

TUESDAY, 8 MARCH 2022

TO: ALL MEMBERS OF THE CABINET

I HEREBY SUMMON YOU TO ATTEND A **VIRTUAL MEETING** OF THE **CABINET AT 10.00 AM, ON MONDAY, 14TH MARCH, 2022** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA

Wendy Walters

CHIEF EXECUTIVE

Democratic Officer:	Janine Owen
Telephone (direct line):	01267 224030
E-Mail:	JanineOwen@carmarthenshire.gov.uk

Wendy Walters Prif Weithredwr, *Chief Executive*,
Neuadd y Sir, Caerfyrddin. SA31 1JP
County Hall, Carmarthen. SA31 1JP

CABINET

MEMBERSHIP - 9 MEMBERS

Councillor	Portfolio
Emlyn Dole	Leader Corporate Leadership and Strategy; Chair of Cabinet; Represents Council at WLGA; Economic Development Represents the Council on the Swansea Bay City Region; Collaboration; Marketing and Media; Appoints Cabinet Members; Determines Cabinet Portfolios; Liaises with Chief Executive; Public Service Board, Corporate Strategic Planning
Ann Davies	Communities and Rural Affairs Rural Affairs and Community Engagement; Community Safety; Police; Counter-Terrorism and Security Act 2015; Tackling Poverty; Wellbeing of Future Generations; Third Sector Liaison; Equalities, Climate Change Strategy
Glynog Davies	Education and Children Schools; Children's Services; Special Education Needs; Safeguarding; Respite Homes; Regional Integrated School; Improvement Service; Adult Community Learning; Youth Services; School Catering Services, Lead Member for Children and Young People; Youth Ambassador; I.C.T
Hazel Evans	Environment Refuse; Street Cleansing; Highways and Transport Services; Grounds Maintenance; Building Services (excluding housing stock); Emergency Planning; Flooding, Public Rights of Way, Council Business Manager.
Linda Evans	Housing Housing – Public; Housing – Private, Housing Maintenance and repairs & Ageing Well; Wales Audit;
Peter Hughes Griffiths	Culture, Sport and Tourism Town and Community Councils Ambassador; Development of the Welsh Language; Theatres; Sports; Leisure Centres; Museums; Libraries; Country Parks; Tourism; T.I.C. (Transformation, Innovation and Change)
Philip Hughes	Public Protection Trading Standards; Environmental Health. Environmental Enforcement; Planning enforcement; Unlicensed Waste; Parking Services; Bio diversity; Human Resources; Performance Management; Training
David Jenkins	Resources Finance & Budget; Corporate Efficiencies; Property/Asset Management; Caretaking & Building Cleaning; Procurement; Housing Benefits; Revenues; Statutory Services (Coroners, Registrars, Electoral, Lord Lieutenancy); Armed Forces Champion Contact Centres and Customer Service Centres; Planning Policy
Jane Tremlett	Deputy Leader / Social Care & Health Adult Social Services; Residential Care; Home Care; Learning Disabilities; Mental Health; NHS Liaison/Collaboration/ Integration; Care Home Catering Services, Carers' Champion; Dementia Care Champion; Disability Ambassador

A G E N D A

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF PERSONAL INTEREST**
- 3. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE CABINET HELD ON THE:-**
 - 3 .1 21ST FEBRUARY 2022** 5 - 14
 - 3 .2 28TH FEBRUARY 2022** 15 - 20
- 4. QUESTIONS ON NOTICE BY MEMBERS (NONE RECEIVED)**
- 5. PUBLIC QUESTIONS ON NOTICE (NONE RECEIVED)**
- 6. EXTENSION OF PUBLIC SPACE PROTECTION ORDER (CARMARTHENSHIRE DOG ORDERS)** 21 - 86
- 7. COUNCIL'S REVENUE BUDGET MONITORING REPORT** 87 - 120
- 8. CAPITAL PROGRAMME 2021/22 UPDATE** 121 - 144
- 9. BUSINESS RATES - RETAIL, LEISURE AND HOSPITALITY RATES RELIEF SCHEME 2022/23** 145 - 154
- 10. NATIONAL BOTANIC GARDEN OF WALES** 155 - 164
- 11. ANY OTHER ITEMS OF BUSINESS THAT BY REASONS OF SPECIAL CIRCUMSTANCES THE CHAIR DECIDES SHOULD BE CONSIDERED AS A MATTER OF URGENCY PURSUANT TO SECTION 100B(4)(B) OF THE LOCAL GOVERNMENT ACT, 1972.**

This page is intentionally left blank

CABINET

Monday, 21 February 2022

PRESENT: Councillor E. Dole (Chair)

Councillors:

C.A. Davies, G. Davies, H.A.L. Evans, L.D. Evans, P.M. Hughes, P. Hughes-Griffiths, D.M. Jenkins and J. Tremlett

Also in attendance:

Councillors D.M. Cundy and J.S. Edmunds

The following Officers were in attendance:

W. Walters, Chief Executive

C. Moore, Director of Corporate Services

P.R. Thomas, Assistant Chief Executive (People Management & Performance)

G. Morgans, Director of Education & Children's Services

J. Morgan, Head of Homes & Safer Communities

L.R. Jones, Head of Administration and Law

A. Williams, Head of Waste and Environmental Services

N. Daniel, Head of ICT and Corporate Policy

D. Hockenull, Marketing and Media Manager

S. Rees, Simultaneous Translator

L. Jenkins, Cabinet Support Officer

K. Thomas, Democratic Services Officer

M. Withey, Member Support Officer

E. Bryer, Democratic Services Officer

Virtual Meeting - 10.00 am - 11.18 am

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

The Leader of the Council referred to the severe adverse weather experienced across Carmarthenshire recently with wind and heavy rainfall causing damage to homes, businesses and highways. He commented on the plans put in place by the Council, and partner agencies, in anticipation of the disruption and praised all council and agency staff for their efforts in responding to the situation. Numerous incidences of damage were reported including road closures, building damage and reductions in services. Leisure centres, libraries, museums, country parks, and theatres were closed, but the majority had reopened.

On behalf of the Cabinet, the Leader thanked officers and contractors who had worked around the clock to clear roads, restore power, and support the vulnerable members of the community.

2. DECLARATIONS OF PERSONAL INTEREST

Councillor / Officer	Minute Number	Nature of Interest
Cllr C.A Davies	6 – Five Year Capital Programme (Council Fund) - 2022/23 To 2026/27.	The Tywi Valley Cycle Path passes through their farm land.
Cllr H.A.L Evans	7 – Housing Revenue Account Budget 2022/23 to 2024/25 Revenue and Capital and Housing Rent Setting for 2022/23. 8 – Housing Revenue Account Business Plan 2022-25 - Carmarthenshire Housing Investment Programme.	Sister is the Chief Executive of a Housing Association.
Cllr. L.D Evans	10 - Model Teachers' Pay Policy 2021/22.	Daughter is a teacher.
Cllr. P. Hughes Griffiths	10 - Model Teachers' Pay Policy 2021/22.	Daughter is a teacher.
Noelwyn Daniel	10 - Model Teachers' Pay Policy 2021/22.	Sister-in-law is a teacher.

3. QUESTIONS ON NOTICE BY MEMBERS

The Chair advised that no questions on notice had been submitted by members.

4. PUBLIC QUESTIONS ON NOTICE

The Chair advised that no public questions had been received.

5. REVENUE BUDGET STRATEGY 2022/23 TO 2024/25

The Cabinet considered a report providing the latest proposals for the Revenue Budget Strategy for 2022/23 and the following two financial years.

The report summarised the latest budgetary position and provided an update on the budget validation, spending pressures, the Welsh Government final settlement and the responses received to the budget consultation.

The Cabinet Member for Resources outlined a number of factors influencing the budget, including the fact the final settlement from Welsh Government would not be received until the 1st March 2022. Whilst having regard to the late announcement of the final settlement, he advised that key components of the budget assumptions and allocations had been reviewed and had provided some increased headroom to enable the authority to revisit some of the original budget proposals.

The Cabinet Member for Resources advised that full details of the provisional settlement, included within the report, detailed that Local Government funding on

an all-Wales basis had increased by an average of 9.4% on the 2021/22 settlement, with Carmarthenshire's allocation being 9.2% (£311.597m).

Although that settlement had enabled the authority to allocate funding in its budget for a significant amount of inflationary and unavoidable pressures, it still required savings to be made.

The initial draft budget plans had included a contingency sum of £3.5m in respect of ongoing costs and lost commercial revenues. This sum was retained in the final budget and it was stressed that this remained the largest risk to the budgets going forward.

The Cabinet Member referred to the final settlement from Welsh Government, due to be announced on the 1st March 2022, and advised that the report sought authority for the Director of Corporate Services in liaison with the Leader, Chief Executive and the Cabinet Member for Resources to make any necessary adjustments to the Budget Strategy prior to County Council on the 2nd March 2022. It was noted that the Director of Corporate Services had however, made some adjustments to some of the other figures within the report, as part of the normal routine as clearer information had become available, with current total validation adding some £16.2m to the budget.

The Cabinet Member for resources advised that the budget maintained the pay assumption of 4% allowance for next year for both NJC as well as teaching staff, and this remained the most significant validation included within the assumptions. This was in line with general expectations and acknowledged that inflation was escalating well above 5%.

It was noted that changes to some of the key assumptions such as energy price increases, and the release of last years economic development capital contribution provided scope to make some changes with the following highlighted:

- An additional £50k to fund additional capacity in the public rights of way section,
- £190k additional funding for school meal costs following a recent notification of supplier price increases.

The Cabinet Member for Resources reminded the Cabinet that based on the provisional budget settlement, there was some scope to make changes to the strategy, and it had previously agreed to reduce the Council tax increase for 2022/23 to 2.50%, thereby providing a sum of £1,795k to respond to the budget consultation. He therefore proposed the following savings:-

- removal of the proposed £15k reduction to 3rd sector grants,
- removal of the £95k staffing reduction to ICT,
- halt the plans introducing charges to additional car parks.

The Cabinet Member advised that having proposed the above changes, sufficient funding was available to cap the council tax increase to 2.50% for 2022/23. Those proposals, if adopted, would present a fair and balanced budget to the Council.

UNANIMOUSLY RESOLVED THAT IT BE RECOMMENDED TO COUNCIL:-

5.1 That the Budget Strategy for 2022/23, be approved;

- 5.2 That the Band D Council Tax for 2022/23 be set at £1,396.04 (an increase of 2.50% for 2022/23);
- 5.3 The removal of specific savings proposals as identified in paragraph 3.2.5 of the report and detailed above;
- 5.4 That the budget amendments as summarised in paragraph 4.1.4 of the report taking into account the range of responses received during the consultation process and the additional pressures as identified in the report be approved;
- 5.5 That the provisional Medium Term Financial Plan be approved as a basis for future years financial planning;
- 5.6 That the Director of Corporate Services, in consultation with the Chief Executive, Leader and Cabinet Member for Resources, be delegated authority to make any amendment necessary as a consequence of the Welsh Government final settlement due on the 1st March 2022.

6. FIVE YEAR CAPITAL PROGRAMME (COUNCIL FUND) - 2022/23 TO 2026/27

[NOTE: Councillor C.A. Davies had earlier declared an interest in this item.]

The Cabinet considered a report which brought together the latest proposals for the Five-Year Capital Programme (Council Fund) 2022/23 to 2026/2027 taking into account the consultation exercise undertaken and the revenue implications arising from the capital programme.

The new programme would see £275m of investment over five years. The programme would be supported by funding from Welsh Government, the UK Government, and the council's own resources. The Cabinet Member for Resources advised that the programme included two new transformational projects. The first, a £19.6m hub at the heart of Carmarthen Town Centre and the second being a £19m investment to complete the Tywi Valley Path between Carmarthen and Llandeilo. As part of the project, £366k would be available to upgrade parking provision. £16m of additional funding would be made available for Zone 1 of the Pentre Awel development in Llanelli, bringing the total investment on the project to £87m.

Cabinet was advised that in addition to the above there was continued support for the following:

- £2.5m for Disability Facilities Grants
- £250k to improve Road Safety
- £600k for ongoing Highway Refurbishment
- £400k for Public Lighting
- £3m for Capital Maintenance for investment in property estate.

The creation of a new annual award of £250k starting in 2022/23 for highway drainage infrastructure would help make the highway network more resilient to future weather events and reduce flood risks. 2026/27 also saw the proposed continuation of the £66k annual allocation to Rights of Ways and Byways.

The Cabinet Member for Resources advised that further investments would be made across the programme:

- Education would see funds made available to complete the replacement bus bays at Ysgol Dyffryn Taf, and the introduction of a £500k annual award for general education works.
- Communities would be provided with a Disability Facilities Grants with an uplifted 2025/26 investment by £500k to £2.5m per annum, bringing the total investment over the 5 years to £10.5m. Within the leisure portfolio an uplift of £1m in funding was proposed for the upgrade of the 3G pitch at Amman Valley Leisure Centre bringing the total funding available for the project to £2m.
- In Environment, £150k across 2022/23 and 2023/24 to match fund flood management and flood mitigation works was planned. £4.7m for the replacement of refuse and recycling vehicles, together with an additional £1m from reserves as the Authority's match funding contribution to the Waste Strategy which would see the rollout of kerbside sorting for recycling collections.

Cabinet was advised that to mitigate for the lack of Welsh Government support specifically for investment in highways the programme included £2.4m of new money funded from the council's reserves. This would be in addition to the £600k in the annual rolling programme. The Cabinet Member for Resources confirmed that £1.3m of unhypothecated general capital funding that had been made available to the Authority late in the current financial year 2021-22 had also been earmarked for highway improvements. Taken together this was the biggest single investment of £4.3m in local highway infrastructure by the Council in recent years.

An estimated award of £1.34m funding from Welsh Government from 2023/24 onwards was anticipated to fund decarbonisation projects and therefore included in the programme. However, given that this funding would not be available until the second year of the programme it was proposed to provide £500k from council reserves in 2022/23 to kickstart decarbonisation measures across the built estate.

£2.7m allocated for Information Communication Technology (ICT) across the programme would be maintained, including annual funding of £200k to support digital transformational projects across council services.

As part of this year's settlement Welsh Government provided indicative general capital funding figures up to 2024/25. Funding for years four and five of the programme was based on an assumed level of support equivalent to that received in 2024/25 going forward. It was noted that Welsh Government funding for 2022/23 was £1.8m less than that received in 2021/22 which was unexpected. Given the significant investments in years 1 and 2 of the programme and the reduced capital settlement from Welsh Government it was proposed to make use of unsupported borrowing, short-term, to prevent what would otherwise be a shortfall in funding at the start of the programme. This would be repaid in years 3, 4 and 5 of the programme.

The Cabinet Member advised that Appendix A to the report detailed the full programme, which was fully funded for the five years.

Cabinet noted that Appendix C was the council's Capital Strategy document, which was required by the prudential code of capital finance. This document set out the long-term context in which capital expenditure and investment decisions

were made and gave due consideration to both risk and reward and the impact on achievement of priority outcomes.

UNANIMOUSLY RESOLVED TO RECOMMEND TO COUNCIL THAT:-

- 6.1 The Five-Year Capital Programme and its funding detailed in Appendix A to the report with 2022/23 being a hard budget and 2023/24 to 2026/27 soft/indicative budgets be approved;**
- 6.2 The programme be reviewed, as usual, if anticipated external or County Council funding did not materialise;**
- 6.3 The Capital Strategy, as detailed in Appendix C be approved;**
- 6.4 The Director of Corporate Services, in consultation with the Chief Executive, Leader and Cabinet Member for Resources be delegated authority to make any adjustments necessary as a consequence of the Welsh Governments final settlement due on the 1st March 2022.**

7. HOUSING REVENUE ACCOUNT BUDGET 2022/23 TO 2024/25 REVENUE AND CAPITAL AND HOUSING RENT SETTING FOR 2022/23

[NOTE: Councillor H.A.L. Evans having earlier declared an interest in this item left the meeting during its consideration]

The Cabinet considered a report that brought together the latest proposals for the Revenue and Capital Budgets for the Housing Revenue Account 2022/23 to 2024/25. It was noted the report had been considered, and endorsed, by the Community Scrutiny Committee at its meeting held on the 31st January 2022 as part of the budget consultation process.

The report had been prepared reflecting the latest proposals contained in the Housing Revenue Account (HRA) Business Plan, being the primary financial planning tool for delivering the Carmarthenshire Homes Standard *Plus* (CHS+) for the future. It was noted the proposed investment within the current business plan had delivered the CHS by 2015 (to those homes where tenants had agreed to have the work undertaken) provided investment to maintain the CHS+ and continued investment for the Housing Regeneration and Development Delivery Plan.

The Cabinet Member for Resources advised that capital investment in the region of £231m had delivered the Carmarthenshire Home Standard for tenants and more recently, up to the end of this financial year a further £83m had been spent on maintaining the CHS+ home standard for properties and tenants. Over the next 3 years a further £64m was expected to be spent in maintaining and upgrading the housing stock.

The budget also provided funding of some £56m over the next 3 years to maintain the CHS+ and £56m to support the Affordable Homes Programme.

The Cabinet was reminded that since 2015 the Authority had been required to adopt the Welsh Government Policy for Social Housing Rent Harmonisation, meaning that the proposed rent increase was prescribed by Welsh Government guidance and provided an equitable distribution of the rents for the social sector tenants. While that policy ended in 2018/19, and an interim policy applied for

2019/20 the Welsh Government had subsequently developed a new policy for implementation in 2020/21 to apply for a period of 5 years from 2020/21 and contained some additional/amended requirements, as detailed within the report. The main elements of that policy allowed Local Authorities to uplift the total rent envelope by the Consumer Price Index (CPI) +1% for each of the five years to 2024/25. It also allowed for the level of rent for individual tenants to rise by up to an additional £2 over and above CPI +1% for rent harmonisation, on condition that total rental income collected by the social landlord increased by no more than CPI +1%.

The Cabinet was advised that setting the rent within the current Government policy, recognised the need to set the rent at an affordable level for tenants, delivering on the aspirations and trying to ensure the previous commitment to tenants of implementing the harmonisation policy and establishing a fairer rent level for all tenants was a fine balance to achieve.

In responding to all the priorities and balancing the business plan, the rent increase at an overall increase of 2.9%, would produce an average rent of £94.26 for tenants.

Included within the overall rent increase envelope it was proposed that the Authority continues with the rent progression set at a maximum of £1 for properties below target rent.

This would produce an increase on the average housing rent of £2.66 per week, which is below the Welsh Government maximum increase level and would produce a rent level which would be one of the lowest rent levels set across the eleven housing stock retaining Welsh Authorities.

UNANIMOUSLY RESOLVED TO RECOMMEND TO COUNCIL:

- 7.1 To increase the average housing rent as per the Welsh Government's Social Housing Rents Policy:-**
- a) Properties at target rents to increase by 2.74%**
 - b) Properties where rent was below target rent, rent to increase by 2.74% plus a maximum progression of £1.00**
 - c) Those rents above target rent be frozen until such time as they met the target**
 - d) This will produce an increase on the average housing rent of 2.9% or £2.66 per week**

Thereby producing a sustainable Business Plan, maintain CHS+, resource our Housing Regeneration and Development Delivery Plan and was supported by the Housing and Regeneration Strategic Team.

- 7.2 To implement a maximum progression of £1.00 for rents below target, until target rents were achieved;**
- 7.3 To maintain garage rents at £9.00 per week and garage bases at £2.25 per week;**
- 7.4 To apply the service charge policy to ensure tenants who received the benefit from specific services paid for those services;**
- 7.5 To increase charges for using the Council's sewerage**

- treatment works in line with the rent increases;
- 7.6 To approve the Housing Revenue Account Budget for 2022/23 (with 2023/24 and 2024/25 being soft budgets) as set out in Appendix A to the report;
- 7.7 To approve the proposed Capital Programme and applicable funding for 2022/23 and the indicative spends for 2023/24 to 2024/25, as set out in Appendix B to the report.

8. HOUSING REVENUE ACCOUNT BUSINESS PLAN 2022-25 - CARMARTHENSHIRE HOUSING INVESTMENT PROGRAMME

[NOTE: Councillor H.A.L. Evans having earlier declared an interest in this item left the meeting during its consideration]

The Cabinet considered the Housing Revenue Account Business Plan 2022-25 - Carmarthenshire Housing Investment Programme the purpose of which was to:

- Explain the vision and detail of the housing investment programme over the next three years, including housing stock improvement plans, the new build programme, plans to become net zero carbon and what this meant for tenants.
- To confirm the income received from tenants and other funding sources afforded a capital programme of £120m over the next three years to:
 - Improve and maintain the existing stock
 - Support the delivery of over 2,000 new homes in communities
 - Support the Councils Net Zero Carbon Principles, creating energy efficient homes, minimising carbon emissions and promoting affordable warmth for tenants
 - Help stimulate economic growth and recovery following the Covid 19 pandemic
 - Help build strong sustainable communities – places where people are proud to call home
- To confirm the financial profile, based on current assumptions, for the delivery of housing investment programme and Council new build over the next three years
- Produce a business plan for the annual application to Welsh Government for Major Repairs Allowance (MRA) grant for 2022/23, equating to £6.2m.

The Cabinet Member for Housing advised the report was divided into the following five key themes aimed at driving the business forward for the next three years:-

1. Theme 1 – Supporting Tenants and Residents;
2. Theme 2 – Investing in Homes and Surrounding Areas;
3. Theme 3 – Providing More Homes
4. Theme 4 – Decarbonisation of Housing Stock
5. Theme 5 – The Local Economy, Community Benefits & Procurement

UNANIMOUSLY RESOLVED TO RECOMMEND TO COUNCIL THAT:-

- 8.1 The vision of the housing investment programmes over the next three years be confirmed;
- 8.2 The 2022/23 Business Plan be submitted to the Welsh Government;

- 8.3 The contribution the Plan makes to the Housing Regeneration and Development Delivery Plan in supporting the delivery of over 2000 homes be noted.**
- 8.4 The principles behind moving towards net carbon homes and developing a Decarbonisation and Affordable Warmth Strategy to support that be noted;**
- 8.5 The importance of the investment included in the plan and its role in stimulating the local economy and recovery from the Covid 19 pandemic be noted.**

9. TREASURY MANAGEMENT POLICY AND STRATEGY 2022-23

The Cabinet was reminded that as part of the requirements of the revised CIPFA Code of Practice on Treasury Management, the Council had agreed to maintain a Treasury Management Policy detailing the policies and objectives of the Authority's treasury management activities and to also approve a Treasury Management Strategy annually before the start of the financial year to which it related. In addition, under the Local Government Act 2003, the Council was required to approve the Treasury Management Indicators for the coming year.

In accordance with the above requirements, the Cabinet considered the Council's Treasury Management Policy and Strategy for the 2022-23 financial year prior to its formal submission to the Council for final adoption.

UNANIMOUSLY RESOLVED TO RECOMMEND TO COUNCIL THAT:-

- 9.1 The Treasury Management Policy and Strategy for 2022-23 and the recommendations contained therein be approved.**
- 9.2 The Treasury Management Indicators, Prudential Indicators, Minimum Revenue Provision Statement, the Investment Strategy and recommendations therein be approved.**

10. MODEL TEACHERS' PAY POLICY 2021/22

[NOTE: Councillors L.D. Evans and P. Hughes Griffiths having earlier declared an interest in this item left the meeting during its consideration. Noelwyn Daniel also declared an interest and left the meeting]

The Cabinet considered the Model Teachers' Pay Policy which had been updated to reflect September 2021 pay award as detailed in the School Teachers' Pay and Conditions (Wales) Document 2019.

The Cabinet was reminded that all schools were required to adopt a pay policy that set out the basis on which it determined Teachers' pay and the date by which it would determine the Teachers' annual pay review and also establish procedures for addressing Teachers' grievances in relation to their pay. This School Teachers Pay and Conditions (STPCD) document is updated each year which could lead to amendments in the Model Pay Policy offered to schools. The revised model Pay Policy had been updated to reflect September 2021 pay award as detailed in the School Teachers Pay and Conditions (Wales) Document 2021; and to clarify the position of the five-point Main Pay scale, and the relationship between performance and pay progression across all pay scales. The Policy also took into account of the impact of the extra bank holiday to celebrate the Queen's Platinum

Jubilee in 2022, on the 2021/22 academic year, which meant that Teachers must be available to work for 194 days / 1258.5 hours instead of the usual 195 days / 1265 hours of directed time.

UNANIMOUSLY RESOLVED to endorse the Model Teacher's Pay Policy 2021/22 prior to circulation to Schools for formal adoption by their Governing Bodies.

11. **ANY OTHER ITEMS OF BUSINESS THAT BY REASONS OF SPECIAL CIRCUMSTANCES THE CHAIR DECIDES SHOULD BE CONSIDERED AS A MATTER OF URGENCY PURSUANT TO SECTION 100B(4)(B) OF THE LOCAL GOVERNMENT ACT, 1972.**

The Chair advised that there were no items of urgent business.

CHAIR

DATE

CABINET

Monday, 28 February 2022

PRESENT: Councillor E. Dole (Chair);

Councillors:

C.A. Davies, G. Davies, H.A.L. Evans, L.D. Evans, P.M. Hughes, P. Hughes-Griffiths, D.M. Jenkins and J. Tremlett;

Also in attendance:

Councillor D.M. Cundy and J.S. Edmunds;

The following Officers were in attendance:

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;
 S. Davies, Head of Access to Education;
 R. Griffiths, Head of Place and Sustainability;
 L.R. Jones, Head of Administration and Law;
 J. Morgan, Head of Homes & Safer Communities;
 P.R. Thomas, Assistant Chief Executive (People Management & Performance);
 A. Williams, Head of Waste and Environmental Services;
 H. Morgan, Economic Development Manager;
 S. Burford, Project Manager;
 D. Hockenhull, Marketing and Media; Manager;
 L. Morris, Senior Press Officer;
 E. Jones, Licensing Lead;
 S. Rees, Simultaneous Translator;
 M. Evans Thomas, Principal Democratic Services Officer;
 J. Corner, Technical Officer;
 L. Jenkins, Cabinet Support Officer;
 E. Bryer, Democratic Services Officer;
 M.S. Davies, Democratic Services Officer.

Virtual Meeting: 10.00 am - 11.35 am

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF PERSONAL INTEREST

Councillor	Minute Number	Nature of Interest
C.A. Davies	11 – Carmarthenshire Economic Recovery and Delivery Plan Progress Update	Cycle path runs through the farm that is run with her husband;
Officer	Minute Number	Nature of Interest
W. Walters - Chief Executive	13 - Review of Election Fees payable at the County Council and Town/Community Council Elections;	Returning Officer;

C. Moore - Director of Corporate Services	13 - Review of Election Fees payable at the County Council and Town/Community Council Elections;	May be employed by the Returning Officer to support the elections;
N. Daniel - Head of ICT	13 - Review of Election Fees payable at the County Council and Town/Community Council Elections;	Deputy Returning Officer.

3. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE CABINET HELD ON THE 14TH FEBRUARY 2022.

UNANIMOUSLY RESOLVED that the minutes of the meeting of the Cabinet held on the 14th February, 2022 be signed as a correct record.

4. QUESTIONS ON NOTICE BY MEMBERS

The Chair advised that no questions on notice had been submitted by members.

5. PUBLIC QUESTIONS ON NOTICE

The Chair advised that no public questions had been received.

6. CARMARTHENSHIRE COUNTY COUNCIL ENVIRONMENT ACT FORWARD PLAN 2020 - 2023

In accordance with the Environment (Wales) Act 2016 the Cabinet considered the proposed Carmarthenshire County Council Environment Act Forward Plan 2020 – 2023. It was a statutory requirement that every three years the Council prepared and reported on the delivery of its Environment Act duty to maintain and enhance biodiversity and promote ecosystem resilience. The Bio-diversity Team was thanked for its work.

UNANIMOUSLY RESOLVED

6.1 to endorse the Carmarthenshire County Council Environment Act Forward Plan 2020 – 2023;

6.2 to endorse the actions set out in the Forward Plan and commit to their delivery across the relevant CCC services.

7. REVIEW OF GAMBLING POLICY

The Cabinet considered a proposed revised Gambling Policy document which reflected the results of the consultation and review process and complied with relevant legislation and guidance. The Council's Licensing Committee had considered the report and unanimously resolved to recommend to Cabinet its approval.

UNANIMOUSLY RESOLVED TO RECOMMEND TO COUNCIL to approve the amended Gambling Policy.

8. MODERNISING EDUCATION PROGRAMME PROPOSAL TO CHANGE THE NATURE OF PROVISION AT YSGOL Y FELIN

Further to minute 9 of the Cabinet meeting held on the 6th December 2021 consideration was given to an Objection Report which summarised the objections received, and the Local Authority's responses thereto, to the Statutory Notice to

change the nature of Foundation Phase provision at Ysgol Y Felin to Welsh medium education from 1st September 2022.

Being satisfied that there were no other related proposals; that the statutory proposal had been consulted upon and published in accordance with the School Organisation Code and contained all the relevant information and, having considered the consultation document and consultation report, the objections and any responses to the notice in the objection report, it was

UNANIMOUSLY RESOLVED TO RECOMMEND TO COUNCIL the implementation of the proposal to change the nature of Foundation Phase provision at Ysgol Y Felin to Welsh medium education from 1st September 2022 as laid out in the Statutory Notice.

9. MODERNISING EDUCATION PROGRAMME PROPOSAL TO CHANGE THE AGE RANGE OF YSGOL SWISS VALLEY FROM 4-11 TO 3-11

Further to minute 8 of the Cabinet meeting held on the 6th December 2021 it was reported that no objections had been received to the Statutory Notice to change the age range of Swiss Valley Primary School from 4-11 to 3-11.

Being satisfied that there were no other related proposals; that the statutory proposal had been consulted upon and published in accordance with the School Organisation Code and contained all the relevant information and having considered the consultation document and consultation report, and that no objections had been received in response to the Statutory Notice, it was

UNANIMOUSLY RESOLVED TO RECOMMEND TO COUNCIL the implementation of the proposal to change the age range of Swiss Valley Primary School from 4-11 to 3-11 from 1st September 2022 as laid out in the Statutory Notice.

10. MODERNISING EDUCATION PROGRAMME PROPOSAL TO RECONFIGURE AND REMODEL BEHAVIOUR SUPPORT SERVICES AT YSGOL RHYDYGORS TO IMPROVE PROVISION FOR CHILDREN AND YOUNG PEOPLE

Further to minute 10 of the Cabinet meeting held on the 6th December 2021 it was reported that no objections had been received to the Statutory Notice to reconfigure and remodel Behaviour Support Services at Ysgol Rhydygors to improve provision for children and Young People.

Being satisfied that there were no other related proposals; that the statutory proposal had been consulted upon and published in accordance with the School Organisation Code and contained all the relevant information and having considered the consultation document and consultation report, and that no objections had been received in response to the Statutory Notice, it was

UNANIMOUSLY RESOLVED TO RECOMMEND TO COUNCIL the implementation of the proposal to reconfigure and remodel Behaviour Support Services at Ysgol Rhydygors to improve provision for children and Young People.

**11. CARMARTHENSHIRE ECONOMIC RECOVERY AND DELIVERY PLAN
PROGRESS UPDATE**

[NOTE: Councillor C. A. Davies reiterated her earlier declaration of interest.]

In accordance with Minute 8 of the Executive Board [now Cabinet] meeting held on the 21st June 2021 the Cabinet considered a report, and received a presentation, detailing progress in relation to meeting the key outcomes of the Carmarthenshire Economic Recovery and Delivery Plan.

It was noted that current indicators suggested that the economic outlook for Carmarthenshire was not as stark as had been previously envisaged when the Economic Recovery Plan was being developed. There was confidence, however, supported by activity to date and proposed, that the overall ambitious outcomes of the Plan were achievable. All opportunities to draw down additional external, including UK and Welsh Government, funding would be explored to add value to activity already planned or being undertaken to ensure that economic growth opportunities were maximised.

UNANIMOUSLY RESOLVED to note the report.

**12. REDEVELOPMENT OF FORMER PROVISIONS MARKET LLANDEILO (THE
OLD MARKET HALL)**

The Cabinet considered a report detailing proposed revised car parking provision associated with the redevelopment of the former provisions market, Llandeilo (the old market hall), as it had not been possible to acquire adjoining land, and the escalation of the project' costs due to unforeseen circumstances. A request had been submitted to Welsh Government for an additional £300k grant funding towards the project. Verbal approval for this increase in grant had been provided and written confirmation was awaited which would see the Building for the Future's contribution increasing to £1,700,000 from £1,400,000. The Council's contribution as per the current Capital programme allocation remained at £2,462,600 to support a total estimated project cost of £4,162,600

It was anticipated that the scheme would be completed and available for occupation by November 2022.

UNANIMOUSLY RESOLVED

12.1 to note that the purchase of the land for the car park will no longer be taking place due it not having been possible to agree terms with the landowner;

12.2 to note that an additional £300,000 has been requested and verbally agreed by Welsh Government's Building for the Future programme for the scheme.

**13. REVIEW OF ELECTION FEES PAYABLE AT THE COUNTY COUNCIL AND
TOWN/COMMUNITY COUNCIL ELECTIONS**

(NOTE: Wendy Walters and Noelwyn Daniel, having earlier declared interests in this item re-declared those interests and left the meeting during its consideration. Chris Moore reiterated his earlier declaration of interest but remained in the meeting.)

The Cabinet considered a report on the fees payable to the Returning Officer in respect of the forthcoming local elections.

UNANIMOUSLY RESOLVED TO RECOMMEND TO COUNCIL

13.1 that the fees payable to the Returning Officer, which is inclusive of payments to those undertaking the role of Deputy Returning Officers and other key personnel involved in the planning and oversight of the County Council and Town / Community Councils, be as follows:

- a) £170.00 per contested election;**
- b) £56.61 per uncontested election;**

13.2. that the Chief Executive, as the Council's Returning Officer, be authorised to:

- a) make arrangements for the employment of persons to assist with the Local Elections;**
- b) determine the level of fees and payments to those employed on Election duties, subject to the total amount payable being within the available resources set to cover the cost of these elections;**

13.3 to note that there will be full cost recovery for any costs incurred for Town/Community Council elections.

14. PENTRE AWEL

The Cabinet considered a report which provided an update statement on Pentre Awel including the procurement of a contractor for Zone 1. The report detailed

- progress of the design of Zone 1 and the maximum cost of the construction;
- progress on securing tenants for Zone 1;
- progress in design development Zone 3;
- associated progress including Schools networking and Third Sector policy.

UNANIMOUSLY RESOLVED TO RECOMMEND TO COUNCIL

14.1 that the report of the process undertaken to progress the first phase of the two-stage design and build contract to deliver Pentre Awel Zone 1 be noted;

14.2 to receive the maximum cost (£87.07m) for the construction provided by Bouygues UK and to delegate authority to the Director of Corporate Services and the Chief Executive to agree the final cost envelope and confirm affordability in consultation with the Leader of Council and Cabinet Member for Resources;

14.3 to note the progress in securing tenancy agreements and to delegate authority to the Director of Corporate Services to agree to progress to construction on achieving suitable assurance of rental income and to note that the delivery of Innovation and Business Development and therefore the shell and core space being developed is in advance of final plans and therefore at risk;

14.4 to approve the policy setting out the principles to be adopted for inclusion of Third Sector organisations within Pentre Awel;

14.5 to note the progress across other zones and associated discussions and impact beyond the immediate project boundaries.

- 15. ANY OTHER ITEMS OF BUSINESS THAT BY REASONS OF SPECIAL CIRCUMSTANCES THE CHAIR DECIDES SHOULD BE CONSIDERED AS A MATTER OF URGENCY PURSUANT TO SECTION 100B(4)(B) OF THE LOCAL GOVERNMENT ACT, 1972**

The Chair advised that there were no items of urgent business.

CHAIR

DATE

CABINET

14TH MARCH 2022

EXTENSION OF PUBLIC SPACE PROTECTION ORDER (CARMARTHENSHIRE DOG ORDERS)

Purpose:

To approve the extension of the existing Public Spaces Protection Order 2016 for the county of Carmarthenshire.

Recommendations / key decisions required:

- a) That the duration of the Carmarthenshire County Council (Dog Control) Public Spaces Protection Order 2016 be extended for a further period of 3 years with effect from the 1st July 2022
- b) That the Council makes an Extension Order to give effect to the above extension and endorses the 2016 Order with suitable wording to reflect the fact that the duration of the 2016 order has been extended.

Reasons:

The Carmarthenshire County Council (Dog Control) Public Spaces Protection Order 2016 came into force on the 1st July 2016. It was initially made for a period of 3 years (the maximum period). In 2019 the Order was extended for a further period of 3 years with effect from the 1st July 2019. The current order is therefore due to expire at the end of June.

Relevant scrutiny committee to be consulted Yes E&PP 7th March 2022

Cabinet Decision Required Yes 14th March 2022

Council Decision Required No

CABINET MEMBER PORTFOLIO HOLDER:-

Cllr. Philip Hughes (Public Protection)

Directorate: Environment

Name of Head of Service:
Ainsley Williams

Report Author:
Michael Roberts

Designations:

Head of Waste & Environmental Services

Local Environmental Quality Policy Officer

Tel: 01267 224500

Email addresses:
AiWilliams@sirgar.gov.uk

Tel: 01267 225806

Email addresses:
MJRoberts@carmarthenshire.gov.uk

EXECUTIVE SUMMARY

**CABINET
14TH MARCH 2022**

EXTENSION OF PUBLIC SPACE PROTECTION ORDER (CARMARTHENSHIRE DOG ORDERS)

1. Background to the 2016 Order.

- 1.1 People who fail to clean up after their dogs on publicly accessible land cause nuisance to others. The presence of dog faeces is a potential hazard to all members of the public alike. It causes risks to health, defaces land and has the potential to deface people and their property.
- 1.2 When not properly supervised and kept under control, dogs that are allowed off a lead in public areas can cause road traffic accidents and can cause nuisance or injury to members of the public and to other animals.
- 1.3 Dogs in children's play areas can become aggressive if startled. They can also defecate in these areas, defacing and causing a health risk to the young children that use them.
- 1.4 In 2016, the Council made the Carmarthenshire County Council (Dog Control) Public Spaces Protection Order 2016 ("the Original Order") to address the above behaviour on the basis that it had and was likely to continue to have, a detrimental effect on the quality of life of people within Carmarthenshire (Appendix 1).
- 1.5 The Original Order sought to prevent or reduce the detrimental effects referred to above, by imposing reasonable restrictions and requirements on people whilst in charge of dogs on public land.
- 1.6 Subject to a number of exemptions and restrictions, the Original Order required people:
 - To clean up after their dogs on all public land in the County.
 - To put and keep their dog on a lead of not more than 2 metres in length when directed to do so by an authorised officer of the Council, where such restraint is reasonably necessary to prevent a nuisance, or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or the worrying or disturbance of any animal.
 - Not to take their dog onto or permits their dog to enter or remain on any enclosed children's play areas in the County.
- 1.7 The Carmarthenshire County Council (Dog Control) Public Spaces Protection Order 2016 came into force on the 1st July 2016. It was initially made for a period of 3 years. In 2019 the Order was extended for a further period of 3 years with effect from the 1st of July 2019. It is therefore due to expire from the 30th of June 2022.

1.8 Public Spaces Protection Orders can be extended for further periods of up to 3 years at a time.

2. Legal Test

2.1 Before the time when a public space's protection order is due to expire, the local authority that made the order may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent: -

- (a) occurrence or recurrence after that time of the activities identified in the order; or
- (b) an increase in the frequency or seriousness of those activities after that time.

3. Evidence and Reasons

3.1 Since the 2016 Order came into force there have been 3002 (Up to 31/12/2021) complaints received in relation to dog fouling; 100 fixed penalty tickets have been issued and 6 prosecutions have been implemented for offenders who failed to pay the fixed penalty notice.

3.2 In the last 6 years no directions have been issued requiring individuals to place their dog on a lead of no more than 2m in length. We did not expect these powers to be widely used, as they were intended for use only where it is necessary to place a dog on a lead in order to deal with ongoing acts of nuisance. They also require authorised officers to be "in the right place at the right time" to be able to defuse incidents. We do continue to receive complaints about dog related nuisance on public land and remain of the view that this is useful power which enables officers to deal with any incidents which they may come across.

A small number of complaints have been received about dogs in play areas and enforcement action has been taken against 1 person. We believe that the provision excluding dogs from children's play areas and the accompanying signage which we have erected at relevant sites have served as an effective deterrent.

3.3 The Council is satisfied that it is necessary to extend the duration of the Original Order for a further 3 years in order to prevent the occurrence or recurrence of the behaviour set out set out above after the 1st July 2022, or to prevent an increased in the frequency or seriousness of the behaviour after that date.

3.4 A PSPO or an order extending it, can only last for a maximum of 3 years. Therefore, they must be reviewed every 3 years to see if a further extension is required. As part of the review, approval was given by Cabinet Member Decision for Public Protection on the 2nd of September 2021 that the authority sought the views of a number of consultees on the extension of the 2016 Order. This consultation period opened on Monday 1st November and closed on Friday 17th December 2021. There is also a requirement to publish details of the proposed extension on the authority's web site, this was undertaken and is currently available for the public to view.

4. Summary of responses received to the Limited Consultation

- 4.1 The consultation exercise was not a full public consultation. It was a targeted consultation, undertaken with a number of statutory consultees and other relevant stakeholders.
- 4.2 It is clear that a number of responses have been received from individuals and organisation who we did not invite to respond. It is likely that some of the consultees have distributed the consultation documents to other people and organisations, who have then replied to it.
- 4.3 In addition, some of the respondents have not identified who they are. Therefore, we do not know whether these responses are from consultees who were invited to respond to the proposals, or from other people and organisations.
- 4.4 We consulted with the following: -
- The Chief of Police and the local policing body for the area affected by the order
 - Police and Crime Commissioner for Dyfed Powys Police
 - County Councillors
 - The Town and Community Councils.
 - The Kennel Club
 - Dog's Trust
 - Local Access forum
 - Carmarthenshire Disabled Access Group
 - CCC's Public Rights of Way.
 - Brecon Beacons National Park
- 4.5 A summary of responses is provided below: -
- 43 responses were received (these are as follows): -
- 3 County Councillors
 - 12 Town & Community Councillors
 - 22 Other Organisations or Group
 - 6 Anonymous
- 85% of respondents supported the extension of the current PSPO for a period of 3 years.
- It was noted that the authority received multiple response from one County Councillor and 14 responses from individuals / groups that weren't invited to comment. The six responses (14%) that disagreed with extending the current orders were ALL from people and organisations that were not invited by us to respond to the consultation.
 - Four (9%) of the respondents may have misunderstood the current order, as they responded with comments which indicated that they opposed keeping Dogs on leads at all times. The current order does not require dogs to be kept on leads at all times.
 - Two (5%) respondents did not indicate if they agreed or disagreed in the renewal of the existing orders.

- Four (9%) respondents indicated that they agreed with the order but did not record their details of who they represented.
- Finally, all seventeen respondents (that we can identify) who were invited to responded to the consultation agreed with the extending the PSPO (100%). We have also 6 unknown respondents and 7 that indicated who they were responding as; but no details were provided of who they were. This has no bearing on the outcome as 85% the respondents were supportive of the proposals in any event.
- The Kennel Club & Dogs Trust provided a comprehensive response / report on the authority's PSPO's (See Appendix 5 & 6).

4.6 A number of respondents had made suggestions comments through the consultation exercise, the comments and responses are available to view on Appendix 8 PSPO (Dog Control) Qualitative analysis of Consultation with responses. Three Community Councils suggested that we consider introducing additional dog controls on Sports Pitches / Park areas. The purpose of this consultation was to consider extending the duration of the current order. The Authority can consider additional controls, but they would need to be evidence based and subject to a separate consultation.

4.7 The Kennel Club do not appear to object to extension of the current order, but they have asked us to consider amending paragraph 13 of the order (which states that the dog exclusion provisions in the order don't apply to assistance dogs which have been trained by a "registered charity").

We have previously considered this issue in some detail. Our concern here is that paragraph 13 could be open to potential abuse if the reference to "registered charities" is removed. People could try to argue that the provision excluding dogs from children's play areas does not apply to their pet on the basis that they have trained it themselves to provide them with some level of assistance.

We accept that not all assistance dogs are trained by registered charities and will endeavour to adopt a fair and sensible approach in these other cases, when making our enforcement decisions. If we are satisfied that a dog has been properly trained (by somebody other than a registered charity) to provide a disabled person with meaningful assistance, we would not consider it in the public interest to enforce the exclusion.

5. Procedure

5.1 To extend the duration of the 2016 Order a new Extension Order will need to be made. A draft order can be found in Appendix 2.

5.2 The Council will also need to endorse the original 2016 sealed order with suitable wording to reflect the fact that the duration of the 2016 order has been further extended. This is necessary because after the order has been extended, we are required to publish a copy of the original order "as extended".

6. Recommendation

It is recommended: -

- a) That the duration of the Carmarthenshire County Council (Dog Control) Public Spaces Protection Order 2016 be extended for a further period of 3 years with effect from the 1st of July 2022
- b) That the Council makes an Extension Order to give effect to the above extension and endorses the 2016 Order with suitable wording to reflect the fact that the duration of the 2016 order has been further extended.

REPORT ATTACHED?	Appendices: - Appendix 1 – Carmarthenshire County Council (Dog Control) Public Spaces Protection Order 2016 Appendix 2 - Draft Extension Order 2022 Appendix 3 – Summary report of PSPO Consultation. Appendix 4 – Finalised Data of PSPO Consultation Nov – Dec2021. Appendix 5 - Detailed Response from the Kennel Club to Carmarthenshire County Council's Public Spaces Protection Order consultation Appendix 6 - Detailed Response from the Dogs Trust to Carmarthenshire County Council's Public Spaces Protection Order Consultation Appendix 7 – Equality Impact Statement Appendix 8 PSPO (Dog Control) Qualitative analysis of consultation with responses.
-----------------------------	---

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: **A I Williams** **Head of Waste & Environmental Services**

1. Scrutiny Committee – yes – E&PP Scrutiny Committee - 7th March

2. Local Member(s) - Yes : Affects whole authority area

3. Community / Town Council –

Yes All affected and included as part of consultation exercise

4. Relevant Partners – Consulted with following:-

- The Chief of Police and the local policing body for the area affected by the order
- Police and Crime Commissioner Dyfed Powys Police
- County Councillors
- The Town and Community Councils.
- The Kennel Club
- Dog's Trust
- Local Access forum
- Carmarthenshire Disabled Access Group
- CCC's Public Rights of Way.
- Brecon Beacons National Park

5. Staff Side Representatives and other Organisations - N/A

**CABINET MEMBER PORTFOLIO
HOLDER AWARE/CONSULTED:**

YES -

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
The Anti-Social Behaviour, Crime and Policing Act 2014 Statutory guidance for frontline professionals (Updated 2017)	Home Office	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/679712/2017-12-13_ASB_Revised_Statutory_Guidance_V2.1_Final.pdf
2014 DEFRA Dealing Practitioner’s Manual on dealing with irresponsible dog ownership	DEFRA	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/373429/dog-ownership-practitioners-manual-201411.pdf
The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014	Legislation.gov.uk	http://www.legislation.gov.uk/ukpga/2014/12/contents
Anti – Social Behaviour, Crime and Policing Act 2014. (Statutory Instruments).	Home Office	https://www.legislation.gov.uk/uksi/2014/2591/pdfs/uksi_20142591_en.pdf
The Kennel Club - Responsible Dog Ownership	The Kennel Club website	The Kennel Club canine code Our codes The Kennel Club

This page is intentionally left blank

Carmarthenshire County Council

Anti-social Behaviour, Crime & Policing Act 2014

**Carmarthenshire County Council (Dog Control) Public Spaces
Protection Order 2016**

Carmarthenshire County Council ("the Council") hereby makes the following Public Spaces Protection Order under section 59 of the Anti-social Behaviour, Crime & Policing Act 2014:

This Order may be cited as the 'Carmarthenshire County Council (Dog Control) Public Spaces Protection Order 2016'.

This Order will come into force on 1st July 2016 and will remain in force for a period of three years.

Introduction

- (a) People who fail to clean up after their dogs on publicly accessible land cause nuisance to others. The presence of dog faeces is a potential hazard to all members of the public alike. It causes risks to health, defaces land and has the potential to deface people and their property.
- (b) When not properly supervised and kept under control, dogs that are allowed off a lead in public areas can cause road traffic accidents, and can cause nuisance or injury to members of the public and to other animals.
- (c) Dogs in children's play areas can become aggressive if startled. They can also defecate in these areas, defacing and causing a health risk to the young children that use them.
- (d) The Council is satisfied that the behaviour set out above has had, and is likely to continue to have, a detrimental effect on the quality of life of people within Carmarthenshire.
- (e) This Order seeks to prevent or reduce the detrimental effects referred to above, by imposing reasonable restrictions and requirements on people whilst in charge of dogs on public land. It seeks to facilitate the safe sharing of our public spaces, whilst recognising that people should be able to exercise their dogs off lead in public areas, provided that their dogs are under control and behaving appropriately.

Offences

Part 1 - Dog Fouling

1. If a dog defecates at any time on land to which this part of the Order applies, and the person who is in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless he can show that:-
 - (a) he has a reasonable excuse for failing to do so; or
 - (b) the owner, occupier, or other person or authority having control of the land has consented (generally or specifically) to him failing to do so;

2. This part of the Order applies to all public places in the County of Carmarthenshire.

For these purposes, a "public place" means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

3. For the purpose of this part of the Order:
 - (a) placing the faeces in a receptacle on the land which is provided for this purpose, or for the disposal of waste, shall be a sufficient removal from the land;
 - (b) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces, shall not be a reasonable excuse for failing to remove the faeces;

Part 2 - Dogs on Leads by Direction

4. A person in charge of a dog will be guilty of an offence if at any time, on land to which this part of the Order applies, they fail to comply with a direction given to them by an authorised officer of the Council to put and keep the dog on a lead of not more than 2 metres in length for such period and/or in such circumstances as directed by the officer, unless he can show that:-
 - (a) he has a reasonable excuse for failing to do so; or
 - (b) the owner, occupier, or other person or authority having control of the land, has consented (generally or specifically) to him failing to do so.

5. For these purposes, a “lead” means any rope, cord, leash or similar item used to tether, control or restrain a dog, but does not include any such item which is not actively being used as a means of restraint so that the dog remains under a person’s close control.

6. This part of the Order applies to all public places in the County of Carmarthenshire.

For these purposes, a "public place" means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission

7. For the purposes of this part of the Order, an authorised officer of the Council may only direct a person to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance, or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or the worrying or disturbance of any animal.

8. In this part of the Order "an authorised officer of the Council" means a person who is authorised in writing by the Authority for the purpose of giving directions under this Order. This can include a person who is not an employee of the Council.

Part 3 - Dog Exclusions

9. A person in charge of a dog will be guilty of an offence if at any time he takes the dog onto, or permits the dog to enter or remain on, any land to which this part of the Order applies, unless he can show that:-
- (a) he has a reasonable excuse for doing so; or
 - (b) the owner, occupier, or other person or authority having control of the land, has consented (generally or specifically) to him doing so;
10. This Part of the Order applies to all enclosed children's play areas in the County of Carmarthenshire that are open to the air.
- For these purposes land which is covered is to be treated as land which is "open to the air" if it is open on at least one side.
11. For the purposes of this part of the Order:-
- (a) A "children's play area" is an area that is set aside for children to play in and contains children's play equipment such as a slide, swings, seesaw, climbing frame or other similar play apparatus.
 - (b) A children's play area is "enclosed", if it is surrounded on all sides by fences, gates, walls or other structures that mark the extent of the play area.

Exemptions for Disabled People

12. The dog fouling provisions in this Order do not apply to a person who:
- (a) is registered as partially sighted or blind, in a register compiled under section 29 of the National Assistance Act 1948; or
 - (b) is registered as "sight-impaired", "severely sight-impaired" or as "having sight and hearing impairments which, in combination, have a significant effect on their day to day lives", in a register compiled under section 18 of the Social Services and Well-being (Wales) Act 2014; or
 - (c) has a disability which affects his mobility, manual dexterity, physical coordination, or ability to lift, carry, or otherwise move everyday objects, such that he cannot reasonably be expected to remove the faeces; or

(d) has some other disability, such that he cannot reasonably be expected to remove the faeces.

13. The dog exclusion provisions in this Order do not apply to a dog trained by a registered charity to assist a person with a disability and upon which a disabled person relies for assistance.
14. For the purposes of this Order, a “disability” means a condition that qualifies as a disability for the purposes of the Equality Act 2010 and a “disabled person” means a person who has such a disability.

Exemption for Working Dogs

15. Nothing in this Order shall apply to the normal activities of a working dog, whilst the dog is working.

This includes dogs that are being used for work in connection with emergency search and rescue, law enforcement and the work of Her Majesty’s armed forces; farm dogs that are being used to herd or drive animals; dogs that are being lawfully used for the capture or destruction of vermin and dogs that are being lawfully used for the purposes of hunting.

