner’s report ensued and in referring to the rapid armed police response time during the recent London Bridge attack, a Member queried whether similar arrangements are in place for the Caerphilly county borough. Mr Cuthbert confirmed that trained firearms officers would be deployed should the need arise, and assured Members that contingencies for forthcoming events in the area have been thoroughly planned and scrutinised, with particular emphasis placed on the value of local intelligence.

A Member highlighted anti-social behaviour arising from large groups of young people congregating in town centres and in referring to limited police resources in the area, enquired as to how the Commissioner planned to address this matter.

Ms Eleri Thomas, the Deputy Police and Crime Commissioner for Gwent, explained that public consultation results had demonstrated an overwhelming need for visible policing, and therefore policing teams were being located in critical areas to provide reassurance to residents and engage with young people in the area. She highlighted the importance of working with local ward Members to resolve issues and also referenced the value of partnership working with agencies such as the Public Service Board, Youth Forum and Junior Youth Forum.

A Member sought further information on the Commissioner's approach to inter-agency working when tackling organised crime. Mr Cuthbert spoke of the rise in cybercrime and of the work being carried out by police officers and PCSOs to educate young people on how to safely use the internet. He explained that arising from a need to extend this approach, the police will be working with key partners and third-sector groups to get the message across to as wide an audience as possible.

Comments were received regarding illegal parking in the area and Mr Cuthbert spoke of the need for such behaviour to be tackled via a multi-agency response in view of the potential for decriminalised parking enforcement across Wales in the future. Members also spoke of parking issues in the area caused by untaxed cars and both the Commissioner and Deputy Commissioner gave reassurances that action is taken by the police in cases where a motoring offence has been committed.

The Mayor thanked the Police and Crime Commissioner and his colleagues for their attendance and valued contributions, and Mr Cuthbert, Ms Thomas and Mrs Curley then left the meeting.

**9. SPECIAL COUNCIL – 22ND FEBRUARY 2017**

RESOLVED that the following minutes be approved as correct records and signed by the Mayor.

Council held on 22nd February 2017 (minute nos. 1 - 6 on page nos. 1 - 10).

**10. COUNCIL – 7TH MARCH 2017**

RESOLVED that the following minutes be approved as correct records and signed by the Mayor.

Council held on 7th March 2017 (minute nos. 1 - 16 on page nos. 11 - 22).

**11. ANNUAL MEETING OF COUNCIL – 18TH MAY 2017**

RESOLVED that the following minutes be approved as correct records and signed by the Mayor.

Annual Meeting of Council held on 18th May 2017 (minute nos. 1 - 24 on page nos. 23 - 38).

**REPORTS REFERRED FROM CABINET**

Consideration was given to the following report referred from Cabinet.

**12. BRYN COMPOST LIAISON GROUP – TERMS OF REFERENCE**

It was noted that this report (which had been considered by Cabinet on 7th June 2017) had been deferred to a future meeting of Council.

## REPORTS OF OFFICERS

Consideration was given to the following reports.

### 13. ROYAL BRITISH LEGION “COUNT THEM IN” CAMPAIGN – PROPOSED COUNCIL MOTION

Consideration was given to the report which detailed a Notice of Motion received from Councillors D.V. Poole, J. Bevan and A. Higgs, in support of the Royal British Legion ‘Count Them In Campaign’, to include questions on the UK Census that capture information on serving and ex-members of the Armed Forces. In accordance with Rule of Procedure 11 (3) of the Constitution, the Mayor, Councillor J. Bevan, had agreed to allow the motion to be dealt with at Council, without first being discussed at an overview and scrutiny committee.

Members were advised that the Royal British Legion ‘Count Them In Campaign’ has requested that the next UK Census (in 2021) includes additional questions on the residence of members of the UK Armed Forces, both serving and veteran, to establish the size and needs of the armed forces community. The location of members of the armed forces community and their families is often difficult to track, particularly once service has ended. The Motion supports the local authority’s Armed Forces Community Covenant responsibilities to understand and support service personnel and their families. The County Borough formally signed the Armed Forces Community Covenant on the 28th of June 2013.

Following consideration and discussion, it was moved and seconded that the Notice of Motion be supported. By a show of hands, this was unanimously agreed.

RESOLVED that for the reasons set out in the report, the Notice of Motion presented by the Royal British Legion ‘Count Them In Campaign’, requesting that the next UK Census (in 2021) includes additional questions on the residence of members of the UK Armed Forces, both serving and veteran, to establish the size and needs of the armed forces community. be supported.

### 14. UPDATE ON COUNCIL'S CONSTITUTION

Consideration was given to the report which set out details of the required changes to the Council’s Constitution to give effect to the changes to the Executive as agreed by Council at the Annual General Meeting on Thursday 18th May 2017.

Members were asked to note and endorse the amendments to the Council’s Constitution as set out in Appendix 1 to the report and marked in italics and bold on the relevant extracts to give effect to these changes. In addition, the report proposed that the Council’s Rules of Procedure paragraph 1.1 (v) be amended to reflect that the current term of office for the Leader has been extended to 5 years from the elections held in May 2017.

Members were asked to note that the details of the Health, Social Care and Wellbeing portfolio relating to the Cabinet Member for Social Services and Wellbeing had been omitted from the appendix to the report. The Interim Head of Legal Services and Monitoring Officer provided a verbal update on the responsibilities relating to this portfolio and asked that it be considered by Council as part of the report recommendation and the changes to the Constitution.

Following consideration and discussion, it was moved and seconded that subject to the inclusion of the additional information relating to the Health, Social Care and Wellbeing portfolio, the recommendation in the report be approved. By a show of hands, this was unanimously agreed.

RESOLVED that for the reasons contained in the report, and subject to the inclusion of the additional information relating to the Health, Social Care and Wellbeing portfolio as outlined at the meeting, the changes to the Council's Constitution as appended to the report be noted and endorsed.

## **15. INTERNAL INVESTIGATION OF SENIOR OFFICERS – ADDITIONAL FINANCIAL PROVISION**

The Interim Chief Executive reminded Members that there should be no discussion regarding the ongoing investigation by the Investigating and Disciplinary Committee. He also explained that as the report was seeking approval for additional financial provisions (and did not address the investigation itself) there was no requirement for Members to declare a prejudicial interest and leave the meeting on that basis. It was however a matter for the individual Member as to whether they wished to declare a personal and/or prejudicial interest.

Councillors A. Angel, M. Adams, D.T. Davies, N. George, C. Gordon, J. Simmonds and J. Taylor declared an interest (being members of the Investigating and Disciplinary Committee) and left the Chamber during consideration of the item.

Consideration was given to the report which sought approval of additional financial provisions to ensure that sufficient funding is set aside to meet costs associated with the ongoing internal investigation of three Senior Officers.

Members were reminded of the current interim arrangements in place within the Authority arising from the ongoing internal investigation. There are revenue budgets established for the posts of Chief Executive, Director of Corporate Services and Head of Legal Services and the postholders currently fulfilling these duties on an interim basis are funded from these revenue budgets.

It was noted that the additional costs associated with the three Senior Officers have been funded from a provision established using General Fund reserves as approved by Council. At its meeting on 7th March 2017, Council approved a further financial provision of £123k to be funded from General Fund balances to cover the salary costs of the three Senior Officers for the period 1st April 2017 to 30th June 2017.

At its meeting on 10th March 2017, the Investigating and Disciplinary Committee resolved that there were allegations that required formal investigation and that the matter be referred to a Designated Independent Person to undertake a comprehensive investigation in accordance with the Disciplinary Proceedings for Statutory Officers. External Legal Advisers have suggested that this process will take at least 100 days, with the typical cost being £1000 per day. Therefore the report recommended that a financial provision of £100k be set aside to meet the cost of the Designated Independent Person and that this should be funded from General Fund balances.

