

COUNCIL SUMMONS

DYDD IAU, 23 GORFFENNAF 2020

GWYS Y CYNGOR

THURSDAY, 23 JULY 2020,

PAPURAU ATODOL

Eitem Disgrifiad a Rhif (au) Tudalen

14 Cwestiynau Ysgrifenedig

(Tudalennau 3 - 12)

Yn unol â Rheolau Gweithdrefn y Cyngor, Rheol 17(f), caiff Cwestiynau Ysgrifenedig eu hystyried a'r ymateb ei gynnwys fel cofnod yng nghofnodion y cyfarfod.

Taflen Diwygiadau (Tudalennau 13 - 18)

amative

Davina Fiore

Cyfarwyddwr Llywodraethu a Gwasanaethau

Cyfreithiol

Neuadd y Sir Caerdydd CF10 4UW Dydd Gwener, 17 Gorffennaf 2020



COUNCIL, 23 JULY 2020: WRITTEN QUESTIONS

CLEAN STREETS, RECYCLING AND ENVIRONMENT (COUNCILLOR MICHAEL MICHAEL)

W1 WRITTEN QUESTION FROM COUNTY COUNCILLOR JACOBSEN

Although the Council has done well with the appointment system at the recycling centres, is there a date set yet to re-open the site fully for constituents to take assorted rubbish to the tip such as furniture etc?

<u>Reply</u>

Both recycling centres at Lamby Way and Bessemer Close are now accepting all those materials, including furniture, that were accepted prior to the Covid-19 shut down. They will also accept items that are unable to be recycled, such as blinds, mirrors and other mixed-material items.

The exceptions are residual (black bag) waste, which cannot be recycled or composted, and green bags containing mixed recyclable materials, which should be presented by households for kerbside collection on the appropriate day. Residual (black bag) waste should be placed within household wheelie bins as any waste bags left at the side will not be collected.

Bulky waste collections have also restarted for larger household items and there is no charge for items that are fully recyclable, such as wooden dining tables or bookshelves; metal bed frames or shelving units, uPVC windows and frames; carpet; sprung mattresses without memory foam and large electrical appliances (e.g. fridges or washing machines).

W2 WRITTEN QUESTION FROM COUNTY COUNCILLOR BURKE-DAVIES

Is it possible to implement regular updates to Ward Members of where fly tipping is reported via the Cardiff Council App? This would enable Councillors to be aware of areas that are routinely targeted and act, together with the Council and communities, to deter people from fly tipping in these spaces.

Reply

Officers are currently looking at how best to present the information on fly-tipping reports to ward members as part of the work to share information on core data in the Street Scene service area. The service monitors all requests for fly-tipping to be cleared, including those received via the Cardiff App, in order to identify specific fly-tipping 'hotspots' within the city. This enables us to target resources accordingly, including the use of both covert and overt CCTV surveillance, in an effort to tackle the problem.

I would also be happy to discuss with you any specific fly-tipping issues within Llandaff North and what potential measures could be implemented in an effort to address them. Similarly, if any member wishes to raise any concerns about fly-tipping within their ward, then they should email: NSComplaintsandRequests@cardiff.gov.uk

W3 WRITTEN QUESTION FROM COUNTY COUNCILLOR HUDSON

Deceased dog's bodies are routinely scanned to check ownership details through channels such as Cardiff dog pound. Are you able to tell us what the current procedure is to scan deceased cats and if/why it has been scrapped over the last 2 years?

If there currently is no procedure, this unfortunately means Cardiff is the only council in Wales to not offer any form of process for cats. Others use vets, scan on site or their contractors do. Some even use local rescues who will take and scan the cats. With Cardiff already offering an efficient process for dogs, is there any particular reason this could not be extended to cats given they have the facilities to do so?

Reply

There is a legal requirement for all dogs to be microchipped; therefore, if any are found either dead or alive, then tracing the owner should be straightforward. Almost all dogs are now microchipped due to these legal requirements; however, there is currently no similar legislation requiring cats to be microchipped.

In 2019, a local process was agreed between Waste Management and Cardiff Dogs Home so that any dead cats found are taken to the Dogs Home where they are scanned for any microchips using the equipment available on site.

