

COUNTY COUNCIL

WEDNESDAY, 9 FEBRUARY 2022

PRESENT: Councillor J.E. Williams (Chair)

Councillors:

F. Akhtar	S.M. Allen	L.R. Bowen	K.V. Broom
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
J.S. Edmunds	H.A.L. Evans	L.D. Evans	R.E. Evans
W.T. Evans	S.J.G. Gilasbey	P. Hughes-Griffiths	A.D. Harries
T.M. Higgins	J.K. Howell	P.M. Hughes	A. James
J.D. James	R. James	D.M. Jenkins	J.P. Jenkins
G.H. John	C. Jones	B.W. Jones	D. Jones
G.R. Jones	T.J. Jones	H.I. Jones	A. Lenny
M.J.A. Lewis	K. Lloyd	K. Madge	A.G. Morgan
S. Najmi	D. Nicholas	B.D.J. Phillips	D. Price
J.G. Prosser	B.A.L. Roberts	H.B. Shepardson	E.M.J.G. Schiavone
A.D.T. Speake	B. Thomas	D. Thomas	E.G. Thomas
G.B. Thomas	G. Thomas	J. Tremlett	A. Vaughan Owen
D.T. Williams	D.E. Williams		

Also Present:

W. Walters, Chief Executive;
C. Moore, Director of Corporate Services;
J. Morgan, Director of Community Services;
G. Morgans, Director of Education & Children's Services;
N. Daniel, Head of ICT and Corporate Policy;
A. Williams, Head of Waste and Environmental Services;
R. Griffiths, Head of Place and Sustainability;
J. Jones, Head of Regeneration;
L.R. Jones, Head of Administration and Law;
P.R. Thomas, Assistant Chief Executive (People Management & Performance);
A. Williams, Head of Integrated Services;
G. Morgan, Head of Democratic Services;
J. Hawker, Digital Support Officer;
M. Evans Thomas, Principal Democratic Services Officer;
S. Rees, Simultaneous Translator;
L. Jenkins, Executive Board Support Officer;
E. Bryer, Democratic Services Officer;
J. Owens, Democratic Services Officer;
M.S. Davies, Democratic Services Officer.

Virtual Meeting: 10.00 am - 12.45 pm

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors C.A. Campbell, S.A. Curry, P. Edwards, A. Fox, S. Matthews, A.S.J. McPherson and J.S. Phillips.

2. DECLARATIONS OF PERSONAL INTERESTS

Councillor	Minute Number	Nature of Interest
K. Lloyd	10.2 - Notice of Motion submitted by Councillor Liam Bowen	Holds shares in Carmarthenshire Energy Ltd.

3. CHAIR'S ANNOUNCEMENTS

- The Chair thanked his Vice Chair, Councillor Ken Lloyd, for chairing the Council meeting on the 19TH January 2022 in his absence;
- The Chair congratulated Councillor Jane Tremlett on her appointment as Deputy Leader of the Council and Leader of the Independent Group. He also congratulated Councillor Philip Hughes on being appointed Deputy Leader of the Independent Group and paid tribute to the late Councillor Mair Stephens who, he added, would be remembered with fond memories;
- The Chair commented that he was currently fund-raising on behalf of the Wales Air Ambulance and walking the total distance of Carmarthenshire's boundary, 255 miles, albeit within the confines of his home due to the pandemic. He added that he would shortly be writing to all Councillors seeking donations for the Wales Air Ambulance;
- Cllr. Glynog Davies congratulated the County's Youth Justice Team on winning the Hwb Doeth Award for effective practice.

4. TO APPROVE AND SIGN AS A CORRECT RECORD THE MINUTES OF THE COUNCIL MEETING HELD ON THE 19TH JANUARY 2022

RESOLVED that the minutes of the meeting of Council held on the 19th January, 2022 be signed as a correct record subject to the inclusion of Cllr. S.L. Davies in the list of attendees and the deletion of her name under Minute 1 – Apologies for Absence.

5. TO CONSIDER THE RECOMMENDATIONS OF THE CONSTITUTIONAL REVIEW WORKING GROUP IN RESPECT OF THE FOLLOWING ITEMS:-

5.1. SCHEME OF DELEGATION TO OFFICERS AND PROTOCOL ON REPRESENTATIONS TO THE COUNTY COUNCIL ON PLANNING APPLICATIONS

The Council considered a report detailing the recommendations of the cross-party Constitutional Review Working Group on:

- (i) proposed revisions to the Scheme of Delegation to Officers to reflect movement of functions to different Directorates, changes in job titles, new functions arising from new legislation and some additional delegations; and
- (ii) proposed revisions to the Protocol on Representations to the County Council on Planning Applications in order to better clarify the procedures and deadlines for making representations and requesting to speak at Planning Committee and to make more efficient use of the Committee's time.

