

COUNTY COUNCIL

WEDNESDAY, 15 SEPTEMBER 2021

PRESENT: Councillor J.E. Williams (Chair)

Councillors:

L.R. Bowen	K.V. Broom	C.A. Campbell	J.M. Charles
D.M. Cundy	C.A. Davies	W.R.A. Davies	T.A.J. Davies
G. Davies	H.L. Davies	I.W. Davies	J.A. Davies
K.Davies	S.L. Davies	E. Dole	D.C. Evans
H.A.L. Evans	L.D. Evans	R.E. Evans	W.T. Evans
S.J.G. Gilasbey	C.J. Harris	P. Hughes-Griffiths	A.D. Harries
T.M. Higgins	J.K. Howell	P.M. Hughes	J.D. James
R. James	D.M. Jenkins	J.P. Jenkins	G.H. John
C. Jones	B.W. Jones	D. Jones	G.R. Jones
H.I. Jones	A. Lenny	M.J.A. Lewis	K. Lloyd
K. Madge	A.S.J. McPherson	E. Morgan	A.G. Morgan
D. Nicholas	B.D.J. Phillips	J.S. Phillips	D. Price
J.G. Prosser	B.A.L. Roberts	H.B. Shepardson	E.M.J.G. Schiavone
A.D.T. Speake	L.M. Stephens	B. Thomas	D. Thomas
G. Thomas	J. Tremlett	A.Vaughan Owen	D.T. Williams
D.E. Williams			

Also Present:

W. Walters, Chief Executive
J. Morgan, Director of Community Services
C. Moore, Director of Corporate Services
L.R. Jones, Head of Administration and Law
G. Morgans, Director of Education & Children's Services
R. Mullen, Director of Environment
P.R. Thomas, Assistant Chief Executive (People Management & Performance)
H. Pugh, Head of Revenues and Financial Compliance
N. Daniel, Interim Head of Planning
G. Morgan, Head of Democratic Services
M. Evans Thomas, Principal Democratic Services Officer
S. Rees, Simultaneous Translator
L. Jenkins, Executive Board Support Officer
J. Hawker, Digital Support Officer
C.J. Warwick, Digital Support Engineer
J. Owen, Democratic Services Officer
E. Bryer, Democratic Services Officer

Virtual Meeting - 10.00 am - 12.20 pm

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors F. Akhtar, S.M. Allen, J.S. Edmunds, P. Edwards, A. Fox, A. James, T.J. Jones, S. Matthews, S. Najmi, E.G. Thomas and G.B. Thomas.

2. DECLARATIONS OF PERSONAL INTERESTS.

Councillor/Officer	Minute Number	Nature of Interest
Cllr. K. Madge	6.1	Daughter works in Social Care.
R. Mullen	5	Director of CWM Environmental Ltd

3. CHAIR'S ANNOUNCEMENTS.

- The Chair expressed congratulations to D. A. Jones, Derwen Fawr and his wife Eluned who recently celebrated their diamond wedding anniversary.
- The Chair stated that he had recently attended a number of events including a memorial service in Burry Port, Tour of Britain at Ysgol Bro Dinefwr and also the unveiling of a bench in memory of the late D.T. Davies in Llandeilo.
- The Chair extended birthday wishes to Marjorie Ferguson of Llandeilo on her 100th Birthday.
- The Chair also expressed congratulations to Councillor Alan Speake and his wife Stephanie who recently celebrated their golden wedding anniversary.
- The Chair referred to the sad passing of Ken Evans (former employee of the Council), and on behalf of the Council, expressed his sincere condolences to his wife Lynette and family.
- Councillor Jane Tremlett with the Chair's permission reported on the Council and Delta Wellbeing jointly receiving an award for the Connect Programme at the Public Sector Transformation Awards held last week in London.
In reporting the above, Cllr. Tremlett wished to express her sincere thanks to all the staff for their hard work.
- The Leader, with the Chair's permission provided an update on the Covid situation in Carmarthenshire. He expressed his concern regarding the recent figures although there were early signs of slowdown in the rate of increase in cases. He also encouraged everyone to have the vaccine and provided assurance that everything was being done to protect the NHS. Concern was expressed that the TTP team had reported that they had seen people becoming disengaged with the process and asked that we all continue to work with the TTP team. He expressed his thanks to all involved with Track, Trace and Protect.