Given this estimate for the Designated Independent Person to undertake the formal investigation, it is unlikely that matters will be concluded until at least the end of the calendar year. The report therefore proposed that a further financial provision of £241k be funded from General Fund balances to cover the salary costs of the three Senior Officers for the period 1st July 2017 to the 31st December 2017.

At its meeting on 7th March 2017, Council also agreed a further financial provision of £140k to meet the estimated legal costs of the ongoing internal investigation to the 30th June 2017. Based on an assessment of actual legal costs incurred to date, the balance available on the financial provision previously agreed, and likely requirements moving forward, the report recommended that a further financial provision of £128k be funded from General



Fund balances to meet anticipated legal costs to the end of December 2017. It was noted that any balance on these financial provisions will be returned to General Fund balances if matters are concluded earlier than currently anticipated.

Several Members expressed reservations with regards to the statutory process, together with concerns as to the ongoing financial impact to the Council, and indicated that they were not able to support the recommendations. A Member queried, if as a result of the change in status of the three Senior Officers, whether the Authority had taken legal advice regarding the options available to the Authority in relation to the continued payment of the salary costs of the three Senior Officers. The Interim Chief Executive explained that he would ask for the matter to be referred to the Investigating and Disciplinary Committee for consideration and that he was unable to respond to the Member's question further.

Clarification was sought on the costs relating to Interim Officer arrangements and it was confirmed that these are already funded from core revenue budgets and that the officers in these roles are paid in accordance with the Pay Policy approved by Council. The same Member also enquired as to the number of allegations associated with the investigation and the current stage of the investigation. The Interim Chief Executive referred Members to the contents of the report, which outlined the current stage and the appointment of a Designated Independent Person. The Interim Chief Executive also explained that he was unable to provide details on the number of allegations as this is a delegated matter for the Investigating and Disciplinary Committee.

Following consideration and discussion, it was moved and seconded that the recommendations in the report be approved.

In accordance with Rule of Procedure 15.4 (1) a request was made for a recorded vote.

#### **FOR THE MOTION**

Councillors Mrs E. Aldworth, C. Andrews, J. Bevan, C. Bezzina, S. Cook, C. Cuss, W. David, K. Dawson, M. Evans, Miss E. Forehead, A. Gair, D. Harse, D. Havard, A. Higgs, A. Hussey, V. James, L. Jeremiah, G. Kirby, P. Marsden, B. Miles, S. Morgan, Ms A. Passmore, Mrs L. Phipps, D.V. Poole, D.W.R. Preece, Mrs D. Price, J. Pritchard, J. Ridgewell, R. Saralis, Mrs E. Stenner, C. Thomas, A. Whitcombe, R. Whiting, T. Williams, W. Williams, B. Zaplatynski (36)

#### **AGAINST THE MOTION**

Councillors L. Binding, D. Cushion, M. Davies, K. Etheridge, A. Farina-Childs, R.W. Gough, M. James, S. Kent, C.P. Mann, B. Owen, J.E. Roberts, Mrs M.E. Sargent, J. Scriven, G. Simmonds, S. Skivens, L.G. Whittle (16)

#### **ABSTENTIONS**

Councillor N. Dix (1)

The motion was declared carried by the majority present.

RESOLVED that for the reasons contained in the report and to ensure that sufficient funding is set aside to meet the potential costs of the ongoing investigation process should matters not be concluded by the 31st December 2017;

- (i) a financial provision of £100k be funded from General Fund balances to meet the anticipated cost of a Designated Independent Person;

- (ii) a further financial provision of £241k be funded from General Fund balances to cover the potential salary costs of the three Senior Officers for the period 1st July 2017 to 31st December 2017;
- (iii) an additional financial provision be funded from General Fund balances of £128k to meet anticipated legal costs to 31st December 2017.

**16. QUESTIONS UNDER RULE OF PROCEDURE 10(2)**

There were no questions submitted under Rule of Procedure 10(2).

The meeting closed at 6.23pm

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 25th July 2017 they were signed by the Mayor.

---

MAYOR



## COUNCIL – 25TH JULY 2017

**SUBJECT: SUPPLEMENTARY PLANNING GUIDANCE LDP1 – AFFORDABLE HOUSING OBLIGATIONS**

**REPORT BY: CORPORATE DIRECTOR - COMMUNITIES**

---

### 1. PURPOSE OF REPORT

- 1.1 To formally adopt a revised version of LDP1 – Affordable Housing Obligations as Supplementary Planning Guidance to the Caerphilly County Borough Local Development Plan up to 2021.
- 1.2 To consider affording officers delegated powers in consultation with the relevant Cabinet Member for future amendments to fixed values for the transfer of affordable units.

### 2. SUMMARY

- 2.1 Supplementary Planning Guidance (SPG) LDP1 on Affordable Housing Obligations has been prepared within the context of the Local Development Plan (LDP) to give greater guidance on how policies and proposals within the LDP aimed at increasing the supply of affordable housing will be implemented.
- 2.2 LDP1 was originally adopted in February 2011, but it has been necessary to review the document in order to provide clarity and reflect procedural changes.
- 2.3 In line with the Council's agreed procedures for the preparation of SPG, the revised document was subject of a formal public consultation from 11<sup>th</sup> January to 22<sup>nd</sup> February 2017. Three representations were received during this period and these are considered and addressed in the Report of Consultation.
- 2.4 As a result of the consultation exercise several minor amendments to the document are recommended.
- 2.5 The Council is asked to consider the recommendation contained within the Report of Consultation and if the proposed changes are considered acceptable, agree to adopt the revised document as SPG to the LDP.
- 2.6 It is also recommended that delegated powers be given to officers to make changes to transfer values within Appendix 3 of the document to ensure that they remain up to date.

### 3. LINKS TO STRATEGY

- 3.1 The Well-being of Future Generations Act (Wales) 2015 comprises seven wellbeing goals as follows:

- *A prosperous Wales*
- *A resilient Wales*
- *A healthier Wales*
- *A more equal Wales*
- *A Wales of cohesive communities*
- *A Wales of vibrant culture and thriving Welsh language*
- *A globally responsible Wales*

- 3.2 Sustainable Development has been at the heart of the planning system, its policies and practices since the introduction of Planning Policy Wales in 2002. Therefore the seven wellbeing goals and five governance principles of the Act are already enshrined in the Caerphilly County Borough Local Development Plan up to 2021 through the plan preparation process and implemented when decisions on planning applications are made. The LDP embodies the land-use proposals and policies of the Council and will contribute to the Well-being Goals within the Well-being of Future Generations Act (Wales) 2015.
- 3.3 The formal adoption of LDP1 will assist in the delivery of the LDP and the successful implementation of its policies.
- 3.4 The SPG also links to *People, Property & Places: A Housing Strategy for Caerphilly County Borough*, specifically aim 5 “to meet housing requirements through the provision of a range of good quality, affordable housing options” and aim 9 “to meet housing requirements and promote sustainable mixed communities through the Land Use Planning Framework.”