RESOLVED that the revisions proposed to the Scheme of Delegation to Officers and the Protocol on Representations to the County Council on Planning Applications be approved.

5.2. CARMARTHENSHIRE PETITIONS SCHEME

The Council considered a report detailing a draft petition scheme for the Authority recommended by the cross-party Constitutional Review Working Group for adoption. It was a requirement of the Local Government and Elections (Wales) Act 2021 for each local authority to make a petition scheme, and for the scheme to be in place by May 2022.

It was noted that this Council's Council Procedure Rules (Standing Orders) had long since provided a right for any member of the Council or any local government elector of the County to submit a petition, although to date this had been a paper petition and no electronic petition facility, as was now recommended, had been available.

RESOLVED to adopt the petition scheme for the Authority from 1st May 2022 as recommended by the Constitutional Review Working Group.

5.3. CARMARTHENSHIRE DEMOCRATIC PUBLIC PARTICIPATION STRATEGY

The Council considered a report detailing a draft Democratic Public Participation Strategy recommended by the cross-party Constitutional Review Working Group for adoption. It was a requirement of the Local Government and Elections (Wales) Act 2021 that each principal Council prepared and published a strategy ("a public participation strategy") specifying how it proposed to comply with the duty in section 39 of the Act and help to increase public participation in Local Government. The Strategy would need to align with Corporate Participation Strategy currently being developed.

RESOLVED to adopt the Democratic Public Participation Strategy, as recommended by the Constitutional Review Working Group, for incorporation within the Corporate Participation Strategy document.

6. COMPOSITION OF THE COUNCIL'S SCRUTINY, REGULATORY AND OTHER COMMITTEES AND THE APPOINTMENT OF MEMBERS TO SERVE UPON THEM

In line with the requirements of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) regulations 1990, as amended, consideration was given to a report detailing the outcome of a review of the composition of the Council's Scrutiny, Regulatory and other Committees following the sad passing of Councillor Mair Stephens the Deputy Leader of the Authority and a member of the Independent Group which meant that the Independent Group's representation on Committees had reduced by 2 seats from 32 to 30. There was no change to the Plaid Cymru, Labour, New Independent Group or unaffiliated member allocations.

UNANIMOUSLY RESOLVED, as a result of changes to the overall political composition of the Council,:

- 6.1 to adopt the changes to the number of seats held by the Independent Group as detailed within Tables 1, 2 and 3 of the report;
- 6.2 to note that there will be two vacant seats on the Council's Regulatory, Scrutiny and other Committees until the Local Government Elections in May 2022;
- 6.3 in accordance with Corporate Procedure Rule CPR 2 (2) (n) to approve changes in Committee membership as a result of recommendation 6.1 above (as detailed within the report);
- 6.4 to note that there are no changes to the number of seats held by the Plaid Cymru Group, Labour Group, New Independent Group and unaffiliated members on the Council;
- 6.5 in accordance with Part 6 of the Local Government (Wales) Measure 2011 to note that the existing arrangements for the allocation of the 5 Scrutiny Chairs remains unchanged.

7. APPOINTMENT OF MEMBERS TO SERVE ON COUNCIL ADVISORY PANELS AND OUTSIDE BODIES SUBJECT TO POLITICAL BALANCE REQUIREMENTS

Consideration was given to a report detailing the outcome of a review of membership of the Council Advisory Panels and Outside Bodies which were subject to political balance requirements following the decision by Councillor Shahana Najmi to resign from the New Independent Group.

UNANIMOUSLY RESOLVED, as a result of changes to the overall political composition of the Council,:

- 7.1 that the allocation of seats on the Pay Policy Advisory Panel (6) be amended as follows:- Plaid Cymru (3) Labour (2) Independent (1);
- 7.2 as a result of recommendation 7.1 above the New Independent Group has relinquished its seat to the Labour Group as detailed within the report;
- 7.3 to note that there are no changes required to the allocation of seats for the: Dyfed Powys Police & Crime Panel, Brecon Beacons National Park Authority, Mid and West Wales Fire and Rescue Authority, and the Constitutional Review Working Group.