4. TO APPROVE AND SIGN AS A CORRECT RECORD THE MINUTES OF THE COUNCIL MEETING HELD ON THE 14TH JULY, 2021

RESOLVED that the minutes of the meeting of Council held on the 14th July, 2021 be signed as a correct record.

5. CWM ENVIRONMENTAL LTD - SHORT TERM FUNDING REQUIREMENT

[Note: During consideration of this item R. Mullen declared an interest but stayed in the meeting.]

The Cabinet Member for Resources presented the report the purpose of which was to establish short term access to funding for CWM Environmental Ltd to meet additional running and one-off costs incurred following the fire at the Materials Recycling Facility on 24th April 2021 pending settlement of the relevant insurance claims.

There had been a major fire incident at CWM Environmental Ltd's Nantycaws site on 24th April 2021 which resulted in the total loss of the blue bag materials recycling building and its contents. The Company's fire and emergency plan had been enacted, with CWM personnel working with the Fire Service to bring the fire under control, whilst minimising the environmental impact of the fire.

CWM continue to work with its insurance company's loss adjusters and had been providing responses and supporting evidence to the questions raised to date. It was not unusual for formal acceptance of liability to take a number of weeks (pending various investigations) but once agreed that there were no obstacles to policy liability being accepted, they could then focus upon the actual claim.

It was advised that CWM was faced with meeting costs in advance of any insurance settlements such as:

- Cost of immediate response to the fire
- Cost of demolition
- Increased costs of operation

It was considered necessary therefore to facilitate a loan facility to CWM Environmental Ltd.

UNANIMOUSLY RESOLVED to agree to a funding facility as follows:

- 5.1 Loan amount – up to £1,000,000 for a period of 12 months;**
- 5.2 Rate of interest to be charged : 2% above the rate set by the PWLB for 12 month loan;**
- 5.3 Release of funding be delegated to the Director of Corporate Services to be administered as follows:**
 - a) Release of funding only when additional fire related spend is evidenced.**
 - b)The conclusion of the detailed loan agreement to be delegated to the Director of Corporate Services.**

6. TO CONSIDER THE RECOMMENDATIONS OF THE CABINET IN RESPECT OF THE FOLLOWING ITEMS

6.1. ANNUAL REPORT OF THE STATUTORY DIRECTOR OF SOCIAL SERVICES

[Note: Councillor K. Madge had earlier declared an interest in this item but stayed in the meeting during its consideration.]

The Council was informed that the Executive Board at its meeting on the 26th July (minute 7 refers) had considered the Annual Report of the Statutory Director of Social Services.

UNANIMOUSLY RESOLVED that the Annual Report of the Statutory Director of Social Services on the Performance of Social Care Services in Carmarthenshire 2020/21 be approved.

7. TO RECEIVE THE REPORT OF THE MEETING OF THE EXECUTIVE BOARD HELD ON THE 26TH JULY, 2021

UNANIMOUSLY RESOLVED that the report of the meeting of the Executive Board held on the 26th July, 2021 be received.

8. TO CONSIDER THE FOLLOWING NOTICES OF MOTION:-

8.1. NOTICE OF MOTION SUBMITTED BY COUNCILLOR DERYK CUNDY

Council considered the following Notice of Motion submitted by Councillor Deryk Cundy:-

We propose that Carmarthenshire Council agrees:

In order to prevent the serious backlog of both planning applications and planning enforcements accruing in the future and to make the Planning Service fit for purpose and to prevent the acknowledged risk to our Regeneration plans that we:

1. Strengthen our Scrutiny and Risk Management Processes, Procedures and Reporting by fully implementing the recommendations from the reports from the Welsh Audit Office “Review of Risk Management Arrangements – Carmarthenshire County Council – July 2019” and “Review of Planning Services – Carmarthenshire County Council – July 2021”.
2. That the Internal report into the Planning Department, “Strategic Review of the Planning Service’ be made available for scrutiny by all Councillors and prior to the Audit Committee meeting of the 24th of September.
3. That a Plan to resolve the current backlog of the many hundreds of applications and even more hundreds of enforcements as well as making the Planning Department Service fit for purpose to allow us to meet our Regeneration targets in a timely manner, is presented to this Chamber at our next County Council meeting by the Interim Head of Planning.