Other Matters

16. For the purposes of this Order a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.
17. Where the person in charge of a dog wishes to rely upon any of the exemptions set out in this order, the burden will be on him to prove that he satisfies the requirements of the exemption being relied upon.

Penalties

- 18. A person who is guilty of an offence under this order shall on summary conviction be liable to a fine not exceeding level 3 on the standard scale.

- 19. A Fixed Penalty Notice may be issued to a person who breaches this Order, offering them the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty.

Dated the 9th day of June 2016

The Common Seal of
**Carmarthenshire County
Council** was hereunto
affixed in the presence of:

Linda Rees-Jones
Head of Administration & Law



This page is intentionally left blank

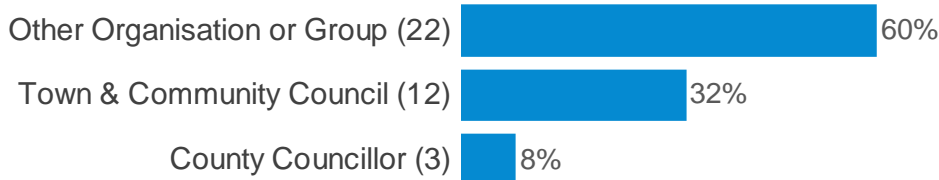
snap template

snap template

This report was generated on 05/01/22. Overall 43 respondents completed this questionnaire. The report has been filtered to show the responses for 'All Respondents'.

The following charts are restricted to the top 12 codes. Lists are restricted to the most recent 100 rows.

(1) Are you responding as a?



(1a) Please tell us which ward you represent

Trimsaran

(1a) Please tell us which Town or Community Council you are responding on behalf ((1a) Please tell us which Town or Community Council you a...)

Llanelli, Elli Ward	Llanboidy	Carmarthen town council
Llandeilo	Eglwys Cummin	Llandybie community council
Betws Community Council	Cynwyl Gaeo	Gorslas community council
Llanelli Rural Council	Trimsaran community council	

(1a) Please tell us which Organisation or Group you are representing ((1a) Please tell us which Organisation or Group you are r...)

Member of public	Red kite trec froup
Dog walker	Carmarthenshire Riders Group
Whitland Memorial Hall	Cymru Carriage Club
myself and other dog owners	Drefach Dog Owners Club
Rate payer in Carmarthenshire	Kennel club
Whitland Dog Walking group	Carmarthenshire Disability Coalition for Action
I'm part of Carmarthenshire riders	Dogs trust

(2) Do you agree with the proposed 3 year extension of the Public Spaces Protection Order?



snap template

(2a) Please add any comments that you wish to make.

they need to have more enforcement

County Council owned playgrounds albeit leased to town and community councils should also fall under this order and be given appropriate signage. Fencing should not be a factor assuming dogs are under control. There should be designated fenced areas for dogs to exercise freely and off lead. They are easier to train if they are tired. People pay for these areas £10 per hour.

I would like to see more enforcement of the dog fouling order. Dog ownership has grown dramatically particularly during the pandemic. Given the current state of public spaces with regard to dog fouling, the number of recorded complaints, fixed penalty notices issued and prosecutions brought over the last six years is lamentable and does not reflect the scale of the problem.

I see no reason to change, the order covers sensible points

All county council owned play areas, play grounds, playing fields, even if leased, should be subject to the order.

some people can be disgusting and not clean up after their dogs

However this is an ongoing issue where I live where people leave their dogs run off lead in the local park and do not pick up their mess despite notices saying that they should always be on lead and to pick up their mess. There are numerous signs saying no smoking but only 2 saying all dogs on lead. I am a responsible dog owner that does not leave my dog off lead in public spaces and always pick up their mess and on several occasions my dog has been attacked by aggressive dogs off lead however unless something is done to the perpetrators of such acts there is no point in having the order. It needs to be monitored and enforced.

I believe this needs to be extended as there is still a problem with dog fouling in town, especially recently in the football area in Parc Le Conquet. Dogs off leads in areas where there is livestock is also a continued problem with a serious incident occurring in Dinefwr not long ago. I had raised the question in a recent council meeting about increasing patrols and issuing fines to get on top of the problems so am keen to support this proposal.

I think all dogs should be kept on leads, too many accidents happen because of loose dogs and as a horse rider have been chased on many occasions by loose dogs, plus my small dog was attacked by a loose dog

Ensuring safety of all members of the public is paramount loose dogs are a threat to nervous humans, nervous dogs, cyclists and horse riders

Under the Anti-Social Behaviour Crime and Policing Act 2014 and CCC (Dog Control) Public Spaces Protection Order 2016 with regards to Part 2 - Dogs on leads by direction at point 8 does the authorised officer include members of the police service such as PCSO's? An enquiry was made earlier this year and the local PCSO's had not received training on this, therefore they were unable to implement the order and issue fines/FPN's for enforcing Part 1 - Dog fouling and Part 2 as issues were being reported in Betws Park. Under the orders would the Community Council be allowed to put up signage informing the public that dogs must be kept on a lead in a designated area? Either in the whole park or in a certain area within or exclude them from entering a certain area within the park?

After my driving pony being chased down by 4 collies for just walking by on a newly opened multi user track, I fully support dogs on leads in the circumstances. Myself & my groom were thrown out as my pony panicked, 4 dogs by his heels.

Public places should include rights of way.

While there is information on the county council website about dog controls, it would be very beneficial if the county council could develop a proactive community engagement strategy to better educate the public about the powers contained in the dog control order and how the public can play its part in actively reporting the behaviour of irresponsible dog owners. This would be very welcome to better inform the public. Thank you.

We think the Order covers all relevant topics relating to dog ownership, management and control.

snap template

(2a) Please add any comments that you wish to make.

I suspect they'll all say to maintain the order as it is for another 3 years, but there's always the possibility, I suppose, of a Member making a specific comment that might be noteworthy. [There IS a play area, nowadays, at Red Roses, but I think measures are indeed in place to prevent dog issues occurring there].

are there any signs available

See attached document

Dog Fouling Checks are a must in areas

They have also been encouraged to reply to your online survey individually

At last evening's Full Council meeting of Llandybie Community Council it was agreed that full support be given to the renewal of the current Public Spaces Protection Order , but that additionally, an extra criteria be added for the further protection of individuals , namely that - all dogs be banned from playing fields which are set out for sporting activity ie sports pitches

That the Community Council would wish to see, and be involved in, further consultation regarding the introduction of measures requiring owners to keep their dogs on a lead whilst in its public parks.

Dog fouling is particularly obnoxious for wheelchair users as their hands are their feet when it comes to self-propulsion. Were it possible we would advocate harsher penalties for those who allow their dogs to foul public areas and that offenders should have to attend 'awareness' sessions as part of the penalty for offending?

The PDSA's 'Paw Report 2018' found that 89% of veterinary professionals believe that the welfare of dogs will suffer if owners are banned from walking their dogs in public spaces such as parks and beaches, or if dogs are required to be kept on leads in these spaces. Their report also states that 78% of owners rely on these types of spaces to walk their dog.

(2a) Please add any comments that you wish to make.

You need to educate people not start a dog hate campaign.

I am a responsible dog owner who picks up my dog's faeces and there are many others in Whitland who do the same. It's very sad when those people who do pick up are penalised by those that don't.

Brechfa Forest has been designated as a tourist attraction. It is very popular with dog owners. There are no livestock present in the forest, but it is open access land so in theory the restriction that dogs have to be on a lead applies. but being able to allow their dogs to run off the lead is important to tourists. - In practice, it would be very difficult to enforce the legislation. The other issue with the legislation is the practicality of people enjoying the outdoor activities that do not involve walking. - For cyclists and horse riders, a requirement that our dogs have to be on a lead is impractical and dangerous. For these reasons, I think the dog control protection order needs to be revised making it impractical to extend the existing order.

Dogs should remain under control by their owners - this does not necessarily mean on a lead

snap template

(2a) Please add any comments that you wish to make.

As a dog owner and a person who has a Diploma in dog psychology and behaviour I believe a blanket enforcement of dogs being kept on leads in public places is cruel and unnecessary. Dogs need to run free, use their noses and display natural roaming behaviour whilst out being exercised in order to remain healthy both mentally and physically. A typical dog off lead would cover at least twice the distance of its walking companion (human) when out walking. Restricting dogs to only walking at the speed of their owner, never being able to run free would lead to many dogs becoming obese and could also lead to mental anxiety due to frustration. I own and ride horses and to this day I have never been bothered by anyone's dog or dogs to a degree where I would deem this 'act' necessary. Recently I was the victim of a dog attack, where a Cane Corso (Italian Mastiff) weighing 50+kg, almost mauled to death one of my dogs, a chihuahua (weighing just 2kg), Both sets of dogs were off their leads and came into contact whilst on a narrow path whilst exiting the beach. This incident was reported to the police who did nothing about it at all, as it was a dog on dog attack and so in their opinion, not worthy of further intervention or prosecution. I have experienced first hand an 'out of control' very large breed dog, but I would still object to all dogs being forced to be on a lead in open public spaces for the reasons above. I walk my dogs on a public beach every day, several times a day and I see many other people out walking their dogs too, off lead, all behaving well and enjoying their surroundings. The incidents of dogs 'out of control' that occur are far too few to enforce all dog owners to adhere to such cruel and unnecessary measures as permanently tethering and restricting our loving and loyal canine friends to a human in public open spaces at all times! It is in my opinion an unnecessary act of extreme control for an all too infrequent issue. Punishing the many for the fault of the few.....

Dogs should not be kept on a lead in public places at all times.

Date of interview	Time interview started	Completion date of interview	Time interview ended	Duration of interview	(1) Are you responding as a?	(1a) Please tell us which ward you represent	(1a) Please tell us which Town or Community Council you a...	(1a) Please tell us which Organisation or Group you are r...	(2) Do you agree with the proposed 3 year extension of th...	(2a) Please add any comments that you wish to make.	(2a) Please add any comments that you wish to make.
01/11/21	09:36:44	01/11/21	09:37:31	0.78	County Councillor	Trimsaran			Yes	they need to have more enforcement	
01/11/21	09:37:35	01/11/21	09:38:11	0.6	County Councillor				Yes		
01/11/21	15:07:02	01/11/21	15:15:22	8.33	County Councillor				Yes	County Council owned playgrounds albeit leased to town and community councils should also fall under this order and be given appropriate signage. Fencing should not be a factor assuming dogs are under control. There should be designated fenced areas for dogs to exercise feely and off lead. They are easier to train if they are tired. People pay for these areas £10 per hour.	
01/11/21	15:20:20	01/11/21	16:49:23	89.05	Town & Community Council		Llanelli, Elli Ward		Yes	I would like to see more enforcement of the dog fouling order. Dog ownership has grown dramatically particularly during the pandemic. Given the current state of public spaces with regard to dog fouling, the number of recorded complaints, fixed penalty notices issued and prosecutions brought over the last six years is lamentable and does not reflect the scale of the problem.	
01/11/21	18:04:57	01/11/21	18:06:00	1.05	Other Organisation or Group			Member of public	No		You need to educate people not start a dog hate campaign.
01/11/21	18:56:21	01/11/21	18:58:49	2.47	Other Organisation or Group			Dog walker	Yes	I see no reason to change, the order covers sensible points	
01/11/21	22:36:59	01/11/21	22:38:00	1.02	Other Organisation or Group				Yes		
02/11/21	09:57:52	02/11/21	10:00:53	3.02	Other Organisation or Group			Whitland Memorial Hall	Yes	All county council owned play areas, play grounds, playing fields, even if leased, should be subject to the order.	

Date of interview	Time interview started	Completion date of interview	Time interview ended	Duration of interview	(1) Are you responding as a?	(1a) Please tell us which ward you represent	(1a) Please tell us which Town or Community Council you a...	(1a) Please tell us which Organisation or Group you are r...	(2) Do you agree with the proposed 3 year extension of th...	(2a) Please add any comments that you wish to make.	(2a) Please add any comments that you wish to make.
02/11/21	10:46:41	02/11/21	10:48:25	1.73	Other Organisation or Group			myself and other dog owners	Yes	some people can be disgusting and not clean up after their dogs	
02/11/21	19:08:29	02/11/21	19:08:40	0.18							
02/11/21	23:24:11	02/11/21	23:24:35	0.4	Other Organisation or Group				Yes		
02/11/21	23:24:42	02/11/21	23:24:54	0.2	Other Organisation or Group				Yes		
04/11/21	09:42:52	04/11/21	09:50:33	7.68	Other Organisation or Group			Rate payer in Carmarthenshire	Yes	However this is an ongoing issue where I live where people leave their dogs run off lead in the local park and do not pick up their mess despite notices saying that they should always be on lead and to pick up their messThere are numerous signs saying no smoking but only 2 saying all dogs on lead I am a responsible dog owner that does not leave my dog off lead in public spaces and always pick up their mess and on several occasions my dog has been attacked by aggressive dogs off lead however unless something is done to the perpetrators of such acts there is no point in having the order. It needs to be monitored and enforced.	
04/11/21	14:18:09	04/11/21	14:22:06	3.95	Other Organisation or Group			Whitland Dog Walking group	No		I am a responsible dog owner who picks up my dog's faeces and there are many others in Whitland who do the same. It's very sad when those people who do pick up are penalised by those

Date of interview	Time interview started	Completion date of interview	Time interview ended	Duration of interview	(1) Are you responding as a?	(1a) Please tell us which ward you represent	(1a) Please tell us which Town or Community Council you a...	(1a) Please tell us which Organisation or Group you are r...	(2) Do you agree with the proposed 3 year extension of th...	(2a) Please add any comments that you wish to make.	(2a) Please add any comments that you wish to make.
08/11/21	09:53:10	08/11/21	10:08:41	15.52	Town & Community Council		Llandeilo		Yes	I believe this needs to be extended as there is still a problem with dog fouling in town, especially recently in the football area in Parc Le Conquet. Dogs off leads in areas where there is livestock is also a continued problem with a serious incident occurring in Dinefwr not long ago. I had raised the question in a recent council meeting about increasing patrols and issuing fines to get on top of the problems so am keen to support this proposal.	
08/11/21	19:53:19	08/11/21	19:53:44	0.42	Town & Community Council				Yes		
10/11/21	17:00:27	10/11/21	17:03:18	2.85					Yes	I think all dogs should be kept on leads , to many accidents happen because of loose dogs and as a horse rider have been chased on many occasion by loose dogs ,plus my small dog was attacked by a loose dog	
10/11/21	17:11:49	10/11/21	17:12:50	1.02	Other Organisation or Group				Yes		
10/11/21	17:19:36	10/11/21	17:25:34	5.97	Other Organisation or Group				No		Brechfa Forest has been designated as a tourist attraction. It is very popular with dog owners. There are no livestock present in the forest, but it is open access land so in theory the Dogs should remain under control by their owners - this does not necessarily mean on a lead
10/11/21	17:51:45	10/11/21	17:53:35	1.83	Other Organisation or Group				No		
10/11/21	18:01:29	10/11/21	18:02:43	1.23	Other Organisation or Group			I'm part of Carmarthenshire riders	Yes		
10/11/21	18:11:47	10/11/21	18:12:28	0.68					Yes		

Date of interview	Time interview started	Completion date of interview	Time interview ended	Duration of interview	(1) Are you responding as a?	(1a) Please tell us which ward you represent	(1a) Please tell us which Town or Community Council you a...	(1a) Please tell us which Organisation or Group you are r...	(2) Do you agree with the proposed 3 year extension of th...	(2a) Please add any comments that you wish to make.	(2a) Please add any comments that you wish to make.
10/11/21	18:41:38	10/11/21	18:42:30	0.87					Yes		
10/11/21	18:56:47	10/11/21	18:57:12	0.42							
10/11/21	18:57:34	10/11/21	18:58:10	0.6	Other Organisation or Group				Yes		
10/11/21	19:21:59	10/11/21	19:24:04	2.08	Other Organisation or Group			Red kite trec froup	Yes	Ensuring safety of all members of the public is paramount loose dogs are a threat to nervous humans, nervous dogs, cyclists and horse riders	
10/11/21	20:52:14	10/11/21	20:52:33	0.32	Other Organisation or Group				Yes		

Date of interview	Time interview started	Completion date of interview	Time interview ended	Duration of interview	(1) Are you responding as a?	(1a) Please tell us which ward you represent	(1a) Please tell us which Town or Community Council you a...	(1a) Please tell us which Organisation or Group you are r...	(2) Do you agree with the proposed 3 year extension of th...	(2a) Please add any comments that you wish to make.	(2a) Please add any comments that you wish to make.
11/11/21	05:29:42	11/11/21	05:54:55	25.22	Other Organisation or Group			Carmarthenshire Riders Group	No	As a dog owner and a person who has a Diploma in dog psychology and behaviour I believe a blanket enforcement of dogs being kept on leads in public places is cruel and unnecessary. Dogs need to run free, use their noses and display natural roaming behaviour whilst out being exercised in order to remain healthy both mentally and physically. A typical dog off lead would cover at least twice the distance of its walking companion (human) when out walking. Restricting dogs to only walking at the speed of their owner, never being able to run free would lead to many dogs becoming obese and could also lead to mental anxiety due to frustration. I own and ride horses and to this day I have never been bothered by anyone's dog or dogs to a degree where I would deem this 'act' necessary. Recently I was the victim of a dog attack, where a Cane Corso (Italian Mastiff) weighing 50+kg, almost mauled to death one of my dogs, a chihuahua (weighing just 2kg), Both sets of dogs were off their leads and came into contact whilst on a narrow path whilst exiting the beach. This incident was reported to the police who did nothing about it at all, as it was a dog on dog attack and so in their opinion, not worthy of further intervention or prosecution.	Continued... I have experienced first hand an 'out of control' very large breed dog, but I would still object to all dogs being forced to be on a lead in open public spaces for the reasons above. I walk my dogs on a public beach every day, several times a day and I see many other people out walking their dogs too, off lead, all behaving well and enjoying their surroundings. The incidents of dogs 'out of control' that occur are far too few to enforce all dog owners to adhere to such cruel and unnecessary measures as permanently tethering and restricting our loving and loyal canine friends to a human in public open spaces at all times! It is in my opinion an unnecessary act of extreme control for an all too infrequent issue. Punishing the many for the fault of the few.....

Date of interview	Time interview started	Completion date of interview	Time interview ended	Duration of interview	(1) Are you responding as a?	(1a) Please tell us which ward you represent	(1a) Please tell us which Town or Community Council you a...	(1a) Please tell us which Organisation or Group you are r...	(2) Do you agree with the proposed 3 year extension of th...	(2a) Please add any comments that you wish to make.	(2a) Please add any comments that you wish to make.
11/11/21	07:17:31	11/11/21	07:30:31	13	Town & Community Council		Betws Community Council		Yes	Under the Anti-Social Behaviour Crime and Policing Act 2014 and CCC (Dog Control) Public Spaces Protection Order 2016 with regards to Part 2 - Dogs on leads by direction at point 8 does the authorised officer include members of the police service such as PCSO's? An enquiry was made earlier this year and the local PCSO's had not received training on this, therefore they were unable to implement the order and issue fines/FPN's for enforcing Part 1 - Dog fouling and Part 2 as issues were being reported in Betws Park. Under the orders would the Community Council be allowed to put up signage informing the public that dogs must be kept on a lead in a designated area? Either in the whole park or in a certain area within or exclude them from entering a certain area within the park?	
11/11/21	13:54:20	11/11/21	13:58:09	3.82	Other Organisation or Group			Cymru Carriage Club	Yes	After my driving pony being chased down by 4 collies for just walking by on a newly opened multi user track, I fully support dogs on leads in the circumstances. My self & my groom were thrown out as my pony panicked, 4 dogs by his heels.	
11/11/21	23:14:50	11/11/21	23:16:24	1.57					Yes	Public places should include rights of way.	
19/11/21	10:00:30	19/11/21	10:06:15	5.75	Town & Community Council		Llanelli Rural Council		Yes	While there is information on the county council website about dog controls, it would be very beneficial if the county council could develop a proactive community engagement strategy to better educate the public about the powers contained in the dog control order and how the public can play its part in actively reporting the behaviour of irresponsible dog owners. This would be very welcome to better inform the public. Thank you.	
19/11/21	18:35:29	19/11/21	18:38:11	2.7	Town & Community Council		Llanboidy		Yes	We think the Order covers all relevant topics relating to dog ownership, management and control.	
24/11/21	12:00:31	24/11/21	12:01:48	1.28	Other Organisation or Group			Drefach Dog Owners Club	No		Dogs should not be kept on a lead in public places at all times.

Date of interview	Time interview started	Completion date of interview	Time interview ended	Duration of interview	(1) Are you responding as a?	(1a) Please tell us which ward you represent	(1a) Please tell us which Town or Community Council you a...	(1a) Please tell us which Organisation or Group you are r...	(2) Do you agree with the proposed 3 year extension of th...	(2a) Please add any comments that you wish to make.	(2a) Please add any comments that you wish to make.
05/01/22	12:24:36	05/01/22	12:25:24	0.8	Town & Community Council		Eglwys Cummin		Yes	I suspect they'll all say to maintain the order as it is for another 3 years, but there's always the possibility, I suppose, of a Member making a specific comment that might be noteworthy. [There IS a play area, nowadays, at Red Roses, but I think measures are indeed in place to prevent dog issues occurring there].	
05/01/22	12:26:12	05/01/22	12:26:57	0.75	Town & Community Council		Cynwyl Gaeo		Yes	are there any signs available	
05/01/22	12:27:16	05/01/22	12:28:54	1.63	Other Organisation or Group			Kennel club	Yes	See attached document (Appendix 5)	
05/01/22	12:29:24	05/01/22	12:29:55	0.52	Town & Community Council		Trimsaran community council		Yes	Dog Fouling Checks are a must in areas	
05/01/22	12:30:46	05/01/22	12:31:22	0.6	Town & Community Council		Carmarthen town council		Yes	They have also been encouraged to reply to your online survey individually	
05/01/22	12:31:47	05/01/22	12:32:48	1.02	Town & Community Council		Llandybie community council		Yes	At last evening's Full Council meeting of Llandybie Community Council it was agreed that full support be given to the renewal of the current Public Spacces Protection Order , but that additionally, an extra criteria be added for the further protection of individuals , namely that - all dogs be banned from playing fields which are set out for sporting activity ie sports pitches	
05/01/22	12:33:45	05/01/22	12:34:11	0.43	Town & Community Council		Gorslas community council		Yes	That the Community Council would wish to see, and be involved in, further consultation regarding the introduction of measures requiring owners to keep their dogs on a lead whilst in its public parks.	
05/01/22	12:34:23	05/01/22	12:35:08	0.75	Other Organisation or Group			Carmarthenshire Disability Coalition for Action	Yes	Dog fouling is particularly obnoxious for wheelchair users as their hands are their feet when it comes to self-propulsion. Were it possible we would advocate harsher penalties for those who allow their dogs to foul public areas and that offenders should have to attend 'awareness' sessions as part of the penalty for offending?	

Date of interview	Time interview started	Completion date of interview	Time interview ended	Duration of interview	(1) Are you responding as a?	(1a) Please tell us which ward you represent	(1a) Please tell us which Town or Community Council you a...	(1a) Please tell us which Organisation or Group you are r...	(2) Do you agree with the proposed 3 year extension	(2a) Please add any comments that you wish to make.	(2a) Please add any comments that you wish to make.
05/01/22	12:35:17	05/01/22	12:36:32	1.25	Other Organisation or Group			Dogs trust	Yes	The PDSA's 'Paw Report 2018' found that 89% of veterinary professionals believe that the welfare of dogs will suffer if owners are banned from walking their dogs in public spaces such as parks and beaches, or if dogs are required to be kept on leads in these spaces. Their report also states that 78% of owners rely on these types of spaces to walk their dog. We believe that the vast majority of dog owners are responsible, and that the majority of dogs are well behaved. In recognition of this, we would encourage local authorities to exercise its power to issue Community Protection Notices, targeting irresponsible owners and proactively addressing anti-social behaviours. Dogs Trust works with local authorities across the UK to help promote responsible dog ownership. Please do not hesitate to contact should you wish to discuss this matter. We would be very grateful if you could inform us of the consultation outcome and subsequent decisions made in relation to the Public Space Protection Order.	



THE KENNEL CLUB

The Kennel Club's Response to Carmarthenshire County Council Public Spaces Protection Order Consultation

Submitted on 16th November 2021 by: The Kennel Club, 10 Clarges Street, Piccadilly, London W1J 8AB, email: kcdog@thekennelclub.org.uk

The Kennel Club is the largest organisation in the UK devoted to dog health, welfare, and training. Our objective is to ensure that dogs live healthy, happy lives with responsible owners. We campaign for and advocate on behalf of dogs and their owners and, as part of our external affairs activities, engage with local authorities on issues such as Public Spaces Protection Orders (PSPOs). We established KC Dog to campaign against unreasonable access restrictions for dog owners and to monitor emerging access-related issues.

The Kennel Club is the only national organisation named by the UK Government as a body that local authorities should consult prior to introducing restrictions on dog walkers and is considered the leading canine authority on dog access. As such, we would like to highlight the importance of ensuring that PSPOs are necessary and proportionate responses to problems caused by dogs and irresponsible owners. We also believe that it is essential for authorities to balance the interests of dog owners with the interests of other access users

We welcome the provision of supporting evidence within the consultation documents (background information) which outline why the Council wishes to retain the measures within the PSPO.

Response to proposed measures

Dog fouling

The Kennel Club strongly promotes responsible dog ownership, and believes that dog owners should always pick up after their dogs wherever they are, including fields and woods in the wider countryside, and especially where farm animals graze to reduce the risk of passing Neospora and Sarcocystosis to cattle and sheep respectively.

We would like to take this opportunity to encourage the local authority to employ further proactive measures to help promote responsible dog ownership throughout the local area in addition to introducing Orders in this respect.

These proactive measures can include: increasing the number of bins available for dog owners to use; communicating to local dog owners that bagged dog faeces can be disposed of in normal litter bins; running responsible ownership and training events; or using poster campaigns to encourage dog owners to pick up after their dog.

Exclusion

The Kennel Club does not typically oppose Orders to exclude dogs from playgrounds or enclosed recreational grounds, such as skate parks, tennis courts, or beaches and promenades, as long as alternative provisions are made for dog walkers in the vicinity. Children and dogs should be



THE KENNEL CLUB

able to socialise together quite safely under adult supervision, with having a child in the home the biggest predictor for a family owning a dog.

We can support reasonable 'dogs on lead' Orders which can, when used in a proportionate and evidence-based way, include areas such as cemeteries, picnic areas, or on pavements in proximity to cars and other road traffic.

