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Date: 7th April 2021

This meeting will be recorded and made available to view via the Council's website, except for discussions involving confidential or exempt items. Therefore the images/audio of those individuals speaking will be publicly available to all via the recording on the Council website at www.caerphilly.gov.uk

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.

Dear Sir/Madam,

A digital meeting of **Council** will be held via Microsoft Teams on **Tuesday, 13th April, 2021** at **5.00 pm** to consider the matters contained in the following agenda.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Chrissy'.

Christina Harrhy
CHIEF EXECUTIVE

AGENDA

Pages

- 1 To receive apologies for absence.
- 2 Mayor's Announcements.
- 3 To receive petitions under Rule of Procedure 28(3).
- 4 Presentation of Awards.

A greener place Man gwyrddach



5 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: -

- | | | |
|---|---|---------|
| 6 | Special Council held on 24th February 2021. | 1 - 12 |
| 7 | Council held on 2nd March 2021. | 13 - 16 |
| 8 | Special Council held on 18th March 2021. | 17 - 20 |

To receive and consider the following reports: -

- | | | |
|----|---|---------|
| 9 | Cardiff Capital Region City Deal - Connected, Competitive, Resilient - Presentation. | |
| 10 | Review of Service Levels and Decision Making Processes for the Development Management and Planning Enforcement Functions of the Planning Service. | 21 - 64 |

To note the following reports which were considered as urgent items by Cabinet: -

- | | | |
|----|--|----------|
| 11 | Welsh Government Retail, Leisure and Hospitality Rate Relief Scheme 2021/22. | 65 - 76 |
| 12 | Welsh Government Strategic Sites Programme - Opportunities for Ness Tar, Caerphilly. | 77 - 108 |

Circulation:

All Members And Appropriate Officers

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Agenda Item 6



SPECIAL COUNCIL

MINUTES OF THE MEETING HELD VIA MICROSOFT TEAMS ON WEDNESDAY, 24TH FEBRUARY 2021 AT 5.00PM

PRESENT:

Councillor C. Andrews - Mayor

Councillors:

M. Adams, Mrs E.M. Aldworth, A.P. Angel, P.J. Bevan, C. Bezzina, L.J. Binding, A. Collis, S. Cook, D. Cushing, C. Cuss, W. David, D.T. Davies, M. Davies, K. Dawson, N. Dix, C. Elsbury, K. Etheridge, M. Evans, A. Farina-Childs, J.E. Fussell, A. Gair, N. George, C. Gordon, R.W. Gough, D.T. Hardacre, L. Harding, A.G. Higgs, A. Hussey, M.P. James, V. James, L. Jeremiah, G. Johnston, Mrs B.A. Jones, S. Kent, G. Kirby, Mrs A. Leonard, Ms P. Leonard, C.P. Mann, P. Marsden, B. Miles, S. Morgan, Mrs G.D. Oliver (by telephone), B. Owen, Mrs T. Parry, Mrs L. Phipps, D.W.R. Preece, Mrs D. Price, J. Pritchard, J. Ridgewell, 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.J. Williams, W. Williams, B. Zaplatynski

Together with: -

C. Harry (Chief Executive), R. Edmunds (Corporate Director Education and Corporate Services), D. Street (Corporate Director Social Services & Housing), M.S. Williams (Interim Corporate Director – Communities), S. Harris (Head of Financial Services & S151 Officer), R. Tranter (Head of Legal Services & Monitoring Officer), R. Kyte (Head of Regeneration and Planning), R. Thomas (Planning Services Manager), S. Pugh (Communications Manager), A. Southcombe (Finance Manager - Corporate Finance), R. Williams (Group Accountant-Treasury and Capital), E. Sullivan (Senior Committee Services Officer), R. Barrett (Committee Services Officer)

WEB-CASTING FILMING AND VOTING ARRANGEMENTS

The Chief Executive reminded those present that the meeting was being filmed but would not be live streamed, however a recording would be available following the meeting via the Council's website – [Click Here to View](#). She advised that decisions would be made by Microsoft Forms.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J. Bevan, Mrs C. Forehead, Miss E. Forehead, J. Gale (Deputy Mayor), D. Harse, D. Havard, D.V. Poole and J. Roberts.

2. DECLARATIONS OF INTEREST

Councillors D.T. Davies, C. Elsbury and A. Hussey declared a personal interest in Agenda Item No. 5 as members of the South Wales Fire and Rescue Authority. Details are minuted with the respective item

REPORTS OF OFFICERS

Consideration was given to the following reports.

3. CAPITAL STRATEGY REPORT 2021/2022

Consideration was given to the report, which outlined details of the Capital Strategy for 2021/22 in accordance with the Prudential Code that was introduced by the Local Government Act 2003, and sought Council approval on its contents. The report had been presented to the Policy and Resources Scrutiny Committee on 12th January 2021 who recommended approval of the Capital Strategy to Council.

Council were advised that the Capital Strategy gives a high-level overview of how capital expenditure, capital financing and Treasury Management activity contributes to the provision of services, along with an overview of how associated risk is managed and what the implications might be for future financial sustainability. The report included overarching details of the core capital budgets for both the General Fund and Housing Revenue Account. Further details of the 2021/22 – 2023/24 core capital programme and the funding of the programme can be found in the Budget Report

In addition to the core capital budgets, the wider capital programme also includes a range of schemes funded from external sources, and the Capital Strategy also includes details of what can be classed as capital expenditure and the decision-making framework for the capital investment proposals. This is underpinned by the Prudential Code for Local Authority Investment, which ensures that capital investment plans are affordable, prudent and sustainable, that treasury management decisions are taken in accordance with good professional practice, and that local strategic planning, management and proper option appraisals are supported.

It was moved and seconded that the recommendations in the report be approved. By way of Microsoft Forms and verbal confirmation and in noting that there were 59 for, 1 against and 1 abstention, this was agreed by the majority present.

RESOLVED that the annual Capital Strategy Report 2021/2022 be approved.

4. TREASURY MANAGEMENT ANNUAL STRATEGY, CAPITAL FINANCE PRUDENTIAL INDICATORS AND MINIMUM REVENUE PROVISION POLICY FOR 2021/2022.

Consideration was given to the report, which sought Council approval of the Authority's Annual Strategy for Treasury Management and a dataset of Prudential Indicators relevant to Treasury Management and Capital Finance. The report cross-references the report by the Corporate Director of Education and Corporate Services on Revenue and Capital Budgets ["the budget report"] also considered in this meeting. The report also sought approval of the Minimum Revenue Provision (MRP) policy to be adopted by the Authority for 2021/2022.

It was noted that the report had been presented to the Policy and Resources Scrutiny Committee on 12th January 2021 for their comment, who following due debate, supported the recommendations to Council.

Members were pleased to note the level of return on investments made by the Authority and it was moved and seconded that the recommendations in the report be approved. By way of Microsoft Forms and verbal confirmation and in noting that there were 62 for, 0 against and 0 abstentions, this was unanimously agreed.

RESOLVED that: -

- (i) the Annual Strategy for Treasury Management 2021/22 be approved;
- (ii) the strategy be reviewed quarterly within the Treasury Management monitoring reports presented to Policy & Resources Scrutiny Committee and any changes recommended be referred to Cabinet, in the first instance, and to Council for a decision. The Authority will also prepare a half-yearly report on Treasury Management activities;
- (iii) the Prudential Indicators for Treasury Management be approved as per Appendix 5 of the report;
- (iv) the Prudential Indicators for Capital Financing be approved as per Appendices 6 & 7 of the report;
- (v) Members adopt the MRP policy as set out in Appendix 8 of the report;
- (vi) The continuation of the 2020/21 investment strategy and the lending to financial institutions and Corporates in accordance with the minimum credit rating criteria disclosed within the report be approved;
- (vii) the Authority borrows £37.2m for the General Fund to support the 2021/22 capital programme and £52.0m for the HRA WHQS and Affordable Homes programme;
- (viii) the Authority continues to adopt the investment grade scale as a minimum credit rating criterion to assess the credit worthiness of suitable counterparties when placing investments;
- (ix) the Authority adopts the monetary and investment duration limits as set out in Appendix 3 of the report.

5. BUDGET PROPOSALS FOR 2021/22 AND MEDIUM-TERM FINANCIAL OUTLOOK.

Councillors D.T. Davies, C. Elsbury and A. Hussey declared a personal interest as members of the South Wales Fire and Rescue Authority and remained in the meeting during consideration of the item.

The Cabinet Member for Finance, Performance and Customer Service presented the report, which had been supported by Cabinet at its meeting on 17th February 2021 and sought Council's endorsement of the budget proposals for 2021/22. The report also provided an update on the Council's Medium-Term Financial Plan (MTFP).

Council were informed that the proposals place the Authority in a position to continue to protect its key services, and the 3.1% uplift in the Provisional Financial Settlement along

with the proposed increase in Council Tax of 3.9% will mean that there will be no requirement for any new savings to be identified to balance the budget for the 2021/22 financial year. Council were asked to note that the proposed Council Tax increase is likely to be lower than many other local authorities across Wales and will ensure that the Council remains financially resilient whilst doing its best to protect its residents.

Furthermore, the proposals in the report will also maintain service provision across the Council, fund increasing demand and service pressures in key areas such as Social Services and Education, enable new community focussed investments in areas such as Caerphilly Cares and the proposed Community Empowerment Fund, provide the capacity and resilience required to drive forward the Team Caerphilly Transformation Programme and Place Shaping Plan, and address legacy issues in respect of income shortfalls in a number of service areas. The Council is on a journey of recovery, improvement and transformation and the proposals set out in the report will provide a sound platform to move forward with its ambitious plans.

It was noted that details of the 2021/22 Final Local Government Financial Settlement will not be announced until 2nd March 2021, however it is anticipated that this will not vary significantly from the position set out in the Provisional Settlement. It was also explained that the budget proposals do not cover the ongoing financial implications arising from the Covid-19 pandemic and these will continue to be funded through WG grants.

Council were provided with details of the projected movement on the General Fund balance and it was noted that the updated projected balance is £11.232m, which represents 3.05% of the proposed 2021/22 Net Revenue Budget. This is marginally above the minimum level of 3% that is recommended by the Section 151 Officer.

It was acknowledged that the proposed Council Tax increase of 3.9% had resulted in some concerns from residents and the submission of a petition in this regard, but it was emphasised that the proposed increase will result in no new cuts to crucial services for the forthcoming financial year, whilst enabling the Council to continue to support residents through the most challenging times for a generation. Members were reminded that the proposals in the report will help the Council's onward journey to transformation and the implementation of the Wellbeing and Place Shaping Framework, offering hope, strength and purpose, with a focus on delivery, improvement and financial resilience in these challenging times.

Members expressed their thanks to Steve Harris and his staff for the preparation of the detailed report and thanked all Council staff for their dedication in continuing to deliver services throughout the Covid-19 pandemic.

It was moved and seconded that the recommendations in the report be approved.

Members welcomed the absence of service cuts for the 2021/22 financial year but expressed concerns around the impact of the proposed increase in Council Tax, particularly in view of the financial hardships already experienced by many residents as a result of the Covid-19 pandemic. Council discussed this proposal at length and several Members expressed the need for the budget proposals to be universally supported in order to provide the best opportunities for residents of the borough. Other Members emphasised that they were not against the ethos of the budget proposals but felt that a lower increase in Council Tax could be achieved whilst still maintaining a balanced budget.

One Member declared that he would be moving an amendment later in the debate to reduce the proposed Council Tax increase to 2.4%. He expressed concerns that the amount budgeted for employee pay increases is more than what is realistically needed,

suggested a need to bring industrial property rentals back on track, and also had concerns around the level of staffing costs in relation to the Transformation Team.

Steve Harris (Head of Financial Services and S151 Officer) responded to these comments and explained that reducing the Council Tax uplift to 2.4% would result in a shortfall of £849k in the 2021/22 revenue budget and that this would require savings to be found. Furthermore, the £849k additional revenue would not be available in future years resulting in a higher MTFP savings requirement. Clarification was provided on the current position in respect of the pay uplift and the UK Chancellor's announcement of a pay freeze for the majority of Local Government employees. It was explained that the pay award is a matter for Local Authorities, the Trade Unions and the Independent Welsh Pay Review Body on Teachers Pay and that the budget proposals only allow for a modest increase of 1% for all staff alongside the £250 payment for those earning below £24k. It was further explained that this funding will be held centrally until the 2021/22 pay award is agreed and will then either be released to services or retained as a saving in advance depending on the outcome of negotiations. It was also explained that any pay award in excess of the levels budgeted for will require additional funding to be identified. With regards to the proposed investments in the Transformation Team, Members were reminded of the aspirations of the Council in terms of transformation and the Place Shaping Plan and it was emphasised that this investment is required to move these plans forward.

During the course of the debate, a query was received around the cost pressures faced by Social Services as a result of the pandemic, and these were outlined to Members, with it noted that the budget requires growth of £2.5m to meet the full-year costs of placements.

In response to other queries from Members, Officers gave assurances that the Council is striving to protect and maintain the quality of services at pre-Covid levels, and provided clarification on the number of households receiving support through the Council Tax Reduction Scheme. Queries were also received on the renewable energy investment proposal for an electricity line between Gelliargwellt Farm and Tredomen, and the costs for the proposed expansion of Trinity Fields School. It was confirmed that these proposals did not form part of the budget report and would be the subject of separate consultation processes and further reports prepared for Members' consideration.

A Member sought confirmation of the costs relating to the senior officer pay investigation and costs of settlement agreements and Mr Harris explained that these details have been previously circulated to Members through a number of reports and are also set out in the Council's Annual Financial Statements. A Member also asked for the total number of reductions in posts since 2017 together with the percentage of posts held as vacancies during the same period, and it was confirmed that this information would be circulated to Members following the meeting

During debate on the proposed Council Tax increase, an amendment was moved and seconded in respect of Recommendation 1.6 (v) for a 0% increase in Council Tax for this financial year only in view of the Covid-19 pandemic. Another Member suggested that a proportion of the budget for the Transformation Agenda could be diverted to offset this 0% uplift. The Head of Financial Services and S151 Officer explained that a 0% increase would lead to a gap of around £2.2m in the budget.

A Member asked if there was a surplus from additional WG funding made available to local authorities to support the Council Tax Reduction Scheme which could be used to offset an increase in Council Tax. Mr Harris confirmed that Caerphilly's share of the funding was just over £300k and that it had been made available to support additional costs relating to the Council Tax Reduction Scheme in the 2020/21 financial year only. It was explained that this could not be used to lower the level of Council Tax year-on-year as the funding is not available for future years.

During the course of debate on the proposed amendment, Councillor S. Morgan quoted comments made by Councillor J. Fussell at the Joint Scrutiny Committee on 22nd February 2021, in relation to Place Shaping investment proposals for a hotel development at Park Lane in Caerphilly. Councillor Fussell stated that Councillor Morgan had misinterpreted his comments and requested a retraction, and in clarifying, explained that he had quoted an external source but did not share their views. Councillor Morgan apologised for any misinterpretation and retracted his statement.

The mover of the amendment for a 0% increase in Council Tax was reminded that the amendment would need to include alternative funding to meet the net impact of a £2.206m shortfall. The Member stated that he had already supplied an alternative budget to Officers two years ago but had received no response, and that he was waiting to receive the Council's service directory in order to determine where updated savings could be made. Mr Harris explained that the service directory is in the process of being finalised but that other priorities have taken over since the Covid-19 pandemic.

Voting took place on the amendment in respect of Recommendation 1.6 (v) for a 0% increase in Council Tax, and by way of Microsoft Forms and verbal confirmation and in noting there were 5 for, 52 against and 2 abstentions, the amendment was declared lost.

A further amendment to report recommendation 1.6 (v) was then moved and seconded, in that the level of Council Tax increase be reduced to 2.4% and that the £849k shortfall be met by reducing the amount allowed for future pay rises, reconfiguration of the Transformation Team, addressing the shortfall on industrial property rents, and considering the use of excess funds held in the General Fund.