Since 2019, a total of 13 cats have been delivered by Waste Management to the Dogs Home in line with this procedure; of which 7 were microchipped. The owners were then contacted and had the option of retrieving the deceased cat. If any dead cat does not have a microchip or the owners are uncontactable, the Dogs Home makes arrangements for their appropriate disposal via cremation.

W4 WRITTEN QUESTION FROM COUNTY COUNCILLOR WOOD

Feedback from residents suggests an increase in fly-tipping since the Covid-19 lockdown with concerns that the ongoing restrictions on dispose of excess household general waste 'black bags' at the HWRCs are adding to the problems. How much fly-tipping has there been in each of the last 3 months, and how does this compare to figures for the same months in the last two years?

Reply

1,495 fly-tipping incidents were recorded in the first quarter of 2018/19. This reduced to 1,424 incidents in the first quarter of 2019/20 and 1,445 incidents in the same period this year (2020/21). The statistics indicate that there has been no significant change in the number of fly-tipping incidents recorded over the past three years.

Waste Enforcement Officers have continued to enforce the offence of fly-tipping throughout the Covid-19 pandemic. Each case will be considered on an individual basis and can result in either prosecution for large scale fly-tipping or a £400 fixed penalty for small scale fly-tipping.

General bagged waste that is left outside properties or in lanes and alleys is not recorded as fly-tipping, but is reported as either incorrect waste presentation, which can result in a fixed penalty of £100, or a duty of care offence, which may result in prosecution or a £300 fixed penalty.

The service area monitors the weekly tonnages of fly-tipped and nonfly-tipped waste that is collected by Waste Enforcement Officers and this shows no indication of any significant increase in the tonnages being collected during the Covid-19 pandemic or following the reopening of the city's recycling centres.

W5 WRITTEN QUESTION FROM COUNTY COUNCILLOR SANDREY

Now that Welsh Government has published guidance on toilet facilities, when will the council reopen all public toilets, thereby allowing a significant number of people to actually come out of lockdown without compromising themselves, and will the council commit to working with private sector partners to ensure their facilities are also available to the public?

Reply

The Welsh Government guidance recognises that access to toilet facilities is are currently a 'high priority but high anxiety' issue for some members of the public, which is why the Council is committed to ensuring that appropriate health & safety, cleansing and social distancing measures are implemented before any of our own toilet facilities are reopened.

We are working with local businesses, and FOR Cardiff in the city centre, to help promote Cardiff as a safe place to visit and shop, and this includes enabling people to use available toilet facilities safely by ensuring social distancing and increasing cleaning regimes. Toilet facilities are open within St David's shopping centre and, following the reopening of some bars, pubs, cafes and restaurants outdoors only from Monday 13th July, access to indoor toilet facilities is allowed in line with Welsh Government guidance, but with enhanced cleaning measures in place. In terms of toilet facilities in the city centre that are provided within council venues, a single accessible toilet is available for public use on the ground floor at the St Mary Street entrance to Cardiff Market. The outside toilets within the grounds of Cardiff Castle are also open to people using the public space being provided there. Other council buildings in the city, including leisure and cultural venues, are not open currently and, therefore, there is no public access to their toilet facilities.

I can confirm that the Parks service is planning to reopen its toilet facilities at Roath Park Lake (East), Roath Park Pleasure Gardens and Victoria Park from Monday 27th July following appropriate risk assessments and in line with advice from the Council's Health & Safety team and relevant Welsh Government guidance. They will be carrying out the necessary cleansing and testing in advance, including Legionella checks, given the length of time that they have been closed during lockdown. Appropriate signage will also be erected for customers to follow and cleaning rotas will be reinstated on a twice daily basis.

Public access to toilets within the Council's Hubs and libraries is not yet available as these community facilities are being reopened gradually on a phased basis across the city and access to the Hubs is currently by appointment only. Hub managers are working with the Council's Health and Safety team to plan how to allow access to toilets safely and, following discussion with Social Services colleagues, it has been decided to prioritise access by carers and their clients to the Hub toilets. It is anticipated that this arrangement will be put in place shortly.

CULTURE AND LEISURE (COUNCILLOR PETER BRADBURY)

W6 WRITTEN QUESTION FROM COUNTY COUNCILLOR KELLOWAY

Can the cabinet member please detail what actions the Council has taken to end the sewage leak affecting Roath Park Lake?