However, we will oppose PSPOs which introduce blanket restrictions on dog walkers accessing public open spaces without specific and reasonable justification. Dog owners are required to provide their dogs with appropriate daily exercise, including "regular opportunities to walk and run", which in most cases will be off lead while still under control.

Their ability to meet this requirement is greatly affected by the amount of publicly accessible parks and other public places such as beaches and promenades in their area where dogs can exercise without restrictions. This section of the Animal Welfare Act was included in the statutory guidance produced for local authorities by the Home Office on the use of PSPOs.

Accordingly, the underlying principle we seek to see applied is that dog controls should be the least restrictive to achieve a given defined and measurable outcome; this is the approach used by Natural England. In many cases, a seasonal or time of day restriction will be effective and the least restrictive approach, rather than a blanket year-round restriction. For instance, a "dogs on lead" order for a picnic area is unlikely to be necessary in mid-winter.

The Government provided clear instructions to local authorities that they must provide restriction free sites for dog walkers to exercise their dogs. This message was contained in the guidance document for DCOs, and has been retained in both the Defra/Welsh Government and Home Office PSPO guidance documents, with the Defra guidance for PSPOs stating 'local authorities should ensure there are suitable alternatives for dogs to be exercised without restrictions'.

On lead by direction

The Kennel Club strongly welcomes 'On lead by direction' Orders. These allow responsible dog owners to exercise their dogs off lead without restriction providing their dogs are under control, whilst simultaneously giving the local authority powers to restrict dogs not under control.

We recommend that the authorised officer enforcing the Order is familiar with dog behaviour in order to determine whether restraint is necessary. There exists the possibility that a dog, through no fault of its own, could be considered a 'nuisance' or 'annoyance' to someone who simply does not like dogs.

We encourage local authorities to make use of more flexible and targeted measures at their disposal, including Acceptable Behavioural Contracts and Community Protection Notices. Kennel Club Good Citizen Training Clubs and our accredited trainers can assist owners whose dogs run out of control due to them not having the ability to train a reliable recall.



THE KENNEL CLUB

Appropriate signage

It is important to note that in relation to PSPOs, The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 makes it a legal requirement for local authorities to –

“cause to be erected on or adjacent to the public place to which the order relates such notice (or notices) as it considers sufficient to draw the attention of any member of the public using that place to -

- (i) the fact that the order has been made, extended or varied (as the case may be); and
- (ii) the effect of that order being made, extended or varied (as the case may be).”

Assistance dogs

The Kennel Club welcomes the exemptions proposed in this Order for assistance dogs. We urge the Council to review the Equality and Human Rights Commission’s guidance for businesses and service providers when providing any exemptions for those who rely on assistance dogs. The guidance can be viewed here: <https://www.equalityhumanrights.com/sites/default/files/assistance-dogs-a-guide-for-all-businesses.pdf>

However, we would suggest further consideration of the wording contained within the Order, specifically with reference to ‘registered charity’. While a proportion of assistance dogs relied upon by disabled people are trained or registered by charities, many are not. A number of reputable assistance dog providers are members of Assistance Dogs UK. This umbrella group currently has eight member organisations, which can be viewed here: <http://www.assistedogs.org.uk/>. It is important to note that the membership of Assistance Dogs UK is not a definitive list of all UK assistance dog organisations and may change during the currency of the PSPO. It also does not provide for owner trained assistance dogs.

We therefore encourage the Council to allow for some flexibility when considering whether a disabled person’s dog is acting as an assistance dog. The Council could consider adopting the definitions of assistance dogs used by Mole Valley District Council, which can be found here:

https://www.molevalley.gov.uk/media/pdf/1/b/83072_-_Completed_PSPO.pdf

or that of Northumberland County Council:

“(4) The term “Assistance Dog” shall mean a dog which has been trained to assist a person with a disability.

(5) The expression “disability” shall have the meaning prescribed in section 6 of the Equality Act 2010 or as may be defined in any subsequent amendment or re-enactment of that legislation”.

This page is intentionally left blank

From: [Kevin Atkinson Hughes-Gandy](#)
To: [Michael Roberts](#)
Subject: PSPO Consultation - Dogs Trust.
Date: 22 December 2021 14:07:28
Attachments: [image001.png](#)

You don't often get email from kevin.atkinson@dogstrust.org.uk. [Learn why this is important](#)

Dear,

Dogs Trust has been made aware that Carmarthenshire County Council is planning to extend a series of Public Space Protection Orders. As the UK's largest dog welfare charity, we would like to make some comments for consideration.

Apologies that this is a few days after the consultation closure date of the 17th December 2021, but unfortunately we have only just found out about this consultation. I hope you will be able to consider our comments as part of your consideration's.

Dogs Trust's Comments

1. Re; Fouling of Land by Dogs Order:

- Dogs Trust consider 'scooping the poop' to be an integral element of responsible dog ownership and would fully support a well-implemented order on fouling. We urge the Council to enforce any such order rigorously. In order to maximise compliance we urge the Council to consider whether an adequate number of disposal points have been provided for responsible owners to use, to consider providing free disposal bags and to ensure that there is sufficient signage in place.
- We question the effectiveness of issuing on-the-spot fines for not being in possession of a poo bag and whether this is practical to enforce.

2. Re; Dog Exclusion Order:

- Dogs Trust accepts that there are some areas where it is desirable that dogs should be excluded, such as children's play areas, however we would recommend that exclusion areas are kept to a minimum and that, for enforcement reasons, they are restricted to enclosed areas. We would consider it more difficult to enforce an exclusion order in areas that lack clear boundaries.
- Dogs Trust would highlight the need to provide plenty of signage to direct owners to alternative areas nearby in which to exercise dogs.

3. Re; Dog Exclusion Order and beaches:

- With phone calls often being made to the RSPCA and Police alerting to dogs being left in hot cars in coastal areas, we would urge you to consider the danger animals may be put in, and the difficult decisions owners have to make, by not being allowed to take their dogs onto the beach.
- If the Council does choose to implement this order, Dogs Trust would encourage looking into a compromise between beach goers and dog owners, e.g. allowing dogs onto the beach in the evenings or early mornings, or having dog friendly sections on the beaches.
- Strict dog exclusion restrictions can also lead to a decrease in dog friendly tourism for businesses along the coast, which in turn could have a negative impact on the local economy.

4. Re; Dog Exclusion and sport pitches

- Excluding dogs from areas that are not enclosed could pose enforcement problems - we would consider it more difficult to enforce an exclusion order in areas that lack clear boundaries.
- We feel that exclusion zones should be kept to a minimum, and that excluding dogs from all sports pitches for long stretches of the year is unnecessary. In some cases sports pitches may account for a large part of the open space available in a public park, and therefore excluding dogs could significantly reduce available dog walking space for owners.
- We would urge the Council to consider focusing its efforts on reducing dog fouling in these areas, rather than excluding dogs entirely, with adequate provision of bins and provision of free disposal bags

5. Re; Dogs on Leads Order:

- Dogs Trust accept that there are some areas where it is desirable that dogs should be kept on a lead.
- Dogs Trust would urge the Council to consider the Animal Welfare Act 2006 section 9 requirements (the 'duty of care') that include the dog's need to exhibit normal behaviour patterns – this includes the need for sufficient exercise including the need to run off lead in appropriate areas. Dog Control Orders should not restrict the ability of dog keepers to comply with the requirements of this Act.
- The Council should ensure that there is an adequate number, and a variety of, well sign-posted areas locally for owners to exercise their dog off-lead.

6. Re; Dogs on Lead by Direction Order:

- Dogs Trust enthusiastically support Dogs on Leads by Direction orders (for dogs that are considered to be out of control or causing alarm or distress to members of the public to be put on and kept on a lead when directed to do so by an authorised official).
- We consider that this order is by far the most useful, other than the fouling order, because it allows enforcement officers to target the owners of dogs that are allowing them to cause a nuisance without restricting the responsible owner and their dog. As none of the other orders, less fouling, are likely to be effective without proper enforcement we would be content if the others were dropped in favour of this order.

7. Re; Taking more than a specified number of dogs onto a land:

- The behaviour of the dogs and the competency of the handler need to be taken into consideration if considering this order. Research from 2010 shows that 95% of dog owners have up to 3 dogs. Therefore the number of dogs taken out on to land by one individual would not normally be expected to exceed four dogs.

The PDSA's 'Paw Report 2018' found that 89% of veterinary professionals believe that the welfare of dogs will suffer if owners are banned from walking their dogs in public spaces such as parks and beaches, or if dogs are required to be kept on leads in these spaces. Their report also states that 78% of owners rely on these types of spaces to walk their dog.

We believe that the vast majority of dog owners are responsible, and that the majority of dogs are well behaved. In recognition of this, we would encourage local authorities to exercise its power to issue Community Protection Notices, targeting irresponsible owners and proactively addressing anti-social behaviours.

Dogs Trust works with local authorities across the UK to help promote responsible dog

ownership. Please do not hesitate to contact should you wish to discuss this matter.

We would be very grateful if you could inform us of the consultation outcome and subsequent decisions made in relation to the Public Space Protection Order.

Best regards
Kevin



Kevin Atkinson Hughes-Gandy
([Pronouns](#) He/Him)

Community Engagement Officer

m. +44 (0) 7714 844305
e. kevin.atkinson@dogstrust.org.uk

Dogs Trust – A dog is for life ©



Visit our website at <http://www.dogstrust.org.uk>

Privileged or Confidential information may be contained in this message. If you are not the addressee (or are not responsible for delivery of the message to the addressee), you may not copy or deliver it to anyone. In such case, you should destroy this message and notify us immediately.

Opinions, contractual commitments, conclusions and other information expressed in this message are not given or endorsed by Dogs Trust unless otherwise indicated by an authorised representative.

As Internet communications are not secure we do not accept legal liability for any loss arising from unauthorised access to, or interference with, any Internet communication by any third party, or sustained as a result of any software viruses.

To communicate with you, understand your preferences and ability to support our work, we may analyse your data. We do share your information within the Dogs Trust Group; currently Dogs Trust Worldwide, Dogs Trust Ireland and Dogs Trust Promotions. To read our full privacy policy, visit dogstrust.org.uk/privacy.



This page is intentionally left blank

Carmarthenshire County Council

Assessing Impact

The Equality Act 2010

The Equality Act 2010 (the Act) brings together and replaces the previous anti-discrimination laws with a single Act. It simplifies and strengthens the law, removes inconsistencies and makes it easier for people to understand and comply with it. The majority of the Act came into force on 1 October 2010.

The Act includes a new public sector equality duty (the 'general duty'), replacing the separate duties on race, disability and gender equality. This came into force on 5 April 2011.

What is the general duty?

The aim of the general duty is to ensure that public authorities and those carrying out a public function consider how they can positively contribute to a fairer society through advancing equality and good relations in their day-to-day activities. The duty ensures that equality considerations are built into the design of policies and the delivery of services and that they are kept under review. This will achieve better outcomes for all.

The duties are legal obligations. Failure to meet the duties may result in authorities being exposed to legal challenge.

Under equality legislation, public authorities have legal duties to pay 'due regard' to the need to eliminate discrimination and promote equality with regard to race, disability and gender, including gender reassignment, as well as to promote good race relations. The Equality Act 2010 introduces a new public sector duty which extends this coverage to age, sexual orientation, pregnancy and maternity, and religion or belief. The law requires that this duty to pay 'due regard' be demonstrated in the decision making process. It is also important to note that public authorities subject to the equality duties are also likely to be subject to the

Appendix 7

obligations under the Human Rights Act and it is therefore wise also to consider the potential impact that decisions could have on human rights as part of the same process.

Carmarthenshire's approach to Equality Impact

In order to ensure that the council is considering the potential equality impact of its proposed policies and practices, and in order to evidence that we have done so, every proposal will be required to be supported by the attached Equality Impact Assessment. Where this assessment identifies a significant impact then more detail may be required.

Reporting on assessments

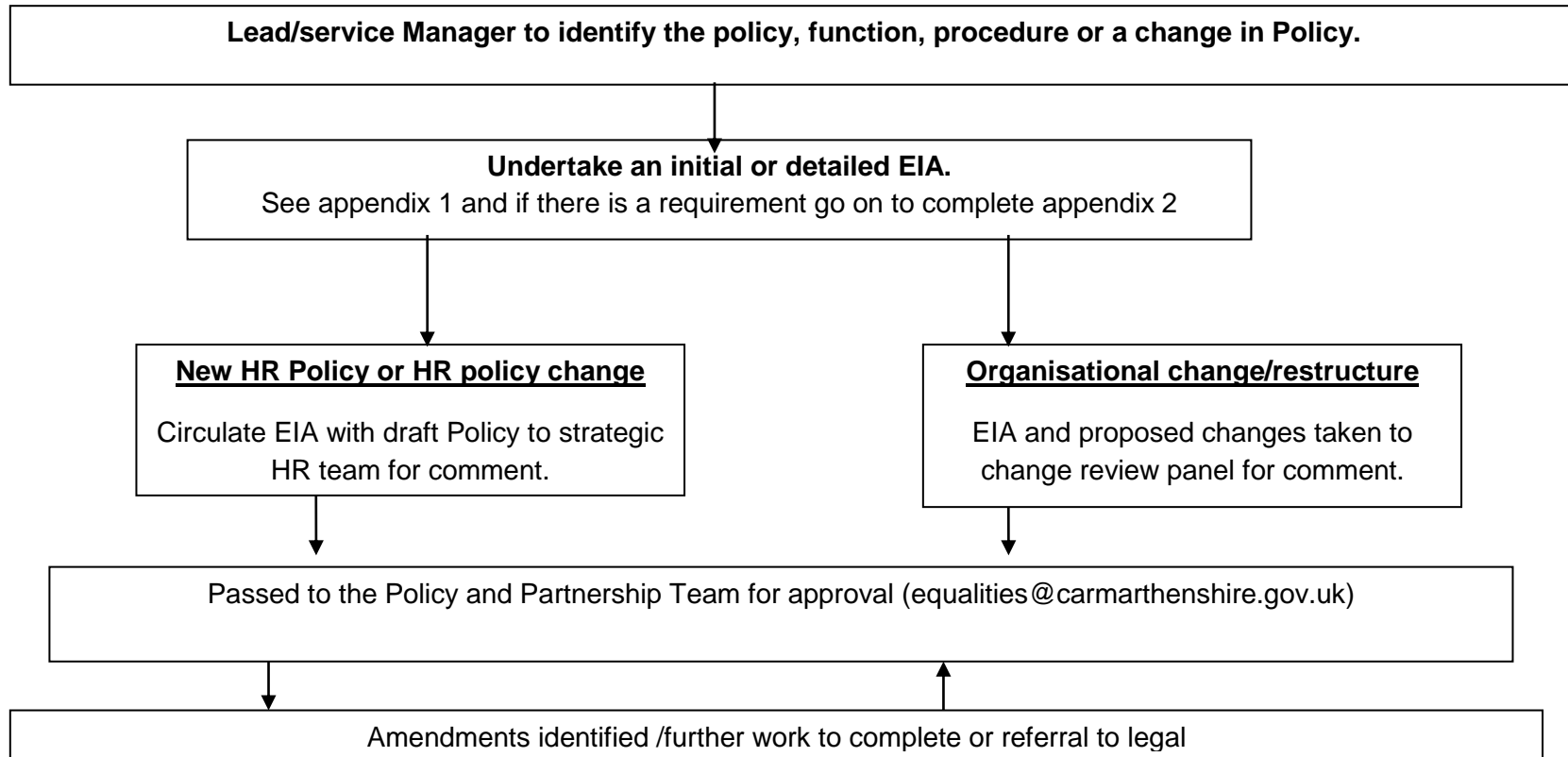
Where it is clear from the assessment that the likely impact on the authority's ability to meet the general duty is substantial, then it must publish a report.

Initial and Detailed Equality Impact Assessments

The initial EIA (appendix 1) is a simple and quick method of assessing the effect of a policy, function, procedure, decision including financial cuts on one or more of the protected characteristics.

The Service Manager responsible for the relevant new or revised policies, functions, procedures and financial decisions must undertake, at least, an initial EIA and where relevant a detailed Equality Impact Assessment (appendix 7); EIA must be attached as background paper with reports to Executive and Scrutiny .

Equality impact assessment – Process to follow where HR implications have been identified



Initial Equalities Impact Assessment Template

Appendix 1

Department: Environment Department	Completed by (lead): Michael Roberts	Date of initial assessment: 20 th December 2021 Revision Dates:
Area to be assessed: (i.e. name of policy, function, procedure, practice or a financial decision)	Public Spaces Protection Order (Dog Controls) and the use of Fixed Penalty Notices.	
Is this existing or new function/policy, procedure, practice or decision?	Extension to Public Spaces Protection Orders (Dog Controls) and the use of Fixed Penalty Notices.	
What evidence has been used to inform the assessment and policy? (please list only)		

1. Describe the aims, objectives or purpose of the proposed function/policy, practice, procedure or decision and who is intended to benefit.	<p>1. Describe the item you are assessing and the outcomes you want from it ?</p> <ul style="list-style-type: none"> • In 2016 Carmarthenshire County Council introduced a Public Spaces Protection Order to tackle irresponsible dog ownership that is occurring in the County. At the time we consulted with the public to find out if there was public support for further dog controls in the County. Based on the results of that consultation exercise, the Authority introduced a draft Public Spaces Protection Order, containing 3 proposed dog controls, which included: • A provision requiring people to clean up after their dogs immediately, if it defecates on public land. This will apply on ALL publicly accessible land in the County of Carmarthenshire. • A provision requiring people to place their dog on a lead of no more that 2 metres in Length, when directed to do so by an authorised officer of the Council. This will also apply on ALL publicly accessible land in the County of
---	---

Carmarthenshire.

- A provision prohibiting dogs from all outdoor enclosed children’s play areas in the County of Carmarthenshire

Anyone who breaches the order could be issued with a Fixed Penalty of up to £100, or they may receive a fine of up to £1,000 if convicted in the magistrates’ court.

The dog fouling provisions in the Order did not apply to a person who:

- (a) is registered as partially sighted or blind, in a register compiled under section 29 of the National Assistance Act 1948; or
- (b) is registered as “sight-impaired”, “severely sight-impaired” or as “having sight and hearing impairments which, in combination, have a significant effect on their day to day lives”, in a register compiled under section 18 of the Social Services and Well-being (Wales) Act 2014; or
- (c) has a disability which affects his mobility, manual dexterity, physical coordination, or ability to lift, carry, or otherwise move everyday objects, such that he cannot reasonably be expected to remove the faeces; or
- (d) has some other disability, such that he cannot reasonably be expected to remove the faeces.

The dog exclusion does not apply to a dog trained by a registered charity to assist a person with a disability and upon which a disabled person relies for assistance.

If we are satisfied that a disabled person relies on assistance dog which has not been trained by a registered charity, we will not consider it in the public interest to prosecute them if they breach the exclusion order. However, it will be up to the disabled person to provide us with evidence to show that the dog is suitably trained and that they rely on it for assistance. We will consider each case on its merits.

Anybody who fails to comply with a requirement of order would have a defence against prosecution if they can show that they have a “reasonable excuse” for doing so.

The Carmarthenshire County Council (Dog Control) Public Spaces Protection Order 2016 came into force on the 1st July 2016. It was

initially made for a period of 3 years. In 2019 the Order was extended for a further period of 3 years with effect from the 1st July 2019. 2016 order applied for 3 years from the 1st July 2016. The Council is now proposing to extend the order for a further period of 3 years from the 1st July 2022.

2. Who is intended to Benefit, what is the full scope of the item and who is it aimed at ?

The aim of the policy is to:

- Help make Carmarthenshire a cleaner, greener and safer environment through the appropriate use of FPN's with the Public Spaces Protection Orders
- These would address Dog Fouling, a pest free environment and a culture change in people's attitude to dog fouling and controlling their dogs in public areas.
- Ensure enforcement action is transparent, accountable, proportionate, consistent and targeted.
- Provide Enforcement Officers with a policy and guidelines to enable them to issue FPN's appropriately and in line with the general enforcement principles
- To inform the public, business and the community of the principles by which enforcement action is taken.
-

3. Do the anticipated outcomes meet or hinder any other things that the authority is doing ?

The aims of the policy is to link in to the strategic priorities in line with the Corporate Strategy 2018 -23 ([Corporate strategy 2018-2023 \(Updated April 2021\) \(gov.wales\)](#)) and associated Wellbeing Objectives (WBOs), particularly *WBO 10; Healthy and Safe Environment – look after the environment now and in the future.*

The Policy is supplementary to Carmarthenshire County Council's Overarching Environmental Enforcement Policy and has been **drafted in line with the** <https://www.gov.uk/guidance/fixed-penalty-notice-issuing-and-enforcement-by-councils>

4. Who defined the Policy, Function or service provision and who are the main stakeholders.

The PSPO has been developed by officers in conjunction with members and approved by the Executive Board.

The enforcement Policy has been defined by members of the Environmental Enforcement Unit, Corporate Strategies, statutory Functions and guidance laid down by external organisations such as DEFRA, Crown Prosecution Service etc.

The Main stakeholders are :

Members of the Environmental Enforcement Unit.

Other Internal Departments that manage public assets such as Country Parks, County Parks etc.

All Members of Public inc visitors to the County.

Town & Community Councils

Dyfed Powys Police Authority.

Sports Associations and other groups.

5. Who Implements your proposal and who is responsible for delivery ?

The Policy will be implemented and delivered by Officers of the Environmental Enforcement Unit and partner organisations such as Dyfed Powys Police.

6. Is this Policy, Practice , service or function affected by external drivers for changes ? e.g. new legislation, national policy, external inspection etc.

Anti Social Behaviour Crime and Policing Act 2014 in relation to dealing with ASB issues which include Irresponsible dog ownership.

Appendix 7

	<p>7. How is the information about the Policy, practice, service or function publicised?</p> <p>Authority's web page.</p> <p>Fact Sheets</p> <p>Community News</p> <p>Word of Mouth</p> <p>Social Media i.e. Facebook, Twitter</p> <p>Local Newspaper reports</p> <p>Signage</p>						
<p>The Public Sector Equality Duty requires the Council to have “due regard” to the need to:-</p> <p>(1) eliminate unlawful discrimination, harassment and victimisation;</p> <p>(2) advance equality of opportunity between different groups; and</p> <p>(3) foster good relations between different groups</p> <p>(see guidance notes)</p>	<p>2. What is the level of impact on each group/ protected characteristics in terms of the three aims of the duty?</p> <p>Please indicate high (H) medium (M), low (L), no effect (N) for each.</p>	<p>3. Identify the risk or positive effect that could result for each of the group/protected characteristics?</p> <table border="1" data-bbox="1084 1011 1709 1248"> <tr> <td data-bbox="1084 1011 1377 1038">Risks</td> <td data-bbox="1377 1011 1709 1038">Positive effects</td> </tr> <tr> <td data-bbox="1084 1038 1377 1248"></td> <td data-bbox="1377 1038 1709 1248"></td> </tr> </table>	Risks	Positive effects			<p>4. If there is a disproportionately negative impact what mitigating factors have you considered?</p>
Risks	Positive effects						

Appendix 7

Protected characteristics	Age	L	<p>Juveniles are specifically covered within the Children & Young adults Policy. Warning letters and restorative justice techniques are normally used where offences are committed by children, to avoid criminalising children. We liaise with youth offending teams as appropriate.</p> <p>The elderly could be impacted if they have medical conditions which contribute to their ability to comply with the legislation.</p> <p>All staff issuing FPN's will be appropriately briefed to use a</p>	<p>People who fail to clean up after their dogs on publicly accessible land cause nuisance to others. The presence of dog faeces is a potential hazard to all members of the public alike. It causes risks to health, defaces land and has the potential to deface people and their property. Young children can be at particular risk from dog mess.</p> <p>The order should make public areas safer for all.</p>	<p>Warning letters and restorative justice techniques are normally used where offences are committed by children, to avoid criminalising children. We liaise with youth offending teams as appropriate.</p> <p>All staff issuing FPN's will be appropriately briefed to use a common sense approach at all times.</p> <p>Whilst there is no appeal mechanism for FPN's, if additional information is made available to the council it may result in the FPN being cancelled. Guidelines will be drafted, which will include a section on medical conditions that contribute to the offence.</p>
---------------------------	-----	---	--	--	---

Appendix 7

Page 68			<p>common sense approach at all times.</p> <p>Whilst there is no appeal mechanism for FPN's, if additional information is made available to the council it may result in the FPN being cancelled. Guidelines will be drafted, which will include a section on medical conditions that contribute to the offence.</p>		
	Disability	M	<p>The Council recognises that some people will not be able to clean up after their dogs for reasons that are related to a disability. For example, people with serious</p>	<p>The order should make public areas safer for all, including disabled people.</p>	<p>The Council has included exemptions in the order (as set out in box 2 above) to disapply these requirements to people with appropriate physical and mental impairments.</p> <p>The Council recognises that some</p>

Appendix 7

Page 69			<p>sight issues may not be able to see their dog defecate, and people with mobility or manual dexterity problems might not be able to remove the faeces.</p> <p>To address this the Council has included exemptions in the order (as set out in box 2 above) to disapply these requirements to people with appropriate physical and mental impairments.</p> <p>The Council recognises that some disabled people rely on assistance dogs and that prohibiting</p>		<p>disabled people rely on assistance dogs and that prohibiting assistance dogs from children's play areas could prevent these people and their families from using play areas. To prevent this, the Council has included an exemption in the order stating that the dog exclusion will not apply to trained assistance dogs.</p> <p>Anybody who fails to comply with a requirement of order will have a defence against prosecution if they can show that they have a "reasonable excuse" for doing so.</p> <p>Any disabled person who believes that their disability gives them a reasonable excuse for failing to comply, but who is not covered by the disability exemptions within the order, will still be able to raise a "reasonable excuse" defence.</p> <p>By incorporating these defences</p>
---------	--	--	--	--	--

Appendix 7

Page 70			<p>assistance dogs from children’s play areas could prevent these people and their families from using play areas. To prevent this, the Council has included an exemption in the order stating that the dog exclusion will not apply to trained assistance dogs.</p> <p>Anybody who fails to comply with a requirement of order will have a defence against prosecution if they can show that they have a “reasonable excuse” for doing so.</p> <p>Any disabled person who believes that their</p>		<p>and exemptions in the order, the Council has endeavoured to avoid any discrimination against disabled people.</p> <p>All staff issuing FPN’s will be appropriately briefed to be fair and reasonable and to use a common sense approach at all times.</p> <p>When enforcing the orders, officer will have regard to any known disabilities and the need to eliminate discrimination and promote equality of opportunity and will be expected to take these issues in to account when deciding whether or not to take enforcement action against an individual.</p> <p>Guidelines will be drafted, which will include a section on medical conditions that contribute to the offence.</p>
---------	--	--	--	--	---

Appendix 7

Page 71			<p>disability gives them a reasonable excuse for failing to comply, but who is not covered by the disability exemptions within the order, will still be able to raise a “reasonable excuse” defence.</p> <p>By incorporating these defences and exemptions in the order, the Council has endeavoured to avoid any discrimination against disabled people.</p> <p>All staff issuing FPN’s will be appropriately briefed to be fair and reasonable and to use a common sense approach at all times.</p>		
---------	--	--	---	--	--

Appendix 7

Page 72			<p>When enforcing the orders, officer will have regard to any known disabilities and the need to eliminate discrimination and promote equality of opportunity and will be expected to take these issues in to account when deciding whether or not to take enforcement action against an individual.</p> <p>Guidelines will be drafted, which will include a section on medical conditions that contribute to the offence.</p>		
	Gender reassignment	N			

Appendix 7

Page 73	Race	M	<p>There could be potential impacts on those who are not fluent in English or Welsh.</p> <p>All Enforcement Staff will be briefed to ensure they recognise that there is diversity within the community and care must therefore be taken to ensure that any enforcement actions are clearly understood.</p> <p>Pictorial signage will be used to ensure that the requirements of the order are easily understood by all .</p> <p>Consideration will be given to providing documents in</p>		<p>All Enforcement Staff will be briefed to ensure they recognise that there is diversity within the community and care must therefore be taken to ensure that any enforcement actions are clearly understood.</p> <p>Pictorial signage will be used to ensure that the requirements of the order are easily understood by all .</p> <p>Consideration will be given to providing documents in appropriate language if necessary. The Council may also arrange for interpreter in appropriate cases.</p>
---------	-------------	---	--	--	---

Appendix 7

		appropriate language if necessary. The Council may also arrange for interpreter in appropriate cases.		
Religion/Belief	N			
Pregnancy and maternity	N			
Sexual Orientation	N			
Sex	N			
Welsh language	L	<p>The orders will be made and published on the Council's website bilingually. Bilingual fixed penalty books are also used.</p> <p>Offenders can be interviewed bilingually and court proceedings can be undertaken through the medium of</p>		<p>The orders will be made and published on the Council's website bilingually. Bilingual fixed penalty books are also used.</p> <p>Offenders can be interviewed bilingually and court proceedings can be undertaken through the medium of Welsh.</p>

Appendix 7

			Welsh.		
	Any other area	N			

5. Has there been any consultation/engagement with the appropriate protected characteristics?		YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
6. What action(s) will you take to reduce any disproportionately negative impact, if any? Not applicable.			
7. Procurement Following collation of evidence for this assessment, are there any procurement implications to the activity, proposal, service. Please take the findings of this assessment into your procurement plan. Contact the corporate procurement unit for further advice. Not applicable.			
8. Human resources Following collation of evidence for this assessment, are there any Human resource implications to the activity, proposal or service? Not applicable.			
9. Based on the information in sections 2 and 6, should this function/policy/procedure/practice or a decision proceed to Detailed Impact Assessment? (recommended if one or more H under section 2)		YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Approved by: Head of Service	<i>A. Williams</i> Head of Waste & Environmental Services	Date: 31 January 2022.	