4. That the practice of using private companies to clear the backlog of planning applications ceases and is brought in house.
5. That an adequate budget is set to provide for any change required to provide for an effective and sustainable service provision of the Planning Department.
6. Calls on the Chair of the Planning Committee to publish a monthly report indicating the current state of awaiting applications and enforcements.

The motion was duly seconded.

The proposer and seconder of the Motion were afforded the opportunity of speaking in support thereof and outlined the reasons for its submission, as set out in the Motion.

A number of statements were made both in support and against the Motion.

Council was advised that if the motion was supported it would be referred to the Cabinet.

RESOLVED that the Notice of Motion be not supported.

8.2. NOTICE OF MOTION SUBMITTED BY COUNCILLOR GLYNOG DAVIES

Council considered the following Notice of Motion submitted by Councillor Glynog Davies:-

“Council notes that the Delta variant of SARS-CoV-2 is infecting children and young people at an unprecedented rate, yet schools in Wales have reopened with no remedial mechanisms in place to protect pupils and staff.

As it’s an airborne virus, ventilation and clean air is key in the battle against SARS-CoV-2, as recognised by the *Joint Union Guide to Improving Ventilation in Schools and Colleges* (Sept 2021) and the Welsh Government strategy to provide CO2 monitoring equipment. However, monitors are not a solution to poor ventilation: they just indicate that there is a problem and remedial action should be taken.

This council notes that the ozone technology proposed by the Welsh Government, for which £3.3m funding was allocated, has been put on hold following safety concern by medical experts. We also note HSE advice that the most suitable equipment for use in rooms with poor ventilation are:

- High Efficiency Particulate Air (HEPA) filters which are no less than 99.97% efficient at capturing human-generated viral particles associated with SARS-CoV-2 (*Centres for Disease Control and Prevention; Ventilation in Buildings; update 2 June 2021.*) and:
- Ultraviolet-based devices

This council therefore calls on Welsh Government to urgently consider approving, tendering and funding UV-C and /or HEPA units, as recommended by the HSE and validated as being appropriate and safe for use by the WHO, The Lancet and other leading medical authorities and publications”

The motion was duly seconded.

The proposer and seconder of the Motion were afforded the opportunity of speaking in support thereof and outlined the reasons for its submission, as set out in the Motion.

The following amendment to the motion was proposed by Councillor R. James and was duly seconded:

“Council notes that the Delta variant of SARS-CoV-2 is infecting children and young people at an unprecedented rate.

As it’s an airborne virus, ventilation and clean air is key in the battle against SARS-CoV-2, as recognised by the *Joint Union Guide to Improving Ventilation in Schools and Colleges* (Sept 2021) and the Welsh Government strategy to provide CO2 monitoring equipment. However, monitors are not a solution to poor ventilation: they just indicate that there is a problem and remedial action should be taken.

This Council notes the Welsh Government's Technical Advisory Group will now consider the results from the early trials of these machines and provide further advice on their use within education settings before any procurement process begins. We also note HSE advice that the most suitable equipment for use in rooms with poor ventilation are:

- High Efficiency Particulate Air (HEPA) filters which are no less than 99.97% efficient at capturing human-generated viral particles associated with SARS-CoV-2 (*Centres for Disease Control and Prevention; Ventilation in Buildings; update 2 June 2021.*) and:
- Ultraviolet-based devices.

This council therefore calls on Welsh Government to urgently consider assessing the possibility of utilising UV-C and /or HEPA units, as recommended by the HSE and validated as being appropriate and safe for use by the WHO, The Lancet and other leading medical authorities and publications, whilst noting that work needs to be conducted to safeguard our large school stock and protect hard-pressed schools from unforeseen financial pressures.”

The Proposer and Secunder of the Amendment were afforded the opportunity of speaking in support thereof and outlined the reasons for its submission, as set out in the Amendment.