Reply

This is a matter for Natural Resources Wales and Dŵr Cymru Welsh Water, not the Council, but we are working closely with them as they seek to locate and resolve any breaches to inappropriate waste connections upstream of the lake, and we would hope that this can be done as quickly as possible.

W7 WRITTEN QUESTION FROM COUNTY COUNCILLOR GORDON

Making walking and cycling easier, the path across Pontcanna Fields to Blackweir Bridge is an important commuter and recreational walking and cycling route. When will the suspension bridge be reopened and are there plans for further maintenance and signage?

Reply

While I recognise the importance of Blackweir Bridge in terms of its use for commuting, I am also very mindful of the risks posed owing to its narrow deck and the inability to implement effective control measures to reduce the risk of the transmission of Covid-19. For these reasons and in the interests of public safety, there are no current plans to reopen the bridge until government guidance permits.

Regrettably, the advanced signage notifying commuters and general park users of alternative routes have been removed and replaced on numerous occasions. I have, however requested that further advanced signage is installed. There are no current plans for further maintenance.

W8 WRITTEN QUESTION FROM COUNTY COUNCILLOR HENSHAW

Can you give us an update on when children's playgrounds can reopen?

Reply

On Friday 10th July, the First Minister announced that playgrounds in Wales may reopen from Monday 20th July and this was confirmed subsequently on Friday 17th July. Detailed guidance was issued by the Welsh Government on 13th July recognising that owners/operators have the discretion over when they consider it safe to do so.

The safety of our playground users is of paramount importance and we will be ensuring that full technical inspections are undertaken prior to the reopening of any playgrounds, in addition to the installation of Covid-19 signage.

The Council is responsible for 116 playgrounds in the city and, as you will be aware from my communication to all members that was issued on Friday 17th July, our playgrounds are being reopened on a phased basis from Monday 20th July, with an initial 30 sites being reopened this week. I am pleased to confirm that a further 20 playgrounds will be reopened from lunchtime on Monday 27th July, which are listed below:

- Adamscroft open space (Adamsdown);
- Belmont Walk (Butetown);
- Windsor Esplanade (Butetown);
- Trelai Park (Caerau);
- Bute Park Play Trail (Cathays);
- Maindy Park (Cathays);
- Whitland Crescent (Fairwater);
- Maitland Park (Gabalfa);
- Heol y Delyn (Lisvane);
- Watkin's Square (Llanishen);
- Waun Fach (Pentwyn);

- Parc Coed y Nant (Pentwyn);
- Penuel Road (Pentyrch);
- Sovereign Chase (Penylan);
- Cwm Farm Junior (Radyr);
- Cwm Farm Toddler (Radyr);
- Splott Park (Splott);
- Tremorfa Park (Splott);
- Heritage Park (Trowbridge); and
- Hollybush (Whitchurch & Tongwynlais).

INVESTMENT AND DEVELOPMENT (COUNCILLOR RUSSELL GOODWAY)

W9 WRITTEN QUESTION FROM COUNTY COUNCILLOR McGARRY

According to an article on Wales Online, the Administrators' Report states that Cardiff Council is owed over a million pounds by Signature Living Coal Exchange Ltd, plus a large business rates bill that remains unpaid. It also reveals that the security Cardiff Council has on the building appears worthless as Signature Living Coal Exchange Ltd has borrowed more than £13m from another company, which has been given priority status as a creditor. This company has a Deed of Priority which means they are ranked above the council in the order of priorities. If this is correct, could I ask whether Cardiff Council is a party to this Deed of Priority and, if so, who made the decision and what was the reasoning behind it?

Reply

The Councillor will be aware that the Council carried out essential works to the building to make the building not only safe, but also to protect the integrity of this historic listed building. In doing so, the Council incurred total expenditure of £907,000.

The Council's legal team determined that, of that amount, some £178,000 represented expenditure necessary to fund emergency works to prevent the building from falling out on to surrounding streets such that it could cause personal injury or damage to property as defined by \$78 of the Building Act 1984. The balance of £729,000 funded works necessary to prevent the building falling in on itself and were required to protect the long term integrity of the building. All of these works were undertaken prior to the acquisition of the building by Signature Living Coal Exchange Ltd.