This page is intentionally left blank

Matrix Table of Qualitative Responses to Public Spaces Protection Orders
Renewal Of Public Space Protection Order (Dog Order)

Org	Comments	Appraisal	Response
County Councillor Trimsaran	they need to have more enforcement	Noted	We will take this into account when making arrangements to publicise and enforce the order. The order will be published on the council's web site and publicised by way of media campaign. Signage will be erected through out the county. People will be encouraged to report breaches of the order. The authority will review the resources available to enforce the new orders. The use of Police & PCSO's to enforce the orders will be discussed with Dyfed Powys Police.
County Councillor	County Council owned playgrounds albeit leased to town and community councils should also fall under this order and be given appropriate signage. Fencing should not be a factor assuming dogs are under control. There should be designated fenced areas for dogs to exercise freely and off lead. They are easier to train if they are tired. People pay for these areas £10 per hour.	Noted	The dog fouling and 'dogs on leads by direction' provisions in the current order apply to all public land in the County, including County Council owned parks and playgrounds. This includes parks and playgrounds that are leased to town and community councils. The exclusion in the order applies to all enclosed children's play areas in the county. We will keep the situation with dogs on playgrounds / playing fields under review. We are in the process of undertaking an engagement survey with local stakeholders to identify ongoing issues and establish whether they would like us to consider introducing additional dog controls.
Elli Ward Llanelli Town Council	I would like to see more enforcement of the dog fouling order. Dog ownership has grown dramatically particularly during the pandemic. Given the current state of public spaces with regard to dog fouling, the number of recorded complaints, fixed penalty notices issued and prosecutions brought over the last six years is lamentable and does not reflect the scale of the problem.	Noted	This will be taken into account when planning enforcement activities.

**Matrix Table of Qualitative Responses to Public Spaces Protection Orders
Renewal Of Public Space Protection Order (Dog Order)**

Org	Comments	Appraisal	Response
Llandeilo Town Council	I believe this needs to be extended as there is still a problem with dog fouling in town, especially recently in the football area in Parc Le Conquet. Dogs off leads in areas where there is livestock is also a continued problem with a serious incident occurring in Dinefwr not long ago. I had raised the question in a recent council meeting about increasing patrols and issuing fines to get on top of the problems so am keen to support this proposal	Noted	Will take this into account when making arrangements to publicise and enforce the order. The order will be published on the council's web site and publicised by way of media campaign. Signage will be erected through out the county. People will be encouraged to report breaches of the order. The authority will review the resources available to enforce the new orders. The use of Police & PCSO's to enforce the orders will be discussed with Dyfed Powys Police.
Betws Community Council	Under the Anti-Social Behaviour Crime and Policing Act 2014 and CCC (Dog Control) Public Spaces Protection Order 2016 with regards to Part 2 - Dogs on leads by direction at point 8 does the authorised officer include members of the police service such as PCSO's? An enquiry was made earlier this year and the local PCSO's had not received training on this, therefore they were unable to implement the order and issue fines/FPN's for enforcing Part 1 - Dog fouling and Part 2 as issues were being reported in Betws Park. Under the orders would the Community Council be allowed to put up signage informing the public that dogs must be kept on a lead in a designated area? Either in the whole park or in a certain area within or exclude them from entering a certain area within the park?	Noted	Police constables and PCSO's can be authorised by the council to issues 'dogs on leads' direction. The County Council's PSPO does not require dogs to be kept on leads in public parks. It does not exclude dogs from parks either, but it does exclude dogs from any enclosed children's play areas within them. We are currently in the process of undertaking a separate engagement exercise with key stakeholders, to identify whether there is a need for additional dog controls within the County. If the Community Council would like us to introduce additional controls at Betws Park, we would invite them to raise this in response to the ongoing engagement exercise.

**Matrix Table of Qualitative Responses to Public Spaces Protection Orders
Renewal Of Public Space Protection Order (Dog Order)**

Org	Comments	Appraisal	Response
The Kennel Club	<p>We would also like to take this opportunity to encourage the local authority to employ proactive measures to help promote responsible dog ownership throughout the local area in addition to introducing orders in this respect. These proactive measures may include: increasing the number of bins available for dog owners to use; communicating to local dog owners that bagged dog poo may be disposed of in normal litter bins; running responsible ownership and training events; or using poster campaigns to encourage dog owners to pick up after their dog.</p> <p>Assistance dogs</p> <p>The Kennel Club welcomes the exemptions proposed in this Order for assistance dogs. We urge the Council to review the Equality and Human Rights Commission's guidance for businesses and service providers when providing any exemptions for those who rely on assistance dogs. The guidance can be viewed here: https://www.equalityhumanrights.com/sites/default/files/assistance-dogs-a-guide-for-all-businesses.pdf</p> <p>However, we would suggest further consideration of the wording contained within the Order, specifically with reference to 'registered charity'. While a proportion of assistance dogs relied upon by disabled people are trained or registered by charities, many are not. A number of reputable assistance dog providers are members of Assistance Dogs UK. This umbrella group currently has eight member organisations, which can be viewed here: http://www.assistancedogs.org.uk/. It is important to note that the membership of Assistance Dogs UK is not a definitive list of all UK assistance dog organisations and may change during the currency of the PSPO. It also does not provide for owner trained assistance dogs.</p>	Noted	<p>We will take this into account when publicising the order. The authority engages with dog owners and undertakes press releases and media events in promoting responsible dog ownership.</p> <p>We will review the number of bins within the County. The order makes it clear that dog mess can be placed in normal litter bins. Our website will also make this clear. The authority currently places signs on bins to inform dog owners of this.</p> <p>The Kennel Club do not appear to object to extension of the current order, but they have asked us to consider amending paragraph 13 of the order (which states that the dog exclusion provisions in the order don't apply to assistance dogs which have been trained by a "registered charity").</p> <p>We have previously considered this issue in some detail. Our concern here is that paragraph 13 could be open to potential abuse if the reference to "registered charities" is removed. People could try to argue that the provision excluding dogs from children's play areas does not apply to their pet on the basis that they have trained it themselves to provide them with some level of assistance.</p> <p>We accept that not all assistance dogs are trained by registered charities, and will endeavour to adopt a fair and sensible approach in these other cases, when making our enforcement decisions. If we are satisfied that a dog has been properly trained (by somebody</p>
Llanelli Rural Council	<p>While there is information on the county council website about dog controls, it would be very beneficial if the county council could develop a proactive community engagement strategy to better educate the public about the powers contained in the dog control order and how the public can play its part in actively reporting the behaviour of irresponsible dog owners. This would be very welcome to better inform the public. Thank you</p>	Noted	<p>Will take this into account when making arrangements to publicise and enforce the order. The order will be published on the council's web site and publicised by way of media campaign. Signage will be erected through out the county. People will be encouraged to report breaches of the order. The authority will review the resources available to enforce the new orders</p>
Llanboidy Community Council	<p>We think the Order covers all relevant topics relating to dog ownership, management and control.</p>	Noted	<p>No further response required</p>

**Matrix Table of Qualitative Responses to Public Spaces Protection Orders
Renewal Of Public Space Protection Order (Dog Order)**

Org	Comments	Appraisal	Response
Eglwys Cummin Community Council	I suspect they'll all say to maintain the order as it is for another 3 years, but there's always the possibility, I suppose, of a Member making a specific comment that might be noteworthy. [There IS a play area, nowadays, at Red Roses, but I think measures are indeed in place to prevent dog issues occurring there].	Noted	No further response required
Cynwyl Gaeo Community Council	are there any signs available	Noted	Signs are available for "No dog fouling" and the "No Dogs Allowed in the enclosed Children's Play area".
Trimsaran Community Council	Dog Fouling Checks are a must in areas	Noted	This will be taken into account when planning enforcement activities.
Carmarthen Town council	Members have been encouraged to reply to your on-line survey individually.	Noted	No further response required
Llandybie Community Council	At last evening's Full Council meeting of Llandybie Community Council it was agreed that full support be given to the renewal of the current Public Spaces Protection Order, but that additionally, an extra criteria be added for the further protection of individuals, namely that - all dogs be banned from playing fields which are set out for sporting activity ie sports pitches	Noted	We are currently in the process of undertaking a separate engagement exercise with key stakeholders, to identify whether there is a need for additional dog controls within the County. If the Community Council would like us to introduce additional controls, we would invite them to raise this issue in response to the ongoing engagement exercise.
Gorslas Community Council	That the Community Council would wish to see, and be involved in, further consultation regarding the introduction of measures requiring owners to keep their dogs on a lead whilst in its public parks.	Noted	We are currently in the process of undertaking a separate engagement exercise with key stakeholders, to identify whether there is a need for additional dog controls within the County. If the Community Council would like us to introduce additional controls, we would invite them to raise this issue in response to the ongoing engagement exercise. We think that it is important to recognise that people need to be able to exercise their dogs off-lead for animal welfare reasons. There need to be areas of public land available where people can safely do so. Any further restrictions will need to be evidence based, and a proportionate response to the current problems.

**Matrix Table of Qualitative Responses to Public Spaces Protection Orders
Renewal Of Public Space Protection Order (Dog Order)**

Org	Comments	Appraisal	Response
Carmarthenshire Disability Coalition for Action	Dog fouling is particularly obnoxious for wheelchair users as their hands are their feet when it comes to self-propulsion. Were it possible we would advocate harsher penalties for those who allow their dogs to foul public areas and that offenders should have to attend 'awareness' sessions as part of the penalty for offending?	Noted	No further response required
Dogs Trust	The PDSA's 'Paw Report 2018' found that 89% of veterinary professionals believe that the welfare of dogs will suffer if owners are banned from walking their dogs in public spaces such as parks and beaches, or if dogs are required to be kept on leads in these spaces. Their report also states that 78% of owners rely on these types of spaces to walk their dog. We believe that the vast majority of dog owners are responsible, and that the majority of dogs are well behaved. In recognition of this, we would encourage local authorities to exercise its power to issue Community Protection Notices, targeting irresponsible owners and proactively addressing anti-social behaviours. Dogs Trust works with local authorities across the UK to help promote responsible dog ownership. Please do not hesitate to contact should you wish to discuss this matter. We would be very grateful if you could inform us of the consultation outcome and subsequent decisions made in relation to the Public Space Protection Order.	The respondent may have misunderstood the order.	The purpose of these orders is to deal with specific incidents where a dog needs to be placed on a lead to prevent a nuisance, or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or the worrying or disturbance of any animal. The "dog on lead" provisions in this order do not prevent dogs from running freely off-lead, unless the person in charge of the dog is ordered to place it on a lead.
Member of public	You need to educate people not start a dog hate campaign.	Noted	No further response required
Dog walker	I see no reason to change, the order covers sensible points	Noted	No further response required
Whitland Memorial Hall	All county council owned play areas, play grounds, playing fields, even if leased, should be subject to the order.	Noted	The dog fouling and 'dogs on leads by direction' provisions in the current order apply to all public land in the County, including County Council owned parks and playgrounds. This includes parks and playgrounds that are leased to town and community councils. The exclusion in the order applies to all enclosed children's play areas in the county.
myself and other dog owners	some people can be disgusting and not clean up after their dogs	Noted	No further response required

**Matrix Table of Qualitative Responses to Public Spaces Protection Orders
Renewal Of Public Space Protection Order (Dog Order)**

Org	Comments	Appraisal	Response
Rate payer in Carmarthenshire	However this is an ongoing issue where I live where people leave their dogs run off lead in the local park and do not pick up their mess despite notices saying that they should always be on lead and to pick up their mess. There are numerous signs saying no smoking but only 2 saying all dogs on lead. I am a responsible dog owner that does not leave my dog off lead in public spaces and always pick up their mess and on several occasions my dog has been attacked by aggressive dogs off lead however unless something is done to the perpetrators of such acts there is no point in having the order. It needs to be monitored and enforced.	The respondent may have misunderstood the order.	The current order does not require dogs to be kept on leads in parks.
Whitland Dog Walking group	I am a responsible dog owner who picks up my dog's faeces and there are many others in Whitland who do the same. It's very sad when those people who do pick up are penalised by those that don't.	Noted	No further response required
anonymous	I think all dogs should be kept on leads, to many accidents happen because of loose dogs and as a horse rider have been chased on many occasions by loose dogs, plus my small dog was attacked by a loose dog	The respondent may have misunderstood the order.	People need to be able to exercise their dogs off-lead, for animal welfare reasons. It is not appropriate to make a PSPO requiring people to keep their dog on a lead at all times in all public places. We believe that an order in these terms would be disproportionate.

Matrix Table of Qualitative Responses to Public Spaces Protection Orders
Renewal Of Public Space Protection Order (Dog Order)

Org	Comments	Appraisal	Response
anonymous	Brechfa Forest has been designated as a tourist attraction. It is very popular with dog owners. There are no livestock present in the forest, but it is open access land so in theory the restriction that dogs have to be on a lead applies. but being able to allow their dogs to run off the lead is important to tourists. - In practice, it would be very difficult to enforce the legislation. The other issue with the legislation is the practicality of people enjoying the outdoor activities that do not involve walking. - For cyclists and horse riders, a requirement that our dogs have to be on a lead is impractical and dangerous. For these reasons, I think the dog control protection order needs to be revised making it impractical to extend the existing order.	The respondent may have misunderstood the order.	The respondent appears to have misunderstood the order. The current order does not require members of the public (including cyclists and horse owners) to keep their dogs on leads at all times. Under the order, an authorised officer can issue a direction requiring somebody to place a dog on a lead. However, these powers can only be used in the limited circumstances set out in the order. The purpose of this provision is to deal with specific situations where a dog needs to be placed on a lead to prevent a nuisance, or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or the worrying or disturbance of any animal.
anonymous	Dogs should remain under control by their owners - this does not necessarily mean on a lead	Noted	The current order does not require members of the public to keep their dogs on leads at all times. Under the order, an authorised officer can issue a direction requiring somebody to place a dog on a lead. However, these powers can only be used in the limited circumstances set out in the order. The purpose of this provision is to deal with specific situations where a dog needs to be placed on a lead to prevent a nuisance, or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or the worrying or disturbance of any animal.
Red kite trek group	Ensuring safety of all members of the public is paramount loose dogs are a threat to nervous humans, nervous dogs, cyclists and horse riders	Noted	People need to be able to exercise their dogs off-lead, for animal welfare reasons. It is not appropriate to make a PSPO requiring people to keep their dog on a lead at all times in all public places. We believe that an order in these terms would be disproportionate

Matrix Table of Qualitative Responses to Public Spaces Protection Orders
Renewal Of Public Space Protection Order (Dog Order)

Org	Comments	Appraisal	Response
Carmarthenshire Riders Group	<p>As a dog owner and a person who has a Diploma in dog psychology and behaviour I believe a blanket enforcement of dogs being kept on leads in public places is cruel and unnecessary. Dogs need to run free, use their noses and display natural roaming behaviour whilst out being exercised in order to remain healthy both mentally and physically. A typical dog off lead would cover at least twice the distance of its walking companion (human) when out walking. Restricting dogs to only walking at the speed of their owner, never being able to run free would lead to many dogs becoming obese and could also lead to mental anxiety due to frustration. I own and ride horses and to this day I have never been bothered by anyone's dog or dogs to a degree where I would deem this 'act' necessary. Recently I was the victim of a dog attack, where a Cane Corso (Italian Mastiff) weighing 50+kg, almost mauled to death one of my dogs, a chihuahua (weighing just 2kg), Both sets of dogs were off their leads and came into contact whilst on a narrow path whilst exiting the beach. This incident was reported to the police who did nothing about it at all, as it was a dog on dog attack and so in their opinion, not worthy of further intervention or prosecution. I have experienced first hand an 'out of control' very large breed dog, but I would still object to all dogs being forced to be on a lead in open public spaces for the reasons above. I walk my dogs on a public beach every day, several times a day and I see many other people out walking their dogs too, off lead, all behaving well and enjoying their surroundings. The incidents of dogs 'out of control' that occur are far too few to enforce all dog owners to adhere to such cruel and unnecessary measures as permanently tethering and restricting our loving and loyal canine friends to a human in public open spaces at all times! It is in my opinion an unnecessary act of extreme control for an all too infrequent issue. Punishing the many for the fault of the few.....</p>	<p>The respondent may have misunderstood the order.</p>	<p>The purpose of these orders is to deal with specific incidents where a dog needs to be placed on a lead to prevent a nuisance, or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or the worrying or disturbance of any animal. We do not think that it is feasible to limit it to designated areas, as problems with out of control dogs could occur anywhere. The "dog on lead" provisions in this order do not prevent dogs from running freely off-lead, unless the person in charge of the dog is ordered to place it on a lead.</p>
Cymru Carriage Club	<p>After my driving pony being chased down by 4 collies for just walking by on a newly opened multi user track, I fully support dogs on leads in the circumstances. My self & my groom were thrown out as my pony panicked, 4 dogs by his heels.</p>	<p>The respondent may have misunderstood the order.</p>	<p>The purpose of these orders is to deal with specific incidents where a dog needs to be placed on a lead to prevent a nuisance, or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or the worrying or disturbance of any animal. We do not think that it is feasible to limit it to designated areas, as problems with out of control dogs could occur anywhere. The "dog on lead" provisions in this order do not prevent dogs from running freely off-lead, unless the person in charge of the dog is ordered to place it on a lead.</p>

Matrix Table of Qualitative Responses to Public Spaces Protection Orders
Renewal Of Public Space Protection Order (Dog Order)

Org	Comments	Appraisal	Response
anonymous	Public places should include rights of way.	Noted	The current order does not require members of the public to keep their dogs on leads at all times. Under the order, an authorised officer can issue a direction requiring somebody to place a dog on a lead. However, these powers can only be used in the limited circumstances set out in the order. The purpose of this provision is to deal with specific situations where a dog needs to be placed on a lead to prevent a nuisance, or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or the worrying or disturbance of any animal.
Drefach Dog Owners Club	Dogs should not be kept on a lead in public places at all times	The respondent may have misunderstood the order.	The current order does not require members of the public to keep their dogs on leads at all times. Under the order, an authorised officer can issue a direction requiring somebody to place a dog on a lead. However, these powers can only be used in the limited circumstances set out in the order. The purpose of this provision is to deal with specific situations where a dog needs to be placed on a lead to prevent a nuisance, or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or the worrying or disturbance of any animal.

This page is intentionally left blank

CABINET

14TH MARCH 2022

COUNCIL'S REVENUE BUDGET MONITORING REPORT

Recommendations / key decisions required:

That the Cabinet receives the Budget Monitoring report and considers the budgetary position and appropriate corrective action.

In respect of significant overspends, Chief Officers and Heads of Service to critically review options available to them to limit the forecasted overspend of budgets, whilst recognising the ongoing impact which COVID19 measures have had on the Authority's overall budget.

Reasons:

To provide the Cabinet with an update on the latest budgetary position as at 31st December 2021, in respect of 2021/22. Whilst the scale of COVID19 response is reducing, this budget position recognises the ongoing financial pressures faced by the Authority as well as the additional funding support provided by Welsh Government.

Relevant scrutiny committee to be consulted: NA

Cabinet Decision Required YES

Council Decision Required NO

CABINET MEMBER PORTFOLIO HOLDER:

Cllr. David Jenkins (Resources)

Directorate: Corporate Services

Designations:

Tel No. 01267 224886
E Mail Addresses:

Name of Director:
Chris Moore

Director of Corporate Services

CMoore@carmarthenshire.gov.uk

Report Author:
Randal Hemingway

Head of Financial Services

RHemingway@carmarthenshire.gov.uk

EXECUTIVE SUMMARY

CABINET

14TH MARCH 2022

COUNCIL'S REVENUE BUDGET MONITORING REPORT

The revenue budget monitoring reports as at 31st December 2021 are attached and indicate that:

COUNCIL FUND REVENUE ACCOUNT (Appendix A)

Overall, the monitoring report forecasts an underspend for the year at departmental level of £3,702k. with a forecast underspend on the Authority's net revenue budget of £2,901k.

At a high level this is due to a combination of:

- additional COVID19 related costs and lost income being largely refunded under the Welsh Government hardship scheme
- some services still paused or impacted by lockdown measures and social distancing during Q1
- Utilisation of some capital financing underspends, due to some significant pressure points on in-year capital project budgets, which was approved as part of a separate report.

The full year forecast reflects the impact which includes known financial positions up to the point of writing. As such the forecast continues to remain sensitive to any future worsening of the pandemic, in particular if any reintroduction public restrictions being required. During the first half of the year (April-September), additional expenditure and income loss totalling approximately £13 million has been claimed under the Welsh Government hardship scheme.

Members should note the risk on Council Tax collection rates and increased applications under the Council Tax Reduction Scheme, this will continue to be monitored closely, particularly as the furlough scheme has now ended.

Chief Executive's Department

The Chief Executive Department is anticipating an underspend of £966k for the year. This is made up of overspends due to a reduction in anticipated income from livestock markets and provision markets, offset by a net underspend on Commercial properties, Industrial Premises, underspends on Member pay and travelling and staffing savings from vacant posts across the department.

Operational budgets

The Chief Executive's section has an underspend of £177k, primarily due to vacant posts and an underspend on supplies and services.

There is a £26k net overspend in the People Management section. This consists of £39k in relation to a reduction in supplies and services costs, along with a £43k underspend due to fewer DBS checks being undertaken than budgeted for.

These are offset by a £27k overspend in Employee Wellbeing, due to a shortfall in external SLA income and an unachieved training efficiency within Organisational Development of £36k. There is also a £45k overspend on various salary related costs along with other small overspends.

The ICT & Corporate Policy section are reporting a £114k underspend largely due to part year vacant posts within the division, pending a team review which has now been completed.

Admin and Law are showing an underspend of £274k. Members pay and travelling are underspent by £108k, and there is an additional £27k of income for work undertaken on behalf of the HRA. There is also additional income from external work of £35k along with a £104k saving on staff vacancies and supplies and services.

The Marketing and Media section have a £297k anticipated net underspend, made up of an overspend of £168k within Marketing and Media on salary costs, pending a staffing review within the whole division (2019/20 saving proposal), and also a loss of income streams from external partners such as ERW. This is offset by an underspend on staffing costs in the Customer Services Centres, Translation Unit and Yr Hwb. These will all form part of the divisional staffing review. There is also an underspend on Marketing & Tourism Development following receipt of grant money from WG to boost the visitor economy.

Statutory Services are reporting an underspend of £144k. This is made up of a saving on vacant posts of £77k pending a divisional realignment, along with a £48k underspend on Registrars due to income generated above the budgeted figure. Coroners are anticipated to be underspent by £19k as a result of the appointment of medical examiners by the NHS, resulting in less cases being referred to the coroner. This underspend was partially offset by additional costs associated with a jury inquest during the year.

The Regeneration division is expecting a £14k overspend for the year. This is made up of an overspend of £280k due to a loss of income on Livestock markets, provision markets and farms, largely due to an overall reduction in occupancy levels, along with a rent free period at Carmarthen Mart.

This is offset by savings in depots utilities costs due to staff working remotely of £24k, along with additional high levels of income due to continued high occupancy rates within industrial units, despite the pandemic of £76k. Commercial Properties are anticipating a £134k underspend in the current year following a retrospective rent review in line with the lease terms, despite a general loss of income across the portfolio as re-letting becomes more difficult. There is also an additional saving of £32k on staffing costs due to a vacant post along with other smaller savings.