A number of statements were made in support of both the motion and the amendment.

Following a vote, it was

RESOLVED that the Amendment to the Motion be not supported.

Council thereupon proceeded to vote on the original Motion and it was

FURTHER RESOLVED that the Notice of Motion be adopted and referred to the Cabinet.

8.3. NOTICE OF MOTION SUBMITTED BY COUNCILLOR TINA HIGGINS

Council considered the following Notice of Motion submitted by Councillor Tina Higgins:-

“Many residents in the county have noticed the advent of the “boy racer” who not only tears along the streets of Carmarthenshire, but also have loud or popping exhausts. The problem is a multi-agency matter, not just a matter of the police holding the key to solve the problem.

Since 2019, the Department for Transport have been trialling cameras in various parts of the UK. The cameras work much like a normal speed camera but instead of calculating speed, they use a microphone to judge the amount of noise coming from a vehicle. Should a car be too loud, it will trigger the camera to take a photo and automated number plate recognition (ANPR) will clock the registration plate and ensure that a penalty is sent to the registered address of the offending owner.

We propose that Carmarthenshire County Council investigate the possibility of installing acoustic cameras in the problem areas of Carmarthenshire.”

The motion was duly seconded.

The proposer and seconder of the Motion were afforded the opportunity of speaking in support thereof and outlined the reasons for its submission, as set out in the Motion.

A number of statements were made in support of the Motion.

Council was advised that if the motion was supported it would be referred to the Cabinet.

UNANAMOUSLY RESOLVED that the Notice of Motion be supported and referred to the Cabinet.

9. PUBLIC QUESTIONS (NONE RECEIVED).

The Chair advised that no public questions had been received.

10. QUESTIONS BY MEMBERS:-

10.1. QUESTION BY COUNCILLOR DAI THOMAS TO COUNCILLOR EMLYN DOLE, LEADER OF THE COUNCIL

“In August Wales Audit published a report on the County Council's Planning Department. Can the Leader outline the work of this administration in relation to the response to the contents of the report?”

Response by Councillor Emlyn Dole – Leader of the Council:-

Thank you for your question Councillor Thomas. I would like to take the opportunity of clarifying the situation and to clear up some of the misinformation

that was shared in the previous discussion around planning performance. The last one was the summing up that said we didn't have a plan in place up until now. To clarify I will give you a timeline of events. Informal feedback from Wales Audit came to the Chief Executive in late April and immediately the Chief Executive asked the Head of ICT and Corporate Policy to establish an intervention board. This intervention board was subsequently established on the 10th May and reports to the intervention assurance board which is Chaired by the Chief Executive.

Audit Wales then sent their draft report to the Chief Executive on the 14th June and the Planning Hub was established a week later on the 21st June to handle all calls to Development Managers initially but now takes calls for planning enforcement. Pre-liminary cabinet received a preliminary progress report on the 24th June. Audit Wales sent their final report to the Chief Executive on July 13th and all staff within the planning department service received a copy of the report on the 21st July. Cabinet received the second progress report on the 26th July and Audit Wales received our formal action plan response to the 17 recommendations on the 30th July. Planning Committee received a verbal update on progress on the 19th August and the next progress report is due to go to the Cabinet on 20th September. Hopefully the timeline provides some clarity over what we've already heard this morning.

Audit Wales summary of what they found says exactly this "significant and longstanding performance issues in the planning service need to be urgently addressed to help support the delivery of the council's ambition". They say they came to that conclusion because the current arrangements for determining major planning applications needed strengthening to help us to achieve our regeneration ambitions. The longstanding performance issues in development management and planning enforcement were undermining effective service delivery and we need to urgently review our planning performance and service improvement arrangements to the planning service to better serve our customers.

I'm very glad of the question Councillor Thomas and to be able to share that timeline to give clarity and provide reality on our response to the Audit Wales report.

Supplementary Question by Councillor Dai Thomas:

Could the Leader provide further detail on the recommendations and how the Council is continuing to improve.