The Council entered into a Memorandum of Understanding (MOU) with Signature Living Coal Exchange Ltd on 31 March 2016, which provided for the Council's debt of £729,000 to be converted into a loan repayable on full completion of the project and the re-financing of the building and secured by way of a legal charge over the building. The remaining £178,000 is dealt with separately in the MOU with a commitment from Signature Living Coal Exchange Ltd to repay the sum but is not secured by way of a legal charge.

The Council was not prepared to make further funding available at that time but recognised that, due to the state of the building at that time, Signature Living Coal Exchange Ltd would need to raise a significant amount of additional capital to fund the refurbishment of the Exchange building. Consequently, the Council also agreed to a draft deed of priority, which is attached to the registered charge and which would be triggered in the event that Signature Living Coal Exchange Ltd borrowed from or entered into a financial arrangement with another party. I am advised that this type of clause is not uncommon for a building project of this kind and is included to provide security to other investors providing funds to complete the regeneration of the building. Signature Living Coal Exchange Ltd subsequently secured a £13 million investment from an organisation called Albendan.

The agreement to enter into these arrangements was authorised by the Corporate Director of Resources in March 2016 under the executive scheme of delegations. Based on projected valuations at that time, the Council concluded that upon completion and refinancing of the building sufficient funding would be released to allow the total liability due to the Council of £907,000 to be repaid in full, despite the Council's debt ranking second behind Albendan.

The decision by Signature Living Coal Exchange Ltd to put the company into administration, coupled with the ongoing COVID-19 crisis, has resulted in the project not being completed as planned such that the Council's investment in the building is at risk.

STRATEGIC PLANNING AND TRANSPORT (COUNCILLOR CARO WILD)

W10 WRITTEN QUESTION FROM COUNTY COUNCILLOR SATTAR

What steps are the Council taking to support small cafes who are not able to open as they don't have outside spaces?

Can consideration be given to waving fees for street licenses for a period of 3/6 months?

Reply

The Council has waived all fees from 23rd March 2020 through to 1st September 2020 for existing license holders and officers are working to see what support can be given to extend areas to support businesses. Regular reviews will take place and, if further support is required, consideration will be given to waiving fees for a longer period.

The Council will look to support small cafes without outdoor space in a similar way and there will be no fees until 1st September 2020. Each application will need to be reviewed in terms of footway area to determine how much space can be made available, whilst balancing the need for social distancing. The Council has already commenced work to provide extended areas in district centres to support social distancing and to look at how support to businesses can be provided.

The Council has been working with key stakeholders, including the police, to develop a Memorandum of Understanding to support businesses operating in public spaces. Businesses are also able to make applications via the Council's website.

W11 WRITTEN QUESTION FROM COUNTY COUNCILLOR MOLIK

What does the equalities impact assessment suggest in terms of changes in city centre transport infrastructure and its impact on residents in the city, residents of differing ability, gender & age?

How can the public access the report?

Reply

The Equality Impact Assessment undertaken in relation to the Cardiff Recovery Strategy suggests that public transport capacity is likely to reduce significantly from pre-Covid-19 levels. This could affect disproportionately some protected characteristic groups (young people, people with disabilities, lower income groups and people from BAME communities) who are more likely to be reliant on public transport as their primary means of transport. Whilst the strategy itself is not reducing public transport, measures set out in the Recovery Strategy to improve active travel options could help to mitigate this by providing safe alternatives.

The Equality Impact Assessment also identifies that some protected characteristic groups tend to be more reliant on private cars or taxis, as public transport or active travel modes are not suitable for their needs. The Recovery Strategy identifies the importance of car access being maintained as far as possible and that facilities such as Blue Badge parking continue to be provided in order to reduce the potential for any adverse differential impacts on these groups.

Arrangements are being made to publish the Equality Impact Assessment on the Council's website; however, it is important to note that it is a living document, which is subject to amendment and will need to be regularly updated as a result of any changes to Welsh Government directions and guidance as lockdown restrictions are relaxed further. In order to do this, we have established an equality group, which has met regularly to identify issues and propose solutions to any adverse impacts. This includes representation from Age Connects Cardiff and the Vale; Alzheimer's Society; Cardiff 50+ Forum; Deaf Hub Cymru; Diverse Cymru; Guide Dogs Cymru and RNIB Cymru.