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

8.1. SOUTH WEST WALES REGIONAL ECONOMIC DELIVERY PLAN

The Council was informed that the Cabinet, at its meeting held on the 17th January 2022 (minute 6 thereof refers), had considered a report detailing proposals to replace the existing Swansea Bay City Region Economic Regeneration Strategy with the new South West Wales Regional Economic Delivery Plan.

UNANIMOUSLY RESOLVED that the following recommendation of the Cabinet be adopted:

“THAT the South West Wales Regional Economic Delivery Plan be adopted as the Council’s over-arching economic regeneration policy.”

9. TO RECEIVE THE REPORT OF THE MEETING OF THE CABINET HELD ON THE 17TH JANUARY 2022

UNANIMOUSLY RESOLVED that the report of the meeting of the Cabinet held on the 17th January, 2022 be received.

10. TO CONSIDER THE FOLLOWING NOTICES OF MOTION:-

10.1. NOTICE OF MOTION SUBMITTED BY COUNCILLOR DARREN PRICE:

Council considered the following Notice of Motion submitted by Councillor Darren Price:-

‘Planning Issues relating to housing developers

Council notes that a number of developers have built housing estates within Carmarthenshire to an unsatisfactory finish. Some developers are regularly subject to planning enforcement action by the Local Planning Authority (LPA) and it seems that there are always outstanding issues relating to their sites.

Issues such as unfinished roads and pavements, lack of street lighting, unsatisfactory drainage on site in breach of planning permission, poor site management and noise pollution during construction, destruction of ecology during construction, damage to public highway drainage systems and back tracking on S.106 agreements are just some examples which result in the local authority or householders facing additional costs.

Despite the significant concern and frustration of local communities, the developers concerned continue to be granted planning permission for new sites.

Council notes that LPAs are currently not allowed to take into account a developer’s past record when assessing a planning application and must judge each application on its own merits. Council further notes that Section 106 contributions play a key role in mitigating some of the pressures brought about by new housing developments. However, once permission is granted, viability reports may be put forward by developers claiming substantial increased costs or reduced estimated market value for housing. As a result it is sometimes agreed to reduce or even scrap the initial Section 106 agreement in full in order to protect the financial viability of the development. As a result, communities miss out on vital contribution to amenities and support for first time home buyers.

Council believes:

That an LPA should have the power to refuse new planning applications by a developer until all outstanding obligations and valid complaints relating to current or past sites have been discharged or resolved fully. That an LPA should also be granted powers to refuse a planning application if it believes, based on past evidence, that a developer would be unlikely to complete a housing development to the agreed standard, as set out in the planning application.

Council calls on the Welsh Government:

1. To introduce legislative changes which would allow LPAs to take into account a developer's record as a 'material planning consideration'.
2. To prohibit developers from challenging previously agreed S.106 contributions on grounds of 'financial viability'.

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.

Statements were made in support of the Motion.

Following a vote, it was:

RESOLVED that the Motion be supported.

10.2. NOTICE OF MOTION SUBMITTED BY COUNCILLOR LIAM BOWEN:

Council considered the following Notice of Motion submitted by Councillor Liam Bowen:-

'This Council declared a Climate Emergency in February 2019 and has made a commitment to becoming a net zero carbon local authority by 2030. Steps have been taken across our fleet, buildings and across the county to tackle climate change and we are on track to achieve our targets.

The Welsh Parliament became one of the first parliaments in the world to declare a Nature Emergency in 2021.

This Council calls on the Cabinet to further its commitment by declaring a Nature Emergency and establishing a Cross Party Advisory Panel to support this authority's approach to climate change and nature emergency and incorporate the adoption of the Edinburgh Declaration.'

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.

Statements were made in support of the Motion.

Following a vote, it was:

RESOLVED that the Motion be supported and referred to the Cabinet.

10.3. NOTICE OF MOTION SUBMITTED BY COUNCILLOR JOHN JAMES:

Council considered the following Notice of Motion submitted by Councillor John James:-

'That this Council

- 1) Welcomes the increase in the Local Government Revenue Settlement which will see Carmarthenshire County Council's funding allocation increase by 9.2% in 2022/23.