In accordance with Rule of Procedure 15.4(1) a request was made for a recorded vote which was supported by 10 Members.

For the Amendment:

A.P. Angel, P.J. Bevan, L.J. Binding, D. Cushing, M. Davies, C. Elsbury, R.W. Gough, M.P. James, S. Kent, C.P. Mann, Mrs T. Parry, Mrs M.E. Sargent, J. Scriven, G. Simmonds, S. Skivens, J. Taylor, L.G. Whittle **(17)**

Against the Amendment:

M. Adams, Mrs E.M. Aldworth, C. Andrews, A. Collis, S. Cook, C. Cuss, D.T. Davies, K. Dawson, K. Etheridge, M. Evans, A. Farina-Childs, N. George, C. Gordon, D.T. Hardacre, L. Harding, A.G. Higgs, A. Hussey, V. James, L. Jeremiah, G. Johnston, Mrs B.A. Jones, G. Kirby, Mrs A. Leonard, Ms P. Leonard, P. Marsden, S. Morgan, Mrs G.D. Oliver, Mrs L. Phipps, D.W.R. Preece, Mrs D. Price, J. Pritchard, J. Ridgewell, R. Saralis, J. Simmonds, Mrs E. Stenner, C. Thomas, A. Whitcombe, R. Whiting, T.J. Williams, W. Williams, B. Zaplatynski **(41)**

Abstentions:

N. Dix, B. Owen **(2)**

Councillor B. Miles declined to take part in the vote as she had experienced technical difficulties and had been unable to hear the whole debate on the amendment.

The amendment was declared lost.

Following further debate and having already moved and seconded that the recommendations in the report be approved, voting then took place on the substantive motion.

A request was made for a recorded vote in accordance with Rule of Procedure 15.4(1), which was not supported.

By way of Microsoft Forms and verbal confirmation and in noting that there were 39 for, 17 against and 1 abstention, the recommendations were agreed by the majority present.

RESOLVED that:

- (i) The revenue budget proposals for 2021/22 of £368.227m be agreed as detailed throughout the report and summarised in Appendix 1;
- (ii) The proposal to appoint four fixed-term Project Managers be approved for an initial period of 2 years to support the delivery of the Council's Transformation Programme and Place Shaping Plan, with the total costs of £368k being funded from the £1.8m reserve previously approved by Council to support the delivery of the MTFP (paragraph 5.3.37);
- (iii) The movements on the General Fund in Appendix 2 be noted and the proposal that for one year only £1.050m of the General Fund balance be used to support the 2021/22 budget be agreed due to there being no assumed Council Tax surplus in the 2020/21 financial year;
- (iv) The proposed Capital Programme for the period 2021/22 to 2023/24 as set out in Appendix 3 be agreed;
- (v) The proposal to increase Council Tax by 3.9% for the 2021/22 year be agreed to ensure that a balanced budget is achieved (Council Tax Band D being set at £1,230.57);
- (vi) The updated MTFP be noted as set out in Appendix 4 showing an indicative potential savings requirement of £21.1m for the four-year period 2022/23 to 2025/26.

6. COUNCIL TAX SETTING RESOLUTION 2021/22

Consideration was given to the report which provided details of the Authority's Council Tax for the 2021/22 financial year, prior to passing the necessary statutory resolutions.

It was moved and seconded that the resolutions contained in the Officer's report be approved and by way of Microsoft Forms and verbal confirmation and in noting that there were 40 for, 15 against and 1 abstention, this was agreed by the majority present.

RESOLVED: -

1. That it be noted that at its meeting on the 9th December 2020 the Cabinet calculated the following amounts for the year 2021/2022 in accordance with regulations made under Section 33(5) of The Local Government Finance Act 1992 and powers granted under The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Amendment) (Wales) Regulations 2007 (as amended).
 - (a) **60,793.26** Being the amount calculated by the Cabinet, in accordance with Regulation (3) of The Local Authorities (Calculation of Council Tax Base) (Wales) Regulations 1995 (as amended), as its council tax base for the year.

(b) Part of Council's Area:

	<u>Tax Base</u>
	<u>No. of D Band</u>
	<u>Equivalent Properties</u>
Aber Valley	2,021.25
Argoed	857.68
Bargoed	3,689.61
Bedwas, Trethomas & Machen	3,878.38
Blackwood	2,952.00
Caerphilly	6,281.05
Darren Valley	718.70
Draethen, Waterloo & Rudry	615.41
Gelligaer	6,279.57
	<u>Tax Base</u>
	<u>No. of D Band</u>
	<u>Equivalent Properties</u>
Llanbradach & Pwllpant	1,486.17
Maesycwmmmer	897.09
Nelson	1,591.05
New Tredegar	1,347.84
Penyrheol, Treceenydd & Energlyn	4,468.28
Rhymney	2,566.71
Risca East	2,043.13
Risca West	1,819.97
Van	1,639.61
Remainder	15,639.76
Total	60,793.26

being the amounts calculated by the cabinet, in accordance with regulation 6 of the Regulations, as the amounts of its council tax base for the year for dwellings in those parts of its area to which one or more special items relate.

2. *That the following amounts be now calculated by the Council for the year 2021/2022 in accordance with Sections 32 to 36 of the Local Government and Finance Act 1992: -*

- (a) £368,227,794** *being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2)(a) to (d) of the Act;*
- (b) £1,050,000** *being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3) (a) to (c) of the Act;*
- (c) £368,076,546** *being the amount by which the aggregate at (2)(a) above exceeds the aggregate at (2)(b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year;*
- (d) £292,367,432** *being the aggregate of the sums which the Council estimates will be payable for the year into its council fund in respect of redistributed non-domestic rates, revenue support grant, an authority's council tax reduction scheme or additional grant;*

- (e) **£1,245.36** *being the amount at (2)(c) above less the amount at (2)(d) above, all be divided by the amount at (1)(a) above, calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its council tax for the year;*
- (f) **£898,752** *being the aggregate amount of all special items referred to in section 34(1) of the Act;*
- (g) **£1,230.57** *being the amount at (2)(e) above less the result given by dividing the amount at (2)(f) above by the amount at (1)(a) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its council tax for the year for dwellings in those parts of its area to which no special item relates;*

(h) Part of the Council's Area	County		Total County
	Local Precept £	Borough Levy £	Borough & Community Council Band D Charge £
Aber Valley	19.79	1,230.57	1,250.36
Argoed	15.00	1,230.57	1,245.57
Bargoed	33.85	1,230.57	1,264.42
Bedwas, Trethomas & Machen	25.77	1,230.57	1,256.34
Blackwood	20.00	1,230.57	1,250.57
Caerphilly	15.50	1,230.57	1,246.07
Darren Valley	18.06	1,230.57	1,248.63
Draethen, Waterloo & Rudry	32.50	1,230.57	1,263.07
Gelligaer	21.13	1,230.57	1,251.70
Llanbradach & Pwllypant	22.89	1,230.57	1,253.46
Maesycwmmmer	20.40	1,230.57	1,250.97
Nelson	18.18	1,230.57	1,248.75
New Tredegar	12.56	1,230.57	1,243.13
Penyrheol, Trecenydd & Energlyn	14.22	1,230.57	1,244.79
Rhymney	13.64	1,230.57	1,244.21
Risca East	12.00	1,230.57	1,242.57
Risca West	27.70	1,230.57	1,258.27
Van	16.68	1,230.57	1,247.25
Remainder	0.00	1,230.57	1,230.57

being the amounts given by adding to the amount at (2)(g) above the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at (1)(b) above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts, of its council tax for the year for dwellings in those parts of its area to which one or more special items relate;

(i)

<u>Valuation Bands</u>	A	B	C	D	E	F	G	H	I
	£								
County Borough Council	820.38	957.11	1,093.84	1,230.57	1,504.03	1,777.49	2,050.95	2,461.14	2,871.33
<u>Community Councils</u>									
Aber Valley	13.19	15.39	17.59	19.79	24.19	28.59	32.98	39.58	46.18
Argoed	10.00	11.67	13.33	15.00	18.33	21.67	25.00	30.00	35.00
Bargoed	22.57	26.33	30.09	33.85	41.37	48.89	56.42	67.70	78.98
Bedwas, Trethomas & Machen	17.18	20.04	22.91	25.77	31.50	37.22	42.95	51.54	60.13
Blackwood	13.33	15.56	17.78	20.00	24.44	28.89	33.33	40.00	46.67
Caerphilly	10.33	12.06	13.78	15.50	18.94	22.39	25.83	31.00	36.17
Darren Valley	12.04	14.05	16.05	18.06	22.07	26.09	30.10	36.12	42.14
Draethen, Waterloo & Rudry	21.67	25.28	28.89	32.50	39.72	46.94	54.17	65.00	75.83
Gelligaer	14.09	16.43	18.78	21.13	25.83	30.52	35.22	42.26	49.30
Llanbradach & Pwllypant	15.26	17.80	20.35	22.89	27.98	33.06	38.15	45.78	53.41
Maesycwmmmer	13.60	15.87	18.13	20.40	24.93	29.47	34.00	40.80	47.60
Nelson	12.12	14.14	16.16	18.18	22.22	26.26	30.30	36.36	42.42
New Tredegar	8.37	9.77	11.16	12.56	15.35	18.14	20.93	25.12	29.31
Penyrheol, Trecenydd & Energlyn	9.48	11.06	12.64	14.22	17.38	20.54	23.70	28.44	33.18
Rhymney	9.09	10.61	12.12	13.64	16.67	19.70	22.73	27.28	31.83
Risca East	8.00	9.33	10.67	12.00	14.67	17.33	20.00	24.00	28.00
Risca West	18.47	21.54	24.62	27.70	33.86	40.01	46.17	55.40	64.63
Van	11.12	12.97	14.83	16.68	20.39	24.09	27.80	33.36	38.92
Remainder	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

<u>Valuation Bands</u>	A	B	C	D	E	F	G	H	I
	£								
<u>Totals For Community Council Areas</u>									
Aber Valley	833.57	972.50	1,111.43	1,250.36	1,528.22	1,806.08	2,083.93	2,500.72	2,917.51
Argoed	830.38	968.78	1,107.17	1,245.57	1,522.36	1,799.16	2,075.95	2,491.14	2,906.33
Bargoed	842.95	983.44	1,123.93	1,264.42	1,545.40	1,826.38	2,107.37	2,528.84	2,950.31
Bedwas, Trethomas & Machen	837.56	977.15	1,116.75	1,256.34	1,535.53	1,814.71	2,093.90	2,512.68	2,931.46
Blackwood	833.71	972.67	1,111.62	1,250.57	1,528.47	1,806.38	2,084.28	2,501.14	2,918.00
Caerphilly	830.71	969.17	1,107.62	1,246.07	1,522.97	1,799.88	2,076.78	2,492.14	2,907.50
Darren Valley	832.42	971.16	1,109.89	1,248.63	1,526.10	1,803.58	2,081.05	2,497.26	2,913.47
Draethen, Waterloo & Rudry	842.05	982.39	1,122.73	1,263.07	1,543.75	1,824.43	2,105.12	2,526.14	2,947.16
Gelligaer	834.47	973.54	1,112.62	1,251.70	1,529.86	1,808.01	2,086.17	2,503.40	2,920.63
Llanbradach & Pwllypant	835.64	974.91	1,114.19	1,253.46	1,532.01	1,810.55	2,089.10	2,506.92	2,924.74
Maesycwmmmer	833.98	972.98	1,111.97	1,250.97	1,528.96	1,806.96	2,084.95	2,501.94	2,918.93
Nelson	832.50	971.25	1,110.00	1,248.75	1,526.25	1,803.75	2,081.25	2,497.50	2,913.75
New Tredegar	828.75	966.88	1,105.00	1,243.13	1,519.38	1,795.63	2,071.88	2,486.26	2,900.64
Penyrheol, Trecenydd & Energlyn	829.86	968.17	1,106.48	1,244.79	1,521.41	1,798.03	2,074.65	2,489.58	2,904.51
Rhymney	829.47	967.72	1,105.96	1,244.21	1,520.70	1,797.19	2,073.68	2,488.42	2,903.16
Risca East	828.38	966.44	1,104.51	1,242.57	1,518.70	1,794.82	2,070.95	2,485.14	2,899.33
Risca West	838.85	978.65	1,118.46	1,258.27	1,537.89	1,817.50	2,097.12	2,516.54	2,935.96
Van	831.50	970.08	1,108.67	1,247.25	1,524.42	1,801.58	2,078.75	2,494.50	2,910.25
Remainder	820.38	957.11	1,093.84	1,230.57	1,504.03	1,777.49	2,050.95	2,461.14	2,871.33

being the amounts given by multiplying the amounts at (2)(g) and (2)(h) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in a

particular valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

3. That it be noted that for the year 2021/2022 the major precepting authority has stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:-

<u>Valuation Bands</u>	A	B	C	D	E	F	G	H	I
	£	£	£	£	£	£	£	£	£
<u>Precepting Authority</u>									
Police and Crime Commissioner for Gwent	191.97	223.97	255.96	287.96	351.95	415.94	479.93	575.92	671.91

4. That having calculated the aggregate in each case of the amounts at (2)(i) and (3) above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the following amounts of Council Tax for the year 2021/2022 for each of the categories of dwellings shown below:-

<u>Valuation Bands</u>	A	B	C	D	E	F	G	H	I
	£	£	£	£	£	£	£	£	£
Aber Valley	1,025.54	1,196.47	1,367.39	1,538.32	1,880.17	2,222.02	2,563.86	3,076.64	3,589.42
Argoed	1,022.35	1,192.75	1,363.13	1,533.53	1,874.31	2,215.10	2,555.88	3,067.06	3,578.24
Bargoed	1,034.92	1,207.41	1,379.89	1,552.38	1,897.35	2,242.32	2,587.30	3,104.76	3,622.22
Bedwas, Trethomas & Machen	1,029.53	1,201.12	1,372.71	1,544.30	1,887.48	2,230.65	2,573.83	3,088.60	3,603.37
Blackwood	1,025.68	1,196.64	1,367.58	1,538.53	1,880.42	2,222.32	2,564.21	3,077.06	3,589.91
Caerphilly	1,022.68	1,193.14	1,363.58	1,534.03	1,874.92	2,215.82	2,556.71	3,068.06	3,579.41
Darren Valley	1,024.39	1,195.13	1,365.85	1,536.59	1,878.05	2,219.52	2,560.98	3,073.18	3,585.38
Draethen, Waterloo & Rudry	1,034.02	1,206.36	1,378.69	1,551.03	1,895.70	2,240.37	2,585.05	3,102.06	3,619.07
Gelligaer	1,026.44	1,197.51	1,368.58	1,539.66	1,881.81	2,223.95	2,566.10	3,079.32	3,592.54
Llanbradach & Pwllpant	1,027.61	1,198.88	1,370.15	1,541.42	1,883.96	2,226.49	2,569.03	3,082.84	3,596.65
Maesycwmmmer	1,025.95	1,196.95	1,367.93	1,538.93	1,880.91	2,222.90	2,564.88	3,077.86	3,590.84
Nelson	1,024.47	1,195.22	1,365.96	1,536.71	1,878.20	2,219.69	2,561.18	3,073.42	3,585.66
New Tredegar	1,020.72	1,190.85	1,360.96	1,531.09	1,871.33	2,211.57	2,551.81	3,062.18	3,572.55
Penyrheol, Trecenydd & Energlyn	1,021.83	1,192.14	1,362.44	1,532.75	1,873.36	2,213.97	2,554.58	3,065.50	3,576.42
Rhymney	1,021.44	1,191.69	1,361.92	1,532.17	1,872.65	2,213.13	2,553.61	3,064.34	3,575.07
Risca East	1,020.35	1,190.41	1,360.47	1,530.53	1,870.65	2,210.76	2,550.88	3,061.06	3,571.24
Risca West	1,030.82	1,202.62	1,374.42	1,546.23	1,889.84	2,233.44	2,577.05	3,092.46	3,607.87
Van	1,023.47	1,194.05	1,364.63	1,535.21	1,876.37	2,217.52	2,558.68	3,070.42	3,582.16
Remainder	1,012.35	1,181.08	1,349.80	1,518.53	1,855.98	2,193.43	2,530.88	3,037.06	3,543.24

7. BUS EMERGENCY SCHEME (BES) - REQUEST TO ALL COUNCILS TO SIGN UP TO BES 2 SCHEME - URGENT ITEM CONSIDERED BY CABINET

The Mayor confirmed that the report was considered as an urgent item by Cabinet on 27th January 2021 and under the requirements of the Constitution any decision taken as a matter of urgency must be reported to the next available meeting of Council, giving the reasons for its urgency. Therefore, Council was asked to note the reasons for the report's urgency and the Cabinet Decision.