## **4. THE REPORT**

### **4.1 Policy Context**

- 4.1.1 The Caerphilly County Borough Local Development Plan up to 2021 (LDP) is the statutory framework for the development and use of land within the county borough. The LDP is designed to be part of a package of documents and strategies that support and strengthen each other.
- 4.1.2 Supplementary Planning Guidance (SPG) does not form part of the development plan but it must be consistent with it. Whilst only policies in the development plan have special status under section 38(6) of the Planning and Compulsory Purchase Act 2004 in deciding planning applications, SPG may be taken into account as a material consideration.
- 4.1.3 The procedures for approving SPG are set out in a report approved by Technical Scrutiny Committee on the 10th July 2001 – ‘Supplementary Planning Guidance – Procedures’. Under those procedures (updated in 2003), LDP1 Affordable Housing Obligations was adopted in February 2011.
- 4.1.4 LDP1 Affordable Housing Obligations was originally prepared within the context of the Local Development Plan (LDP) to provide greater guidance on how Policy CW11 on Affordable Housing Planning Obligations will be implemented. This policy sets out the thresholds above which a level of affordable housing will be sought and the target levels of affordable housing that will be required in specific market areas within the County Borough.
- 4.1.5 The document has been revised to incorporate changes to planning policy, the introduction of the Community Infrastructure Levy and the changing evidence base including the latest Local Housing Market Assessment. It also provides greater guidance on how commuted sums will be calculated and the approach to affordable housing contributions on self-build developments. The SPG also includes the latest fixed values for the transfer of social rented and intermediate units from a developer to an RSL, or the Local Authority.

## 4.2 Public Consultation

4.2.1 A six-week public consultation was carried out on the revised document between 11<sup>th</sup> January and 22<sup>nd</sup> February 2017, in line with the Council's agreed procedure for the preparation of SPG.

4.2.2 During this consultation period three representations on the document were received, raising concerns about a range of issues. A detailed account of representations made is contained in Appendix 1 to this report but in summary the main points made by respondents were:

- The latest Local Housing Market Assessment (LHMA) is not an appropriate evidence base.
- The LDP affordable housing policy is out of date.
- Reference to 'exceptional circumstances' where affordable housing requirements should be reduced should be deleted.
- Consultation should be carried out on the proforma completed by developers to inform viability assessments.
- The transfer values for Low Cost Home Ownership (LCHO) properties are not appropriate.
- The approach to LCHO properties is not consistent with national planning policy.
- Where a transfer of land takes place to allow development of affordable units, the maximum size of site should increase.
- The calculation for commuted sums results is not appropriate.
- The time limit for repaying unspent commuted sums to the developer should be reduced.
- The clustering limit should be increased from 6 affordable dwellings to 12 units.
- Affordable units funded through Section 106 should not be expected to meet higher design standards of Development Quality Requirements (DQR) and Welsh Housing Quality Standard (WHQS).
- The SPG is considered to be more onerous than the one it seeks to replace.

4.2.3 The officers' responses to the above are contained with the Report of Consultation.

## 4.3 Recommended Changes to the SPG

4.3.1 In light of the issues raised through the consultation process, it is proposed to include the Council's viability proforma as a new Appendix to the SPG as this will provide more certainty to developers as to the level of information required if they wish to challenge the policy requirements for affordable housing on a site specific basis.

4.3.2 It is also proposed that minor amendments be made to the wording of paragraphs 5.4 on development viability and to expand the glossary to include definition of the different types of affordable housing that may be secured in order to improve clarity. It will also be clarified that intermediate units for rent will not be required to meet DQR standards.

4.3.3 The representations have highlighted that the affordable housing commuted sum includes unnecessary information on LCHO values which have the potential to cause confusion and therefore it is proposed to simplify the commuted sum calculation.

## 4.4 Fixed Values for the transfer of units from a developer to a Registered Social Landlord or Local Authority

4.4.1 Where affordable housing is secured as part of the planning system, the requirements for the delivery of these units is set out within a Section 106 agreement. Traditionally, the Local Authority has specified that the units secured as part of planning applications will be transferred to a preferred Registered Social Landlord (RSL) at the fixed values in Appendix 3 of the SPG. However, it may be possible in the future for the Local Authority rather than an RSL to take control of social rented units delivered through Section 106 agreements. In order to allow for future flexibility in achieving this, the revised SPG makes reference to the option that social rented units can be transferred to either an RSL or the LA. The Housing department have considered the viability of purchasing Section 106 social rented properties at

the values identified in the SPG and it would be viable based on the rents that can be charged on the properties.

#### **4.5 Updates to the fixed values for the transfer of social rented and intermediate housing**

- 4.5.1 The Council report on the previously adopted SPG gave Delegated Powers in consultation with the Cabinet member to provide annual updates to Appendix 3 of the SPG to ensure that transfer values reflect current rent, income and borrowing levels. Annual updates have generally been carried out in line with this procedure since 2012. It is recommended that the Delegated Powers continue to be given to officers and the Cabinet member for the update of Appendix 3 of the SPG to ensure that the document reflects current values.

### **5. WELL-BEING OF FUTURE GENERATIONS**

- 5.1 This report contributes to the Well-being Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act in that the LDP1 supplements policies contained in the LDP.
- 5.2 The LDP places great emphasis on sustainable development and seeks to protect the environment for both the current and future needs of the population, ensuring that there is a viable future for the county borough's towns and villages. As part of the LDP process the Council engages with residents, service users, stakeholders and partners. The LDP is subject to independent Strategic Environment Assessment and Sustainability Appraisal which balance economic, social and environmental issues.

### **6. EQUALITIES IMPLICATIONS**

- 6.1 There are no direct implications associated with this report. However, any review of policies and proposals contained within the LDP will require an equalities impact assessment to be carried out.

### **7. FINANCIAL IMPLICATIONS**

- 7.1 The SPG will provide the flexibility for the Local Authority to purchase affordable social rented units secured through Section 106 agreements from a private developer if this is an approach that the Local Authority wishes to pursue in the future. There will be a cost associated with the purchase of units as set out within Appendix 3 of LDP1, but this will be recovered in the longer term through the rent paid by occupants. If the Local Authority does not wish to take over management of these affordable units, there would be no financial implications as the existing arrangements where units are transferred to an RSL will remain in place.

### **8. PERSONNEL IMPLICATIONS**

- 8.1 There are no direct personnel implications as a result of this report.

### **9. CONSULTATIONS**

- 9.1 All responses from consultations have been incorporated in the report

### **10. RECOMMENDATIONS**

- 10.1 The Council considers the representations received as part of the public consultation exercise and endorse the recommendations set out in the Report of Consultation.

- 10.2 The Council formally adopt *LDP1 Affordable Housing Obligations (Revision)* as Supplementary Planning Guidance to the Caerphilly County Borough Local Development Plan up to 2021.
- 10.3 That delegated powers be given, in consultation with the relevant Cabinet Members to update Appendix 3 of the SPG as necessary to reflect updated figures on the fixed values for the transfer of units from a developer to an RSL or the LA.

## **11. REASONS FOR THE RECOMMENDATIONS**

- 11.1 To provide a robust policy framework against which to determine planning applications.

## **12. STATUTORY POWER**

- 12.1 The Council as Local Planning Authority has the statutory power to take these actions under the Town and Country Planning Acts and associated regulations and guidance.