CYNGOR CAERDYDD CARDIFF COUNCIL



COUNCIL: 23 JULY 2020

AMENDMENT SHEET

ITEM 2: MEMBERS DECLARATIONS OF INTEREST

Elected Members Personal Interests to be declared collectively at the commencement of the Full Council Meeting.

Item 5 – Members' Schedule of Remuneration 2020 - 2021				
Councillor Ahmed	Councillor Lay			
Councillor Asghar Ali	Councillor Lent			
Councillor Dilwar Ali	Councillor Lister			
Councillor Berman	Councillor Mackie			
Councillor Bowen-Thomson	Councillor McGarry			
Councillor Boyle	Councillor McKerlich			
Councillor Bradbury	Councillor Melborne			
Councillor Bridgeman	Councillor Merry			
Councillor Burke-Davies	Councillor Michael			
Councillor Carter	Councillor Molik			
Councillor Cowan	Councillor Morgan			
Councillor Cunnah	Councillor Naughton			
Councillor De'Ath	Councillor Owen			
Councillor Derbyshire	Councillor Parkhill			
Councillor Driscoll	Councillor Jackie Parry			
Councillor Ebrahim	Councillor Keith Parry			
Councillor Elsmore	Councillor Patel			
Councillor Ford	Councillor Phillips			
Councillor Gibson	Councillor Dianne Rees			
Councillor Goddard	Councillor Mia Rees			
Councillor Goodway	Councillor Robson			
Councillor Gordon	Councillor Sandrey			
Councillor Henshaw	Councillor Sattar			
Councillor Gavin Hill-John	Councillor Simmons			
Councillor Philippa Hill-John	Councillor Singh			
Councillor Hinchey	Councillor Stubbs			
Councillor Hopkins	Councillor Taylor			

Councillor Howells	Councillor Graham Thomas
Councillor Hudson	Councillor Huw Thomas
Councillor Jacobsen	Councillor Thorne
Councillor Jenkins	Councillor Walker
Councillor Keith Jones	Councillor Weaver
Councillor Owen Jones	Councillor Wild
Councillor Jones-Pritchard	Councillor Williams
Councillor Joyce	Councillor Wong
Councillor Kelloway	Councillor Wood
Councillor Lancaster	

ITEM 6: SCRUTINY ARRANGEMENTS DURING COVID-19 RESTART

Amendment to paragraph 9 of the report to read:

"Having reviewed the Council's scrutiny arrangements, in consultation with Group Leaders and Scrutiny Chairs, and subject to there **not** being a second wave or peak of coronavirus cases and a further imposition of lockdown measures, it is proposed to restart each of the five standing scrutiny committees of the Council with a specific remit, within their area of responsibility, to:"

ITEM 6: AMENDMENT TO REPORT

Proposed by Councillor Carter

Seconded by Councillor Boyle

We would like amend part 1 of the recommendations and remove part 2.

We would therefore replace:

- '1. Approve the restarting of the five standing scrutiny committees of the Council with a specific remit, within their area of responsibility, to:
- a) Undertake pre-decision scrutiny of all Cabinet decisions, where appropriate and proportionate to do so;
- b) Scrutinise any issues which are time critical and or may have a significant adverse reputational impact on the Council; and
- c) Develop priorities for potential scrutiny consideration during 2020/21, in consultation with the relevant Cabinet member/s and Directors.
- 2. Note that it may be necessary for the Covid-19 Scrutiny Panel to continue to discharge its scrutiny functions in the event of a second peak in Covid19 cases and further lockdown measures, until such time as the standing scrutiny committees are able to be supported to resume their functions.'

With:

- 1. Approve the restarting of the five standing scrutiny committees of the Council with a specific remit, **to meet virtually** within their area of responsibility, to:
- a) Undertake pre-decision scrutiny of all Cabinet decisions, where appropriate and proportionate to do so;
- b) Scrutinise any issues which are time critical and or may have a significant adverse reputational impact on the Council; and
- c) Develop priorities for potential scrutiny consideration during 2020/21, in consultation with the relevant Cabinet member/s and Directors

ITEM 8: AMENDMENT TO NOTICE OF MOTION 1

Proposed by Councillor Rhys Taylor

Seconded by Councillor Rodney Berman

Add before "This Council has no confidence in the Cabinet."