Council noted the report and the decision of Cabinet.

The meeting closed at 7.19 p.m.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 13th April 2021.

MAYOR

Agenda Item 7



COUNCIL

MINUTES OF THE MEETING HELD VIA MICROSOFT TEAMS ON TUESDAY 2ND MARCH 2021 AT 5.00PM

PRESENT:

Councillor C. Andrews - Mayor
Councillor J. Gale - Deputy Mayor

Councillors:

M. Adams, E.M. Aldworth, C. Andrews, A. Angel, P. Bevan, C. Bezzina, L. Binding, A. Collis, S. Cook, C. Cuss, W. David, M. Davies, T. Davies, N. Dix, C. Elsbury, K. Etheridge, M. Evans, A. Farina-Childs, C. Forehead, J. Fussell, A. Gair, J. Gale, N. George, C. Gordon, R. Gough, L. Harding, D. Havard, A. Higgs, A. Hussey, V. James, L. Jeremiah, G. Johnston, B. Jones, S. Kent, G. Kirby, A. Leonard, P. Leonard, C. Mann, P. Marsden, B. Miles, S. Morgan, B. Owen, T. Parry, L. Phipps, D. Poole, D. Preece, D. Price, J. Pritchard, J. Ridgewell, R. Saralis, M.E. Sargent, J. Simmonds, G. Simmonds, S. Skivens, E. Stenner, J. Taylor, C. Thomas, A. Whitcombe, R. Whiting, L. Whittle, T. Williams, W. Williams, B. Zaplatynski.

Together with:-

C. Harry (Chief Executive), R. Tranter (Head of Legal Services & Section 151 Officer), R. Edmunds (Corporate Director Education and Corporate Services), M.S. Williams (Corporate Director Communities), K. Peters (Corporate Policy Officer) A. Cullinane (Senior Policy Officer) and E. Sullivan (Senior Committee Services Officer)

WEB-CASTING FILMING AND VOTING ARRANGEMENTS

The Chief Executive reminded those present that the meeting was being filmed but would not be live streamed, however a recording would be available following the meeting via the Council's website – [Click Here to View](#). She advised that decisions would be made by Microsoft Forms.

IN MEMORIAM

The Mayor with sadness advised that since the last meeting of Council, Gareth Evans, Library Services Manager had passed away. Council held a minute's silence as a sign of respect.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors: J. Bevan, D. Cushing, K. Dawson, D. Harse and D. Street (Corporate Director Social Services)

2. MAYOR'S ANNOUNCEMENTS

The Mayor advised that with regret due to the continuing restrictions there were no announcements on this occasion.

3. TO RECEIVE PETITIONS UNDER RULE OF PROCEDURE 28(3)

There were no petitions.

4. PRESENTATION OF AWARDS

Council recognised Lauren Roberts-Orford, winner of the Caerphilly Cares Artwork Competition. Members were advised that her unique design has been hung in the Council Chamber to commemorate the moment in history when children painted rainbows, communities pulled together and everyone clapped for NHS and Key Workers. It was noted that Lauren's design is the very first piece of artwork to be hung in the Council Chamber.

Members joined in a round of applause to recognise Lauren's wonderful picture and outstanding achievement.

5. DECLARATIONS OF INTEREST

Clarification was sought by Councillor C. Bezzina, as an employee of Unison was she required to declare an interest in relation to Agenda Item No. 7 – Publication of the Pay Policy Statement 2021/22. The Monitoring Officer confirmed that as the Pay Policy Statement was a statement of fact, there was no requirement for her or Officers of the Council to declare an interest in this matter.

There were no declarations of interest received at the commencement or during the meeting.

6. MINUTES – 19TH JANUARY 2021

Although not connected to the minutes of the 19th January 2021, Councillor S. Morgan with the agreement of the Mayor, referenced debate from Special Council on the 24th February 2021 in which he made an apology for misinterpreting comments made by Councillor J.E Fussell at the Joint Scrutiny Committee meeting on the 22nd February 2021. Having reviewed the Joint Scrutiny Committee meeting recording, Councillor Morgan stood by his understanding of the matter, withdrew his apology, and called on Councillor Fussell to now apologise for misleading Council.

Councillor Fussell confirmed that he would not comment further on the matter until he had the opportunity to review the recording and would neither retract nor offer an apology to Council at this time.

Councillor Mann who had also been called on for comment confirmed that he would reserve judgement on the matter until he too had reviewed the recording.

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

Council held on 19th January 2021 (minute nos. 1-15)

7. PUBLICATION OF THE PAY POLICY STATEMENT 2021/22

Consideration was given to the report which sought Council approval to publish the Authority's Pay Policy Statement 2021/22.

It was noted that the publication of the Pay Policy Statement is a legislative requirement and contains full details of the remuneration position for the Council for 2021/22.

It was moved and seconded that the recommendations in the report be approved. By way of Microsoft Forms and verbal confirmation and in noting that there was 1 abstention this was agreed by the majority present.

RESOLVED that: -

1. The Pay Policy Statement 2021/22 (Version 10) be published on the Council's website.
2. The payments of the Foundation Living Wage hourly rate of £9.50 with effect from 1st November 2020 be agreed.
3. All future nationally agreed increases to the Foundation Living Wage hourly rate be paid automatically.

8. CHANGES TO THE COUNCIL CONSTITUTION TO REFLECT THE INCLUSION OF THE SOCIO-ECONOMIC DUTY IN THE REPORT TEMPLATE

Consideration was given to the report which informed Council of the changes proposed to the Report Template because of the implementation of the Socio-economic Duty which would come into force on the 31st March 2021. Council approval was also sought for the Head of Legal Services and Monitoring Officer to amend the constitution to incorporate the updated report template.

Clarification was sought as to the overall aims of the new duty. Officers confirmed that this was to deliver better outcomes for those who experience socio-economic disadvantage by ensuring that those taking strategic decisions take account of evidence and potential impacts through consultation and engagement and understand the needs and views of those impacted by the decision.

Members noted what would be considered as strategic decisions in terms of the new duty and concerns were expressed as to the impact of the new assessment process. Reference was made Partnership Boards and how the decisions made there were not reported back to Local Authority Scrutiny until a much later date, something that had been a longstanding issue of concern.

Officers acknowledged that there was more work to be done however as further pieces of legislation came into effect the various elements would come together, making the process more robust and allowing greater opportunities for pre-decision scrutiny.

Following consideration of the report it was moved and seconded that the recommendation contained within the Officer's report be approved and by way of Microsoft Forms and verbal confirmation and in noting there was 1 abstention this was agreed by the majority present.

RESOLVED that the changes to the report template at Appendix 1 be noted and endorsed and the Head of Legal Services and Monitoring Officer be authorised to update the Constitution to incorporate the new template including the inclusion of the final version of the full Integrated Impact Assessment.

9. CAERPHILLY WELLBEING AND PLACESHAPING FRAMEWORK

Council noted the report that had previously been presented to Joint Scrutiny Committee on the 22nd February 2021 and endorsed by Cabinet on the 24th February 2021.

The Leader provided Council with a summary of the ambitious programme and projects that would be coming forward.

Members thanked the Leader for her statement and assurances were sought that serious consideration would be given to a cycle network and it was confirmed that this would indeed form part of the Active Travel Plan.

Clarification was then sought in relation to plans for Caerphilly Town Centre and a request made that adjoining wards should form part of the consultation process for all forthcoming proposals. The Leader confirmed that Local Ward Members would be a fundamental part of the process going forward and this would most definitely include adjoining Ward Members. The Member thanked the Leader for the reassurances given.

The report was noted.

The meeting closed at 17:50pm

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 13th April 2021 they were signed by the Mayor.

MAYOR



SPECIAL COUNCIL

MINUTES OF THE MEETING HELD VIA MICROSOFT TEAMS ON THURSDAY, 18TH MARCH 2021 AT 5.00PM

PRESENT:

Councillor C. Andrews - Mayor
Councillor J. Gale - Deputy Mayor

Councillors:

M. Adams, E.M. Aldworth, A. Angel, P. Bevan, C. Bezzina, L. Binding, A. Collis, S. Cook, C. Cuss, W. David, M. Davies, T. Davies, N. Dix, C. Elsbury, K. Etheridge, M. Evans, A. Farina-Childs, C. Forehead, J. Fussell, A. Gair, N. George, C. Gordon, R. Gough, L. Harding, D. Havard, A. Higgs, A. Hussey, V. James, L. Jeremiah, G. Johnston, B. Jones, S. Kent, G. Kirby, A. Leonard, P. Leonard, C. Mann, P. Marsden, B. Miles, S. Morgan, B. Owen, T. Parry, L. Phipps, D. Poole, D. Preece, D. Price, J. Pritchard, J. Ridgewell, R. Saralis, M.E. Sargent, J. Simmonds, G. Simmonds, S. Skivens, E. Stenner, J. Taylor, C. Thomas, A. Whitcombe, R. Whiting, L. Whittle, T. Williams, W. Williams, B. Zaplatynski.

Together with:-

C. Harrhy (Chief Executive), D. Street (Corporate Director Social Services), R. Tranter (Head of Legal Services and Monitoring Officer), S. Harris (Head of Financial Services and Section 151 Officer), L. Donovan (Head of People Services) and E. Sullivan (Senior Committee Services Officer).

Also Present: -

S. Issacs (Eversheds Sutherland)

WEB-CASTING FILMING AND VOTING ARRANGEMENTS

The Chief Executive reminded those present that the meeting was being filmed, except for discussions involving confidential or exempt items but would not be live streamed, however a recording would be available following the meeting via the Council's website – [Click Here to View](#). She advised that decisions would be made by Microsoft Forms.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J. Bevan, D. Hardacre, D. Harse and G. Oliver and M.S. Williams (Interim Corporate Director Communities) and R. Edmunds (Corporate Director Education and Corporate Services).

Councillors P. Bevan and S. Kent advised that due to previous commitments they would be

leaving the meeting early therefore depending on the length of debate they might not be present for the vote on Agenda Item No. 4.

2. DECLARATIONS OF INTEREST

Councillor D. Poole declared a personal and prejudicial interest in relation to Agenda Item no. 4 – Employment Tribunal Claim of the Former Chief Executive - as he had given evidence to the Designated Independent Person as part of the internal investigation process.

Councillor W. David declared a person and prejudicial interest in relation to Agenda Item No 4 – Employment Tribunal Claim of the Former Chief Executive on the basis that the former Chief Executive made a complaint against him to the Public Services Ombudsman for Wales in December 2019, which caused Councillor David great upset. The complaint was declined and not investigated but Councillor David felt that as a result he was prejudiced against Mr O’Sullivan and would leave the meeting at this point.

Advice was also provided to Councillors L. Binding, J.E. Fussell and M. James but no further declarations of interest were made.

3. PUBLIC INTEREST TEST

Members considered the public interest test certificate from the Proper Officer and concluded that on balance the public interest in maintaining the exemption outweighed the public interest in disclosing the information. By way of Microsoft Forms and verbal confirmation and in noting there were 53 for, 9 against and 4 abstentions this was agreed by the majority present.

RESOLVED that in accordance with Section 100A(4) of the Local Government Act 1972 the public be excluded from the remainder of the meeting because of the likely disclosure to them of exempt information as identified in paragraphs 12, 14, 15 and 16 of Part 4 of Schedule 12A of the Local Government Act 1972.

Having accepted the Public Interest Test the recording of the meeting was stopped and Council moved into exempt session.

4. EXEMPT MATTER - EMPLOYMENT TRIBUNAL CLAIM OF THE FORMER CHIEF EXECUTIVE

Councillor D. Poole having declared a personal and prejudicial interest left the meeting.

Councillor W. David had already left the meeting having declared personal and prejudicial interest at Agenda Item No. 2.

Having fully considered the report and advice as presented it was moved and seconded that Option 3.2 of the Officer’s Report be approved.

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

It was noted that Councillor P. Bevan and Councillor S. Kent were not present when the matter was put to the vote due to previous commitments.

FOR THE MOTION

Councillors: M. Adams, C. Andrews, A. Collis, S. Cook, C. Cuss, D.T. Davies, K. Dawson, M. Evans, C. Forehead, E. Forehead, J. Gale, N. George, C. Gordon, L. Harding, D. Havard, A.

Higgs, A. Hussey, V. James, L. Jeremiah, B. Jones, G. Kirby, P. Leonard, P. Marsden, B. Miles, S. Morgan, L. Phipps, D. Preece, D. Price, J. Ridgewell, R. Saralis, J. Simmonds, E. Stenner, A. Whitcombe, R. Whiting, T. Williams, W. Williams, B. Zaplatynski (37)

AGAINST THE MOTION

Councillors: E.M. Aldworth, A. Angel, C. Bezzina, L. Binding, N. Dix, C. Elsbury, K. Etheridge, A. Farina-Childs, A. Gair, M. James, G. Johnston, A. Leonard, B. Owen, T. Parry, J. Pritchard, J. Roberts, M.E. Sargent, J. Scriven, G. Simmonds, C. Thomas, L. Whittle (21)

ABSTENTIONS

Councillors: D. Cushing, M. Davies, J.E. Fussell, R. Gough, C.P. Mann, S. Skivens, J. Taylor (7)

The MOTION was declared carried.

RESOLVED that the Employment Tribunal Claim of the Former Chief Executive be settled and the total cost of £120,700 be funded from the 2020/21 projected revenue budget underspend for the Directorate of Corporate Services.

The meeting closed at 7.00pm

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 13th April 2021 they were signed by the Mayor.

MAYOR

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COUNCIL - 13TH APRIL 2021

SUBJECT: REVIEW OF SERVICE LEVELS AND DECISION-MAKING PROCESSES FOR THE DEVELOPMENT MANAGEMENT AND PLANNING ENFORCEMENT FUNCTIONS OF THE PLANNING SERVICE.

REPORT BY: CORPORATE DIRECTOR ECONOMY AND ENVIRONMENT

1. PURPOSE OF REPORT

1.1 To provide a review of service delivery and decision making processes for the development management and enforcement functions of Planning Services, and seek approval for amendments to the Scheme of Delegation and Member protocols and for the size of the Planning Committee.

2. SUMMARY

2.1 The Planning Service will play a key role in facilitating the delivery of a sustainable recovery as the country emerges from the COVID-19 crisis and faces the challenges and opportunities presented by Brexit.

2.2 In this respect the Planning Service has recently undergone the final stages of restructure to accommodate significant budgetary pressures with staff resources now well below historic levels.

2.3 In recent years the planning system in Wales has been modernised as part of the Welsh Government Positive Planning Agenda whilst the TeamCaerphilly – Better Together Strategy set in place a whole organisation transformation programme which, in response to the COVID-19 lockdown, has facilitated the introduction of new ways of working and models of service delivery.

2.4 The opportunity now exists to review the development management and enforcement service and embed many of these new approaches through the introduction of an output driven statutory service and more strategically focussed decision-making processes.

2.5 This report, therefore, sets out proposals which will help the Planning Service more effectively respond to the challenges it now faces, whilst seeking to deliver on its statutory obligations.