Author: Victoria Morgan, Principal Planner, Strategic & Development Plans,  
morgav@caerphilly.gov.uk

Consultees: Councillor Eluned Stenner, Cabinet Member for Environment and Public Protection  
Councillor Lisa Phipps, Cabinet Member for Homes and Places  
Christina Harray, Corporate Director Communities  
Gail Williams, Interim Head of Legal and Monitoring Officer  
Shaun Couzens, Chief Housing Officer  
Mark L Williams, Interim Head of Service, Property Services  
Tim Stephens, Development Manager  
Rhian Kyte, Team Leader, Strategic & Development Plans  
Kevin Fortey, Housing Development Officer

Background Papers:  
Supplementary Planning Guidance LDP1 – Affordable Housing Obligations, 2017  
(made available in the resource library and Members Portal)

Appendices:  
Appendix 1 - Report of public consultation on LDP1 Affordable Housing Obligations

This page is intentionally left blank



**Supplementary Planning Guidance LDP1  
Affordable Housing Obligations (Revision)  
Report of Consultation  
July 2017**

## **1 Introduction**

- 1.1 Supplementary Planning Guidance (SPG) LDP1 on Affordable Housing Obligations has been prepared within the context of the Caerphilly County Borough Local Development Plan up to 2021 (LDP) to give greater guidance on how policies and proposals within the LDP aimed at increasing the supply of affordable housing will be implemented.
- 1.2 LDP1 was originally adopted in February 2011, but it has been necessary to review the document in order to provide clarity and reflect procedural changes.
- 1.3 In line with the Council's agreed procedures for the preparation of SPG, the revised document was subject of a formal public consultation from 11<sup>th</sup> January 2017 to 22<sup>nd</sup> February 2017.
- 1.4 The consultation was undertaken via email and was targeted at the following stakeholders:
  - The Home Builders Federation, who circulated it to key contacts in the development industry, including all major housebuilders;
  - All Registered Social Landlords zoned to work with the area;
  - All Community Councils; and
  - All Elected Members of Caerphilly County Borough Council.
- 1.5 Copies of the document was made available for public inspection at all local libraries in the County Borough and at the Council Offices at Tredomen House and the document was available to view electronically on the Council website.
- 1.6 A total of 3 responses were received from the following external consultees:
  - Redrow Homes
  - Persimmon Homes
  - Home Builders Federation

## Consideration of representations

### Section 4 - Local Housing Market Assessment

<b>Representor</b>	Redrow Homes Home Builders Federation
--------------------	--

#### Summary of Representation

1. The latest Local Housing Market Assessment (LHMA) recognises that Caerphilly Basin has strong links with the Cardiff housing market and it is questioned whether joint working has been carried out.
2. It is considered that the LHMA does not provide a true picture of housing need and demand as there is little mention of private housing and should not on its own be a reason to review the SPG.
3. The LHMA is not a sufficient evidence base upon which to determine the need for Low Cost Home Ownership (LCHO) as a calculation has been carried out (p56) on the basis of LCHO being provided at 70% of open market value (OMV), yet the Council's approach in the adopted SPG is for a maximum of 60% of OMV. This would mean that there would be more households that could afford LCHO than the LHMA suggests.

#### Officer response

It is recognised that Caerphilly Basin has strong links with Cardiff. There are also housing markets that cross other local authority boundaries including Newport, the Mid Valleys and the Heads of the Valleys. The LHMA Guide (2006) does encourage an assessment of functional housing markets across Local Authority (LA) boundaries but highlights that the findings of such assessments should be capable of disaggregation at the LA level. It is not mandatory for LHMA to be prepared for wider than LA areas. Due to the number of cross-boundary housing markets, as well as different timescales, evidence bases and resources, it was not possible to undertake a joint LHMA. However, links between Caerphilly Basin and the Cardiff housing market, are discussed in section 2 of the 2015 LHMA. The Council is currently reviewing the LHMA as part of a duty to keep the information up to date. Whilst the current review is being undertaken at the local level, it is likely that future housing market assessments may be carried out on a regional basis as part of work on a Strategic Development Plan (SDP) or joint Local Development Plan (JLDP).

Reference is made throughout the LHMA to the private sector, although, predominately in relation to renting. There is some analysis on house prices and sales data. In terms of the affordable housing requirement, the LHMA also identifies those households whose needs could be adequately met through homeownership, including low cost home ownership. However, it is recognised that there would be benefit in expanding the market

sector element of the LHMA through the current review to provide further contextual information. This will not affect affordable housing policies or content of the SPG. It should also be noted that the update to the LHMA was not the sole reason for reviewing the SPG.

With regards to the third point, the Affordable Housing Viability Assessment (AHVA) prepared to support the affordable housing policies in the LDP used a percentage of 60% of OMV to calculate the viability requirements for LCHO. The adopted SPG acknowledged this, by identifying that LCHO units would have a minimum discount of 40%, equating to a maximum of 60% of OMV. The maximum was set to ensure that there would be flexibility to set LCHO levels at a value that was affordable to residents. The revised SPG goes one step further by defining current values based on what are considered to be affordable rents in order to provide more certainty to developers on what values would be accepted by the LA as being affordable to residents at the current time.

It is acknowledged that the LHMA uses 70% of OMV to calculate LCHO requirements as this is the percentage identified in Welsh Government and WLGA Guidance (2012). However, the guidance highlights that LCHO percentage can be varied and consideration will be given to the use of a lower percentage in the review of the LHMA to ensure that there is consistency between the documents. The LHMA acknowledges that there is a demand for an LCHO product in the County Borough as part of a significant affordable housing need figure. The SPG does not specify a split between social rented and intermediate products as this is determined on a site by site basis and therefore the percentage of OMV used in the LHMA does not directly affect the content of the SPG.

**Officer recommendation**

No changes should be made to the SPG.

## Paragraph 2.2 - Affordable Housing Requirement

<b>Representor</b>	Persimmon Homes
--------------------	-----------------

### Summary of Representation

Policy CW11 needs to be re-appraised in light of the housing land supply issue and findings of successive Annual Monitoring Reports (AMR). The Policy is considered to be flawed and dated.

### Officer Response

Policy CW11 Affordable Housing Planning Obligation is a policy in the adopted LDP. The only mechanism to review this policy is through a review of the LDP. The Council commenced a review of the LDP in 2013 and published a Deposit Replacement LDP for public consultation in February 2016. However, in light of the Council decision of 11<sup>th</sup> October 2016, the Replacement LDP was subsequently withdrawn and therefore has no status.

Whilst it is recognised that the affordable housing policy was adopted in 2010, the evidence base that supports it, including the LHMA, has been kept up to date, and is not therefore outdated. Furthermore, Policy CW11 specifies that the targets in the policy are indicative and account will be taken of the latest information in determining site specific requirements.

### Officer recommendation

No changes should be made to the SPG.

## Paragraph 5.2 - Affordable Housing Viability Assessment

<b>Representor</b>	Redrow Homes Home Builders Federation Persimmon Homes
--------------------	---

### Summary of Representation

The SPG does not reflect the latest evidence base prepared as part of the Deposit Replacement Local Development Plan.

### Officer Response

As stated above, the Council commenced a review of the LDP in 2013 and published a Deposit Replacement LDP for public consultation in February 2016. However, in light of the Council decision of 11<sup>th</sup> October 2016, the Replacement LDP was subsequently withdrawn and therefore has no status. The evidence base also has no status.

The Replacement LDP did proposed slightly lower targets in some parts of the County Borough, including Caerphilly Basin. However, as part of the work on the Replacement LDP it was the Council's intention to also review the Community Infrastructure Levy (CIL) and the Affordable Housing Viability Assessment prepared to support the Replacement LDP concluded that there would be sufficient margins of viability to increase the CIL rate in those parts of the County Borough. The overall viability would therefore not have changed significantly.

### Officer recommendation

No changes should be made to the SPG.

### Paragraph 5.3 – Exceptional Circumstances

<b>Representor</b>	Home Builders Federation Persimmon Homes
--------------------	---

#### Summary of Representation

The phrase “*in exceptional circumstances*” should be removed as the presence of significant abnormal costs should be sufficient to enable discussions on the reduction of affordable housing provision.

#### Officer Response

As a starting point, it is expected that developers would provide policy compliant affordable housing. It is often the case that developments will have some costs that may relate only to that site and therefore be ‘abnormal,’ but this may not in itself have implications on viability. All applicants will have the opportunity to challenge policy requirement if they feel that there are viability issues on a site and the inclusion of the term ‘exceptional circumstances’ would not preclude this.

#### Officer recommendation

No changes should be made to the SPG.