Department for Communities

The Department for Communities is forecasting an underspend of £1,015k for the year. There are significant variances in social care services though these are largely resulting from reduced costs where service provision is reduced due to COVID19 restrictions, or additional funding. Social care teams have prioritised the safe delivery of key services, meaning that the department has been unable to progress some of the planned savings proposals.

Older People's budgets have an underspend of £2,317k. There are significant underspends in both commissioned and local authority Residential Beds due to reduced associated costs as a result of fewer occupied beds, as well as reduced provision of day services due to COVID19 restrictions.

Physical Disabilities services are underspent by £8k. The budget variances across the range of services are due to alternative care provision in response to residential respite and community services restrictions.

In Learning Disability services, there is an overspend of £881k. Budgetary pressure remains on Residential and Group Homes / Supported Living as the savings target are difficult to deliver due to COVID19 restrictions. Also, an increased demand for Direct Payments and a lack of availability of alternative provision due to COVID restrictions has added further pressure. These pressures have been offset with savings due to the reduction of Day Services and Community Support.

The overspend in Mental Health of £585k is due to increased demand with the main budget pressure in Residential Beds and Group Homes / Supported Living.

Support Services are underspent by £156k largely due to additional income as result of transport support provided to health services.

Leisure & Culture Services is forecasting a nil variance. There continues to be a material reduction in income across a number of Services due to the ongoing restrictions, however the recovery of lost income can be claimed from the Welsh Government until the 31st March 2022.

Council Funded Housing and Public Protection Services are forecasting a nil variance.

Corporate Services

The Corporate Services Department is anticipating a £1,131k underspend for the year.

Rent Allowances are anticipating an underspend of £196k, largely due to efficient recovery of overpayments. There is a £354k underspend on pre LGR pension costs along with a £138k underspend on Rates Relief due to low take up of the scheme.

There are also underspends on salaries due to vacancies across the department, and staff not yet at the top of their scale, along with a reduction in bank charges and audit fees.

These underspends are offset by an expected overspend of £372k on Council Tax Reduction Scheme due to increased demand. This is a demand led budget, for which WG funding has not increased for many years despite WG's increased expectations in terms of Council's tax raising abilities. We received a contribution from WG in 2020/21 to cover this shortfall, but we are yet to receive confirmation whether the same will apply this year.

Department for Education and Children

The Department for Education and Children is currently forecasting a £2k underspend for the year.

A full review of budget allocation across the department is progressing to highlight both the immediate and longer-term pressures. Where appropriate, budgets have been realigned.

A number of services are facing increasing demand with in-year underspends in other service areas, mainly due to vacancies and additional grant funding financially supporting the identified pressures – special education needs £666k, school meals £387k, commissioning & social work including legal costs £323k, fostering services £132k, national model for school improvement £130k and adult & community learning £109k are the most significant pressures.

Schools Delegated Budgets

The net forecast for the Schools working budgets is that they will work within the in-year funding following further releases of grant funding for use in the current financial year from WG. A significant proportion of this will fund recovery and catch up already implemented as one-off additional expenditure.

Council officers are in the process of reviewing budget forecasts as some schools continue to experience difficulties in setting a balanced budget.

Environment

The Environment department is reporting an estimated underspend of £588k for the financial year, largely due to increased income forecasted from internal recharges reflecting the work projected to the end the financial year by the Property division.

The Business Support division is projecting a £74k underspend mainly due to vacant posts during the year which have been estimated to be filled by year-end.

The Waste and Environmental Services division is projecting a £70k underspend, mainly due to the £48k surplus on Green Waste collections as a result of the increased customer base and a £48k underspend on Public Conveniences due to a change in legislation for standalone public conveniences, which are now eligible for a 100% business rates relief. Further savings within other areas include £17k in Environment Enforcement due to vacancies and £16k in Emergency Planning. These savings are offset by an underachievement of income against budget on the Sustainable Drainage Approval service which has resulted in a £57k overspend.

Highways and Transportation are projecting a £292k overspend for the year. The main variance is the estimated £345k overspend on school transport due to additional operating days plus supply chain tender prices are increasing. There is a £228k pressure on storm damage, with reimbursement of the clearance costs incurred during Storm Arwen and Barra being sought from the Welsh Government. There is a net loss on car parks of £131k due to the investment in new ticket machines, together with a £36k pressure on Design CHS works as a result of COVID and a £13k pressure on Nantyci Park & Ride due to a decrease in demand for the service.

These pressures are offset by an estimated £202k underspend in Property Design as a result of increased income from internal recharges reflecting work projected during the year; a £78k underspend in Road safety as a result of a vacant post, a reduction in an employee's contracted working hours and also Project Management fees recovered from grants; £54k income projection within Traffic management; £85k income from project management fees recovered from grants within the Transport Strategic Planning team and a £33k saving from vacant posts within other areas including school crossing patrols and Public Rights of Way.

The Property Division is reporting a £475k underspend, mainly due to increased income from Property Maintenance reflecting additional work anticipated during the year including significant unexpected projects.

The Place and Sustainability Division is showing a forecasted £261k underspend, largely due to vacant posts within the team during the year, which included the Head of Service post that has now been filled and savings on consultants' fees due to a covid-related delay in the LDP process. These savings are offset by an estimated shortfall in anticipated income.

HOUSING REVENUE ACCOUNT (Appendix B)

The HRA is predicting to be underspent by £1,826k for 2021/22. Repairs and Maintenance is forecast to be underspent by £599k. Budget Managers are predicting underspends on Minor Works £1,392k due to capacity and procurement issues and an overspend on Voids/Responsive/Other £793k mainly due to costs associated with catch up on repairs delayed by COVID19.

Supervision & Management and Support is projecting an underspend of £535k mainly due to staff vacancies £505k, transport costs £32k due to reduced visits, premises/supplies/other £139k offset by additional legal costs £141k

Capital financing charges will be £707k less than budgeted due to reduced borrowing in 2020/21 reducing the MRP requirement as result of 2020/21 end of year position, forecast reduced spend on 2021/22 capital programme and additional grants secured in 2021/22.

Income (inclusive of rents) will be under target by approximately £19k. This is made up predominantly of less than budgeted rental/service charge income of £63k and small variation in interest receivable £15k. We will receive more grant than anticipated of -£59k primarily from Welsh Government.

Lists of the main variances are attached to this report.

DETAILED REPORT ATTACHED?

YES

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: Chris Moore

Director of Corporate Services

Policy, Crime & Disorder and Equalities NONE	Legal NONE	Finance YES	ICT NONE	Risk Management Issues NONE	Staffing Implications NONE	Physical Assets NONE
--	----------------------	-----------------------	--------------------	---------------------------------------	--------------------------------------	--------------------------------

3. Finance

Council Fund

Overall, the Authority is forecasting an underspend of £2,901k at this point in time. The final out-turn position will be influenced by COVID19 related expenditure, income loss and respective claims from WG through the remainder of the financial year.

HRA

The HRA is predicting to be underspent by £1,826k for 2021/22.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Chris Moore

Director of Corporate Services

1. Scrutiny Committee – Not applicable
2. Local Member(s) – Not applicable
3. Community / Town Council – Not applicable
4. Relevant Partners – Not applicable
5. Staff Side Representatives and other Organisations – Not applicable

CABINET MEMBER PORTFOLIO HOLDER AWARE/CONSULTED	YES
---	-----

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
2021/22 Budget		Corporate Services Department, County Hall, Carmarthen

This page is intentionally left blank

REPORT OF THE DIRECTOR OF CORPORATE SERVICES

CABINET 14th MARCH 2022

COUNCIL'S BUDGET MONITORING REPORT 2021/22

Director and Designation	Author & Designation	Telephone No	Directorate
C Moore, Director of Corporate Services	R Hemingway, Head of Financial Services	01267 224886	Corporate Services

Table 1

Forecasted for year to 31st March 2022

Department	Working Budget				Forecasted				Dec 2021 Forecasted Variance for Year	Oct 2021 Forecasted Variance for Year
	Controllable Expenditure	Controllable Income	Net Non Controllable	Total Net	Controllable Expenditure	Controllable Income	Net Non Controllable	Total Net		
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000		
Chief Executive	33,574	-14,316	-2,517	16,740	33,584	-15,292	-2,517	15,775	-966	-548
Communities	160,560	-66,041	13,586	108,104	165,734	-72,230	13,585	107,089	-1,015	169
Corporate Services	77,125	-45,883	-1,686	29,556	75,582	-45,472	-1,686	28,425	-1,131	-892
Education & Children (incl. Schools)	193,927	-37,615	23,348	179,660	212,050	-55,740	23,348	179,658	-2	0
Environment	129,786	-81,846	13,450	61,390	141,436	-94,083	13,450	60,803	-588	-455
Departmental Expenditure	594,972	-245,702	46,181	395,451	628,386	-282,817	46,180	391,750	-3,702	-1,726
Capital Charges/Interest/Corporate				-20,155				-21,205	-1,050	-500
Levies and Contributions:										
Brecon Beacons National Park				152				152	0	0
Mid & West Wales Fire & Rescue Authority				10,737				10,737	0	0
Net Expenditure				386,185				381,433	-4,752	-2,226
Transfers to/from Departmental Reserves										
- Chief Executive				0				483	483	274
- Communities				0				508	508	0
- Corporate Services				0				566	566	446
- Education & Children (incl Schools)				0				1	1	-0
- Environment				0				294	294	227
Net Budget				386,185				383,284	-2,901	-1,279

Chief Executive Department
Budget Monitoring - as at 31st December 2021

CABINET 14th MARCH 2022

Division	Working Budget				Forecasted				Dec 2021 Forecasted Variance for Year £'000	Oct 2021 Forecasted Variance for Year £'000
	Expenditure £'000	Income £'000	Net non- controllable £'000	Net £'000	Expenditure £'000	Income £'000	Net non- controllable £'000	Net £'000		
Chief Executive	846	0	-845	2	676	-6	-845	-175	-177	-181
People Management	4,499	-1,558	-2,619	322	5,111	-2,144	-2,619	348	26	74
ICT & Corporate Policy	5,956	-940	-4,780	235	5,853	-951	-4,780	121	-114	-99
Admin and Law	4,495	-849	703	4,349	4,334	-963	703	4,074	-274	-288
Marketing & Media	2,751	-696	-1,430	625	2,454	-696	-1,430	328	-297	-201
Statutory Services	1,286	-310	281	1,258	1,753	-920	281	1,114	-144	-121
Regeneration	13,741	-9,963	6,173	9,950	13,403	-9,611	6,173	9,964	14	268
GRAND TOTAL	33,574	-14,316	-2,517	16,740	33,584	-15,292	-2,517	15,775	-966	-548

Chief Executive Department - Budget Monitoring - as at 31st December 2021

Main Variances

CABINET 14th MARCH 2022

Division	Working Budget		Forecasted		Dec 2021 Forecasted Variance for Year £'000	Notes	Oct 2021 Forecasted Variance for Year £'000
	Expenditure £'000	Income £'000	Expenditure £'000	Income £'000			
Chief Executive							
Chief Executive-Chief Officer	237	0	208	0	-28	Savings on supplies & services	-30
Chief Executive Business Support Unit	610	0	468	-6	-148	3 vacant posts not filling this financial year & a staff member on maternity leave, £30k savings on supplies & services	-151
People Management							
TIC Team	233	-60	247	-61	12	1 x employee regraded with no funding	13
Business & Projects Support	262	0	223	0	-39	Savings on supplies & services	-32
Employee Well-being	775	-350	786	-333	27	Shortfall on budgeted external SLA income. Referrals have reduced from pre COVID19 levels.	62
Organisational Development	522	-39	529	-10	36	Training efficiency target not currently being met.	29
Employee Services – HR/Payroll Support	134	0	158	0	24	£16k graduate not funded, 2 x employees regraded with no funding £8k.	32
DBS Checks	124	0	84	-3	-43	Review of DBS checks process & budget to be undertaken	-43
Other variances					8		13
ICT & Corporate Policy							
Welsh Language	120	-11	108	-11	-12	£7k due to period of unpaid leave taken. £5k underspend on Supplies and Services	-7
Chief Executive-Policy	687	-31	583	-29	-102	3 Vacant posts for most of the year whilst team review was being completed. Restructure now complete resulting in vacant posts going out to advert imminently.	-91
Admin and Law							
Democratic Services	1,886	-276	1,785	-318	-143	Underspend on Members pay £65k & travelling costs £43k, along with an additional £27k of income for work undertaken for the HRA. £7k underspend on supplies and services	-128
Democratic Services - Support	506	0	448	-35	-94	Additional income for work undertaken for the Wales pension partnership (£21k), ERW (£7k) & PCC (£7k); Posts vacant for part of year, expecting to be filled from Mar. There are also savings on supplies & services.	-87
Land Charges	136	-305	91	-275	-14	Savings on supplies & services	-20
Central Mailing	45	0	28	-3	-20	Saving on franking machine leasing costs.	-20
Other variances					-4		-33

103

Chief Executive Department - Budget Monitoring - as at 31st December 2021

Main Variances

CABINET 14th MARCH 2022

Division	Working Budget		Forecasted		Dec 2021	Notes	Oct 2021
	Expenditure	Income	Expenditure	Income	Forecasted Variance for Year		Forecasted Variance for Year
	£'000	£'000	£'000	£'000	£'000		£'000
Marketing & Media							
Marketing and Media	373	-167	496	-122	168	Overspend on salaries pending divisional realignment. Loss of income streams from external partners (e.g. ERW £80k). Looking at alternative potential partnership arrangements	178
Translation	566	-52	456	-52	-110	Vacant post pending divisional realignment & number of staff members working reduced hours, savings on supplies & services	-102
Customer Services Centres	1,141	-353	911	-353	-231	10 vacant posts during the year, six estimated to be filled before year end. Difficulty in filling posts currently.	-205
Yr Hwb, Rhydaman a Llanelli	191	-94	78	-53	-72	3 vacant posts pending divisional realignment offset partly by less income, due to decreased demand for desk rental space	-73
Marketing Tourism Development	370	0	407	-84	-47	Marketing & Media costs to boost the visitor economy reimbursed by WG.	0
Other variances					-5		-0
Statutory Services							
Registrars	441	-307	521	-435	-48	Additional income being generated compared to budget.	-32
Coroners	372	0	353	0	-19	Following the appointment of medical examiners by the NHS, fewer cases are being referred to the Coroner leading to less direct and indirect costs. This is partly offset by additional costs as a result of a jury inquest during the year.	-15
Electoral Services - Staff	294	0	217	0	-77	2 Vacant posts pending divisional realignment	-56
Other variances					0		-18
Regeneration & Property							
Property	1,156	-88	1,048	-11	-30	Vacant posts estimated to be filled in March, this partially offsets a shortfall in external income generated.	-35
Commercial Properties	33	-594	85	-781	-134	General loss of income due to properties becoming vacant and no immediate prospect of re-letting. This has been partially offset by COVID19 income claim for losses attributable to COVID19. This trend has been offset by additional rental income of £270k in the current year, following a retrospective rent review in line with the lease terms.	133
Provision Markets	596	-660	579	-550	93	General downturn in demand for stalls & consequent reduction in achievable rents. Partially offset by COVID19 income claim from WG for losses specifically attributable to COVID19.	115
Operational Depots	337	0	313	-0	-24	Modest underspends on premises and supplies and services costs in most of our depots creating a cumulative £24k underspend overall.	5

Chief Executive Department - Budget Monitoring - as at 31st December 2021

Main Variances

CABINET 14th MARCH 2022

Division	Working Budget		Forecasted		Dec 2021	Notes	Oct 2021
	Expenditure	Income	Expenditure	Income	Forecasted Variance for Year		Forecasted Variance for Year
	£'000	£'000	£'000	£'000	£'000		£'000
Industrial Premises	485	-1,482	498	-1,571	-76	Occupancy levels are still high despite the pandemic	-67
County Farms	76	-342	73	-310	29	Market forces dictate rent/ lease achievable.	24
Livestock Markets	61	-213	44	-38	159	Majority of overspend relates to Nant Y Ci. No rental income for 24 months for Nant Y Ci as per the terms of the new agreement. Additional premises maintenance costs to obtain animal health and farm assurance licences.	171
Other variances					-2		-78
Grand Total					-966		-548

Department for Communities
Budget Monitoring - as at 31st December 2021

CABINET 14th MARCH 2022

Division	Working Budget				Forecasted				Dec 2021 Forecasted Variance for Year £'000	Oct 2021 Forecasted Variance for Year £'000
	Expenditure £'000	Income £'000	Net non- controllable £'000	Net £'000	Expenditure £'000	Income £'000	Net non- controllable £'000	Net £'000		
Adult Services										
Older People	63,438	-22,473	3,193	44,157	62,694	-24,046	3,193	41,840	-2,317	-1,395
Physical Disabilities	7,622	-1,875	276	6,023	7,798	-2,060	276	6,014	-8	-123
Learning Disabilities	40,834	-11,098	1,282	31,018	41,638	-11,021	1,282	31,899	881	1,323
Mental Health	10,263	-4,107	228	6,384	10,876	-4,135	228	6,969	585	391
Support	9,647	-8,009	1,133	2,770	10,094	-8,612	1,133	2,614	-156	-28
Homes & Safer Communities										
Public Protection	3,349	-1,248	532	2,633	3,524	-1,353	532	2,703	70	0
Council Fund Housing	9,199	-7,996	1,021	2,224	12,753	-11,620	1,021	2,154	-70	0
Leisure & Recreation										
Leisure & Recreation	16,207	-9,233	5,922	12,895	16,356	-9,383	5,922	12,895	0	0
GRAND TOTAL	160,560	-66,041	13,586	108,104	165,734	-72,230	13,585	107,089	-1,015	168

Department for Communities - Budget Monitoring - as at 31st December 2021

Main Variances

CABINET 14th MARCH 2022

Division	Working Budget		Forecasted		Dec 2021 Forecasted Variance for Year £'000	Notes	Oct 2021 Forecasted Variance for Year £'000
	Expenditure £'000	Income £'000	Expenditure £'000	Income £'000			
Adult Services							
Older People							
Older People - Commissioning	4,016	-769	3,974	-870	-144	Part year vacant posts	-49
Older People - LA Homes	8,237	-3,891	8,716	-5,127	-757	Reduced costs associated with fewer beds occupied in conjunction with support from Hardship Fund	-486
Older People - Private/ Vol Homes	25,962	-12,918	25,858	-12,918	-104	from Hardship Fund	-423
Older People - LA Home Care	7,569	0	7,774	-326	-122	Part year vacant posts	-86
Older People - Private Home Care	8,984	-2,573	8,388	-2,573	-596	Part year vacant posts	-84
Older People - Enablement	1,920	-444	1,651	-444	-268	Part year vacant posts	-85
Older People - Day Services	873	-82	685	-0	-106	Reduced provision of day services due to COVID19 restrictions	-53
Older People - Private Day Services	276	0	20	0	-256	Reduced provision of day services due to COVID19 restrictions	-176
Older People - Other variances					35		46
Physical Disabilities							
Phys Dis - Private/Vol Homes	1,499	-306	1,340	-306	-160	Demand led - Reduced use of residential respite care due to COVID19	-264
Phys Dis - Direct Payments	2,634	-589	2,997	-589	363	Demand for Direct Payments increasing as a consequence of fewer alternatives during COVID19 restrictions e.g. community support and respite	291
Phys Dis - Other variances					-212		-150
Learning Disabilities							
Learn Dis - Private/Vol Homes	11,384	-4,373	12,359	-4,373	975	Pressure remains on this budget as alternative provision is unavailable due to COVID19 restrictions. Timelines for achieving savings have slipped as many of the initiatives require face to face contact with service users and providers.	842
Learn Dis - Direct Payments	3,916	-558	4,833	-558	917	Direct Payments increasing due to demand	855
Learn Dis - Group Homes/Supported Living	10,171	-2,254	10,762	-2,254	591	Rightsizing in Supported Living ongoing but delayed due to COVID19. Accommodation and Efficiency project plans for strategic longer term future accommodation options as well as current client group has experienced delays due to COVID19.	391
Learn Dis - Day Services	2,515	-405	2,359	-349	-100	Loss of income received, staff vacancies and client taxis not used. Reduced premises and running costs as building based provision is reduced due to social distancing regulations and alternatives provided.	-165
Learn Dis - Private Day Services	1,327	-82	493	-82	-834	Day Services significantly reduced. Where care has been reassessed and alternative has been provided, the additional cost is shown as an overspend in that budget.	-446
Learn Dis - Community Support	3,184	-160	2,707	-160	-476	Reduced level provision due to COVID19 restrictions	-60
Learn Dis - Other variances					-192		-94

Department for Communities - Budget Monitoring - as at 31st December 2021

Main Variances

CABINET 14th MARCH 2022

Division	Working Budget		Forecasted		Dec 2021 Forecasted Variance for Year £'000	Notes	Oct 2021 Forecasted Variance for Year £'000
	Expenditure £'000	Income £'000	Expenditure £'000	Income £'000			
Mental Health							
M Health - Private/Vol Homes	6,203	-3,294	6,558	-3,294	356	Pressure remains on this budget as alternative provision is unavailable due to COVID19 restrictions. Timelines for achieving savings have slipped as many of the initiatives require face to face contact with service users and providers.	271
M Health - Group Homes/Supported Living	1,265	-410	1,598	-410	334	Rightsizing in Supported Living ongoing but delayed due to COVID19. Accommodation and Efficiency project plans for strategic longer term future accommodation options as well as current client group has experienced delays due to COVID19.	249
M Health - Direct Payments	148	-44	264	-44	116	Direct Payments increasing due to demand	115
M Health - Community Support	623	-76	405	-76	-218	No payment to Hafal Dom care grant scheme	-118
M Health - Other variances					-2		-126
Support							
Holding Acc-Transport	1,500	-1,773	1,411	-1,889	-205	Provision of additional services to support Hywel Dda	-93
Other Variances - Support					49		65
Homes & Safer Communities							
Public Protection							
PP Management support	104	-8	88	-14	-22	Under on Travel, photocopying & postages due to COVID19	-21
PP Business Support unit	155	0	120	0	-34	Under on Travel, photocopying & postages & vacancies due to COVID19	-27
Public Health	290	-14	273	-15	-18		-19
Noise Control	219	0	178	-1	-41	Under on salaries	-46
Animal Welfare	84	-85	83	-60	24	Under achievement due to reduction in licensed dog breeders	1
Animal Safety	162	0	114	-1	-48	Under on salaries	-40
Licensing	358	-337	375	-339	14		-3
Food Safety & Communicable Diseases	506	-38	517	-39	10		11
Civil Law	239	-2	257	-3	18		2
Fair Trading	149	-66	141	-7	51		-1
Financial Investigator	90	-410	126	-320	126	Delays in receipt from prosecutions	157
Other Variances					-10		-14

Department for Communities - Budget Monitoring - as at 31st December 2021

Main Variances

CABINET 14th MARCH 2022

Division	Working Budget		Forecasted		Dec 2021 Forecasted Variance for Year £'000	Notes	Oct 2021 Forecasted Variance for Year £'000
	Expenditure £'000	Income £'000	Expenditure £'000	Income £'000			
Council Fund Housing							
Independent Living and Affordable Homes	113	-45	58	-45	-55	Under on salaries & supplies and services	0
Penybryn Traveller Site	177	-130	137	-106	-17		16
Homelessness	163	-68	141	-60	-14		-33
Non Hra Re-Housing (Inc Chr)	168	0	187	0	19		18
Temporary Accommodation	512	-110	1,595	-1,170	23	Increased spend on contracted services and supplies	0
Social Lettings Agency	814	-818	767	-798	-27	Increased commission and other income due to greater number of properties on scheme	0
Other Variances					-0		0
Leisure & Recreation							
Millennium Coastal Park	254	-138	317	-219	-18	Higher level of income achieved than budgeted	-26
Pendine Outdoor Education Centre	534	-346	508	-303	16	Includes cost of replacement vehicle not budgeted	20
Pembrey Beach Kiosk	0	-42	0	-99	-57	Higher level of income achieved than budgeted	-37
Pembrey Ski Slope	386	-422	463	-533	-33	Higher level of income achieved than budgeted	9
St Clears Leisure Centre	151	-43	227	-37	81	Estimated cost of planned maintenance	98
Actif Facilities	295	0	295	-22	-21	Capital recharge not budgeted £22k	-27
PEN RHOS 3G PITCH	16	-36	8	-54	-27	Higher level of income achieved than budgeted	-12
Llanelli Leisure Centre	1,248	-1,084	1,232	-1,106	-39	In year vacancies	9
ESD Rev Grant - Ynys Dawela	44	-43	4	-16	-12	Backdated grant award not budgeted	-12
Pembrey Country Park Restaurant	422	-326	504	-375	33	Includes £40k R & M not budgeted	39
Woodland Parks	0	0	28	0	28	Emergency bridge repairs not budgeted	4
Museum of speed, Pendine	86	-26	78	0	18	Museum Development consultancy fees not budgeted	20
Museums General	150	0	213	-18	44	Unable to fully achieve vacancy factor	46
Archives General	141	-3	169	-3	27	Part year effect of new Archive Assistant not budgeted	23
Arts General	16	0	0	0	-16	Vacant post being held pending restructure	-16
St Clears Craft Centre	107	-38	71	-38	-36	In year vacancies	-39
Entertainment Centres General	468	-62	387	-33	-52	In year staff vacancies	-47
Attractor - Management	0	0	24	0	24	End of year staff costs not budgeted	1
Leisure Management	439	0	462	-2	21	Tour of Britain costs	16
Other Variances					19		-66
Grand Total					-1,015		169

609

Corporate Services Department
Budget Monitoring - as at 31st December 2021

CABINET 14th MARCH 2022

Division	Working Budget				Forecasted				Dec 2021 Forecasted Variance for Year £'000	Oct 2021 Forecasted Variance for Year £'000
	Expenditure £'000	Income £'000	Net non- controllable £'000	Net £'000	Expenditure £'000	Income £'000	Net non- controllable £'000	Net £'000		
Financial Services	13,621	-2,637	-856	10,128	12,788	-2,417	-856	9,515	-613	-517
Revenues & Financial Compliance	63,504	-43,246	-830	19,428	62,794	-43,055	-830	18,909	-519	-375
GRAND TOTAL	77,125	-45,883	-1,686	29,556	75,582	-45,472	-1,686	28,425	-1,131	-892