3. RECOMMENDATIONS

3.1 That Council:

- a) Endorses the output driven service delivery model proposed for the development management and enforcement function, with a focus on the delivery of its statutory obligations, frontloading, further commercialisation and the delivery of major and strategically significant schemes underpinned by the introduction of a new Wellbeing local performance indicator,
- b) Endorses amendments to the Enforcement Charter,
- c) Approves changes to the Planning Committee structure with a reduction from 20 to 16 Members,
- d) Approves changes to the Scheme of Delegation to provide Planning Committee with a more strategic role and focus,
- e) Approves the Non- Planning Committee Member Protocol for Ward Members.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To seek Council approval of amendments to the Council Constitution.

5. THE REPORT

Background

- 5.1 The impact of the COVID-19 pandemic on our economy, communities and society coupled with the potential impact of Brexit is acknowledged as presenting one of the biggest challenges we have faced in a generation. In this respect Welsh Government recognise that the planning system will play a key role in achieving its Wellbeing objectives and delivering a sustainable recovery in environmental, social, cultural and economic terms.
- 5.2 Central to the delivery of these objectives must be an efficient, flexible and responsive development management and enforcement function which facilitates sound and timely decision making and the investigation of breaches of planning control.

Current Staff Resources and Caseloads

- 5.3 The Planning and Regeneration Service has undergone a significant restructure in recent years in response to ongoing budgetary pressures. In this regard the core planning budget has been reduced by some 72% over the last 5-6 years.
- 5.4 More specifically the development management and enforcement function has accommodated a budget saving of £337k during this period and this has been achieved mainly through a reduction in staff resources. The service also has demanding fee income targets which in a volatile economic climate with peaks and troughs in development can prove difficult to achieve year on year.
- 5.5 The final elements of the most recent restructure of Planning Services was implemented in October 2020 and as a result, following the retirement of a further member of staff, the Development Management Team now comprise of a single Team Leader and 5 case officers, comprising, 3 Principal Planning Officers (Grade 10) and 2 Planning Officers (Grade 9). The number of Enforcement Officers has already been reduced from 6 officers to 2 with this service currently being delivered by one, recently appointed, Principal Enforcement Officer (Grade 10) and one Enforcement Officer (Grade 7).

- 5.6 On average the Authority determines in excess of 1000 planning and related applications per annum. On this basis, and following the restructure, future individual caseloads will on average comprise of some 200 cases per case officer which will be well above sustainable levels, and significantly more than traditionally recommended caseloads of 135 per annum.
- 5.7 The current level of enforcement complaints of over 300 per annum coupled with an existing caseload of in excess of 250 enforcement cases also presents a significant challenge for the Authority's 2 remaining enforcement officers.
- 5.8 Historically between 80 and 100 enforcement cases are resolved per annum, per officer, depending on the complexity of the caseload. In this respect, of the existing outstanding caseload there remains a range of complex cases requiring positive action to remove unauthorised breaches including those requiring the service or monitoring of the requirements of an enforcement notice and/or prosecution.
- 5.9 Clearly with the current level of staff resources, responding positively to the impact of COVID-19 coupled with Brexit and facilitating the delivery of a sustainable recovery in environmental, social, cultural and economic terms will present the Local Planning Authority with a significant and unprecedented challenge. Detailed consideration of the budget and staffing issues within the Planning Service has, however, been subject to a separate approval process and additional resources have been allocated as part of the budget proposals for 2021/22 considered by Council on 18th February 2021.

Positive Planning

- 5.10 The planning system in Wales has undergone a significant change process as part of the Welsh Government Positive Planning agenda, culminating in the Planning (Wales) Act 2015 and the introduction of subsequent secondary legislation.
- 5.11 In this respect the Positive Planning agenda sought to change culture and provide a planning system that can deliver national, local and community wellbeing objectives by supporting the delivery of appropriate sustainable development.
- 5.12 An efficient development management and enforcement service and modern governance arrangements underpinned by a robust output driven performance framework is seen as integral to the delivery of this agenda.
- 5.13 In this respect the concept of "front loading" introduced a formal paid statutory pre-application advice service for all applications and Pre-Application Consultation (PAC) for major developments, with early engagement being central to delivering quality positive outcomes in a timely and efficient manner.
- 5.14 The enforcement function has also been refocussed to deliver the timely investigation of cases within prescribed timescales, with new tools including temporary stop notices and enforcement warning notices introduced to deal more expeditiously with breaches of planning control which may cause irreparable damage and facilitate the submission of planning applications to regularise unauthorised development.
- 5.15 The Planning Performance Framework (PPF) set in place key qualitative and quantitative performance indicators used to focus resources on delivering the key elements of a good planning service (1). In addition, key sustainable development indicators have also been introduced. All Local Planning Authorities are required to report quarterly on performance to Welsh Government and publish an Annual

Performance Report (APR) (2) detailing its performance in the context of the PPF. Local Planning Authorities are also required to refund fees where decisions are not made in a timely manner with the provision for penalties to be used in the event of consistent under performance.

- 5.16 The Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017 which came into force on 5th May 2017 requires Planning Committees to comprise of no less than 11 Members and no more than 21, it also provides that no more than one Member from a multi Member Ward can sit on a Planning Committee at any one time.
- 5.17 This secondary legislation followed a comprehensive review of planning committees and decision making across Wales which concluded that large planning committees are resource intensive, diminish the valuable role of Councillors as representatives of their community and generate slow and inconsistent decision making as a result of the associated administrative burden, low average attendance and the tensions between respective Electoral Division and Committee roles (3).
- 5.18 On this basis, the overriding duty of a Planning Committee Member is seen as being to the wider community and the whole Authority, with the role of the Planning Committee focussed on the delivery of the Development Plan by making locally strategic planning decisions, which go beyond protecting the private interests of one person, or group of people, against the activities of others. In this context a Planning Committee should not deal routinely with a plethora of minor development proposals, particularly householder development, which have minimal impact upon the wider area.
- 5.19 Such issues remain current today and were again raised in the recent Wales Audit Office report on the Effectiveness of the Planning Authorities in Wales, which identified continued inconsistencies in the size of Planning Committees, inconsistent decision making and a lack of strategic focus with some Committees still focussing on parochial ward based issues (4).
- 5.20 A comprehensive review of the fee structure for planning applications is also currently ongoing by Welsh Government in an attempt to provide adequate resources to fund the statutory development management process. This is a complex piece of work and in recognition of the current pressures and significant resource and resilience issues Local Planning Authorities currently face, a 20% planning application fee increase across the board was introduced on 24th August 2020. The expectation is that this fee increase will be reinvested exclusively into improving the delivery of the development management service at the local level.
- 5.21 Whilst this is welcomed, it should be recognised that the current underachievement of fee income by the Service is in excess of 20% and as a consequence this increase will be absorbed by the existing fee income target in 20/21 and will not release further resources to invest into service delivery. As indicated above at paragraph 5.9 detailed consideration of the budget and staffing issues within the Planning Service has been subject to a separate approval process and additional resources have been allocated as part of the budget proposals for 2021/22 considered by Council on 18th February 2021.

TeamCaerphilly – Better Together

- 5.22 The TeamCaerphilly – Better Together Strategy is based on 3 main pillars: Service Reviews, Commercialisation and PlaceShaping, and sets in place a whole

organisation transformation programme which, in response to the COVID-19 lockdown, has facilitated the introduction of new ways of working and models of service delivery.

- 5.23 The opportunity now exists, therefore, to review the development management and enforcement service, deploy the principles of TeamCaerphilly and embed many of these new approaches into its future service delivery and decision-making processes.
- 5.24 In this respect the proposals in this report seek to capitalise on the opportunities provided by the TeamCaerphilly Framework with further commercialisation in the promotion of fee earning elements of the service, further refinement of agile working, the development of a single point of contact and online resources and provision of a more strategic focus for service delivery and decision making to facilitate the PlaceShaping agenda, underpinned by an output driven performance management framework.

Service Delivery

- 5.25 Whilst the Regeneration and Planning Service has recently implemented the final stages of a restructure, the corresponding impact upon the level of service and service delivery options was yet to be reviewed in this regard or in light of the Positive Planning Agenda or to meet the requirements of the Planning Performance Framework.
- 5.26 As part of its response to the COVID-19 crisis the development management and enforcement functions have also been forced to operate in different ways, investing in paperless working, providing a different level of service with a focus on its statutory obligations as a priority. This review, therefore, provides the opportunity to embed the principles of positive planning into service delivery options and learn lessons from the current crisis to build a more efficient, output driven service with a greater strategic focus on delivery.

Frontloading the Development Management Process

- 5.27 Use of the statutory pre-application advice service offered by the Authority has been low. In Q1 2020/21 just 14 pre-application enquiries were submitted, and this is a consistent picture in previous quarters.
- 5.28 Historically scarce resources have instead been dedicated to the provision of informal advice on an adhoc basis and significant negotiation at the formal planning application stage. Whilst this can be regarded as good practice it results in delays in the formal decision-making process with the average time to determine applications standing at around 82 days in 2019/20. Importantly, this officer time is not formally accounted for, has resulted in depressed take up of the pre-application advice service, reduced income generation from this service and conflicts with the concept of frontloading with a high percentage of applications being submitted as invalid, requiring amendment and re-consultation, drawing further on the burden of administering the process.
- 5.29 During the COVID-19 lockdown, officers have worked from home and the Authority has moved quickly to capitalise on available digital technology, kit and equipment to migrate from a paper, office-based system to a paperless digital based system. The service is now delivered to customers through a range of digital platforms with the ongoing development of online resources, payment processes and use of virtual meetings and telephone conferencing.

- 5.30 Resources have been dedicated to the processing of planning applications in a timely manner with limited negotiation and an emphasis on the use of the Council's pre-application advice service to frontload the process and reduce the need for negotiation at the formal planning application stage. Where negotiation has taken place it has been focussed on delivering significant or major applications which, by their nature, are more likely to have an economic imperative that could stimulate recovery in a post-Covid19 and post-Brexit era or those applications which are likely to have a wider community interest or impact.
- 5.31 As a consequence, and despite the circumstances, performance and productivity has improved when measured against key indicators in the Planning Performance Framework with the percentage of applications determined within timescales, over the lockdown period, increasing from 80% in Q1 2019/20 to 97% in the same quarter 2020/21.
- 5.32 Whilst there remains significant work to do in terms of modernising the delivery of the service, managing public contact and expectations in response to the current crisis and future challenges, the above approach to service delivery has proven to be an efficient model moving forward, particularly given the significant economic, social and environmental challenges we now face and the increasingly diminishing staff resources the service has at its disposal.
- 5.33 It is therefore recommended, that the service continues to develop its service delivery model along the following lines: with a focus on outputs as measured by the Planning Performance Framework; an increasing emphasis on frontloading; the provision of paid formal services; signposting to free online resources; and a focus on the delivery of major or significant schemes which have a broader economic and/or community impact.
- 5.34 In this regard the following are key aspects of modernising the service:
- Single point of contact for access to services and signposting of public to online resources for advice, submission of applications and complaints and reporting of breaches of planning control,
 - Further commercialisation and development of a range of paid services,
 - Frontloading of the planning application and enforcement processes,
 - Timely determination of householder and minor planning applications,
 - Focus on the delivery of major and strategically significant schemes which have a broader economic and/or community impact,
 - Output driven service delivery model focussed on meeting key performance indicators.
- 5.35 In this latter respect it is also recommended that an additional local performance indicator be introduced relating to the percentage of applications with an economic imperative that are approved i.e. major applications. Overlain with the existing National performance management framework currently in place which measures performance in quantitative and qualitative terms and against key sustainable development measures this new local indicator will have the effect of providing the service with a greater focus on delivery and will also embed economic Wellbeing objectives into service delivery in a measurable way.

Responsive Planning Enforcement

- 5.36 As indicated above the enforcement service has shouldered significant cuts in staff resources in recent years with the remaining 2 enforcement officers receiving on average in excess of 300 enforcement cases each year in addition to a significant existing caseload. Such staff levels are clearly not sufficient to maintain traditional levels of service. In this respect the issue of budget and staffing within Planning Service was subject to a request for budget growth as part of the report considered by Council in February in respect of the budget.
- 5.37 During the lockdown period the level of enforcement complaints has remained consistent, but in line with Welsh Government advice officers have not been able to visit sites to investigate these complaints unless it is essential to do so where irrevocable damage was taking place to the environment or where there is a risk to life. During this period the Authority has for the first time issued a number of temporary stop notices to cease ongoing operational development.
- 5.38 An online complaints process has also been launched with all complaints being submitted via an online form. In addition, to assist investigations, complainants have been contacted and asked to provide further clarification and supporting information, including photographs, and virtual meetings have been undertaken to assist the investigation by remote means.
- 5.39 Historically enforcement complaints have been submitted via a range of methods, including via word of mouth, telephone, in writing or by email. Frequently complaints are submitted anonymously, lack the necessary information to allow cases to be prioritised or expedited without significant investigation. In many cases no breach of planning control takes place and the opportunity to triage complaints and manage public expectations at the outset is lost through a lack of information.
- 5.40 Addressing the existing backlog when lockdown restrictions are lifted will clearly present a significant challenge given the resources at the Authority's disposal notwithstanding the additional staff resources that have been allocated. The Enforcement Charter was adopted by the Council in 2019. This set in place the service levels complainants can expect, ways in which a complaint can be submitted, and the level of information required. This embodies many of the principles adopted during the lockdown period but has been updated and revised in light of the lessons learned to provide more focussed and efficient processes, to align with the principles of TeamCaerphilly and to manage public and member expectations.
- 5.41 The revised Enforcement Charter is attached as Appendix 1. Whilst the changes are subtle, they will go some way to assisting the delivery of the enforcement service and to focus on the performance levels set down in the Planning Performance Framework.
- 5.42 In this respect all enforcement complaints should now be submitted in a uniform way, namely online via the enforcement complaint form and complainants are required to provide a range of information, depending on the complexity of the case, before the complaint can be submitted, accepted and investigated. In addition, a triage system has been introduced which will allocate complaints a priority at the outset allowing expectations to be managed and resources to be allocated in the most efficient manner to deal with the most severe breaches of planning control. Public expectation will need to be managed with service levels clearly articulated at the outset and contact with the case officer throughout an investigation limited to that required as part of statutory processes namely at the end of the investigation stage.

Decision Making

- 5.43 The Council Constitution prescribes the form and composition of Planning Committee and via the Scheme of Delegation identifies those decisions which must be made by Planning Committee, providing delegated powers to officers to issue decisions on a range of functions including planning and related applications and enforcement cases.

Planning Committee Structure

- 5.44 The Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017 which came into force on 5th May 2017 requires Planning Committees to comprise of no less than 11 Members and no more than 21, it also provides that no more than one Member from a multi Member Ward can sit on a Planning Committee at any one time.
- 5.45 As detailed above the legislation was introduced by Welsh Government to control, by statute, the size of Planning Committees as small Committees were regarded as facilitating better, more efficient, consistent and timely decision making.
- 5.46 The table below illustrates the range in the current size of Planning Committee's in Wales.

Table 1 – The Size of Planning Committees in Wales

Local Planning Authority	No. Members
Merthyr	11
Newport	11
Cardiff	11
Isle of Anglesey	11
Rhondda Cynon Taf	11
Swansea	12
Neath Port Talbot	12
Blaenau Gwent	15
Conwy	15
Gwynedd	15
Pembrokeshire	15
Torfaen	16
Monmouth	16
Flintshire	16
Vale of Glamorgan	17
Bridgend	18
Brecon Beacon National Park	18
Pembrokeshire Coast National Park	18
Snowdonia National Park	18
Denbighshire	19
Caerphilly	20
Carmarthenshire	20
Wrexham	20
Ceredigion	21
Powys	21

- 5.47 The Authority's current Planning Committee comprises some 20 Members and is one of the largest Planning Committees in Wales, the largest within the Cardiff Capital Region and significantly larger than other large urban Authorities such as Cardiff (12), Swansea (12), Newport (11) and Rhondda Cynon Taff (11). It also represents the largest Committee in the Council with Licensing comprising 15 Members and Scrutiny Committee 16.
- 5.48 Average attendance at each Planning Committee meeting was 14 in 2019/20 and the quality of decision making when assessed against the Planning Performance Framework was relatively inconsistent with 8% of Committee decisions being made contrary to professional officer recommendation. Good performance being categorised as 5% or less and poor performance 9% or more.
- 5.49 The COVID-19 lockdown has starkly demonstrated the need for the Authority's decision-making processes to adapt quickly to ever changing circumstances. Whilst Planning Committee reconvened on 17th June 2020 via virtual meetings, significant resources were deployed to train all 20 Members to facilitate this process.
- 5.50 Setting aside the views of Welsh Government and the Auditor General for Wales regarding the benefits of small Planning Committees, clearly in a rapidly changing environment where both decision making processes and policy responses may have to react quickly, a smaller and more focussed Planning Committee would, it is considered, be more responsive to change.
- 5.51 On this basis and having regard to the political balance of the Council it is recommended that the size of Planning Committee be reduced to 16 Members which more closely aligns with Licensing and Scrutiny Committees and other Local Planning Authorities in the Cardiff Capital Region.