Response by Councillor Emlyn Dole – Leader of the Council:-

We have actions in progress against all 17 recommendations made by Audit Wales. Detailed performance management dashboards have been created within Arcus Global which is the digital system that is used within the service. Performance of the service is now robustly monitored by the Interim Head of Planning and Senior Managers. That's currently reported to the intervention assurance board and that will form a key part of the future quarterly performance monitoring reports that Councillor Alun Lenny spoke of earlier to CMT, to Cabinet and to Scrutiny and the Planning Committee.

On major projects we set up a major projects team that is led by Stuart Walters, Economic Development Manager and that was set up on 1st July. This team has identified planning applications that were initially classed as major projects of which 48 applications have since been approved. Out of these, 33 stated job number of 212 new full time jobs and 65 new part-time jobs and in addition safeguarding 300 jobs which include 120 in Llanelli. A new major projects protocol has been drafted and that's going to be prepared for the regeneration delivery team on the 29th September before it comes to CMT in October after DMT.

On development management and planning applications, Audit Wales reported 847 undetermined planning applications as of 15th March. As of September 13th there are 607 undetermined applications of which 292 remain within the 8 week target for determining planning applications. The backlog of those outside the 8 weeks target window is now 384 so since March the 15th when it was set at 847 by Audit Wales it now stands at 384. That's the progress we've done in the 18 weeks since then. Planning applications dating back more than 5 years as of March 15th when figures were presented to Audit Wales, that was 118 and now stands at 24. The Welsh Government performance indicator is the main performance target for planning applications, that reports in all quarterly performance reports; since the intervention board we have seen a significant improvement in performance month on month in determining those planning applications. For instance, the quarter 4 results in 2021 was 47%, in the quarter 1 report 2021/22 was then at 72% so the improvement is clear to see over the 18 weeks and the current projection for quarter 2 stands at 82%.

On development management and planning enforcement, of the 761 planning enforcement cases that were noted as Councillor Philip Hughes has already mentioned, that work is coming to him as the Cabinet Member with the new case closure protocol. I'm not going to pre-empt it but that gets to grip with the analysis we've made as we respond to Audit. There were 139 anonymous cases, 126 that were lodged by council staff and 53 that were logged by elected members. The planning enforcement policy was never formally adopted or implemented and that's led to a lack of clarity on what constitutes a planning enforcement case. A revised planning enforcement policy has been drafted and that will be consulted with elected members and the members of planning service in a seminar on the 27th September and then with the public before it is finalised and taken through the political process for formal approval at Cabinet. That should provide the clarity that is required to manage the expectations of planning enforcement function.

The planning hub was established on June 21st as a response to staff saying that 50% of their time was taken up with handling enquiries via calls or emails. That has been without doubt the biggest intervention made and the performance reflects that impact. The feedback from staff was that enquiries could sometimes take hours to deal with and lead to significant increase in workload. The hub now allows us to capture those enquires and also ensure that members receive timely responses to their enquiries. Members will play a critical role in the coming months in transforming the planning service. Since 21st June, 2,311 enquiries have been logged by the hub of which 2,200 have been closed and dealt with and that includes almost 200 elected member enquiries.

I am more than happy to release the independent review that we commissioned, so members can see that should they wish. For information in closing, the

projected underspend as it stands today for the planning department is £102,000 for 2021/22.

11. TO APPROVE THE FOLLOWING CHANGES TO MEMBERSHIP OF COMMITTEES:-

11.1. THE INDEPENDENT GROUP HAS NOMINATED COUNCILLOR ARWEL DAVIES TO REPLACE COUNCILLOR ANTHONY DAVIES ON THE POLICY AND RESOURCE SCRUTINY COMMITTEE

In accordance with Corporate Procedure Rule CPR 2(2)(n) the following nomination had been received from the Independent Group and it was:

UNANIMOUSLY RESOLVED that the nomination of Councillor Arwel Davies to replace Councillor Anthony Davies as one of the Independent Group's representatives on the Policy and Resource Scrutiny Committee be approved.

12. MINUTES FOR INFORMATION (AVAILABLE TO VIEW ON THE WEBSITE)

The Chair stated that the minutes outlined on the agenda 12.1 – 12.13 were available for information on the Council website.

CHAIR

DATE