## Paragraph 5.4 – Development Viability

<b>Representor</b>	Home Builders Federation Persimmon Homes
--------------------	---

### Summary of Representation

Reference to ‘exceptional’ should either be removed from the guidance or a definition included as to what is exceptional as abnormal costs, irrespective of whether they are exceptional or not, have the potential to undermine the viability of development.

### Officer Response

As explained above, most sites will have costs that could be ‘abnormal’ to an average development, but the costs associated with them would not significantly affect viability. On this basis, the presence of abnormal costs is not in itself a reason to reduce affordable housing requirements. It is where the costs are significant that the viability of achieving policy compliant affordable housing targets may need to be considered. For consistency with the terminology in paragraph 5.3, however, it is suggested that the wording of this be changed to state ‘any significant abnormal costs.’

### Officer recommendation

Reword to state any ‘any *significant abnormal costs*’



### Paragraph 5.5 – Viability Proforma

<b>Representor</b>	Home Builders Federation
--------------------	--------------------------

#### Summary of Representation

It is questioned whether this is a new proforma that was not previously available. If so, there is concern that no consultation has been carried out with the development industry as the proforma is not included as part of the SPG.

#### Officer Response

The proforma has been in place since the adoption of the current SPG in 2011 and has been prepared in line with building cost definitions set out by the Build Cost Information Service (BCIS). The proforma has been completed by a number of developers where challenges have been made to affordable housing requirements. It does not include any default assumptions that are likely to be matters of concern for the development industry.

It is recognised that there would be benefit in including the proforma within the SPG to expedite the negotiation process and it is therefore proposed to include it as a new Appendix.

#### Officer recommendation

The Viability Proforma should be included as an Appendix to the SPG.

### 9.1.3 Transfer Values

<b>Represontor</b>	Redrow Homes
--------------------	--------------

#### Summary of Representation

The SPG proposes to fix the transfer values for all intermediate products, which does not reflect the Council and RSL websites which identify that LCHO would be delivered at between 50 and 70% of OMV. If this is the case what happens to the difference in money paid by the developer to the RSL? For example, a 2 bed 700sqft intermediate house in Caerphilly Basin at £210sqft would have a market value of £147,000. A purchaser could obtain at 70% MV and the cost to the developer (i.e. the transfer value of 30%) would be £44,100 but in Caerphilly the transfer values are fixed and in this scenario would be £70,373 (cost to developer). If the ability to secure LCHO product for sale is retained then this provides flexibility for site by site negotiations and would potentially secure a higher percentage of affordable housing provision on new development sites in the future.

#### Officer Response

The SPG proposes to set fixed values for LCHO products in order to ensure that this type of housing is affordable to those in housing need, as 70% of OMV has been found to be unaffordable. It is known from past experience that RSLs have found it difficult to find prospective purchasers who could obtain a mortgage for 70% of OMV, which could potentially result in affordable homes not being occupied. Using the example provided, where the market value of a new build 2 bed property is £147,000, this would equate to a mortgage requirement of £102,900 based on 70% of OMV. Assuming a 3.5 times income to mortgage multiplier, a purchaser would need to have an income of £29,400 to afford it. The average gross income of a full time worker across Caerphilly is £24,445 (Annual pay – gross, Annual Survey of Hours and Earnings, 2016) and many people earn significantly lower than this, so the 70% of OMV would be out of the reach of a large proportion of people that cannot afford market housing.

The previous version of the SPG was not clear as to the transfer values, instead stating that a minimum discount of 40% of OMV would be provided, which equated to a maximum of 60% of OMV. This lack of clarity as to the exact cost has caused confusion to developers and therefore in practice officers have been negotiating fixed LCHO values based on less than 60% of OMV in recent years. The SPG has been revised to provide certainty, in the same way as has been provided for social and intermediate rent.

The fixed value proposed for a 2 bed property in Caerphilly Basin is £70,373, which is just under half that of the market value example provided. Purchasers would purchase a smaller percentage of a property, but the LCHO property would be at a level that meets the needs of residents of Caerphilly. Occupiers would have the opportunity to staircase up to own a greater proportion of the property if their financial circumstances change.

It is true that setting LCHO at a higher level of OMV would mean a developer would be paid a greater transfer amount by an RSL and the consequence it could mean in theory that a slightly higher proportion of affordable housing could be negotiated. However, it is essential that affordable housing products offered to residents reflect the need for this type of product. Setting a higher percentage of OMV may not be addressing need in an appropriate manner. Furthermore, when purchasing land developers should be aware of the Council's policy position and ensure that they offer landowners an appropriate amount which reflects the value and amount of affordable housing they will need to provide.

**Officer recommendation**

No changes should be made to the SPG.

#### 9.1.4 Low Cost Home Ownership

<b>Representor</b>	Redrow Homes
--------------------	--------------

##### Summary of Representation

The revised SPG proposes to remove the opportunity to deliver shared equity LCHO as an affordable housing product, despite the LHMA local housing survey showing a demand for this product and the LHMA (p70) identifying the Council “ *have been unable to assess the backlog of need for intermediate housing (this includes LCHO). This is because neither the Council nor its housing association partners maintain a formal register of those people requiring intermediate housing.....In addition, the council does not currently hold any household income data on its housing register and, therefore, is unable to identify those people whose needs could be met through an intermediate housing solution.*” This approach is not consistent with national planning policy, which promotes a range and choice of affordable housing products.

##### Officer Response

The representor has misunderstood the approach to LCHO. The Council is not proposing to remove LCHO as an affordable housing option, but instead is proposing to fix the transfer values for the reasons explained in response to the previous representation. Appendix 3 makes it clear that intermediate housing is both intermediate rent and LCHO, as does paragraph 3.2 of the SPG. However, for clarity, it would be beneficial to include definition for the 3 different types of affordable housing - social rent, intermediate rent and LCHO - in the glossary.

##### Officer recommendation

Include definitions for social rent, intermediate rent and LCHO in the glossary.

### **Paragraph 9.1.5 – Transfer of land**

<b>Representor</b>	Home Builders Federation
--------------------	--------------------------

#### **Summary of Representation**

This section introduces a maximum number of 6 units where land is transferred instead of building the units. This is considered to be too low a number and on larger sites would result in the transfer of a number of parcels of land adding to the complexity of the S106 agreement. Additional wording should be added to allow flexibility to increase this number on a site by site basis.

#### **Officer Response**

Paragraph 9.1.5 relates to the transfer of land from a landowner/developer to an RSL plus a commuted sum where a developer is unable to build affordable units themselves. In these circumstances, the land that is transferred should be of a size to ensure that no more than 6 affordable houses are clustered in one location in order to promote mixed communities.

It is acknowledged that on larger schemes this may result in more than one area of land being transferred for affordable housing, but this is no different to the preferred onsite delivery method where developers build the units as clusters of no more than 6.

#### **Officer recommendation**

No changes should be made to the SPG.

### Paragraph 9.3 – Commuted Sum

<b>Representor</b>	Home Builders Federation Persimmon Homes
--------------------	---

#### Summary of Representation

It is recognised that there is a need for a mechanism for calculating commuted sums, but there is concern that the proposed formula fails to distinguish between units constructed to Development Quality Requirements (DQR) and units constructed to Welsh Housing Quality Standard (WHQS) due to the use of Acceptable Cost Guidance (ACG) values within the formula. Using ACG values for the calculation of the commuted sum for WHQS units would inflate the commuted sum above what is required to meet DQR and inherently cost more to provide (approximately 20%). It is questioned why ACGs have been used when the previous calculation was based on a residual method.