Scheme of Delegation

- 5.52 A National Scheme of Delegation has not, as yet, been introduced, however, Welsh Government have been clear that the role of Planning Committee should be focussed on making locally strategic planning decisions which go beyond protecting the private interests of one person, or group of people, against the activities of others. In this context a Planning Committee should not deal routinely with a plethora of minor development proposals, particularly householder development, which have minimal impact upon the wider area (3).
- 5.53 In this context the role of Planning Committee should be to deliver the adopted development plan by making locally strategic planning decisions and by determining those applications:
1. That are identified as major development;
 2. That raise policy issues affecting the delivery of the development plan, such as applications departing from the adopted plan; and
 3. Where there is quantifiable, community-wide interest in a development which goes beyond protecting the private interests of one person, or group of people, against the activities of others.
- 5.54 The Authority's current scheme of delegation relating to the determination of planning applications is reproduced below:
- "The determination of all applications for planning permission, reserved matters, listed building consent, conservation area consent, tree preservation order consent,

advertisement consent and all other matters submitted for the determination formal application or comment of the local planning authority under the relevant Town and Country Planning Act and associated legislation, **OTHER THAN** :-

- (a) any application which any member requests in writing to the Head of Regeneration & Planning within 21 days of the publication of the weekly list containing the application, should be considered by the Planning Committee.
- (b) any application where it is recommended that permission be granted contrary to the Council's planning policies.
- (c) any application which in the opinion of the Head of Regeneration & Planning or the Planning Services Manager are likely to be controversial or of significant public interest or should in any event be determined by the Planning Committee.
- (d) applications where the decision would conflict with an objection received from a statutory consultee."

5.55 The Authority's current Scheme of Delegation, therefore, has a broad focus ranging from strategic to very minor issues. In this respect under the terms of criteria a) there are no thresholds relating to the nature of applications that should be considered by Planning Committee in terms of their scale or to quantify the community wide interest. Any application could, therefore, be reported to Planning Committee for decision, including very minor or householder applications where the issues for consideration relate to protecting the private interests of one person, or group of people, against the activities of others. Conversely major applications which, by their nature, would have a much broader community impact can currently be determined under delegated powers.

5.56 This process can create uncertainty for Members, officers, the public, applicants and developers and can serve to distract from the strategic focus of the Committee. If Planning Committee is to adopt a more strategic role it is considered that both development and objection thresholds should be introduced into the scheme of delegation. In this respect it is considered that decisions on householder applications should not be made at Planning Committee level. This clarity would allow Members to engage more effectively in the planning process from the outset whether in a Planning Committee or Ward member role.

5.57 Under criteria (b) applications which depart from the provisions of the Development Plan are clearly of strategic significance and would require Planning Committee consideration if recommended for approval as are those considered to be controversial or of significant public interest under criteria (c).

5.58 It is not considered, however, that an objection received from a statutory consultee should trigger an automatic requirement for Planning Committee consideration. The list of statutory consultees appears to be growing following the recent inclusion of Dŵr Cymru/Welsh Water and current proposals to include the Fire and Rescue Service. Very often the issues raised by consultees or the development concerned is relatively minor and a more appropriate mechanism for consideration would be to include both a development and/or an objection threshold against which to focus Planning Committee decision making.

5.59 In addition there is no provision in the scheme of delegation for planning applications submitted by Officers or Members to be considered by Planning Committee. This lack of clarity can lead to a large number of applications being reported to Planning Committee because the applicant may work for the Council, however, their relationship is entirely unrelated to the decision-making process. In the interests of transparency, it is considered appropriate to require all applications submitted by any

officer involved in the planning process or a Councillor to be considered by Planning Committee. In this respect an officer is involved in the planning process if they are a member of staff in planning services, or involved in enforcing planning matters, or giving advice or support to officers or Councillors involved in the planning process or could be perceived to be involved in the planning process.

5.60 In view of the above it is recommended that the scheme of delegation for planning applications be amended to read as follows:

“The determination of all applications for planning permission, reserved matters, listed building consent, conservation area consent, tree preservation order consent and advertisement consent and all other matters submitted for the determination, formal application or comment of the local planning authority under the relevant Town and Country Planning Act and associated legislation, **OTHER THAN** :-

- (a) Development Threshold - All major planning applications or those involving Environmental Impact Assessments;
- (b) Objection Threshold Call In - Any planning application, other than a householder application, where a petition containing 30 or more names from separate households or 20 or more written objections on material planning grounds have been received from separate households or organisations within the 21 day consultation period and a member has requested in writing to the Head of Regeneration & Planning within the 21 day consultation period that the application should be considered by the Planning Committee;
- (c) Departure Applications - any application where it is recommended that permission be granted contrary to the Council’s planning policies.
- (d) Officer Referral - any application which in the opinion of the Head of Regeneration & Planning or the Planning Services Manager has a community wide impact, is of strategic significance or should in any event be determined by the Planning Committee.
- (e) Any planning application submitted by any officer of the Council involved in the planning process or a Councillor.”

5.61 For the purposes of criteria (a) of the above proposed scheme of delegation a major planning application is as defined in the Town and Country Planning (Development Management Procedures) (Wales) Order 2012 (DMPWO) namely:

- a proposal to erect 10 or more dwellings
- where the number of dwellings is not known (outline applications), the application site exceeds 0.5 hectares
- where the application site exceeds 1 hectare
- where proposed buildings/extensions create a floor area exceeding 1000 square metres
- winning and working of minerals
- waste development

5.62 In relation to criteria (b) whilst the call-in procedure is a fundamental and important part of the democratic process, unnecessary ‘call-ins’ can lead to unreasonable delay.

5.63 Therefore, where it is considered that a Member or Members is/are unreasonably calling in planning applications or otherwise potentially abusing the ‘call-in’ process, the Chair and Vice-chair, in consultation with relevant Ward Member(s), will have the authority to withdraw any “call-in” request. The decision of this panel is final.

- 5.64 Finally under the provisions of criteria (e) an officer is involved in the planning process if they are a member of staff in planning services, or involved in enforcing planning matters, or give advice or support to Officers or Councillors involved in the planning process or could be perceived to be involved in the planning process.

Role of Members

- 5.65 All Elected Members are required to adhere to the Council's agreed code of conduct and in this context, there is a clear difference between the role of a Planning Committee Member and that of a Ward Member.
- 5.66 To fulfil their role as a Planning Committee Member and take a full part in the decision making process a Member of the Planning Committee must be satisfied that they approach any decision with an open mind and have not been influenced or unduly prejudiced to the extent that this would influence the way they would vote.
- 5.67 In planning terms a Ward Member has, however, a much broader role in representing their community and constituents whether for or against a development. This can result in pressures and demands on officers and Members alike.
- 5.68 Given the proposed output driven and strategic focus of the development management and enforcement service and decision making processes moving forward it is important that Member expectations and those of the public are effectively managed if the Service is going to respond effectively and play a central role in facilitating recovery.
- 5.69 In this respect and to assist in guiding Members through the planning process in the excise of their Ward Member role it is recommended that the attached Member Protocol be adopted and incorporated into the Council Constitution at paragraphs 2.7-2.9 of the Planning Code of Practice.

Conclusion

- 5.70 The recommendations proposed in this report seek to embed new ways of working deployed during the COVID-19 lockdown and capitalise on the ongoing investment in technology to provide the development management and enforcement service and its decision making processes with a more strategic, output driven focus.
- 5.71 Given the significant challenges the service faces this is considered to be the most effective way of focussing scarce resources to respond to the COVID-19 crisis and facilitate the delivery of a sustainable recovery in environmental, social, cultural and economic terms.

6. ASSUMPTIONS

- 6.1 None.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

- 7.1 The proposed service levels and decision making processes will have a positive impact on many protected characteristics and people who are socio-economically disadvantaged with Officer support available for those digitally excluded groups.

7.2 The proposals will also improve service delivery and facilitate the delivery of the wellbeing objectives of the Wellbeing of Future Generation Act and the Corporate Plan and the policies embedded within Future Wales, PPW and Caerphilly LDP.

7.3 The recommendations contained within this report are designed to create a new operating model for the development management and enforcement functions of Planning Services that will actively support the delivery of each of the Corporate Wellbeing Objectives in the Corporate Plan 2018-2023:

Objective 1 - Improve education opportunities for all.

Objective 2 - Enabling employment.

Objective 3 - Address the availability, condition and sustainability of homes throughout the County Borough and provide advice, assistance or support to help improve people's wellbeing.

Objective 4 - Promote a modern, integrated and sustainable transport system that increases opportunity, promotes prosperity and minimises the adverse impacts on the environment.

Objective 5 - Creating a County Borough that supports a healthy lifestyle in accordance with the sustainable Development Principle within the Wellbeing of Future Generations (Wales) Act 2015.

Objective 6 - Support citizens to remain independent and improve their well-being.

7.4 The recommendations in this report will assist the Authority in its duties as a public body under the Well-being of Future Generation (Wales) Act 2015 to contribute of the well-being goals for Wales:

- 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

7.5 The recommendations of this report are also consistent with the five ways of working as defined within the sustainable development principle in the Act. The five ways of working of the sustainable development principle, listed in the Act are:

- Long Term – the proposals will enable the Authority to develop a more sustainable service in response to significant budgetary and resource pressures and deliver its statutory obligations.
- Prevention – taking a more commercial approach and strategic focus will allow services to be targeted more effectively and prevent current resource issues from frustrating the delivery of development and key strategic projects.
- Integration – further development of a single point of contact for access to services, online resources, formalisation of advice and frontloading will facilitate more integrated working.
- Collaboration – the proposals will facilitate greater collaboration through the planning process with other organisations and bodies in the delivery of strategic projects.
- Involvement – the proposal will facilitate engagement and access to resources through a great range of digital platforms.

7.6 The proposals also allow opportunities for people to use the Welsh language and aim to ensure that the Welsh language is treated no less favourably than the English language and all documentation is available and published online in Welsh format.

8. FINANCIAL IMPLICATIONS

8.1 None.

9. PERSONNEL IMPLICATIONS

9.1 There are no specific personnel implications directly resulting from this report.

10. CONSULTATIONS

10.1 The draft report was distributed as detailed below. All comments received have been reflected in this version of the report.

10.2 In addition this report came before the Housing and Regeneration Scrutiny Committee on 9th December 2020. The report was introduced by the Cabinet Member for Economy and Enterprise. The Cabinet Member advised that an efficient, flexible and responsive development management and enforcement function which facilitates sound and timely decision making and the investigation of breaches of planning control was central to the delivery of the Council's well-being objectives. The Cabinet Member highlighted during his opening remarks that the Authority's current Planning Committee comprises some 20 Members and is one of the largest Planning Committees in Wales, the largest within the Cardiff Capital Region and significantly larger than other large urban Authorities such as Cardiff (12), Swansea (12), Newport (11) and Rhondda Cynon Taff (11). It was outlined that reducing membership to 16 would be in line with the Authority's Scrutiny Committees.

10.3 The Chair highlighted that Committee Members had received emails from Cllr Gair and Cllr Bezzina raising concerns about the proposals. During the ensuing debate one Member raised the issue of political representation if membership of the Planning Committee was reduced. The Cabinet Member advised that the Planning Committee would still reflect the political balance of the Council as is the case with other Committees. The Member then raised the issue of attendance at Planning Committee meetings and the role of members in terms of decision-making. The Member also told Committee that in her opinion changing the scheme of delegation for planning applications would make it more difficult for smaller parties to raise objections and that she had concerns for this reason.

10.4 Another Member also raised concerns about the proposed scheme of delegation. He told Members that whilst he agreed with paragraph 5.18 of the report, that the Planning Committee should not have to deal routinely with a plethora of minor development proposals which have minimal impact upon the wider area, they should deal with minor proposals if they are a matter of concern or controversy within the ward. The Member thought that there should not be an arbitrary high bar to clear concerning the number of complaints received before a Member can seek adjudication from the Planning Committee. The Member said he would be happy to endorse all the recommendations with the exception of recommendation (d), which he thought should be removed. The recommendation states: *that Scrutiny Committee endorses changes to the Scheme of Delegation to provide Planning Committee with a more strategic role and focus*. The Member told Committee that in his opinion this recommendation takes away the power from Planning Committee Members to

represent the whole community and from Ward Members to represent their local community by making representations to the Planning Committee. He concluded that Members should be able to take concerns before the Planning Committee without having to face a high bar which he believed the proposed changes to the scheme of delegation would create.

- 10.5 One Member highlighted the important role of Ward Members as part of the planning process. The Member said that in his opinion on some occasions too much credit was given to the view of developers rather than the views expressed by Councillors who possessed greater local knowledge. The Planning Services Manager advised Members that the purpose of the proposed scheme of delegation was to provide certainty and focus in terms of decision-making. So that everyone was clear at the outset what applications had to go to Committee and which did not. He talked about the proposed objection threshold and advised that it was there to identify a community-wide impact as opposed to a community interest. This would then ensure that Planning Committee time was used appropriately and was focussed on strategic matters.
- 10.6 A Member advised the Committee that he would like to second the Motion put forward earlier that the report's recommendations be endorsed by Committee with the exception of recommendation 3.1 (d).
- 10.7 Following consideration and discussion, it was proposed and seconded to amend the recommendations to exclude the following recommendation: 3.1 (d) To endorse changes to the Scheme of Delegation to provide Planning Committee with a more strategic role and focus.

By way of Forms voting (and in noting there were 10 for, 2 against and 0 abstentions) this was agreed. Therefore, subject to the exclusion of recommendation 3.1 (d) it was RESOLVED that for the reasons contained in the report:

The Scrutiny Committee:

- a) Endorsed the output driven service delivery model proposed for the development management and enforcement function, with a focus on the delivery of its statutory obligations, frontloading, further commercialisation and the delivery of major and strategically significant schemes underpinned by the introduction of a new Wellbeing local performance indicator.
 - b) Endorsed amendments to the Enforcement Charter.
 - c) Endorsed changes to the Planning Committee structure with a reduction from 20 to 16 Members.
 - d) Removed the recommendation to endorse changes to the Scheme of Delegation to provide Planning Committee with a more strategic roles and focus.
 - e) Endorsed the Non-Planning Committee Member Protocol for Ward Members.
- 10.8 In response it should be recognised that the main issue of concern raised by Scrutiny Committee members related to the Objection Threshold as detailed at paragraph 5.60 above and the need for a call in request to be validated by a petition of 30 names from individual households and/or 20 letters of objections from individual households.