"This Council calls for a full and independent investigation to understand the circumstances which led to the service failure identified by the HMIP's inspection.

"The investigation will report to the Children and Young People Scrutiny Committee and to Council.

"This Council will implement any findings which arise as a result of the investigation.

ITEM 9: ALTERATION TO NOTICE OF MOTION 2

Proposed by: Cllr Saeed EBRAHIM

Seconded by: Cllr Jen Burke-Davies

This Council notes:

That Sir Thomas Picton is celebrated in a statue in the Marble Hall as part of the Heroes of Wales collection.

That recent events have brought to wider attention the behaviour of Picton, and his role in the transatlantic slave trade – including his reputation as a particularly brutal man, and his conviction for the illegal torture of a 14-year old girl.

That in the public vote held in 1913, the public did not vote for Sir Thomas Picton to be included amongst the statues in Cardiff City Hall

That Cardiff is a diverse, welcoming city

This Council believes:

The behaviour of Picton as Governor of Trinidad was abhorrent, even in his own era, and not deserving of a place in the Heroes of Wales collection.

That heightened awareness about the history of slavery must include a reassessment of the regard in which we hold Picton, and many others who were actors and beneficiaries of slavery.

That in hindsight it was an error to have included Picton as an option in the 1916 public vote, and an error that he had not been removed sooner.

That a democratic decision, by the representatives of the people of Cardiff, to remove the statue will send a message to Black people in Cardiff and across the world that the city recognises the role people like Picton played in slavery, and that we must seek to address the systemic racism that still exists due to slavery and Empire.

This Council resolves:

- To remove the statue of Sir Thomas Picton from the Marble Hall, and to consider placing it elsewhere with a clear explanation of his actions.
- To welcome the introduction of a Task Force by the Leader to address the inequalities
 BAME people face and to include representation from Cardiff's Black communities
- To support the work of the Task Force and calls on Cabinet to implement it's recommendations
- That Black lives matter, and that none of us are equal until all of us are equal.

ITEM 9: AMENDMENT TO NOTICE OF MOTION 2

Proposed by Councillor Jayne Cowan

Seconded by Councillor Thomas Parkhill

This Council notes:

That Sir Thomas Picton is a celebrated statue in the Marble Hall as part of the Heroes of Wales collection, due to his role and ultimate death at the Battle of Waterloo.

That recent events have brought to wider attention the behaviour of Picton and his role in the transatlantic slave trade.

That the accompanying notes for the painting of Sir Thomas Picton in the Queen's Royal Collection of over 250,000 pieces of art will be the first to be amended to include links to his actions.

This Council also notes:

That Cardiff is a diverse and welcoming city.

That on 16th July 2020, the Cabinet established a new Race Equality Task Force to act on race inequality and address racial injustice in Cardiff.

This Council believes:

That the role of Picton both at the battle of Waterloo and as Governor of Trinidad should be put into historic context so that future generations do not forget the history and importance of these events.

This Council resolves:

1. To consult with relevant organisations, such as the Royal Collection Trust, on appropriate forms of recognition of people and/or other events of historical

importance. In the case of Sir Thomas Picton, this should include a plaque or other description which can be added near the statue in the Marble Hall.

- 2. To ensure that all Councillors have an opportunity to input in the work of the Race Equality Task Force.
- 3. That no recommendation made by the Race Equality Task Force will be implemented without consideration by the relevant Scrutiny Committee and discussed at Full Council. To simply implement recommendations without involvement of democratic processes potentially fetters the Council's discretion.
- 4. That black lives matter, and that none of us are equal until all of us are equal.

ITEM 11 - COMMITTEE APPOINTMENTS

The following nominations from Party Group Whips have been received:

Committee	Vacancy	Group	Nomination Received
Audit Committee	1 vacancies	1x Labour	Russell Goodway
Community and Adult Services Scrutiny Committee	1 vacancy	1 x Labour	
Corporate Parenting Advisory Committee	1 vacancy	1 x Welsh National Party	
Public Protection	1 vacancy	1 x Welsh National Party	
Policy Review & Performance Scrutiny	1 vacancy	1 x Welsh National Party	