- 2) Agrees with the Leader of this Council when he recently said: “I very much welcome this settlement from Welsh Government, which is one of the best councils will have seen for a long time. It is testament to the constructive and regular dialogue which has been had with ministers and wider Members of the Senedd, which has certainly been appreciated by council leaders.”
- 3) Supports the Welsh Government’s determination to protect local government services as much as possible despite its own budget being £3bn lower by 2024/25 than it would have otherwise been had it increased in line with the economy since 2010/11.
- 4) And subsequently regrets that the Conservative UK Government continues to underfund public services, in general, and those in Wales in particular, and agree that all this Council’s Political Group Leaders jointly write to the Chancellor of the Exchequer urging him to restore funding to Welsh Government to at least the real terms equivalent of its 2010 level.’

The motion was duly seconded.

The following amendment [underlined text] to the motion was proposed by Councillor K. Broom and was duly seconded:

‘That this Council

- 1) Welcomes the increase in the Local Government Revenue Settlement which will see Carmarthenshire County Council’s funding allocation increase by 9.2% in 2022/23.
- 2) Agrees with the Leader of this Council when he recently said: “I very much welcome this settlement from Welsh Government, which is one of the best councils will have seen for a long time. It is testament to the constructive and regular dialogue which has been had with ministers and wider Members of the Senedd, which has certainly been appreciated by council leaders.”
- 3) **Recognises that in addition to service cost pressures in areas such as social care, there is significant risk to our funding position as the Welsh Government explicitly requires Local Authorities to accommodate the risks of future pay awards, unprecedented inflationary pressures (such as gas and electricity costs which are expected to rise by 20%), ongoing Covid-19 related costs and continuing income reduction, and additional employer contributions as a result of the UK Government’s planned National Insurance rise from April 1st 2022.**
- 4) Supports the Welsh Government’s determination to protect local government services as much as possible despite its own budget being £3bn lower by 2024/25 than it would have otherwise been had it increased in line with the economy since 2010/11. **However we recognise that the Welsh Government settlement to this Council has significantly reduced in real terms since 2010, taking little**

account of the pressures from wage inflation, pension increases and other service pressures.

- 5) And subsequently regrets that the Conservative UK Government continues to underfund public services, in general, and those in Wales in particular, and agree that all this Council's Political Group Leaders jointly write to the Chancellor of the Exchequer urging him to restore funding to Welsh Government to at least the real terms equivalent of its 2010 level.'

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.

The proposer of the Motion was afforded the right of reply and outlined the reasons for its submission, as set out in the Motion.

Council was advised that if the Amendment was carried it would become the substantive motion.

Following votes it was

RESOLVED that the Motion, as amended, be supported.

11. PUBLIC QUESTIONS

The Chair advised that no public questions had been received.

12. QUESTIONS BY MEMBERS

The Chair advised that no members questions had been received.

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

13.1. THE INDEPENDENT GROUP HAS NOMINATED COUNCILLOR GILES MORGAN TO FILL ITS VACANT SEATS ON APPOINTMENTS COMMITTEE 'A' AND APPOINTMENTS COMMITTEE 'B'

In accordance with Corporate Procedure Rule CPR 2(2)(o) the Independent Group had nominated Councillor Giles Morgan to fill its vacant seats on Appointments Committee 'A' and Appointments Committee 'B'.

UNANIMOUSLY RESOLVED that the nomination of Councillor Giles Morgan as the Independent Group's representative on Appointments Committee 'A' and Appointments Committee 'B' be approved.

14. TO APPROVE THE FOLLOWING CHANGES TO COUNCIL'S ADVISORY PANELS:-

14.1. THE INDEPENDENT GROUP HAS NOMINATED COUNCILLOR EDWARD THOMAS TO FILL ITS VACANCY ON THE CONSTITUTIONAL REVIEW WORKING GROUP

In accordance with Corporate Procedure Rule CPR 2(2)(o) the Independent Group had nominated Councillor Edward Thomas to fill its vacancy on the Constitutional Review Working Group.

UNANIMOUSLY RESOLVED that the Independent Group's nomination of Councillor Edward Thomas to fill its vacancy on the Constitutional Review Working Group be approved.

14.2. THE INDEPENDENT GROUP HAS NOMINATED COUNCILLOR GILES MORGAN TO FILL ITS VACANCY ON THE PAY POLICY ADVISORY PANEL

In accordance with Corporate Procedure Rule CPR 2(2)(o) the Independent Group had nominated Councillor Giles Morgan to fill its vacancy on the Pay Policy Advisory Panel.

UNANIMOUSLY RESOLVED that the Independent Group's nomination of Councillor Giles Morgan to fill its vacancy on the Pay Policy Advisory Panel be approved.

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

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

CHAIR

DATE