- 10.9 Whilst Scrutiny Committee resolved to exclude any change to the scheme of delegation, for this reason, it should be recognised that there are a number of other important elements to the proposed changes relating to the introduction of a Development Threshold, to ensure all major planning applications are referred to Planning Committee, and to Departure applications, officer referral and applications submitted by officers or a Councillor.
- 10.10 For the reason detailed in the report it is considered, therefore, that the current Scheme of Delegation would still benefit from a review.
- 10.11 In this respect further consideration was also given to the report at Planning Committee on 20th January 2021.
- 10.12 Members were advised that the Planning Service has recently undergone the final stages of restructure to accommodate significant budgetary pressures with staff resources now well below historic levels. In recent years the planning system in Wales has been modernised which has facilitated the introduction of new ways of working and models of service delivery. The opportunity now exists to review the development management and enforcement service and embed many of these new approaches through the introduction of an output driven statutory service and more strategically focussed decision-making processes.
- 10.13 The Planning Committee were therefore asked to consider and endorse a number of detailed proposals in the report, which will allow the Planning Service to respond more positively to key challenges and deliver the Council's priorities, particularly around Team Caerphilly and the Place Shaping and Caerphilly Homes agendas.
- 10.14 It was noted that at the meeting of the Housing and Regeneration Scrutiny Committee, Members had endorsed the report recommendations subject to the exclusion of Recommendation 3.1 (d) relating to proposed changes to the Scheme of Delegation. It was explained that although the Scrutiny Committee had accepted that Planning Committee should not deal with a plethora of minor development proposals, it was felt they should deal with minor proposals if they are a matter of great concern or controversy within a ward. Their main concern around Recommendation (d) was the high threshold of objections that was proposed to allow a "call-in" request for the Planning Committee to consider the application and address the issues raised.
- 10.15 The Planning Committee considered the report and one Member stated that they would support the removal of the proposed threshold for written objections, but expressed concerns around the proposal to delegate all householder planning applications to Planning Officers, thereby removing the opportunity for contentious applications to be brought to Committee, and also queried how applications that do not meet the definition of major planning developments (such as HMOs or change of use) would be dealt with under the amended Scheme of Delegation. Officers explained that the applicant has a right of appeal in the event of refusal and that the proposed changes to the Scheme of Delegation is intended to provide a more strategic focus for Planning Committee but that the proposal could be adjusted if Members were so minded. With regards to HMOs and change of use applications, it was confirmed that these would be subject to the proposed threshold for written objections.
- 10.16 In responding to a Member's query, Officers explained that the proposed amendment to reduce the size of the Planning Committee from 20 Members to 16 Members takes into account the average attendance at Committee and would

provide parity with the size of the Council's other Committees and Planning Committees across other local authorities. A Member queried the staff resources available to deliver the Council's planning priorities, particularly in relation to the lack of planning enforcement officers and Officers confirmed that there were proposals contained in the forthcoming budget report to provide additional staffing resources going forward.

- 10.17 Following discussion on the contents of the report and in taking into account the views of the Scrutiny Committee, the Planning Committee determined that they were generally supportive of recommendations 3.1 (a) (b) (c) and (e) but expressed reservations about endorsing recommendation (d) in its current form in view of the concerns raised by Members. It was agreed that the Planning Committee would take a vote on the other recommendations in the report and then address Recommendation 3.1 (d) separately.
- 10.18 It was therefore moved and seconded that Recommendations 3.1 (a) (b) (c) and (e) be endorsed and in noting that there were 12 for, 0 against and 0 abstentions, this was unanimously agreed.
- 10.19 Following further discussion, it was moved and seconded that Recommendation (d) in relation to the Scheme of Delegation be endorsed, subject to the following amendment to the wording detailed at 7.18(b) of the Officer's report to read: ***“Call In – Any planning application where a Member has requested in writing on material planning grounds to the Head of Regeneration & Planning within the 21 day consultation period that the application should be considered by the Planning Committee”***. In noting that there were 12 for, 0 against and 0 abstentions, this was unanimously agreed.

It was therefore RESOLVED that:-

- (a) the output driven service delivery model for the development management and enforcement function be endorsed, with a focus on the delivery of its statutory obligations, frontloading, further commercialisation and the delivery of major and strategically significant schemes underpinned by the introduction of a new Wellbeing local performance indicator;
- (b) the amendments to the Enforcement Charter be endorsed;
- (c) the proposed changes to the Planning Committee structure with a reduction from 20 to 16 Members be endorsed;
- (d) the proposed changes to the Scheme of Delegation to provide Planning Committee with a more strategic role and focus be endorsed, subject to the following amendment to the wording detailed at 7.18(b) of the Officer's report to read: ***“Call In – Any planning application where a Member has requested in writing on material planning grounds to the Head of Regeneration & Planning within the 21 day consultation period that the application should be considered by the Planning Committee”***;
- (e) the proposed Non-Planning Committee Member Protocol for Ward Members be endorsed.

11. STATUTORY POWER

11.1 The Local Government Acts 1998 and 2003.

Author: Ryan Thomas, Planning Services Manager

Consultees: Cllr Sean Morgan Cabinet Member for Finance, Performance and Planning
Christina Harrhy, Chief Executive
Mark S. Williams, Corporate Director Economy and Environment
Rhian Kyte, Head of Regeneration and Planning
Stephen Harris, Steve Harris, Head of Financial Services & S151 Officer;
Robert Tranter, Head of Legal Services/Monitoring Officer
Liz Lucas, Head of Customer and Digital Services
Anwen Cullinane, Senior Policy Officer, Equalities, Welsh Language and Consultation
Lynne Donovan, Human Resources Service Manager
Cllr R Saralis, Chair of Planning Committee
Cllr L Aldworth, Vice Chair of Planning Committee
Cllr Andrew Whitcombe, Chair of Housing and Regeneration Scrutiny Committee
Cllr Christine Forehead, Vice Chair of Housing and Regeneration Scrutiny Committee

Background Papers:

- (1) [Planning Performance Framework](#)
- (2) [Planning Annual Performance Report](#)
- (3) [Planning Committees, Delegation & Joint Planning Boards](#)
- (4) [The Effectiveness of Local Planning Authorities in Wales](#)

Appendices:

- Appendix 1 Enforcement Charter
Appendix 2 Ward Member Protocol

Planning Enforcement Charter

A guide to the Enforcement of Planning Control
In Caerphilly County Borough Council





Summary

The Council as Local Planning Authority (LPA) has powers to take enforcement action against development carried out without the appropriate consent under planning legislation. While all valid complaints will be investigated, it is not always possible or expedient for the LPA to take action. The purpose of this Charter is to explain the basis on which the LPA will investigate breaches of the planning statutes, and in what circumstances it will take action.

This Charter seeks to:-

- Provide an overview of the planning enforcement system, including a summary of what may constitute a breach of planning control;
- Detail the enforcement processes and powers available to the Council;
- Identify policies and procedures which set out how the Caerphilly County Borough Council Planning Enforcement team will deal with enforcement complaints in a fair, reasonable and consistent manner;
- Set out the service standards that we strive to achieve to ensure that enforcement complaints are dealt with in a timely manner, and that complainants are advised of the outcome of such investigations at appropriate stages.

This Charter is not an authoritative source in respect of the legislation and policy, and does not bind the Council in those regards.

1. Introduction

- 1.1 The Town and Country Planning Act 1990 provides the Council as LPA with the powers to serve an enforcement notice where it is expedient to issue one, having regard to the provisions of the Development Plan and to any other material considerations. That means that the Council will not take action or serve a notice in every case, and will often look to resolve breaches of Planning legislation by other means, such as removing the unauthorised development through negotiation, or by getting the developer to submit an application to secure planning permission retrospectively.
- 1.2 The planning enforcement function is carried out by the Council's Planning Enforcement Officers within the Regeneration and Planning Service of the Communities Directorate.
- 1.3 Welsh Government policy on planning enforcement is set out in section 14 of its Development Management Manual which can be found at the following website:

<https://gov.wales/sites/default/files/publications/2018-10/development-management-manual.pdf>

2. What is a Breach of Planning Control?

2.1 The main breaches of planning control are:

- Carrying out building works or engineering operations, or materially changing the use of land or buildings, without the necessary planning permission;
- Where planning permission has been granted but the approved plans or the conditions attached to the approval have not been complied with;
- Unauthorised works to a Listed Building that affect its character as a building of special architectural or historic interest;
- Unauthorised demolition in a Conservation Area;
- Unauthorised display of advertisements;
- Unauthorised works to trees protected by Tree Preservation Order (TPO) or because of they are in a Conservation Area;
- Untidy land or buildings that may be adversely affecting the amenity of an area.

3. Determining whether action should be taken

- 3.1** Welsh Government's Development Management Manual states that effective enforcement underpins the whole Development Management function. The decisive issue is to consider whether the breach of planning control would unacceptably affect public amenity or the existing use of land and buildings meriting protection in the public interest. The intention should be to remedy the effects of the unauthorised development, not to punish the people carrying out the operation or use.
- 3.2** The Manual emphasises that:
- Any enforcement action should be commensurate with the breach of planning control to which it relates;
 - It is usually inappropriate to take formal enforcement action against a trivial or technical breach of control which causes no harm to public amenity; and
 - Enforcement action should not be taken simply to regularise development for which permission had not been sought but which is otherwise acceptable.
- 3.3** When investigating an alleged breach of planning control the LPA always tries to ensure that decisions are taken concerning the most appropriate way forward in an effective and timely manner. This does not, however, mean that formal action will be taken. Indeed such action is limited to the most serious cases where harm arises and action is warranted in the public interest.
- 3.4** In the majority of cases, even where breaches are identified, we will seek to resolve them informally, which may include:

- Informal negotiation with an owner or developer to remove a breach, or to make changes to a development such that it no longer constitutes a breach, or no longer causes material harm;
- Seeking the submission of a planning application to regularise a breach, which may include the need to comply with conditions to mitigate any harm caused by the development;
- Concluding that no harm arises from the breach, such that it is not expedient for the Council to take the matter further.

3.5 When we investigate complaints, and these are found to require planning permission we will undertake an initial assessment to determine whether the development would be acceptable judged against the policies within the Council’s adopted Local Development Plan, and other material considerations such as Welsh Government policy, and decisions taken by The Planning Inspectorate.

3.6 Where we consider that such development is likely to be acceptable, and it is minor, e.g. a garden shed, we will advise the developer that it is not expedient to take action, but the development is unlawful, and they may wish to regularise the matter by submitting a planning application.

3.7 Where the development is more significant and could be made acceptable by conditions, we will usually seek submission of an application to regularise the development.

3.8 However, where unauthorised development has adverse impacts that cannot be controlled adequately by condition, we will normally serve an enforcement notice seeking its removal.

3.9 There are time limits for taking enforcement action: four years in the case of unauthorised buildings, and 10 years for unauthorised changes of use or failures to comply with planning conditions.

3.10 There are rights of appeal against enforcement notices to The Planning Inspectorate details of which can be found at the following website:

<https://gov.wales/planning-appeals>

If an appeal is received, no further action can usually be taken until the appeal has been determined.

4. Reporting a Breach of Planning Control

- 4.1** Anyone can report a breach of planning control. Please be assured that a complainant’s details will remain confidential and will not be publicly available. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 give a general right of access to information and environmental information held by public authorities. While the presumption will always be in favour of disclosure of such information, having regard to the wider principles of promoting accountability and transparency in the planning process, in respect of enforcement complaints details will be treated in strictest confidence.
- 4.2** Accordingly, while requests to disclose the identity of a complainant are likely to be resisted because it would discourage others from reporting alleged breaches of planning control to the Council, thereby prejudicing the proper enforcement of planning laws, each request will have to be considered individually to establish whether an exemption applies.
- 4.3** We will only act upon a complaint where it is received via the Planning Enforcement complaints section of the Council’s website. You may phone the Planning Enforcement team to notify us of a breach of planning control but you will be advised to complete the online form before a potential breach of planning control is investigated.
- 4.4** All Enforcement complaints, upon receipt, will be validated to ensure that adequate information is provided prior to being passed onto the Planning Enforcement Officers for investigation. To ensure that the enforcement complaint has enough information to be registered, the following information will be required:

- Your name;
- Your address;
- A valid e-mail address, this is to ensure we can update you on the progress of the investigation;
- As well as the relevant evidence listed under point 4.4 of this Charter.

4.5 If the LPA believe that a valid email address has not been provided, then a decision will be made regarding whether the reported breach will be investigated.

4.6 All complaints should be accompanied by the following evidence.

1. Allegations of unauthorised buildings and structures including fences, and alterations to listed buildings.

- The address of the site where the work is taking place;
- The location on the site of the alleged breach;
- A description of the development taking place supported where possible by photographs;
- Details of when the unauthorised works were commenced or completed. If there is no known address to the site where works are being taken place, then a map showing clearly the location of where the breach is being undertaken will be required.

2. Allegations of unauthorised changes of use

- The address of the site where the use is taking place;
- The location on the site of the alleged breach;
- A description of the change of use taking place;

- A log of the occasions on which you have observed the alleged change of use, being a minimum of at least five occasions on five separate days, with a full description of the activities, and supported where possible by photographs;
- Details of how long the alleged breach has been taking place;
- If there is no known address to the site where works are being taken place, then a map showing clearly the location of where the breach is being undertaken will be required.

3. Failure to comply with planning conditions or approved plans

- The address of the site where the alleged breach is taking place;
- The location on the site of the alleged breach;
- Which plan or condition the developer is failing to comply with, and in what manner, supported if possible by photographs;
- Details of how long the alleged breach has been taking place;
- A log of the occasions on which you have observed the alleged breach taking place, being a minimum of at least five occasions on five separate days, with a full description of the activities, and supported where possible by photographs;
- If there is no known address to the site where works are being taken place, then a map showing clearly the location of where the breach is being undertaken will be required.

4. Untidy land or buildings

- The address of the site where the work is taking place;
- The location on the site of the alleged breach;
- A description of the site's condition supported where possible by photographs;

- Details of how long the alleged breach has been taking place;
 - If there is no known address to the site where works are being taken place, then a map showing clearly the location of where the breach is being undertaken will be required.
- 4.7** The complaint will not be registered and acted upon unless this information is submitted. If the LPA consider that not enough information has been submitted to support the complaint, then a letter will be sent via e-mail to the complainant requesting that the required information is provided within 14 days of the date of the letter. If the required information is not received within this timeframe then the reported breach will **NOT** be investigated.
- 4.8** Anonymous complaints will **NOT** be investigated unless the Council's officers determine that the nature of the complaint is sufficiently serious that it may require immediate action by the Council in terms of public amenity, or includes irreversible actions that involve serious breaches resulting in significant harm. If the complainant's details clearly indicate that the complaint has been made anonymously then the alleged breach of planning control will **NOT** be investigated.
- 4.9** Planning Enforcement complaints can only be made **ONLINE** by completing the Enforcement Complaint Form at the Council's website: <https://www.caerphilly.gov.uk/>
- 4.10** The LPA will not investigate some complaints, such as neighbour disputes over boundaries or complaints over anti-social behaviour as they relate to matters over which planning legislation has no control. Where officers consider the complaint relates to such matters where there are private or civil law solutions, the Council will not become involved. In such cases you will be advised of this and, if possible, where the complaint could be directed.

5. How Do We Deal With Complaints?

5.1 On receiving a valid complaint fully supported by the appropriate evidence we will:

- Register the complaint in the Council’s Enforcement System;
- Allocated a priority in line with Appendix A of the Charter;
- Acknowledge the complaint in writing within 5 working days from receipt (by email where the address is provided), providing:-
 - The Enforcement Case reference number.
 - The priority allocated to the complaint.
 - The name and contact details of the investigating Enforcement Officer.

5.2 The Council will seek to ensure that 100% of complaints are registered and acknowledged in writing within 5 working days of receipt.

5.3 Following registration and acknowledgement of a complaint we will;

1. Undertake any relevant initial research which may assist in identifying whether the complaint constitutes unauthorised development. Depending on the findings, the complaint may not be investigated any further.
2. Carry out a site visit to gather information and evidence relating to the alleged breach of planning control, including taking notes and photographs from the site or adjoining land. Depending on the findings, the complaint may not be investigated any further.