#### Officer Response

In accordance with Section 9.2, it is anticipated that off-site provision through commuted sums would only be provided on a small number of sites where strategic aims would not be achieved or it would be difficult to deliver units, such as self-build schemes where there may be multiple developers. The proposal to change the way that the commuted sum is calculated is a different response to the fact that a residual value calculation assumes development of a whole site with full details at an early stage, which often cannot be calculated for self-build schemes with multiple owners. By calculating a commuted sum based on what it costs to deliver the affordable units, it means that this calculation can be done more effectively at outline stage.

The representor considers that the use of ACGs inflates the development costs of a commuted sum as it assumes DQR compliance. Firstly, as highlighted in 10.4 of the SPG, it is the Council's intention to require all social rented units to be DQR compliant and therefore the figures represent the cost of achieving DQR using the only available benchmark for the overall cost of delivering an affordable unit having regard to both the cost of building and the cost of land.

It will be noted from Paragraph 9.3.2 that the Council will normally ask for a contribution equivalent to providing one or more 1 bedroom flats, on the basis of need and also to ensure that the burden for the types of site where a commuted sum would be considered (smaller self-build schemes) would be minimised. The 1 bedroom flats would be social rented.

Commuted sums would not normally be based on delivering a proportion of LCHO properties and it is evidently confusing to include LCHO properties as part of the calculation as the representor is correct that the intention is to build these properties to WHQS level rather DQR.

To aid understanding of the calculation and to remove superfluous information, it is suggested that the worked example in Appendix 4 be amended to remove reference to LCHO figures.

**Officer recommendation**

Remove LCHO figures from the worked calculation in Appendix 4.

### Paragraph 9.3.8 – Repayment

<b>Representor</b>	Home Builders Federation Persimmon Homes
--------------------	---

#### Summary of Representation

The mechanism for the repayment by the Council of unspent commuted sums is excessive and should be reduced to 5 years as private developers are not given 10 years to provide affordable housing on their sites.

#### Officer Response

Committed sums will generally be secured on some of the more complex sites i.e. self build schemes with multiple developers who may be paying a pro rata sum on an individual basis. Evidence from the JHLAS process has indicated that many self build schemes have taken over 10 years to complete and therefore the repayment for committed sums needs to reflect the complexities of attaining the committed sum and subsequently spending it as developments will inevitably take longer than where a volume housebuilder is involved.

#### Officer recommendation

No changes should be made to the SPG.



### Paragraph 10.1 – Clustering

<b>Representor</b>	Home Builders Federation Persimmon Homes
--------------------	---

### Summary of Representation

The intention to impose a clustering limit of 6 units constrains designer's ability to respond to the constraints and opportunities that exist on a site. It is therefore proposed that the clustering limit should be increased to 12 units. It is also questioned whether there is a need for a clustering limit if affordable housing units are indistinguishable from their market equivalents. RSLs are often not considered supportive of such small clusters of dwellings.

### Officer Response

The clustering limit of a maximum of 6 dwellings has been in place since the previous SPG was adopted in 2011 and this requirement has been included within a number of Section 106 agreements.

There is no evidence in Caerphilly that RSLs are not supportive of the Council's approach to clustering and the figure of 6 dwellings was originally derived in consultation with the RSLs to ensure the best mix of housing with the aim of ensuring mixed tenure communities.

It is acknowledged that there may be certain circumstances where a different mix may be required on a site-specific basis for management or design reasons and therefore the inclusion of the word 'normally' within the text would allow for a certain degree of flexibility to consider this in appropriate circumstances. However, by prescribing the position of up to six dwellings it will ensure that this is given due consideration in the design of a scheme at the earliest opportunity.

### Officer recommendation

No changes should be made to the SPG.

## Paragraph 10.4 – Design – DQR

<b>Representor</b>	Redrow Homes Home Builders Federation Persimmon Homes
--------------------	---

### Summary of Representation

This paragraph states that social rented and intermediate rented will be expected to meet DQR space standards and for LCHO should meet WHQS standards. The current requirement for DQR relates only to homes built with Welsh Government subsidy and is not mandatory and therefore this approach is contrary to Part 4 of the Housing (Wales) Act 2014. As no grant funding will be available for affordable housing delivered through the planning system (Paragraph 5.9), this requirement is not appropriate.

WHQS is a standard applied to refurbished existing stock and is not designed to be applied to new build so is not the appropriate standard to use for LCHO.

### Officer Response

It is considered that all social and intermediate rented units should be of the same size and design standard regardless of whether the units are funded by a developer or by Social Housing Grant. The adopted SPG does not expressly specify that Section 106 rented units should be constructed to DQR. However, it has been the Council's practice since the LDP was adopted to require Section 106 social rented units to meet the DQR standard and it was considered necessary to clarify this through the revised SPG. This is also the case with intermediate rented properties, although this type of unit represents only a small proportion of negotiated units.

The AHVA prepared to justify the LDP affordable housing policy assumed all affordable units would be delivered to DQR space standards so this would not affect the viability of developments. It is not introducing new policy, but just clarifying policy and practice. It should be noted that most other local authorities in South East Wales also specify this requirement.

Whilst Part 4 of the Housing (Wales) Act does specify that grant funded units must be DQR compliant, it does not preclude other affordable housing units from meeting this standard. Indeed, Welsh Government published a consultation document on *Mandatory Quality Standards for New, Rehabilitated and Existing Homes* in 2016, which stated that "*new homes built by Housing Associations and Local Authorities without subsidy will not be required to meet DQR although they can chose to do this*". The consultation document asked for views on whether DQR should be a requirement when building new social housing whether funded or not, because of the wider and long term public benefits offered. The outcome of discussions on this are not known, but there is no evidence from Welsh Government to indicate that non-grant funded affordable units will be prohibited from meeting the standard in the future.

With regards to WHQS, it is the intention that all social houses meet the standard by 2020 to ensure units meet the needs of current and future occupiers. There are space standards identified as part of WHQS that would be relevant to new build as well as refurbished properties. It is important that intermediate properties for sale or rent are of a good quality and large enough to meet the needs of residents as generally these properties may have higher occupancy rates than those in the private sector. As with social rented properties, the LA has been requiring developers to meet this standard in recent s106 agreements.

Notwithstanding the above, the SPG does identify some indicative size standards in Appendix 4 provided by RSLs based upon the delivery of LCHO units previously. The inclusion of these figures may be interpreted as being required sizes as WHQS, which is not the case, so it is appropriate to delete these figures, particularly given that WG may change the standards following the recent consultation.

**Officer recommendation**

Remove indicative size standards for LCHO from Appendix 4 (also linked to representation on commuted sums)

## Overall

<b>Representor</b>	Home Builders Federation
--------------------	--------------------------

### Summary of Representation

The guidance is more onerous than the one it seeks to replace, which could be detrimental to the viability of development. This is not considered appropriate given the need to provide greater flexibility to address the lower than required delivery rates for housing overall and affordable housing specifically and lack of a 5 year land supply.

### Officer Response

It is not considered that the SPG is more onerous than the one it seeks to replace.

The key changes have been put in place to reflect what is done in practice (LCHO figures, building to DQR/WHQS) and to provide more clarity in areas that have previously had insufficient guidance (commuted sums, viability proforma).

It is not possible to revise the percentages for affordable housing through this process, which the development industry consider to be a significant constraint to development, but the SPG continues to provide flexibility to allow developers to provide the necessary evidence to challenge viability requirements where appropriate to ensure that housing can be delivered. The SPG does, however, provide greater certainty on values and requirements, which should allow viability to be effectively considered as an early part of the development process, increasing the speed of decision making and delivery.

### Officer recommendation

No changes should be made to the SPG.



## COUNCIL – 25TH JULY 2017

**SUBJECT: ELECTION OF CAERPHILLY YOUTH CHAMPION**

**REPORT BY: INTERIM HEAD OF DEMOCRATIC SERVICES**

---

### **1. PURPOSE OF REPORT**

- 1.1 To seek the support of Council to appoint the Caerphilly Youth Champion for a 5 year term (2017-2022) and detail proposals for the election process.