Corporate Services Department - Budget Monitoring - as at 31st December 2021

Main Variances

CABINET 14th MARCH 2022

Division	Working Budget		Forecasted		Dec 2021 Forecasted Variance for Year £'000	Notes	Oct 2021 Forecasted Variance for Year £'000
	Expenditure £'000	Income £'000	Expenditure £'000	Income £'000			
Financial Services							
Accountancy	1,801	-467	1,742	-464	-56	£56k part year net vacancies, due to be filled during the year.	-10
Treasury and Pension Investment Section	265	-195	231	-212	-51	£31k part year vacancies, due to be filled during the year. £20k external SLA income from the WPP and other smaller underspends	-54
Payments	557	-77	491	-75	-64	£49k part year vacancies, due to be filled during the year. £15k savings on supplies and services	-55
Audit Fees	322	-93	281	-93	-42	A proportion of audit fees are chargeable directly to grants	-42
Bank Charges	68	0	46	0	-22	Charges reduced since introduction of new contract	-11
Miscellaneous Services	8,177	-122	7,752	-65	-368	£354k underspend on pre LGR pension costs, £14k underspend on Treasury Management costs	-359
Other variances					-10		14
Revenues & Financial Compliance							
Procurement	611	-35	522	-35	-90	£90k part year vacancies, due to be filled during the year. All posts now been recruited into.	-79
Audit	487	-19	421	-35	-82	£46k part year net vacancies, £20k saving on supplies and services along with £16k additional income over budget from SLA income	-70
Business Support Unit	142	0	105	0	-37	£32k part year vacancy, now been recruited into. £5k savings on supplies and services	-34
Corporate Services Training	60	0	19	-0	-41	Low uptake of training courses during year	-25
Council Tax Reduction Scheme	16,828	0	17,200	0	372	Increased demand since COVID19. WG contribution received for the shortfall in 2020/21, but no confirmation to date whether that will be replicated in 2021/22. Estimated payments due less than anticipated in October.	572
Rent Allowances	41,323	-41,540	40,961	-41,374	-196	Predicted underspend based on anticipated payments due, anticipated reimbursement from DWP and recovery of overpayments. This areas fluctuates greatly as demand is constantly changing.	-294
Rates Relief	328	0	190	0	-138	Low take-up anticipated in 2021/22	-133
Housing Benefits Admin	1,684	-752	1,336	-703	-299	A number of posts have been vacant during the year to date. Some of these will now not be filled until the new financial year. A large number of staff members are also currently on lower points of the salary scale but budgeted at the top of scale. This amounts to a saving of £378k. A £14k saving on supplies and services costs is also anticipated. This is offset by the ongoing annual reduction in admin grant received from DWP.	-316
Other variances					-8		4
Grand Total					-1,131		-892

Department for Education & Children
Budget Monitoring - as at 31st December 2021

CABINET 14th MARCH 2022

Division	Working Budget				Forecasted				Dec 2021 Forecasted Variance for Year £'000	Oct 2021 Forecasted Variance for Year £'000
	Expenditure £'000	Income £'000	Net non- controllable £'000	Net £'000	Expenditure £'000	Income £'000	Net non- controllable £'000	Net £'000		
Schools Delegated Budgets	142,191	-20,381	0	121,810	146,711	-24,901	0	121,810	0	4,741
Reserve utilisation				0				0	0	-4,741
Director & Strategic Management	1,679	0	-109	1,570	1,516	0	-109	1,407	-163	-448
Education Services Division	8,019	-3,074	17,981	22,926	9,161	-4,194	17,981	22,948	22	105
Access to Education	3,492	-100	1,410	4,802	10,627	-7,130	1,410	4,907	105	124
School Improvement	3,506	-1,543	460	2,423	4,568	-2,501	460	2,527	104	26
Curriculum & Wellbeing	9,190	-4,929	895	5,155	9,628	-5,407	895	5,116	-39	23
Children's Services	25,851	-7,589	2,711	20,974	29,840	-11,607	2,711	20,944	-29	171
TOTAL excluding schools	51,737	-17,234	23,348	57,850	65,340	-30,839	23,348	57,849	-2	0
GRAND TOTAL	193,927	-37,615	23,348	179,660	212,050	-55,740	23,348	179,658	-2	0

Department for Education & Children - Budget Monitoring - as at 31st December 2021
Main Variances

CABINET 14th MARCH 2022

Division	Working Budget		Forecasted		Dec 2021 Forecasted Variance for Year £'000	Notes	Oct 2021 Forecasted Variance for Year £'000
	Expenditure £'000	Income £'000	Expenditure £'000	Income £'000			
Director & Strategic Management							
Director & Management Team	1,273	0	1,119	0	-154	Travel, supplies & services etc across dept savings identified towards 2022/23 efficiency requirement. This is supporting in year pressures detailed below across other service areas & has reduced from October as a result of growth budget being allocated to service areas.	-450
Other variances					-9		2
Education Services Division							
School Redundancy & EVR	2,065	0	2,118	0	53	Fewer in year redundancies due to the additional grant funding in schools	93
Early Years Non-Maintained Provision	1,269	-919	1,832	-1,683	-201	Grant income facilitating the release of core budget for other service in year pressures	-223
Special Educational Needs	4,012	-2,155	4,540	-2,516	166	Staffing costs for additional classes in attached units £166k & new statements approved in year £500k, partially funded (-£500k) by other services having part year vacancies & utilising core budget where grant funding has been applied	197
Other variances					4		37
Access to Education							
School Modernisation	239	0	303	-37	27	£22k closed schools & £5k additional transport costs following school reorganisations	50
School Meals & Primary Free Breakfast Services	2,948	-100	9,936	-7,001	87	Primary school free breakfasts voluntary income shortfall (£86k) & increased food costs (£65k) due to grab and go bags instead of cereal etc. High levels of sickness cover £86k & kitchen maintenance costs £150k, partially funded (-£300k) by other services having part year vacancies & utilising core budget where grant funding has been applied	83
Other variances					-8		-9
School Improvement							
School Effectiveness Support Services	517	-15	491	-15	-27	Maximising grant income for core budget to support other pressures	-27
National Model for School Improvement	792	0	954	-32	130	One off costs re ERW	52
Other variances					1		1

Department for Education & Children - Budget Monitoring - as at 31st December 2021

Main Variances

CABINET 14th MARCH 2022

Division	Working Budget		Forecasted		Dec 2021 Forecasted Variance for Year £'000	Notes	Oct 2021 Forecasted Variance for Year £'000
	Expenditure £'000	Income £'000	Expenditure £'000	Income £'000			
Curriculum and Wellbeing							
Welsh Language Support	680	-248	638	-253	-48	Delay in set up of centres and maximising in year grant opportunities	1
Youth Offending & Prevention Service	1,939	-1,161	2,025	-1,307	-60	Additional WG Grant (Support for Young People in Wales) offsetting core budget to support other services areas as continue to provide reduced services in some areas & part year vacancies through recruiting pressures due to COVID19 challenges	-53
Adult & Community Learning	631	-631	530	-420	109	Reduced take up on courses will impact on level of grant income eligible to claim and franchise income due via Coleg Sir Gar	-16
School Information Systems	356	-28	304	-28	-52	Part year vacancies	-15
Other variances					11		106
Children's Services							
Commissioning and Social Work	7,183	-4	8,728	-1,426	123	Increased staffing costs forecast at this stage in the year (£119k) and overspend forecast on legal costs (£204k)- more external providers being used as a result of increased sickness levels internally and also complexity of cases, partially offset by part year vacancies across the dept (-£200k)	106
Corporate Parenting & Leaving Care	1,080	-187	1,183	-338	-48	Reduced commitments for family / client needs in December return - less young people and less claims being made	7
Fostering Services & Support	4,103	0	4,285	-50	132	Increase in Special Guardianship Orders (SGO's) and enhancement costs re more complex children in placements	68
Garreglwyd Residential Unit	466	-202	917	-653	-0	Assumes £469k income from Hywel Dda Health Board	-0
Respite Units	971	0	925	-2	-48	Recruitment delays and 1 officer partially grant funded	-19
Childcare	1,621	-1,089	1,563	-1,070	-39	Additional in year grant awarded from Welsh Government supporting priorities the service had already identified and have staff working on	2
Short Breaks and Direct Payments	703	-75	907	-337	-58	Underspend as a result of in year vacancy. Social Care Recovery Fund being applied to other costs previously reported as overspends	59
Family Aide Services	111	0	269	-208	-49	Maximisation of grant income, partially offsetting overspends elsewhere within the division	-34

Department for Education & Children - Budget Monitoring - as at 31st December 2021

Main Variances

CABINET 14th MARCH 2022

Division	Working Budget		Forecasted		Dec 2021	Notes	Oct 2021
	Expenditure	Income	Expenditure	Income	Forecasted Variance for Year		Forecasted Variance for Year
	£'000	£'000	£'000	£'000	£'000		£'000
Other Family Services incl Young Carers and ASD	582	-347	696	-488	-26	Sessional worker, travel and activity costs for Young Carers all significantly reduced as not currently running clubs or holiday activities (COVID19 guidance)	-26
School Safeguarding & Attendance	443	-165	731	-505	-52	Maximisation of grant income partially offsetting overspends elsewhere within the division	-65
Other Variances					36		73
Grand Total					-2		0

Environment Department
Budget Monitoring - as at 31st December 2021

CABINET 14th MARCH 2022

Division	Working Budget				Forecasted				Dec 2021 Forecasted Variance for Year £'000	Oct 2021 Forecasted Variance for Year £'000
	Expenditure £'000	Income £'000	Net non- controllable £'000	Net £'000	Expenditure £'000	Income £'000	Net non- controllable £'000	Net £'000		
Business Support & Performance	4,151	-3,784	476	844	5,695	-5,401	476	770	-74	-21
Waste & Environmental Services	26,657	-4,590	1,377	23,444	28,250	-6,253	1,376	23,374	-70	-53
Highways & Transportation	61,771	-40,333	10,632	32,070	63,060	-41,330	10,632	32,362	292	203
Property	32,248	-31,195	636	1,688	39,511	-38,934	636	1,213	-475	-385
Place and Sustainability	4,959	-1,944	330	3,345	4,920	-2,166	330	3,084	-261	-198
GRAND TOTAL	129,786	-81,846	13,450	61,390	141,436	-94,083	13,450	60,803	-588	-455

Environment Department - Budget Monitoring - as at 31st December 2021

Main Variances

CABINET 14th MARCH 2022

Division	Working Budget		Forecasted		Dec 2021 Forecasted Variance for Year £'000	Notes	Oct 2021 Forecasted Variance for Year £'000
	Expenditure £'000	Income £'000	Expenditure £'000	Income £'000			
Business Support & Performance							
Facilities Management - Building							
Cleaning	4,137	-3,691	5,744	-5,313	-15	Vacancies during the year, all posts now filled	8
Business Support	-78	-35	-125	-35	-47	Vacant posts estimated to be filled before year end	-17
Departmental - Core	48	0	68	0	20	Health & Wellbeing posts not budgeted for (£11k); previous year efficiency not yet delivered.	15
Departmental - Policy	6	0	-18	0	-23	Vacant post now filled	-22
Other variances					-9		-6
Waste & Environmental Services							
Emergency Planning	76	0	60	0	-16	LRF commitment covered by WG grant for 2021/22 (£12k). Salary not at top of budgeted scale point (£4k).	-14
SAB - Sustainable Drainage approval Body Unit	127	-130	113	-60	57	Anticipated income not materialised - Dependent on number of submissions and market buoyancy of development projects	53
Environmental Enforcement	567	-18	544	-13	-17	Vacant posts during the year - to be included as part of the departmental review	-2
Public Conveniences	208	-6	166	-13	-48	Due to a change in legislation with effect from the 1st of April 2020, Business Rates for stand alone public conveniences are now eligible for a 100% rate relief, this outturn includes 20/21 and 21/22.	-7
Green Waste Collection	555	-435	533	-461	-48	Increased customer base	-49
Other variances					4		-35
Highways & Transportation							
Design Services CHS Works	4,068	-4,329	3,416	-3,640	36	Reduced construction work as a result of COVID19, supply chain difficulties	-91
Property Design - Business Unit	2,848	-3,176	3,081	-3,611	-202	Increased income from internal recharges reflecting work projected during the year	-70
Transport Strategic Planning	393	0	307	0	-85	Project Management fees recovered from grants	-40
Section 106 Transport schemes	0	0	0	-14	-14	Income received in 2021/22 for expenditure incurred in previous years	-14
School Transport	11,770	-923	12,297	-1,105	345	Additional operating days plus supply chain tender prices are increasing	417
Traffic Management	581	-70	1,050	-592	-54	Net increase in Traffic Regulation orders income	-42
Car Parks	2,068	-3,134	2,078	-3,012	131	Investment in new ticket machines	116
Plant y Ci Park & Ride	82	-34	117	-55	13	Reduced demand on the service	14
Storm Damage	0	0	228	0	228	Reimbursement of the storm damage clearance cost incurred during Storm Arwen and Barra is being sought from WG	0
Road Safety	184	0	106	-0	-78	Underspend due to vacant post, an officer working part time and also Project Management fees recovered from grants	-55
School Crossing Patrols	154	0	139	-3	-17	Vacancies on some sites need to be filled.	-14

Environment Department - Budget Monitoring - as at 31st December 2021

Main Variances

CABINET 14th MARCH 2022

Division	Working Budget		Forecasted		Dec 2021 Forecasted Variance for Year £'000	Notes	Oct 2021 Forecasted Variance for Year £'000
	Expenditure £'000	Income £'000	Expenditure £'000	Income £'000			
Public Rights Of Way	978	-79	941	-58	-16	Vacant posts and 1 employee working reduced hours	-18
Other variances					6		1
Property							
Property Division Business Unit	140	0	81	0	-59	Net effect of the transfer of the previous Head of Property post holder	-43
Property Maintenance Operational	26,918	-28,233	33,524	-35,263	-424	Increased income from internal recharges reflecting work projected during the year, including significant unexpected projects.	-350
Other variances					8		8
Place and Sustainability							
Planning Admin Account	352	-16	424	-149	-61	Savings on supplies and services and vacant posts including the part-year effect of the Head of Service vacancy (now filled)	-52
Forward Planning	706	-2	598	-2	-109	£75k underspend due to staff vacancies and £33k savings on consultants fees both due to covid-related delay in the LDP process	-134
Development Management	1,693	-935	1,728	-925	45	Shortfall in income anticipated	55
Tywi Centre	62	-61	132	-153	-22	Lost income claims received from WG, £12k Q2, £8k Q3	-9
Conservation	471	-13	463	-52	-48	Vacant post estimated to be filled in March 2022	-37
Net Zero Carbon Plan	129	0	70	0	-59	Vacant post not anticipating to be filled before year-end and savings on various fees/costs	-41
Other Variances					-8		22
Grand Total					-588		-455

Housing Revenue Account - Budget Monitoring as at 31st December 2021

	Working Budget £'000	Forecasted £'000	Dec 21 Variance for Year £'000	Notes	Oct 21 Forecasted Variance for Year £'000
Expenditure					
Repairs & Maintenance					
Responsive	1,950	2,627	677	Forecast expenditure based on spend to date. Increased demand due to backlog created by COVID19 restrictions.	586
Minor Works	3,271	1,879	-1,392	Potential capacity issues within Minor Works Framework due to increase in volume of work being procured, options being explored with Contractors to increase capacity.	-1,471
Voids	3,717	3,815	98	Overspend on Council Tax costs due to increased Void properties over longer periods.	139
Servicing	1,826	1,878	52	Prediction based on current spends and values of works done after 9 months	40
Drains & Sewers	151	117	-34	Prediction based on current spends and values of works done after 9 months	-25
Grounds	816	816	0		0
Unadopted Roads	113	113	0		0
Supervision & Management					
Employee	5,758	5,253	-505	Vacant posts primarily in Council Housing Property/Tyisha teams (-£150k), Housing Development Team (-£159k) and Business Support (-£91k). These are now being filled as we move post COVID19 and into 2022/23	-393
Premises	1,273	1,229	-44	Supporting Older People +£5k, Supporting Tenants and Residents +£32k	-22
Transport	73	41	-32	Reduction in staff travel due to working from home.	-27
Supplies	886	1,027	141	Mainly legal fees and costs	171
Recharges	1,783	1,687	-96	Linked to vacant posts for capitalised salaries	39
Provision for Bad Debt	544	544	0		0
Capital Financing Cost	15,068	14,361	-707	Lower MRP than budgeted for, due to less borrowing in 2020/21 outturn. Also, our success in accessing additional grants and reduced capital spend on the capital programme means there will be no borrowing in 2021/22	-344
Central Support Charges	1,742	1,737	-4		-11
Direct Revenue Financing	11,333	11,333	0	This may change with the securing of additional grants (described above) to fund our capital programme, which may significantly reduce the need for revenue contributions.	0
Total Expenditure	50,303	48,458	-1,846		-1,318

Housing Revenue Account - Budget Monitoring as at 31st December 2021

	Working Budget £'000	Forecasted £'000	Dec 21	Notes	Oct 21
			Variance for Year £'000		Forecasted Variance for Year £'000
Income					
Rents	-42,025	-41,965	60	Prediction close to target for rent due and voids	26
Service Charges	-816	-813	3		6
Supporting People	-68	-68	0		0
Interest on Cash Balances	-23	-8	15		15
Grants	-246	-305	-59	Overachievement of income linked to Welsh Government grants.	-59
Insurance	-213	-213	0		0
Other Income	-457	-457	-0		-7
Total Income	-43,847	-43,828	19		-19
Net Expenditure	6,456	4,630	-1,826		-1,337

HRA Reserve	£'000
Balance b/f 01/04/2021	19,444
Budgeted movement in year	-6,456
Variance for the year	1,826
Balance c/f 31/03/2022	14,814

CABINET

14TH MARCH 2022

CAPITAL PROGRAMME 2021/22 UPDATE

Purpose:

To report the latest projected outturn of the capital programme for the financial year and to agree the reprofiling of the budget.

Recommendations / key decisions required:

1. That the capital programme update report is received.
2. That the new projects are noted and agreed.

Reasons:

To provide an update of the latest budgetary position for the 2021/22 capital programme, as at the 31st December 2021.

Relevant scrutiny committee to be consulted N/A

Cabinet Decision Required YES

Council Decision Required NO

CABINET MEMBER PORTFOLIO HOLDER:

Cllr. David Jenkins (Resources)

Directorate: Corporate Services

Name of Head of Service:
Randal Hemingway

Report Author: Randal Hemingway

Designations:

Head of Financial Services

Tel: 01267 224886

Email addresses:

RHemingway@cararthenshire.gov.uk

EXECUTIVE SUMMARY

CABINET
14th MARCH 2022

CAPITAL PROGRAMME 2021/22 UPDATE

The current capital programme is based on information available as at the end of December 2021. **Appendix A** shows a forecasted net spend of £56,526k compared with a working net budget of £104,923k, giving a **-£48,397k** variance. The variance projected at this time relates mainly to delays with regeneration projects.

The net budget includes the original H.R.A. and General Fund capital programmes approved by Council on 3rd March and slippage from 2020/21 and, amendments approved by Cabinet on 25th October 2021. Some of the budgets have also been amended to account for differences in actual grant allocations compared with the anticipated allocations at the time the programme was approved.

Appendix B details the main variances within each department.

New Projects and virements to note and approve for the current year:

Private Housing: Additional ICF grant of £91.8k for Housing Adaptations for Carers in 2021/22 which is 100% funding by the grant.

Regeneration: Budgets for the Transforming Towns Place Making projects are now shown separately Previously they have been part of the Transforming Towns Strategic Budget. These projects regenerate derelict buildings within town centres and improve the retail offer at ground level while providing public housing opportunities on upper floors.

Education and Children: It should be noted that the grants formerly called 21st Century Schools are now referred to as “Sustainable Communities for Learning”. This is following a rebranding by the Welsh Government.

£308k additional grant funding for Disability Play Equipment, £15k at Llyn Llech Owain, £260k at Pembrey Country Park which will be delivered by the authority and £15k for Llanelli Town Skate Park which will be a contribution towards a scheme delivered by the Llanelli Town Council.

A virement of £1m from Sustainable Communities for Learning Band A Projects, that can currently under design and will slip into future years; to Mobile Classroom Provisions for urgent provision of mobile classes at Ysgol Bro Myrddin and Ysgol Y Strade.

DETAILED REPORT ATTACHED?

YES

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed:		Randal Hemingway			Head of Financial Services	
Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	NONE	YES	NONE	NONE	NONE	YES

3. Finance

The capital programme shows an in-year forecasted variance of **-£48,397k** against the 2021/22 approved budget as at 31st December 2021.

7. Physical Assets

The capital programme will have an impact on the physical assets owned by the Authority.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Randal Hemingway Head of Financial Services

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee - Relevant Scrutiny Committees will be consulted.
2. Local Member(s) N/A
3. Community / Town Council N/A
4. Relevant Partners N/A
5. Staff Side Representatives and other Organisations N/A

CABINET MEMBER PORTFOLIO HOLDER AWARE/CONSULTED	YES
--	------------

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

Title of Document	Locations that the papers are available for public inspection
2021/22 Capital Programme	Corporate Service Department, County Hall, Carmarthen. On-line via corporate website – Minutes of County Council Meeting 3 rd March 2021.

This page is intentionally left blank

Capital Programme 2021/22							
Capital Budget Monitoring - Report for December 2021							
	Working Budget			Forecasted			Variance for Year
Department	Expenditure £'000	Income £'000	Net £'000	Expenditure £'000	Income £'000	Net £'000	
Public Housing	40,298	-8,845	31,453	27,529	-10,522	17,007	-14,446
Private Housing	4,003	-399	3,604	2,672	-399	2,273	-1,331
Leisure	4,356	-1,261	3,095	2,539	-254	2,285	-810
Social Care	1,078	-681	397	654	-654	0	-397
Environment	35,638	-17,072	18,566	31,801	-17,992	13,809	-4,757
Education & Children	28,502	-7,903	20,599	17,268	-5,297	11,971	-8,628
Chief Executive	2,560	0	2,560	1,399	-33	1,366	-1,194
Regeneration	40,114	-15,464	24,650	14,852	-7,037	7,815	-16,835
TOTAL	156,548	-51,625	104,923	98,713	-42,188	56,526	-48,397

This page is intentionally left blank

Capital Programme 2021/22								
Capital Budget Monitoring - Report for December 2021 - Main Variances								
DEPARTMENT/SCHEMES	Working Budget			Forecasted			Variance for Year £'000	Comment
	Expenditure £'000	Income £'000	Net £'000	Expenditure £'000	Income £'000	Net £'000		
COMMUNITIES								
- Public Housing	40,298	-8,845	31,453	27,529	-10,522	17,007	-14,446	
Sewage Treatment Works Upgrading	184	0	184	45	0	45	-139	
Internal and External Works (Property)	16,239	0	16,239	13,504	0	13,504	-2,735	Acceleration of voids work.
Environmental Works (Housing Services)	380	0	380	413	0	413	33	Garages investment programme accelerated. Overspend will be covered within department.
Adaptations and Equalities Works (Building Services)	1,500	0	1,500	1,500	0	1,500	0	
Programme Delivery and Strategy	896	0	896	425	0	425	-471	Owing to staffing vacancies.
Housing Development Programme	20,900	-1,020	19,879	11,442	-1,689	9,753	-10,126	Delays at Tyisha and engineering works at other sites in addition to ongoing COVID19 related delays.
CX Housing Assets - Asset Management System	200	0	200	200	0	200	0	
MRA and IHP Grants Income	0	-7,825	-7,825	0	-8,833	-8,833	0	
- Private Housing	4,003	-399	3,604	2,672	-399	2,273	-1,331	
Disabled Facilities Grant (DFG)	3,125	-92	3,033	2,092	-92	2,001	-1,033	We have a further 400 enquiries that are yet to be assessed. Therefore, despite there being the demand to spend the full budget because of supply chain difficulties the likely spend will be lower.
Renewal Area: Remedial Works	41	0	41	20	0	20	-21	Remedial Works to be funded from Capital Receipts.
ENABLE - Adaptations to Support Independent Living	307	-307	0	307	-307	0	0	
Travellers Sites	30	0	30	30	0	30	0	Funded by a revenue contribution.
Empty Properties Initiatives	500	0	500	223	0	223	-277	Project slipped to 2022/23.
- Leisure	4,356	-1,261	3,095	2,539	-254	2,285	-810	
Amman Valley Leisure Centre Masterplan	10	0	10	11	0	11	1	Project slipped to future years.
Oriol Myrddin Redevelopment	1,887	-1,000	887	100		100	-787	Projected due to start on site in March 2022. Project to slip into 2022/23.
Libraries & Museums	1,422	-150	1,272	1,430	-146	1,285	13	
Burry Port Harbour Walls	765	0	765	765	0	765	0	Scheme Complete.
Country Parks	272	-111	161	232	-108	124	-37	Majority of underspend is on the Pembrey Country Park Cycling Hub and will be utilised in part to cover spend on other projects, mainly the new BMX pump track.
- Social Care	1,078	-681	397	654	-654	0	-397	Slip to 2022/23.
ENVIRONMENT	35,638	-17,072	18,566	31,801	-17,992	13,809	-4,757	
Highways & Infrastructure	27,310	-17,072	10,238	25,655	-17,587	8,069	-2,169	Main slippages into 2022/23: -£562k Trebeddrod Reservoir, -£291k Junction improvements, -£378k Circular Economy Waste Projects, -£183 Cross Hands Economic Link Road, -£263k Towy Valley Path match funding for Dinefwr Levelling Up Project, -£100k Morfa Bacas Path.
Property	8,327	0	8,327	6,145	-405	5,740	-2,587	Slippage on works at: -£1.8m Ty Elwyn, -£433k Capital Maintenance, -£974k County Hall.