- 5.4** At the end of either of these stages, if the development under investigation is found to be unauthorised, the LPA may come to the view that it is not expedient to take further action.
- 5.5** The timescales for those activities will depend on how serious the LPA consider the breach to be. In some cases a site visit and initial investigation will be made no later than the next working day following the registration of the complaint. In most other cases a site visit will be made within twenty-five working days and the initial investigation will be concluded within 84 days of receipt of the complaint.
- 5.6** Following the appropriate investigations, officers will come to one of the following conclusions:
1. That there has not been a breach of planning control;
 2. That there has been a breach, but it would not be expedient to pursue further action;
 3. That a breach has occurred, and action is expedient;

Such action can include requesting the submission of a planning application, negotiating the removal of the breach, or to take enforcement action to remove the breach.
 4. Notify the complainant in writing of the outcome of the investigation phase, including information on the next stages of the investigation where relevant;
 5. Notify the owner or developer of the conclusions of the investigation phase, including details of the next stage of the investigation where a breach of planning has been identified and it is expedient to pursue the matter further.

- 5.7** The LPA will seek to advise complainants in writing (including email) of the conclusion of this phase of the investigation within 12 weeks of the receipt of the original case, in 90% of cases. In all cases, an assessment will be made taking account of the relevant matters, which will assist the LPA to a final conclusion regarding the case.
- 5.8** There are a number of actions the LPA can take to try to resolve a breach of planning control including, encouraging the submission of a planning application, removal through negotiation, serving an enforcement notice, prosecution following the service of an enforcement notice and the exhaustion of any appeal procedure, and in some cases direct action to remove the breach. The LPA will strive to ensure that such action is taken in no fewer than 80% of cases within 180 days of the complainant being advised of the course of action.
- 5.9** The term ‘enforcement action’ encompasses a number of procedures which are summarised below.
- Enforcement notice: this is usually served against unauthorised operational development or changes of use;
 - Breach of condition notice: as the name suggests, this is served to secure compliance with a condition on a planning permission e.g. one that limits hours of operation;
 - Temporary stop notice: this is a new procedure which can require an activity which is a breach of planning control to stop immediately, but ceases to have effect after 28 days. Before issuing, the LPA must consider the consequences of the notice, including any implications in respect of the Human Rights Act 1998, and the Equalities Act 2010;

- Enforcement warning notice: this is served to provide a developer with a clear indication that if an application for planning permission is submitted, adequate controls could be applied to the development by conditions to make it acceptable;
- Section 215 notice: this is served on land and buildings to require their proper maintenance;
- Stop notice: this can be served in conjunction with an enforcement notice when there is a severe amenity problem. Before issuing, the LPA must consider the consequences of the notice, including any implications in respect of the Human Rights Act 1998, and the Equalities Act 2010. There are also compensation implications if the notice is later withdrawn, varied or quashed at appeal;
- Injunction: this is usually used at the end of a long process of enforcement action;
- Completion notice: this requires development to be completed within a certain time, otherwise the planning permission will cease to have effect for the uncompleted part of the operations.

5.10 It is difficult to predict a general timescale for the closure of enforcement cases. Some developers recognise their mistake immediately, are cooperative, and the breach is removed or planning permission is secured fairly promptly. Others will refuse to resolve the breach despite being prosecuted and fined. There are also rights of appeal to The Planning Inspectorate. Therefore the Council cannot commit to any targets for the closure of enforcement cases. The LPA will, however, always seek to ensure final resolution of enforcement cases at the earliest opportunity, and will pursue all appropriate and reasonable action to secure resolution.

Appendix A

At the registration stage all complaints will be prioritised. This will ensure that the expectations of complainants can be managed and that the resources of the Planning Enforcement team are appropriately and proportionately targeted, having regard to the likely level of harm being caused to the local community and public amenity.

All complaints will be prioritised in accordance with the following protocol:-

Priority 1: High Priority Cases

In general, 'Priority 1' cases will be restricted to those cases where the likelihood of harm being caused to the environment or amenity is significant, immediate and potentially irreparable, and there is a likelihood that urgent action may be needed to prevent or mitigate existing or potential immediate harm.

This is likely to relate to serious breaches such as:

- Unauthorised works to a Listed Building, archaeological site or Scheduled Ancient Monument (SAM) (contact will be made with Cadw in respect of SAM);
- Demolition of important unlisted buildings in a Conservation Area;
- Development Works affecting a European Protected Species (EPS) Site of Special Scientific Interest (SSSI) or other designation;
- Unauthorised development that is causing severe disturbance to neighbours or poses a threat to public safety;
- Unauthorised works to trees covered by a Tree Preservation Order (TPO) or in a Conservation Area;
- Unauthorised display of advertisements which appear likely to be causing significant harm to public safety.

Priority 2: Medium Priority Cases

'Priority 2' will normally be given to those cases which the Authority consider there is a potential likelihood of a serious or significant effect on the environment or local amenity, which could merit formal enforcement action being taken, but no short-term harm.

This is likely to relate to serious breaches such as:

- Breaches of planning control contrary to the policies of the Local Development Plan (e.g. Unauthorised residential use in the countryside);
- Complaints where the time limit for taking formal action may be about to expire;
- Serious breach of conditions on planning permissions, including non-compliance with 'conditions precedent*';
- New Building works of medium-large scale;
- Complaints of significant harm being caused to amenity, for example, extensions to residential property that result in serious overlooking or other amenity problems, unauthorised uses of land which cause amenity problems to neighbouring properties;
- Unauthorised display of advertisements which appear likely to be causing significant harm to visual amenity.

* A condition which require approval of details or actions to be undertaken prior to development commencing.

Priority 3 Low Priority Cases

'Priority 3' will be assigned to all other cases. These cases being those which, while potentially of significance to a complainant, are nevertheless (based on the information available at registration stage): -

- Likely to have a limited degree of harm;
- May be cases where it will not be expedient to take positive action; or
- Deemed unlikely to represent a breach of planning control;
- This is most likely to relate to complaints about;
- Householder development such as small-scale extensions, boundary enclosures etc;
- Advertisements (other than those identified under Priority 2);
- Minor development where there may be a breach of planning control but there is little or no immediate harm to amenity, for example incidental minor developments that only just exceed permitted development rights;
- The Material Change of Use of a property;
- Minor Breaches of Planning Conditions.

Assigning a Priority to a Case

The priority of a case will normally be assigned by the Principal Area Enforcement Officer or Team Leader in liaison with the Development Manager – Planning.

In all cases it will be for the Council to determine whether and to what level any harm to public amenity results from an alleged breach, and which priority is assigned to an enforcement case.

Please note:

1. A Priority will be assigned to a case irrespective of the source of the complaint.

2. Although a Priority rating will be given to each case as it is received, the rating may change during the investigation.
3. Notwithstanding the priority given to a complaint, the Council remains committed to investigating every alleged breach of planning in accordance with the guidance and targets within the Charter.

Depending on the seriousness of the alleged breach and available resources the target time for our initial investigation will be as follows: -

Priority 1 cases:

A site visit and initial investigation will be made no later than the **next working day** following the registration of the complaint.

Priority 2 cases:

A site visit will be made within **ten working days** of receipt.

Priority 3 cases:

A site visit will be made within **twenty-five working days** of receipt.

All enforcement complaints have a target investigation time of 12 weeks, where the authority will strive to investigate 90% of complaints within this timeframe.

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Planning

Non- Planning Committee Member – Officer Protocol

1. The Development Management process is a regulatory one, and the Planning Act states that the Authority must determine planning applications in accordance with the provisions of the development plan unless material considerations indicate otherwise. It is essential that members bring their concerns to the attention of officers as soon as possible so that they can be run through that statutory filter. Having been advised of the members', and the public's concerns, it is for the professional officers to decide:
 - which of those concerns is a material planning consideration,
 - what weight to give the material considerations,
 - which of them needs to be resolved before permission is granted and which can be dealt with by condition, and
 - which may merit refusing planning permission.

Where applications are reported to Planning Committee, the members have a right to disagree with the officers' assessment of the case, and give a different weight to the material considerations.

2. Guidance on the conduct of non-Planning Committee members is contained in the *Planning Code of Practice* which can be found in the *Codes and Protocols* at Part 5 of the Council's Constitution. The Code will be amended as follows:

“Non-Committee members of the council

2.7 Members who are not on the Planning Committee represent their electoral division and the county borough as a whole. They may attend the Planning Committee and address it for no more than five minutes but may not take part in any debate and will not have a vote on any matter. They may also attend site visits. Whilst such members are not decision makers like Planning Committee members, they shall:

- Act fairly and openly and avoid any actions that would give rise to an impression of bias or undue influence.
- Avoid inappropriate social contact with applicants and their agents, objectors and other interested parties.

2.8 Such members may express support for a particular opinion in advance of the matter being considered by the Planning Committee, or by the Chief Planning Officer and Development Control Manager under delegated powers.

2.9 A member who has declared a personal and prejudicial interest in a planning application is not permitted to attend the Planning Committee and speak, unless members of the public will be addressing the planning committee on the planning application..”

2.10. Members are consulted about planning submissions by means of the weekly list of planning applications, which gives them the opportunity to specify which proposals should come before committee, and should prompt them to advise officers of their concerns as early in the process as possible.

2.11. Officers cannot give members a blow-by-blow account of the determination of a planning application. They cannot enter into correspondence about material planning considerations with members or interested persons whilst an application is in the process of being determined. The important thing is that members provide officers with their concerns as soon as possible so that they can be properly investigated.

2.12. It is not appropriate for members to communicate directly with the applicants, developers or statutory consultees. It is for officers to resolve any matters with the applicants, developers or statutory consultees.

2.13. Officers will not attend public or site meetings to discuss planning applications.

2.14. Officers will commit to one meeting with ward members for each major planning application, to give councillors the opportunity to express their concerns. A maximum two members of the public can attend such a meeting as representatives of the local community and unless there are exceptional circumstances these meetings should be held a virtually. If further concerns come to light, an email will normally be enough to advise officers.

2.15. Members will not be provided with any paper copies of a planning application or supporting documents. That would be wasteful of resources and contrary to the general trend of communicating information electronically.

2.16. Officers will ensure that all additional documentation submitted by applicants or agents in support of a planning application will be placed on the Public Access part of the Council's website as soon as practically possible to allow members to update themselves on the progress of an application.

2.17. Members should communicate to officers their concerns or support for a scheme based on the submission of amended plans and documentation as soon as practically possible.

2.18. The feedback on members' concerns is contained in the report to Planning Committee or in the delegated officer report. Officers will provide to members a general quarterly update in respect of major applications stating when they are likely to come before committee, and what the outstanding issues are. The timescale for reporting an application to Planning Committee will vary depending on the scale and complexity of the application.

2.19. In multi-Member Wards only one Member from each political group should normally exercise speaking rights at Planning Committee unless they have opposing views.

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COUNCIL – 13TH APRIL 2021

SUBJECT: WELSH GOVERNMENT RETAIL, LEISURE & HOSPITALITY RATE RELIEF SCHEME 2021/2022

REPORT BY: CORPORATE DIRECTOR – EDUCATION AND CORPORATE SERVICES

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- 1.1 The attached report was considered as an urgent item by Cabinet on 24th March 2021.
- 1.2 The Constitution requires that any decision taken as a matter of urgency must be reported to the next available meeting of Council, giving the reasons for its urgency. Therefore, the report is presented to Council for Members' information.
- 1.3 The report provided Cabinet with details of the recent Welsh Government (WG) announcement that a new temporary business rate relief scheme, the 'Retail, Leisure and Hospitality Rate Relief Scheme' will be made available for the financial year 2021/22 only. It was noted that relief granted by the Authority under this new scheme is to be reimbursed by WG by way of a specific cash-limited grant but, before any relief is awarded, the Authority must consider and adopt the new scheme.
- 1.4 The report recommended that the Council endorses the new relief scheme in accordance with the WG guidance set out in Appendix 1. Cabinet noted that the adoption of the scheme, as set out at Appendix 1 of the Officers Report is obligatory because WG has prescribed the details for the scheme. The Authority must formally adopt the new scheme set out in the guidance at Appendix 1 in order to obtain the WG grant funding.
- 1.5 A Member raised concerns about the impact of further additional work on the Business Rates Team who have worked tirelessly administering business grants, and sought clarification on whether there was sufficient capacity to administer the additional monies proposed, so as not to increase pressure on the service. The Head of Financial Services & S151 Officer assured Cabinet that whilst the team have been working exceptionally hard to administer business grants, should the recommendations in the report be endorsed, the rate relief will be automatically applied to rate demands which will avoid the need for any manual adjustments. This is the reason for the urgency of the report as the rate demands must be issued by the end of March 2021.
- 1.6 The recommendations of the report were considered and approved by Cabinet.
- 1.7 Members are asked to note the recommendations of the report and the Cabinet decision.

Author: C. Evans, Committee Services Officer, Ext. 4210

Appendices:

Appendix Report to Cabinet on 24th March 2021

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CABINET – 24TH MARCH 2021

SUBJECT: WELSH GOVERNMENT RETAIL, LEISURE & HOSPITALITY RATE RELIEF SCHEME 2021/2022

REPORT BY: CORPORATE DIRECTOR FOR EDUCATION AND CORPORATE SERVICES

1. PURPOSE OF REPORT

- 1.1 The Welsh Government (WG) has announced a new temporary business rate relief scheme, the 'Retail, Leisure and Hospitality Rate Relief Scheme' for the financial year 2021/22 only.
- 1.2 Relief granted by the Authority under this new scheme is to be reimbursed by WG by way of a specific cash-limited grant but, before any relief is awarded, the Authority must consider and adopt the new scheme.
- 1.3 This report recommends that the Council endorses the new relief scheme in accordance with the WG guidance set out in Appendix 1.

2. SUMMARY

- 2.1 The report provides details of the new 'Retail, Leisure and Hospitality Rate Relief Scheme' offered by WG for 2021/22 only.
- 2.2 Adoption of the new scheme as set out at Appendix 1 is obligatory because WG has prescribed the details for the scheme. The Authority must formally adopt the new scheme set out in the guidance at Appendix 1 in order to obtain the WG grant funding.

3. RECOMMENDATIONS

- 3.1 Cabinet is asked to:
 - 3.1.1 Endorse the 'Retail, Leisure and Hospitality Rate Relief Scheme 2021-22' (the 2021/22 Scheme), in accordance with the guidance set out at Appendix 1 and the provisions of section 47(1) (a) and section 47(3) of the Local Government Finance Act 1988.
 - 3.1.2 Note that the Head of Financial Services & S151 Officer will use delegated powers to award the relief.
 - 3.1.3 Support the proposal set out in paragraph 5.6 that in order to maximise take-up by ratepayers and minimise administration costs for the Authority, the rate relief will be applied directly to eligible ratepayers' bills based on records already held by the Council's Business Rates Team.
 - 3.1.4 Note that Officers of the Authority will make the business community aware of the 2021/22 Scheme through its usual channels, including its website and social media. In addition, Cabinet

is asked to agree that where a business is not granted relief through the process set out in paragraph 5.6, they will be asked to submit an email explaining how they satisfy the scheme criteria to enable the Business Rates Team to determine their eligibility or otherwise.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To ensure that the Authority complies with the grant conditions in order to obtain and fully utilise the grant funding in respect of any rate relief awarded under the WG Scheme as detailed in the guidance set out at Appendix 1.