### **2. SUMMARY**

- 2.1 The Youth Champion helps young people to understand the importance of engaging with the democratic process and promotes the priorities of the Youth Forum within the county borough. This report seeks to appoint a new Caerphilly Youth Champion.

- 2.2 The role of the Youth Champion is designed to:

- Strengthen links between elected members and their communities
- Boost participation in the democratic process
- Involve younger citizens in community affairs
- Increase their knowledge of local democracy institutions and processes
- Ensure the Council listens and understands the needs and expectations of their citizens
- Facilitate co-operation and the exchange of good practices between communities.
- Raise the awareness of constituents and the workings of democracy in their communities
- Raise awareness of local councillors and staff of younger citizens' needs and concerns
- Stress that local democracy is one of the major components for building a democratic country.

### **3. LINKS TO STRATEGY**

- 3.1 The Youth Champion is a key initiative in discharging the Council's responsibility to increase the number of people who vote at elections and provides the link between young people in the county borough and elected members.

- 3.2 The Well-being of Future Generations (Wales) Act 2015 is about improving the social, economic, environmental and cultural well-being of Wales. It requires public bodies to think more about the long-term, working with people and communities, looking to prevent problems and take a more joined up approach. This will create a Wales that we all want to live in, now and in the future. The Act puts in place 7 well-being goals and the content of this report links into all 7.

#### **4. THE REPORT**

- 4.1 In previous years, and in order to elect a Youth Champion, the Council has taken part in a national event called "I'm a Councillor, Get me out of Here!!", which was a web based event and required the Candidates to post their manifestos online and take part in a 2-week question and answer session with young people from Caerphilly CBC. At the end of the "Getting to Know you week", a vote was undertaken at the end of each day, the candidate with the lowest number of votes was eliminated from the competition. This continues until the final remaining candidate is crowned 'Youth Champion'.
- 4.2 The Company that organised the "I'm a Councillor, Get me out of Here!!" competition has withdrawn its services, and as a result, in 2014, Caerphilly CBC hosted a Youth Champion Election in the form of a ballot. Ballot papers and ballot boxes were provided to participating secondary schools and youth groups, along with all materials required to conduct an election. We plan to continue this process for all future elections.
- 4.3 In order to include the Youth Groups (managed by the Council's Youth Service); it was proposed that an electronic vote will be made available via the Youth website. This site will also host information on each of the candidates, such as Manifestos, updates etc.
- 4.4 Ideally, there will be 4-6 Councillors standing for Youth Champion in order to give young people choice and make the event worthwhile. The election process will begin with candidates invited to attend a launch event to outline their manifestos to a selection of young people from across the county borough. The event will take place in the Council Chamber, Ty Penallta that has a capacity of 100-120 (approx. 10 pupils per school and 20+ from Youth Groups/ Forum). Candidates will have the opportunity to discuss their manifestos. A demonstration of the election process, including Ballot boxes and voting papers will be displayed outside of the Chamber. Given the significant additional investment in time needed to arrange polling stations in each school, it is proposed to extend the term of office of the Youth Champion from 2 to 5 years.
- 4.5 Discussions are underway to launch a Facebook Page both during the election process and following in order to communicate with a wider youth based audience. Updates on the progress made in the elections and the role of the Youth Champion, including pictures, news feeds and event updates will be hosted on the Youth website with links made available on Social Networks.
- 4.6 As the successful candidate will hold the position as Youth Champion for 5 years, it is proposed that the Youth Champion will play host to a Question Time event in their second year (2018). The main event will involve young people from schools and Youth Groups to ask a variety of questions to politicians such as an MP, AM, Police and Crime Commissioner and Local Councillor and possibly a local celebrity about the issues that affect them.
- 4.7 The role of the elected Youth Champion will involve attendance and representation in Youth Forum meetings, visits to Comprehensive Schools in the borough for assemblies or surgeries, attendance at Youth Groups, continuing the work with the Youth Forum to develop projects such as Test Purchasing.
- 4.8 A new role description is to be devised outlining key responsibilities and events the Youth Champion is expected to take part in.

#### **5. WELL-BEING OF FUTURE GENERATIONS**

- 5.1 The Youth Champion election process provides young people with experience of taking part in an election process, understanding manifestos and political aims, which through early participation and encouragement will provide them with experience and understanding of the democratic process. It is hoped that by engaging with young people they may develop an interest in the democratic process, and participate in decisions that will affect their future lives.

## **6. EQUALITIES IMPLICATIONS**

6.1 There are no equalities implications directly associated with this report.

## **7. FINANCIAL IMPLICATIONS**

7.1 The proposed Youth Champion Elections will be funded by Democratic and Electoral Services. The Launch Event and the elections is estimated at £2000 (£400 p/a).

## **8. PERSONNEL IMPLICATIONS**

8.1 There are no specific personnel implications arising as a result of this report.

## **9. CONSULTATIONS**

9.1 There are no consultation responses, which have not been incorporated into the report.

## **10. RECOMMENDATIONS**

10.1 Members are asked to note the contents of this report and continue to support the work of the Youth Champion.

10.2 Members are asked to endorse the proposed Election Process for the Youth Champion for 5 years.

## **11. REASONS FOR THE RECOMMENDATIONS**

11.1 To promote the positive role and work of the Youth Champion in the County Borough.

## **12. STATUTORY POWER**

12.1 The Electoral Administration Act 2006, Section 69.

Author: Jade Tyler, Administrative Assistant, Democratic Services  
Consultees: Gail Williams, Interim Head of Legal Services  
Cath Forbes-Thompson, Interim Head of Democratic Services  
Dave Beecham, Electoral Services Manager  
Clare Jones, Youth Forum Coordinator  
Chris Burns, Interim Chief Executive  
Keri Cole, Chief Education Officer  
Nicole Scammell, Acting Director of Corporate Services and S151 Officer

This page is intentionally left blank





## COUNCIL – 25TH JULY 2017

**SUBJECT: IMPLEMENTATION OF IMMIGRATION ACT 2016 AND ASSOCIATED AMENDMENTS TO THE AUTHORITY'S STATEMENT OF LICENSING POLICY**

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER**

---

- 1.1 The attached report, which was presented to the Licensing and Gambling Committee on 13th July 2017, outlined the implementation of the Immigration Act 2016 and the legislative changes it introduces to the Licensing Act 2003. The report recommended associated amendments to the Statement of Licensing Policy and sought the views of Members prior to its presentation to Council.
- 1.2 Members were advised that the Immigration Act 2016 amends the Licensing Act 2003 to introduce immigration safeguards in respect of particular licence types, which commenced on 6th April 2017. The changes also include Home Office Immigration Enforcement being listed as being a Responsible Authority and given powers of entry to licensed premises. The Statement of Licensing Policy approved by Council on 17th November 2015 therefore requires amendment to accommodate these changes.
- 1.3 It was noted that the new legislation places an obligation on the Council to check an applicant's immigration status and right to work in the UK for certain licence types. Members queried the associated costs and impact on workload arising from this legislation. It was confirmed that some minor amendments had been required to application forms, and that Officers are able to contact the UK Visas and Immigration helpline in the event of any eligibility queries. Members were also advised that any costs have been absorbed into existing budgets as part of normal Licensing requirements.
- 1.4 Following discussion on the contents of the report, the Licensing and Gambling Committee noted the changes to the Licensing Act 2003 as a consequence of the Immigration Act 2016, and unanimously recommended to Council that for the reasons contained therein:-
  - (i) the changes to the Licensing Act 2003 as a consequence of the Immigration Act 2016 be noted;
  - (ii) the Licensing Policy be amended to incorporate the relevant changes as a result of the Immigration Act 2016, and Home Office Immigration Enforcement be added to the list of Responsible Authorities.
- 1.5 Members are asked to consider the recommendations.