Capital Programme 2021/22							Variance for Year £'000	Comment
Capital Budget Monitoring - Report for December 2021 - Main Variances								
DEPARTMENT/SCHEMES	Working Budget			Forecasted				
	Expenditure £'000	Income £'000	Net £'000	Expenditure £'000	Income £'000	Net £'000		
EDUCATION & CHILDREN	28,502	-7,903	20,599	17,268	-5,297	11,971	-8,628	
Sustainable Communities for Learning - Band A - Design Stage Schemes	363	0	363	60	0	60	-303	Delays with acquiring land for Laugharne Primary School. Slippage on Rhydygors. Budget to be vired in this financial year to deliver urgent mobile classroom provision.
Sustainable Communities for Learning - Band A - WG FBC Approved Schemes	6,753	0	6,753	4,729	0	4,729	-2,024	Slip to future years.
Sustainable Communities for Learning - Band B - Design Stage Schemes	5,274	0	5,274	885	0	885	-4,389	Slip to 2022/23
Sustainable Communities for Learning - Band B - WG FBC Approved Schemes	7,524	0	7,524	4,350	0	4,350	-3,174	Slip to 2022/23 (Castell, Pum Heol and Pembrey)
Education - Equality Act Works	0	0	0	343	0	343	343	Ongoing commitment to Equalities Act works.
Dyffryn Taff Bus Bays	176	0	176	176	0	176	0	Urgent and critical works to be undertaken from within the existing capital budget. Works will continue into 2022/23.
Infant Class Size	799	-799	0	905	-843	62	62	Covered by MEP match funding.
Mobile Classrooms Provision	1,000	0	1,000	15	0	15	-985	Virement from Band A and slip to 2022/23. Urgent works at Strade and Bro Myrddin.
Welsh Language Immersion Centre (Maes y Gwendraeth)	688	-364	324	949	-364	586	261	Initial project specification changed to allow cost effective creation of additional classrooms. Additional Costs to be covered by savings on other projects.
School Buildings - Education Capital Maintenance Grants	3,174	0	3,174	3,174	0	3,174	0	Funded from displaced 2020/21 monies. Grant received in 2020/21 but authorised by WG to be applied in other areas of capital to displace funds to deliver the education maintenance project in 2021/22.
Flying Start Capital Expansion Programme	946	-946	0	555	-555	0	0	
Childcare Offer Places	620	-620	0	360	-360	0	0	
Play Opportunities Grant Projects	358	-308	50	308	-308	0	-50	Purchase of van delayed until 2022-23 because of delays with fitout. £275k additional grant for disability play equipment at Llyn Llech Owain.
Rhydygors Intermediate Care Project	600	-600	0	85	-85	0	0	Scheme will slip to future years.
MEP Income - Sustainable Communities for Learning Grant	0	-4,234	-4,234	0	-2,750	-2,750	1,484	Grant to slip in line with delays to projects.
Other Projects with Minor Variances	227	-31	196	373	-31	341	146	Other minor projects, retentions and provision expenditure.
CHIEF EXECUTIVE	2,560	0	2,560	1,399	-33	1,366	-1,194	
IT Strategy Developments	1,219	0	1,219	367	-33	333	-886	Slip to 2022/23.
Purchase of Grillo Site, Burry Port	417	0	417	3	0	3	-414	Saving against the purchase of the site.
Glanamman Industrial Estate Redevelopment	818	0	818	909	0	909	91	
Rural Estates	74	0	74	74	0	74	0	Additional expenditure covered by revenue contribution.
Other Projects with Minor Variances	31	0	31	46	0	46	15	Retention works on St David's Park buildings 2 and 14 and Refurbishment works to Block 3.

Capital Programme 2021/22							Variance for Year £'000	Comment
Capital Budget Monitoring - Report for December 2021 - Main Variances								
DEPARTMENT/SCHEMES	Working Budget			Forecasted				
	Expenditure £'000	Income £'000	Net £'000	Expenditure £'000	Income £'000	Net £'000		
REGENERATION	40,114	-15,464	24,650	14,852	-7,037	7,815	-16,835	
Swansea Bay City Region Projects	5,721	-5,521	200	1,919	-1,719	200	0	Majority of spend expected in 2022/23. Budget slipped to future years.
County Wide Regeneration Funds	6,972	-1,500	5,472	291	0	291	-5,181	Delays on grants to third parties because of the to impact of COVID19 on project delivery timeframes. Project to slip to 2022/23.
Cross Hands East Strategic Employment Site Phase 1	605	0	605	605	0	605	0	
Cross Hands East Phase 2	1,088	-903	185	1,088	-903	185	0	
Cross Hands East Plot 3 Development	7,335	-3,970	3,366	463	-925	-463	-3,829	Construction expected to start in February 2022. Slip to 2022/23.
Valleys Town Centres	122	-122	0	72	-72	0	0	
Carmarthen Town Regeneration - Jacksons Lane	22	0	22	55	-33	22	0	
Carmarthen Old Town Quarter	700	0	700	1	0	1	-699	Detailed design to follow Greening Infrastructure masterplan outcome.
Pendine Iconic International Visitors Destination	2,221	0	2,221	1,398	0	1,398	-823	Currently in discussion with insurance company regarding storm damage claim. Works will continue into the next financial year. Estimated completion date is Jul'2022.
Llandeilo Market Hall	3,586	-821	2,764	1,435	-438	997	-1,767	Completion expected September 2022. Slip to 2022/23.
Ammanford Regeneration Development Fund	299	0	299	127	0	127	-171	Delays because of changes to state aid rules following Brexit.
Ammanford Town Centre Regeneration	21	0	21	11	-18	-7	-28	
Levelling Up Fund Projects	0	0	0	2,922	-2,301	621	621	Carmarthenshire West and Pembrokeshire South Levelling up. Covered from underspends in other projects in 2021/22. Negative Slippage to future years.
Town Centre Loan Scheme	1,400	0	1,400	0	0	0	-1,400	Start on site expected within Q1 of 2022/23. Updated full award from WG.
TRI Strategic Projects - Market Street North	1,811	0	1,811	72	0	72	-1,739	Project called in by Welsh Government planning division.
TRI Strategic Projects - Former YMCA Building, Stepney Street, Llanelli	1,868	0	1,868	3,175	0	3,175	1,307	Funded by Strategic TRI allocation.
Transforming Town Centres Strategic Projects	2,998	-1,670	1,327	284	-284	0	-1,327	Slip to 2022/23. External funding will be drawn down in advance of CCC monies that will be required in future years.
Business Support for Renewable Energy Initiatives	500	0	500	0	0	0	-500	Slip to 2022/23. Grant Programme to be launched in February 2022.
Ten Towns Growth Plan	1,000	0	1,000	0	0	0	-1,000	Slip to 2022/23. Expressions of interest to town and community councils being worked up.
Place Making	1,228	-830	398	253	-161	92	-307	
Other Projects	618	-128	490	683	-184	499	9	Llanelli JV, Brilliant Basics.
TOTAL	156,548	-51,625	104,923	98,713	-42,188	56,526	-48,397	

This page is intentionally left blank

CABINET

14TH MARCH 2022

BUSINESS RATES – RETAIL, LEISURE AND HOSPITALITY RATES RELIEF SCHEME 2022/23		
PURPOSE: To consider the adoption of a rate relief scheme being made available to billing authorities by Welsh Government for 2022/23		
RECOMMENDATIONS / KEY DECISIONS REQUIRED: It is recommended that the 2022/23 Retail Leisure and Hospitality Rates Relief scheme outlined in this report be adopted by Cabinet.		
REASONS: The proposed scheme will reduce the 2022/23 business rates liability for qualifying businesses, at no cost to the Authority.		
Relevant scrutiny committee to be consulted - NA		
Cabinet Decision Required		YES
Council Decision Required		No
CABINET MEMBER PORTFOLIO HOLDER: - Cllr. David Jenkins – Cabinet Member for Resources		
Directorate: Corporate Services <u>Name of Head of Service:</u> Helen Pugh <u>Report Author:</u> Ann Thomas	Designations: Head of Revenues & Financial Compliance Revenue Services Manager	<u>Tel No.</u> 01267 246223 01554 742126 <u>E Mail Address:</u> HLPugh@Carmarthenshire.gov.uk AnThomas@sirgar.gov.uk

EXECUTIVE SUMMARY

CABINET

14TH MARCH 2022

BUSINESS RATES – RETAIL, LEISURE AND HOSPITALITY RATES RELIEF SCHEME 2022/23

1. Background

- 1.1. As a result of the national non-domestic rates revaluation many ratepayers were faced with an increase in their rates liability with effect from 1st April 2017. Some increases were very significant. To support ratepayers Welsh Government introduced a Transitional Relief scheme whereby ratepayers that occupy small premises (less than £12,000 Rateable Value) and receive Small Business Relief in 2016/17 will have any increase arising from the revaluation, “dampened”. i.e. the increase is limited to 25% in 2017/18, 50% in 2018/19 and 75% in 2019/20.
- 1.2. In addition to the Transitional Relief scheme, which ended in 2019/20 Welsh Government also introduced a “High Street Rate Relief scheme” for 2017/18, 2018/19, 2019/20 2020/21 and 2021/22
- 1.3. Unlike previous years, the 2019-20 scheme was not limited to high street premises but included all properties within Wales meeting the wider retail criteria.
- 1.4. In response to the Coronavirus emergency in 2020/21 Welsh Government announced that it would introduce the Retail, Leisure and Hospitality Rates Relief scheme to increase the discount to 100%, This scheme also applied in 2021/22 and in addition to retail sector, extend it to include leisure and hospitality sectors for example shops, pubs and restaurants, gyms, performance venues and hotels.
- 1.5. Welsh Government has recently confirmed it will provide grant funding to all 22 local authorities in Wales to provide the Retail, Leisure and Hospitality Rates Relief scheme to eligible businesses for 2022-23.
- 1.6. However, unlike the previous 2 years the scheme aims to provide support for eligible occupied properties by offering a discount of 50% on non-domestic rates bills for 2022/23.
- 1.7. The scheme will apply to all eligible businesses; however, the relief will be subject to a cap in the amount each business can claim across Wales. The total amount of relief available is £110,000 across all properties occupied by the same business.
- 1.8. Welsh Government has indicated the types of business that they consider appropriate for this relief, and those which are not. The non-exhaustive list of business types is given in **Appendix A**
- 1.9. This is a temporary measure which means Welsh Government is not making any legislative changes but instead will allow billing authorities to grant relief under the general discretionary relief powers available under section 47 of the Local Government (Finance) Act 1988. However, being a discretionary power, it is necessary for the Local Authority to formally adopt the scheme.

1.10. The scheme is fully funded and therefore at no cost to the authority provided relief is granted in accordance with the Welsh Government guidelines.

2. Retail, Leisure and Hospitality Rates Relief scheme 2022/23

2.1. 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 2022-23.

2.2. The scheme aims to provide support for eligible occupied properties by offering a discount of 50% on the non domestic rates bill for a property, to all eligible premises.

2.3. The scheme will apply to all eligible businesses, however, the relief will be subject to a cap in the amount each business can claim across Wales. The total amount of relief available is £110,000 across all properties occupied by the same business.

2.4. All businesses are required to make an application for the relief and a declaration that the amount of relief they are seeking across Wales does not exceed this cap, when applying to individual local authorities.

2.5. If, for any reason, an authority is unable to provide this relief to eligible businesses from 1 April 2022, consideration should be given to notifying eligible businesses that they qualify for the relief and that their bills will be recalculated.

3. Other Factors

3.1. The scheme guidelines also confirm that there are a number of further types of hereditaments which the Welsh Government believes should not be eligible for relief:

- i. Hereditaments with a rateable value of more than £500,000
- ii. Not reasonably accessible to visiting members of the public
- iii. Hereditaments that are not occupied
- iv. Hereditaments that are owned, rented or managed by a local authority

The list is shown at **Appendix A**

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

3.3. Qualifying properties must be occupied and used *wholly or mainly* for the qualifying purpose, it is therefore a test on use rather than occupation.

3.4. Relief will be granted to each eligible business as a reduction to its rates bill, based on occupation between 1.4.22 and 31.3.23.

3.5. Ratepayers who occupy more than one property will be entitled to Relief for each of their eligible properties up to a cap of £110 000 across all properties occupied by the same business across Wales.

3.6. 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, subject to the cap being applied.

3.7. In instances where the local authority is notified retrospectively of change of occupier, if it is clear that the ratepayer was in occupation on or after 1.4.22, the local authority may use its discretion in awarding relief.

- 3.8. Empty properties becoming occupied after 1.4.22 will qualify for this relief.
- 3.9. If there is a change in occupier part way through the financial year, after relief has already been awarded to the hereditament, the new occupier will qualify for the relief on a pro-rata basis if they operate in the retail, leisure or hospitality sectors.
- 3.10. 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.
- 3.11. Hereditaments which closed temporarily due to the government's advice on Covid-19 should be treated as occupied for the purposes of this relief.
- 3.12. A business with a single property with a remaining liability (after reliefs) greater than £220,000 can use the entire allocation of relief. No other properties owned by that business will be eligible for the scheme.
- 3.13. The total amount of government funded relief available for each property under the scheme for 2022-23 is 50% 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.
- 3.14. Ratepayers will be able to opt out of receiving the relief if they are of a 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.
- 3.15. Following the end of the transition period for the UK leaving the European Union on 31st December 2020, EU State Aid regulations only apply in limited circumstances. As relief is not funded by EU residential funds, EU State Aid regulations no longer apply for this scheme. As of 1st 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.

4. Scheme Adoption

4.1. As this is a temporary measure Welsh Government are providing the relief by reimbursing local authorities that use their discretionary powers under Section 47 of the Local Government Finance Act 1988, it is appropriate for the Council to formally adopt the scheme.

It is therefore recommended that:

- a) The Retail Leisure and Hospitality Rates Relief Scheme be adopted for 2022/23
- b) Relief be granted in accordance with the Welsh Government guidelines
- c) Applications that are not specifically covered by the guidelines or otherwise require specific consideration, to be determined by the Cabinet Member for Resources

REPORT ATTACHED?

Appendix A - Qualifying & Non-Qualifying Premises (extract from Welsh Government Guidelines)

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: **Chris Moore** Director of Corporate Services

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	YES	YES	NONE	NONE	NONE	NONE

2. Legal

The decision on whether or not to adopt these schemes is a Cabinet function.

3. Finance

The relief granted under the scheme is fully funded, provided Welsh Government guidelines in terms of qualifying ratepayers, are adhered to.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: **Chris Moore** Director of Corporate Services

1. Scrutiny Committee - N/A
2. Local Member(s) - N/A
3. Community / Town Council - N/A
4. Relevant Partners - N/A
5. Staff Side Representatives and other Organisations - N/A

CABINET MEMBER PORTFOLIO HOLDER AWARE/CONSULTED	Yes
--	------------

Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Business Rates – High Street Rate Retail Scheme (various documents)	N/A	File Plan (Finance/Local Taxation/Retail Rate Relief)

This page is intentionally left blank

Qualifying & Non-Qualifying Premises (extract from Welsh Government Guidelines)

“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).

i. 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
- Markets
- Petrol stations
- Garden centres
- Art galleries (where art is for sale or hire)

ii. 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

iii. 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

It is intended that, for the purposes of this scheme assembly and leisure will mean the following (subject to the other criteria in this guidance).

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

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

- Public Halls
- Clubhouses, clubs and institutions

It is intended that, for the purposes of this scheme hotels, guest and boarding premises and self catering accommodation to mean (subject to the other criteria in this guidance).

vi. 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

“The list set out above 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 this 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”

Types of hereditaments that are not considered to be eligible for the high street relief

The list below 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 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 below and if they would not be eligible for relief under the scheme.

i. 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, pawn brokers)
- Medical services (eg. vets, dentists, doctors, osteopaths, chiropractors)
- Professional services (eg. solicitors, accountants, insurance agents, financial advisers, tutors)
- Post office sorting office
- Children's play centres
- Day nurseries
- Kennels and catteries
- Casino and gambling clubs
- Show homes and marketing suites
- Employment agencies

There are a number of further types of hereditaments which the Welsh Government believes should not be eligible for the high street relief scheme:

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

iii.. Hereditaments that are not occupied

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

This page is intentionally left blank

CABINET

14 MARCH 2022

NATIONAL BOTANIC GARDEN OF WALES

Recommendations / key decisions required:

1. To extend the Authority's interest free loan to the Garden for a further 6 months to 31st March 2022 (including the option agreement on the farmhouse).
2. To allow the Garden to continued occupation of three of the four farmhouses on a tenancy basis for a further 6 months to 31st March 2022.
3. To note the expected repayment of the Loan before the 31st March 2022

Reasons:

To extend the existing loan / lease arrangements, which came to an end on 30 September 2021 by a further 6 months on the same conditions as existing agreements whilst the National Botanical Gardens finalise the structure for the repayment of the loan.

Relevant scrutiny committee to be consulted NO

Cabinet Decision Required YES

Council Decision Required NO

CABINET MEMBER PORTFOLIO HOLDER:-

Cllr D M Jenkins – Cabinet Member for Resources

Directorate: Corporate Services

Name of Director: Chris Moore

Report Author: Chris Moore

Designations:

Director of Corporate Services

Tel:

Email addresses:

Tel No. 01267 224120; E Mail:

CMoore@carmarthenshire.gov.uk

EXECUTIVE SUMMARY

CABINET 14 MARCH 2022

NATIONAL BOTANIC GARDEN OF WALES

History

- The County Council have a long history of support for the Garden going back to the project's inception in the 1990's, including both direct financial support and working in strategic partnership with various bodies including the Welsh Government and the Millennium Commission to secure a viable and long term future for the Garden.
- Relevant to today's discussions are the following previous resolutions:
 - **On the 19th September 2005 the Executive Board resolved:**
 - To request the Garden to release their leasehold interest in the farmhouses which along with the necessary consents and resolutions from interested parties would give the Authority unencumbered freehold possession. In return the Authority would advance the Garden £900,000 which would be repaid when the farmhouses were sold.
 - **On the 20th February 2007 the Executive Board resolved:**
 - That the Council's existing loan to the National Botanic Garden of Wales be increased by the sum detailed within the Director of Resources report on the same terms and conditions as the existing loan. (The additional being £450,000)
 - **On the 3rd March 2008 following discussions with WAG the Executive Board resolved:**
 - To convert the £1.35m loan (plus interest) to the National Botanic Garden into a grant. (The loan being written down over a two year period as each farmhouse was sold)
 - To provide £50,000 p.a. revenue grant in cash (£30k) and in kind (£20k) for a three year period

This was in response to a revised funding package from WAG of £1.9m capital and three year funding of £550k p.a.

- **On 31st January 2011 Executive Board considered a report** where it was identified that the Garden for operational reasons continued to occupy the farmhouses and this coupled with the economic climate affecting asset values had meant that no disposals of the farmhouses have taken place, therefore as a consequence the loan granted to the Garden remained in place.

It was also noted that Welsh Government had commissioned a review of the funding and governance arrangements at the Garden, which concluded that the facility is not financially sustainable without external funding and that this position was likely to remain for the foreseeable future.

The Authority was also informed that Welsh Ministers had agreed a funding package for the Garden for three years (2011/12 – 2013/14) subject to the County Council agreeing an extension of its own financial support. It was therefore resolved:

- To extend the Authority's interest free loan to the Garden for a further period of three years
- To allow the Garden continued occupation of three of the four farmhouses on a tenancy basis
- To provide £60,000 per annum revenue cash grant to the Garden for a further three years
 - Welsh Government subsequently made a further award of grant to the Botanical Garden for the year 2014/15 and again this award was made dependant on the continued support of the County Council for a further year. A revenue grant of £70k was provided by the County Council with occupation of the farmhouses and an extension of the loan also being provided for a further 1 year.
 - **On the 15th June 2015 the Executive Board resolved:**
 - To extend the Authority's interest free loan to the Garden for a further 3 years to 31st March 2018
 - To allow the Garden continued occupation of the four farmhouses and homesteads on a tenancy basis for a further 3 years to 31st March 2018
 - To provide £70,000 revenue cash grant to the Garden for 2015/16 subject to condition below
 - To approve, subject to condition below, a forward commitment of revenue cash grant for the 2016/17 and 2017/18 on a sliding scale basis of £50,000 for 2016/17 and £30,000 for 2017/18 subject to discussions with Welsh Government regarding its funding commitment
 - To support the restoration Regency Landscape project to the value of £50,000
 - That Councillor D.M. Jenkins, Executive Board Member with responsibility for Resources, be nominated to serve as the Authority's representative on the Garden's Board of Trustees.

Condition: That the Garden be requested to consider introducing an all-year round discount on admission charges for Carmarthenshire residents in view of the support provided by the Council.

○ **On the 27th November 2017 the Executive Board resolved:**

- To extend the Authority's interest free loan to the Garden for a further 2 years to 31st March 2020
- To allow the Garden continued occupation of three of the four farmhouses on a tenancy basis for a further 2 years to 31st March 2020
- That the Garden be informed that the Council expected interest to be charged on the loan from 1st April 2020
- That the Executive Board undertake a visit to the Garden

This decision was based on the following information provided by the Garden:

- A 5 year business plan detailing how the Garden proposed to improve its financial sustainability.
- The Garden had been successful in obtaining funds from various sources including grant funding, sponsorship, social investment finance and commercial loans and continued to receive financial support from the Welsh Government
- The £7m Regency Restoration project was fully funded and work had commenced, with the Heritage Lottery Fund backing the project to the value of £3.55m.
- A further development proposal was the Farmhouse Renovation / Conversion Proposal. The proposal was to renovate these buildings and use them for student accommodation and holiday lets.

○ **On the 19th October 2020 the Executive Board resolved:**

- 1. To extend the Authority's interest free loan to the Garden for a further 18 months from 1st April 2020 to 30th September 2021.
- 2. To allow the Garden continued occupation of three of the four farmhouses on a tenancy basis for a further 18 months to 30th September 2021

This decision was based on the following information:

- The Garden was not currently in a position to pay the outstanding loan amount of £1.35m
- the Garden was looking for a longer term loan repayment model and a sufficient extension on the lease agreement to allow them to raise funds and carry out the renovation work.
- The Garden presented the Council with a Five Year Business Plan progress review which summarised rapid visitor growth in the recent period.

- The Regency Parkland Restoration project was well underway with the opening of the project in likely 2020.
- The Tyfu'r Dyfodol/Growing the Future 2 project was underway with a 5 year funding package of £2.3m.
- The British Bird of Prey Centre had opened and was contributing to attracting visitors to the Gardens and a schools education programme had been developed.
- The renovation of the farmhouses continued to be a proposal within the Business Plan when future investment was available, which would then provide additional income source to the gardens.
- Farm diversification and Horticultural consultancy was being developed to support further income generation.
- It was also identified that Covid 19 had affected the operations of the Garden as it has for most businesses and organisations, with the Garden having been closed for a period of time. It was however noted that visitors had, when possible, continued to come to the Garden, reflecting the confidence they feel in enjoying the facilities in an outdoor safe and secure environment
- The Garden has also been engaged in dialogue with the Welsh Government who were supportive of working up a proposal with the Gardens to find a sustainable solution to the ongoing long term future of the Garden.

Present Position

As referred to above the Gardens in 2020, had engaged dialogue with Welsh Government in respect of finding a sustainable solution to the ongoing long term future of the Gardens. This dialogue has continued throughout the current period of the loan and is still ongoing, although it has been delayed at times due to the Covid response priorities.

To allow the Garden to further develop, the Garden and Welsh Government are keen to obtain the freehold interest of the farmhouses back.

In 2005 when the Loan Agreement was originally signed there was also a Conditional option agreement signed, which provided for the farmhouses known as Gorswen, Alltgoch, Pantwgan and Bryncrwys to be transferred (freehold) to the NBGW subject to the repayment of the whole of the loan. The total loan currently being £1,350,000. At the time this Loan was subject to interest but this was amended by way of deed in 2012 to make the loan interest free from the start.

Over recent months County Council Officers have worked with officers of WG and the Gardens to develop a plan to resolve this position. Through a support package from Welsh Government it is likely that the Gardens will be able to repay the loan to the County Council in full by the 31st March 2022., which it is then expected will allow the Gardens to activate the Conditional Option Agreement.

This conditional option agreement can only be exercised once i.e. NBGW must pay the whole of the loan to the Council whereupon the freehold of the farmhouses as mentioned above would be transferred to them. NBGW cannot exercise the option more than once e.g. they cannot repay half the loan and expect say 2 of the properties to be transferred- it is all or nothing agreement.

The current term of the loan and option was until the 30 September 2021 and has not been formally extended whilst dialogue on options of repayment with both WG and the Gardens has taken place. Now that an acceptable conclusion is being proposed Cabinet is being asked to formally extend the loan to the 31 March 2022, so that this option agreement can be activated.

Conclusions

- The Garden has an opportunity with WG support to repay the loan in full and reclaim the freehold interest in the farmhouses.
- The County Council is required to formally extend the loan and option on the farmhouses a further 6 months to 31 March 2022 which will then facilitate the opportunity for the loan repayment in full.

Recommendations

1. To extend the Authority's interest free loan to the Garden for a further 6 months to 31st March 2022 (including the option agreement on the farmhouse)
2. To allow the Garden to continued occupation of three of the four farmhouses on a tenancy basis for a further 6 months to 31st March 2022.
3. To note the expected repayment of the Loan in full before the 31st March 2022

DETAILED REPORT ATTACHED?

YES

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: C Moore

Director of Corporate Services

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
YES	YES	YES	NONE	NONE	NONE	YES

1. Policy, Crime & Disorder and Equalities

The National Botanic Garden of Wales is a facility of potentially global significance that is important to the image, tourism and economy of Carmarthenshire. The viability of the Garden has been under threat in previous years and the County Council has previously joined in a strategic partnership with other public sector organisations to provide funding and support. Despite its previous financial and operational difficulties the National Botanic Garden continues to be one of the most visited attractions in Wales, currently drawing significant visitors to a facility in Carmarthenshire with potential to increase this number in future years. Closure of the Garden would have a significantly damaging effect on the economy and image of the County and undermine the Council's efforts, together with its partners, to develop the local tourism industry.

2. Legal

Previous reports to Council have established the legal basis of the Authority's direct contributions to NBGW as being the general power of wellbeing conferred by the Local Government Act 2000.

Agreement to extend the loan facility will require amendments to existing legal agreements.

3. Finance

Loan repayment extension for another 6 months, as previously agreed on an interest free. It is expected that the loan will be repaid in full by the 31st March 2022.

4. Physical Assets

The proposal would require the County Council to hold on to the freehold of the four farmhouses during the extended loan period. The Garden would also be entitled to occupy three of the farmhouses during this period. At the point of repayment of the loan the freehold interest in the Farmhouses - Gorswen, Alltgoch, Pantwgan and Bryncrwys would revert to NBGW.

The NBGW would be entitled to sell the farmhouses should they wish too.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: C Moore

Director of Corporate Services

1. Scrutiny Committee

Not Applicable – Strategic issue

2. Local Member(s)

Not Applicable – Strategic issue

3. Community / Town Council

Not Applicable – Strategic issue

4. Relevant Partners

Welsh Assembly Government have been kept fully informed of Council's proposals

5. Staff Side Representatives and other Organisations

Not Applicable

CABINET HOLDER AWARE/CONSULTED

YES

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Correspondence from NBGW	NBGW	Head of Financial Services
Report and minutes of Executive Board – 19 th September 2005	Executive Board	County Hall
Report and minutes of Executive Board – 20 th February 2007	Executive Board	County Hall
Report and minutes of Executive Board – 3 rd March 2008	Executive Board	County Hall
Report and minutes of Executive Board – 31 st January 2011	Executive Board	County Hall
Report and minutes of Executive Board – 15 th June 2015	Executive Board	County Hall
Report and minutes of Executive Board – 27 th November 2017	Executive Board	County Hall

This page is intentionally left blank