5. THE REPORT

- 5.1 WG has announced the 'Retail, Leisure and Hospitality Rate Relief Scheme 2021/22' (the 2021/22 Scheme). It is intended that the relief under the 2021/22 Scheme will be made available subject to the Authority adopting the new Scheme as set out in the guidance at Appendix 1 and accepting the grant offer.
- 5.2 Appendix 1 of this report is a guidance document issued by WG which in effect prescribes the detailed criteria and conditions for the 2021/22 Scheme. The 2021/22 Scheme is aimed at businesses in Wales in the retail, leisure and hospitality sectors, for example shops, pubs and restaurants, gyms, performance venues and hotels.
- 5.3 The 2021/22 Scheme aims to provide support for eligible occupied properties by offering a discount of 100% on the non-domestic rates bill for a property, to all eligible premises. The scheme will apply to all eligible ratepayers with a rateable value of £500,000 or less.
- 5.4 As this is a temporary measure for 2021/22 only, WG will provide the relief by reimbursing local authorities that use their discretionary relief powers under section 47 of the Local Government Finance Act 1988. It will be for individual local authorities to adopt a scheme and decide in each individual case when to grant relief under section 47.
- 5.5 WG will reimburse local authorities for the relief that is provided in line with the WG guidance via a grant under section 31 of the Local Government Act 2003 and section 58A of the Government of Wales Act 2006. WG has estimated the grant for Caerphilly CBC to be £8.9m and it is anticipated that the full cost of the scheme can be met through this allocation.
- 5.6 In order to qualify for this rate relief, the guidance states that it will be for local authorities to determine how they wish to administer the scheme. In order to maximise take-up by ratepayers and minimise administration costs for the Authority, it is proposed that rate relief is applied directly to eligible ratepayers' bills based on records already held by the Council's Business Rates Team.
- 5.7 Alongside this proposed approach, Officers will make the business community aware of the 2021/22 Scheme through its usual channels, including its website and social media. In addition, where a business is not granted relief through the process set out in paragraph 5.6, they will be asked to submit an email explaining how they satisfy the scheme criteria to enable the Business Rates Team to determine their eligibility or otherwise.
- 5.8 Full details of the Scheme, including the qualifying criteria, are included in the guidance set out at Appendix 1.

Conclusion

- 5.9 The report provides details of a new rate relief scheme offered by WG and attaches at Appendix 1 details of the new scheme. Adoption of the new scheme as set out at Appendix 1 is obligatory

because WG has prescribed the details for the scheme.

- 5.10 The Authority must formally adopt the new scheme set out in the guidance at Appendix 1 in order to obtain the WG grant funding. In order to implement the new scheme, Cabinet is asked to endorse the recommendations set out in paragraphs 3.1.1 to 3.1.4 of this report.

6. ASSUMPTIONS

- 6.1 It is assumed that the recommendations in the report will maximise the use of the grant funding in terms of the amount of rate relief awarded, whilst minimising the staff/administrative costs incurred in awarding the rate relief.

7. LINKS TO RELEVANT COUNCIL POLICIES

- 7.1 The adoption of the 2021/22 Scheme will support eligible businesses by reducing the amount of business rates payable which in turn may help create employment opportunities and increase entrepreneurial activities which is a key theme of 'A Foundation for Success 2018-2023' – Regeneration Strategy.

8. WELL-BEING OF FUTURE GENERATIONS

- 8.1 Effective financial management is a key element in ensuring that the Well-being Goals in the Well-being of Future Generations Act (Wales) 2015 are met.
- A prosperous Wales – maximising the take-up of this WG business rate relief scheme will minimise the amount of rates payable by eligible businesses which helps them to continue trading.
 - Long Term – It is hoped that eligible local businesses will be able to continue trading which will enable future generations to benefit in the long-term from a diverse range of businesses, which should also improve the economic, social, environmental and cultural well-being of residents.

9. EQUALITIES IMPLICATIONS

- 9.1 An Equality Impact Assessment (EIA) screening has been completed in accordance with the Council's Strategic Equality Plan and supplementary guidance. No potential for unlawful discrimination and/or low level or minor negative impact has been identified; therefore a full EIA has not been carried out.

10. FINANCIAL IMPLICATIONS

- 10.1 There are no direct financial implications as the Authority will be reimbursed by WG for any relief granted, provided it can evidence that the expenditure falls within the terms of the 'Retail, Leisure and Hospitality Rate Relief 2021/22' grant offer.
- 10.2 Based on an initial WG assessment of qualifying businesses for the 'Retail, Leisure and Hospitality Rate Relief Scheme 2021/22', the funding available to Caerphilly CBC is £8.9m. It is anticipated that the full cost of the scheme can be met through this allocation.

11. PERSONNEL IMPLICATIONS

- 11.1 There are none in respect of this report.

12. CONSULTATIONS

12.1 There are no consultation responses that have not been reflected in this report.

13. STATUTORY POWER

13.1 Local Government Finance Act 1988, Government of Wales Act 2006 and Local Government Act 1972, 2000 and 2003. The decision as to whether to adopt the WG 'Retail, Leisure and Hospitality Rate Relief Scheme 2021/22' may be taken by Cabinet. The Head of Financial Services & S151 Officer will use delegated powers to award the relief.

14. URGENCY (CABINET ITEMS ONLY)

14.1 Due to the requirement for Cabinet to endorse the 'Retail, Leisure and Hospitality Rate Relief Scheme 2021-22' prior to the production and posting of the new year annual rate demand notices in late March 2021, this decision cannot be subject to call in procedures. The Mayor has been consulted on this matter and has agreed that the decision proposed is reasonable in all the circumstances and that it can be treated as a matter of urgency.

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Appendices:

Appendix 1 – Retail, Leisure and Hospitality Rates Relief in Wales 2021-22 – Guidance

Non-Domestic Rates – Retail, Leisure and Hospitality Rates Relief in Wales – 2021-22

Guidance

About this guidance

This guidance is intended to support county and county borough councils ('local authorities') in administering the Retail, Leisure and Hospitality Rates Relief scheme ('the relief'). On 3 March 2021, the Minister for Finance and Trefnydd announced the extension of the relief on a temporary basis for 2021-22. This guidance applies to Wales only.

This guidance sets out the criteria which the Welsh Government will use to determine the funding for local authorities for relief provided to retail, leisure and hospitality properties. The guidance does not replace any existing non-domestic rates legislation or any other relief.

Enquiries about the scheme should be sent to: localtaxationpolicy@gov.wales

The relief is being offered from 1 April 2021 and will be available until 31 March 2022.

Introduction

This relief is aimed at businesses and other ratepayers in Wales in the retail, leisure and hospitality sectors, for example shops, pubs and restaurants, gyms, performance venues and hotels.

The Welsh Government will provide grant funding to the 22 local authorities in Wales to provide the Retail, Leisure and Hospitality Rates Relief scheme to eligible ratepayers for 2021-22. The scheme aims to provide support for eligible occupied properties by offering a discount of 100% on the non-domestic rates bill for a property, to all eligible premises. The scheme will apply to all eligible ratepayers with a rateable value of £500,000 or less.

This document provides guidance on the operation and delivery of the scheme.

Retail, Leisure and Hospitality Rates Relief How will the relief be provided?

As this is a temporary measure, we are providing the relief by reimbursing local authorities that use their discretionary relief powers under section 47 of the Local Government Finance Act 1988. It will be for individual local authorities to adopt a scheme and decide in each individual case when to grant relief under section 47. The Welsh Government will reimburse local authorities for the relief that is provided

in line with this guidance via a grant under section 31 of the Local Government Act 2003 and section 58A of the Government of Wales Act 2006.

How will the scheme be administered?

It will be for local authorities to determine how they wish to administer the scheme to maximise take-up and minimise the administrative burden for ratepayers and for local authority staff.

Local authorities are responsible for providing ratepayers with clear and accessible information on the details and administration of the scheme. If, for any reason, an authority is unable to provide this relief to eligible ratepayers from 1 April 2021, consideration should be given to notifying eligible ratepayers that they qualify for the relief and that their bills will be recalculated.

Which properties will benefit from relief?

Properties that will benefit from this relief will be occupied retail, leisure and hospitality properties – such as shops, pubs and restaurants, gyms, performance venues and hotels across Wales. More detailed eligibility criteria and exceptions to the relief are set out below.

Relief should be granted to each eligible business as a reduction to its rates bill based on occupation between 1 April 2021 and 31 March 2022. It is recognised that there may be some instances where a local authority is retrospectively notified of a change of occupier. In such cases, if it is clear that the ratepayer was in occupation on or after the 1 April 2021, the local authority may use its discretion in awarding relief.

It is intended that, for the purposes of this scheme, retail properties such as, 'shops, restaurants, cafes and drinking establishments' will mean the following (subject to the other criteria in this guidance).

Hereditaments that are being used for the sale of goods to visiting members of the public

- Shops (such as florists, bakers, butchers, grocers, greengrocers, jewellers, stationers, off-licences, newsagents, hardware stores, supermarkets, etc)
- Charity shops
- Opticians
- Pharmacies
- Post offices
- Furnishing shops or display rooms (such as carpet shops, double-glazing, garage doors)
- Car or caravan showrooms
- Second hand car lots
- Markets
- Petrol stations
- Garden centres
- Art galleries (where art is for sale or hire)

Hereditaments that are being used for the provision of the following services to visiting members of the public

- Hair and beauty services
- Shoe repairs or key cutting
- Travel agents
- Ticket offices, eg. for theatre
- Dry cleaners
- Launderettes
- PC, TV or domestic appliance repair
- Funeral directors
- Photo processing
- DVD or video rentals
- Tool hire
- Car hire
- Estate and letting agents

Hereditaments that are being used for the sale of food and / or drink to visiting members of the public

- Restaurants
- Drive-through or drive-in restaurants
- Takeaways
- Sandwich shops
- Cafés
- Coffee shops
- Pubs
- Bars or Wine Bars

We consider assembly and leisure to mean the following.

Hereditaments that are being used for the provision of sport, leisure and facilities to visiting members of the public (including for the viewing of such activities) and for the assembly of visiting members of the public

- Sports grounds and clubs
- Sport and leisure facilities
- Gyms
- Tourist attractions
- Museums and art galleries
- Stately homes and historic houses
- Theatres
- Live Music Venues
- Cinemas
- Nightclubs

Hereditaments that are being used for the assembly of visiting members of the public

- Public halls

- Clubhouses, clubs and institutions

We consider hotels, guest & boarding premises and self-catering accommodation to mean the following.

Hereditaments where the non-domestic part is being used for the provision of living accommodation as a business

- Hotels, Guest and Boarding Houses,
- Holiday homes,
- Caravan parks and sites

Other considerations

To qualify for the relief, the hereditament should be wholly or mainly used for the qualifying purposes. In a similar way to other reliefs, this is a test on use rather than occupation. Therefore, hereditaments which are occupied but not wholly or mainly used for the qualifying purpose will not qualify for the relief. For the avoidance of doubt, hereditaments which closed temporarily due to the government's advice on Covid-19 should be treated as occupied for the purposes of this relief.

The above list is not intended to be exhaustive as it would be impossible to list all the many and varied retail, leisure and hospitality uses that exist. There will also be mixed uses. However, it is intended to be a guide for local authorities as to the types of uses that the Welsh Government considers for this purpose to be eligible for relief. Local authorities should determine for themselves whether particular properties not listed are broadly similar in nature to those above and, if so, to consider them eligible for the relief. Conversely, properties that are not broadly similar in nature to those listed above should not be eligible for the relief.

As the grant of the relief is discretionary, local authorities may choose not to grant the relief if they consider that appropriate, for example where granting the relief would go against the local authority's wider objectives for the local area.

Ratepayers may view that they have been able to continue trading at a substantial level during Coronavirus restrictions and as such would be inclined to not accept the relief. Arrangements for opting out of receiving relief should be made with the relevant local authority.

Types of hereditaments that are not considered to be eligible for Retail, Leisure and Hospitality Rates Relief

Any hereditament with a rateable value over £500,000.

The following list sets out the types of uses that the Welsh Government does not consider to be retail, leisure or hospitality use for the purpose of this relief and which would not be deemed eligible for the relief. However, it will be for local authorities to determine if hereditaments are similar in nature to those listed and if they would not be eligible for relief under the scheme.

Hereditaments that are being used wholly or mainly for the provision of the following services to visiting members of the public

- Financial services (eg. banks, building societies, cash points, ATMs, bureaux de change, payday lenders, betting shops, pawnbrokers)
- Medical services (eg. vets, dentists, doctors, osteopaths, chiropractors)
- Professional services (eg. solicitors, accountants, insurance agents, financial advisers, tutors)
- Post Office sorting offices
- Day nurseries
- Kennels and catteries
- Casinos and gambling clubs
- Show homes and marketing suites
- Employment agencies

There are a number of further types of hereditament which the Welsh Government believes should not be eligible for the relief.

Hereditaments that are not reasonably accessible to visiting members of the public

If a hereditament is not usually reasonably accessible to visiting members of the public, it will be ineligible for relief under the scheme even if there is ancillary use of the hereditament that might be considered to fall within the descriptions listed under [Which properties will benefit from relief?](#)

Hereditaments that are not occupied

Properties that are not occupied on 1 April 2021 should be excluded from this relief. However, under the mandatory Empty Property Rates Relief, empty properties will receive a 100% reduction in rates for the first three months (and in certain cases, six months) of being empty.

Hereditaments that are owned, rented or managed by a local authority

Hereditaments owned, rented or managed by a local authority, such as visitor centres, tourist information shops and council-run coffee shops or gift shops attached to historic buildings, are exempt from this scheme.

How much relief will be available?

The total amount of government funded relief available for each property under this scheme for 2021-22 is 100% of the remaining bill, after mandatory reliefs and other discretionary reliefs funded by section 31 grants have been applied, excluding those where local authorities have used their wider discretionary relief powers introduced by the Localism Act 2011 which are not funded by section 31 grants. Retail, Leisure and Hospitality Rates Relief should be applied against the net bill after other reliefs have been applied.

The eligibility for the relief and the relief itself will be assessed and calculated on a daily basis. The following formula should be used to determine the amount of relief to be granted for a particular hereditament in the financial year.

Amount of relief to be granted = V , where

V is the daily charge for the hereditament for the chargeable day after the application of any mandatory relief and any other discretionary reliefs, excluding those where local authorities have used their discretionary relief powers introduced by the Localism Act 2011 which are not funded by section 31 grants.

This should be calculated ignoring any prior-year adjustments in liabilities which fall to be liable on the day.

Ratepayers who occupy more than one property will be entitled to Retail, Leisure and Hospitality Rates Relief for each of their eligible properties.

Retail, leisure and hospitality properties which are excluded from Small Business Rates Relief due to the multiple occupation rule are eligible for this relief scheme.

Changes to existing hereditaments, including change in occupier

Empty properties becoming occupied after 1 April 2021 will qualify for this relief. If there is a change in occupier part way through the financial year, after relief has already been provided to the hereditament, the new occupier will qualify for the relief if they operate in the retail, leisure or hospitality sectors on a pro-rata basis based on the remaining days of occupation using the formula used in the section titled [How much relief will be available?](#)

The discount should be applied on a day-to-day basis using the formula set out above. A new hereditament created as a result of a split or merger during the financial year, or where there is a change of use, should be considered afresh for the discount on that day.

State Aid

Following the end of the transition period for the United Kingdom leaving the European Union on 31 December 2020, EU State Aid regulations only apply in limited circumstances. As the relief is not funded by EU residual funds, EU State Aid regulations no longer apply for this scheme. As of 1 January 2021, the UK Subsidy Regime came into force. The scheme has been viewed to be outside the scope of any international trade agreements as measures are focused locally within Wales.



COUNCIL – 13TH APRIL 2021

SUBJECT: WELSH GOVERNMENT STRATEGIC SITES PROGRAMME – OPPORTUNITIES FOR NESS TAR, CAERPHILLY.

REPORT BY: CORPORATE DIRECTOR – EDUCATION AND CORPORATE SERVICES

-
- 1.1 The attached report was considered as an exempt and urgent item by Cabinet on 24th March 2021.
 - 1.2 The Constitution requires that any decision taken as a matter of urgency must be reported to the next available meeting of Council, giving the reasons for its urgency. Therefore, the report is presented to Council for Members' information.
 - 1.3 Cabinet Members considered the public interest test certificate from the Proper Officer and concluded that on balance the public interest in maintaining the exemption outweighed the public interest in disclosing the information and it was resolved that in accordance with Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting whilst the item is considered because of the likely disclosure to them of exempt information as identified in paragraph 14 of Part 4 of Schedule 12A of the Local Government Act 1972.
 - 1.4 The urgency of the item was due to the Welsh Government deadline.
 - 1.5 The recommendations of the report were considered and approved by Cabinet.
 - 1.6 Members are asked to note the recommendations of the report and Cabinet decision.

Author: C. Evans, Committee Services Officer, Ext. 4210

Appendices:

- Appendix 1 Public Interest Test
Appendix 2 Report to Cabinet on 24th March 2021

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