Author: R. Barrett, Committee Services Officer, Ext. 4245

Appendices:

Appendix 1 Report to Licensing and Gambling Committee on 13th July 2017



## LICENSING AND GAMBLING COMMITTEE – 13TH JULY 2017

**SUBJECT: IMPLEMENTATION OF IMMIGRATION ACT 2016 AND ASSOCIATED AMENDMENTS TO THE AUTHORITY'S STATEMENT OF LICENSING POLICY**

**REPORT BY: CORPORATE DIRECTOR, SOCIAL SERVICES**

---

### 1. PURPOSE OF REPORT

- 1.1 To advise members of the implementation of the Immigration Act 2016 and the legislative changes it introduces to the Licensing Act 2003 and to recommend associated amendments to the Statement of Licensing policy to Full Council.

### 2. SUMMARY

- 2.1 The Immigration Act 2016 amends the Licensing Act 2003 to introduce immigration safeguards in respect of particular licence types, which commenced on the 6 April 2017. Home Office Immigration Enforcement are also listed as being a responsible authority and given powers of entry to licensed premises. The Statement of Licensing Policy approved by Full Council on 17/11/15 requires amendment to accommodate these changes.

### 3. LINKS TO STRATEGY

- 3.1 The changes to the Licensing Act 2003 introduced by the Immigration Act 2016 contribute to the Healthier, Safer, and Prosperous themes of the Single Integrated Plan, Caerphilly Delivers.
- 3.2 The Immigration and Licensing Acts contribute to the Well-being Goals within the Well-being of Future Generations Act (Wales) 2015.
- *A prosperous Wales*
  - *A healthier Wales*
  - *A resilient Wales*
  - *A more equal Wales*
  - *A globally responsible Wales.*

### 4. THE REPORT

- 4.1 The Licensing Act 2003 is the primary legislation in respect of the sale and supply of alcohol, control of regulated entertainment and late night refreshment. Section 36 and Schedule 4 of the Immigration Act 2016 amends this act so as to introduce immigration safeguards.

4.2 The changes to the Licensing Act include the following:

- (i) Premises licences for the supply of alcohol and / or to provide late night refreshment cannot be issued to those individuals who do not have permission to be in the United Kingdom (UK) or are not entitled to undertake work relating to the carrying on of a licensable activity.
- (ii) Personal licences, such as are required by a designated premises supervisor for the authorisation of the sale of alcohol, cannot be issued to those individuals who do not have permission to be in the UK or are not entitled to undertake work relating to the carrying on of a licensable activity.
- (iii) Where a licence has been issued to a person with limited permission to be in the UK, the licence lapses when the person's permission comes to an end.
- (iv) The Home Secretary (In practice the Home Office Immigration Enforcement (HOIE)) has been added to the list of Responsible Authorities (RAs) who are consulted on Licensing Act applications. When Immigration Enforcement act as a responsible authority it will do so under the prevention of crime and disorder licensing objective and / or because it is considered appropriate for the prevention of illegal working in licensed premises. The Home Office will only receive applications for new premises licences, applications to transfer or vary, and interim authority notices. Personal licence applications will only be sent where the applicant declares an unspent conviction for an immigration offence, unspent conviction for a foreign offence that the Licensing Authority considers to be comparable to an immigration offence or has been required to pay an immigration penalty.
- (v) Immigration Officers are permitted to enter premises where they have reason to believe the premises are being used for the sale of alcohol and or late night refreshment, to investigate if immigration offences are being committed in connection with the licensing activity.
- (vi) The prescribed licence application forms have been amended to require relevant information regarding an individual's right to reside and work in the UK. An application submitted by a person who is disqualified by reason of their immigration status is invalid and will be rejected. Immigration checks will be conducted on all individuals, including where there is more than one individual and includes partnerships where there is joint and several liabilities. Checks are not required in respect of limited companies, limited liability partnerships or a statutory function.
- (vii) Immigration Enforcement may request a review of a premises licence when there are concerns relating to the licensing objective of preventing crime and disorder. The onus will also be on them to request a review of a licence when immigration permission comes to an end in relation to licences issued before the commencement of this Act.
- (viii) Premises or personal licence will cease to have effect when a right to work lapses.
- (ix) Immigration Enforcement has a right of entry to investigate licensable activities.

4.3 Members will be aware of this Councils Statement of Licensing Policy approved by Full Council on 17/11/15 which requires amendment to add Home Office Immigration Enforcement as a Responsible Authority and to list their contact address. This is a Council function. No further changes are required to the Licensing Policy.

## **5. WELL-BEING OF FUTURE GENERATIONS**

5.1 The changes made to the Licensing Act 2003 by the Immigration Act 2016 contribute to the Well-being Goals as set out in Links to Strategy above. It is consistent with the five ways of

working as defined within the sustainable development principle of the Act. The Licensing policy is integrated in that it contributes to a number of the Well-being goals and supports the objectives of other stakeholders. The Policy promotes involvement particularly through the consultation process for applications allowing other agencies and the community to input into the decision making process

- 5.2 The Council has a mandatory obligation to administer the Licensing Act 2003 and to ensure compliance with relevant legislation, regulations and conditions. The prime focus for the Council is to ensure the promotion of the four licensing objectives.

## **6. EQUALITIES IMPLICATIONS**

- 6.1 The Council ensures that it treats all individuals and organisations who are applying for or who hold licences and permits with equal respect both when corresponding with those individuals and organisations during any licensing process. The authority has a duty to comply with the legislative changes outlined in the report.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 There are no financial implications associated with this report.

## **8. PERSONNEL IMPLICATIONS**

- 8.1 There are no personnel implications associated with this report.

## **9. CONSULTATIONS**

- 9.1 This report has been sent to the Consultees listed below and all comments received are reflected in this report.

## **10. RECOMMENDATIONS**

- 10.1 That Members note the changes to the Licensing Act 2003 as a consequence of the Immigration Act 2016.
- 10.2 That Members recommend to Council that the Licensing Policy be amended to incorporate the relevant changes as a result of the Immigration Act 2016 to add Home Office Immigration Enforcement as a Responsible Authority and to list their contact address.

## **11. REASONS FOR THE RECOMMENDATIONS**

- 11.1 To ensure Members are aware of the legislative changes arising from the implementation of the Immigration Act 2016 and that the Statement of Licensing policy is up to date with current legislation and guidance.

## **12. STATUTORY POWER**

- 12.1 Immigration Act 2016, Licensing Act 2003. Approval of the Statement of Licensing Policy under the Licensing Act 2003 is a Council function.

Author: Myra McSherry, Licensing Manager, mcshema@caerphilly.gov.uk  
Consultees: Cllr, Denver Preece Chair, Licensing Committee  
Cllr, Julian Simmonds Vice Chair, Licensing Committee  
Cllr, Eluned Stenner, Cabinet Member for, Environment and Public Protection  
Robert Hartshorn, Head of Public Protection  
Gail Williams, Interim Head of Legal services and Monitoring Officer  
Jacqui Morgan, Trading Standards, Licensing and Registrars Manager  
Mike Eedy, Finance Manager  
Sue Ead, Solicitor, Legal Services  
Anwen Rees, Senior Policy Officer (Equalities and Welsh Language)  
Shaun Watkins, HR Manager

Background Papers:

Immigration Act 2016

Current Statement of Licensing Policy: <http://www.caerphilly.gov.uk/My-Council/Strategies,-plans-and-policies/Environmental-health/Statement-of-Licensing-Policy>

This page is intentionally left blank