
FAIRWATER COMMUNITY POLL

CABINET PROPOSAL

Reason for this Report

1. To allow the Council to consider what action should be taken in response to the Fairwater Community Poll held on 5 March 2015.

Background

2. A Community Poll is a ballot of local government electors in a Community on a question affecting that Community. The provision for Community Polls is made by law and is intended to allow local communities to express their views on a local issue. A Community Poll may be requested by electors at a Community Meeting (or by Community Councillors in an area with a Community Council), and if it is supported by 150 or 10% of the electors for the Community, the Council is legally obliged to comply with the request and hold a Community Poll.
3. At a Fairwater Community Meeting held on 9 February 2015, electors called for a Community Poll to be held on the following question:

"Do you want the Council to re-open the Waungron Road Recycling Centre?" ('the Poll Question').
4. In accordance with its legal obligations, the Council held the Community Poll on 5th March 2015.

Issues

5. The result of the Community Poll is appended as Appendix A. Members will note that, in response to the Poll Question ("Do you want the Council to re-open the Waungron Road Recycling Centre?"), the majority vote was 'Yes'.
6. The legislation provides that, where a majority of those voting at the Community Poll were 'in favour' of the Poll Question, and the Monitoring Officer has served notice to confirm that the Poll Question relates to the functions of the Council, the Council must respond in one of a specified number of ways.

7. The Monitoring Officer has served notice on the Council to confirm that the Poll Question relates to functions of the City of Cardiff Council, as the waste disposal authority for Cardiff, pursuant to Part II of the Environmental Protection Act 1990. The Monitoring Officer's notice was served on 6 March 2015.
8. The response required from the Council is to perform one of the following actions:
 - (a) Exercise the Council's functions so as to comply with the Poll ;
 - (b) Consider, at a meeting of full Council, what action (if any) to take in response to the Poll;
 - (c) Initiate a public consultation exercise about what action (if any) the Council should take in response to the Poll;
 - (d) Hold a public meeting to seek views about what action (if any) the Council should take in response to the Poll;
 - (e) Initiate research to assist the Council to decide what action (if any) it should take in response to the Poll; or
 - (f) Refer the question of what action (if any) the Council should take in response to the Poll to a Scrutiny Committee with a request that the Scrutiny Committee reports back its conclusions to the Council.
9. The action must be taken within 2 months from receiving notice from the Monitoring Officer, that is, by no later than 6 May 2015.
10. After the 2 month period for action has expired, the Council is required to give notice to the Chair of the Community Meeting, describing the action it has taken and any further action proposed and to publish this notice on the Council's website for a period of at least 6 months.
11. Members may recall that the closure of Waungron Road Recycling Centre was agreed as part of the reduction of Household Waste Recycling Centres approved as budget savings in the Budget for 2014/2015; and no provision is made to allow the re-opening of this Centre in the 2015/16 Budget approved by Council last month. The call to re-open Waungron Road Recycling Centre cannot therefore be achieved within the approved budgetary framework.
12. Matters which are outside the budgetary framework can only be approved by full Council. This report therefore recommends that the results of the Fairwater Community Poll (held on 5th March 2015) be referred to full Council.
13. Members will be aware that the closure of Waungron Road Recycling Centre, as part of the budget proposals for 2014/15 and 2015/16, has been subject to full public consultation, rigorous scrutiny and debate. Provided Members are satisfied that the decision to close Waungron Road remains reasonable and appropriate in all the circumstances, it is submitted that Cabinet should recommend to Council that no further action should be taken in response to the Fairwater Community Poll.

14. Members may wish to note that a Community Meeting in the Community of Llandaff is also being held on 16th March 2015 to discuss the re-opening of Waungron Road Recycling Centre (and new housing developments in the area) and to call for a Llandaff Community Poll on this issue. However, if a Llandaff Community Poll is called, the earliest date on which the results of that Poll could be reported to Cabinet is (due to the statutory timescales for holding the poll and the scheduling of meetings around the UK General Election period) the end of May, which is after the statutory deadline for response to the Fairwater Community Poll. The Council therefore needs to agree its response to the Fairwater Community Poll before it is possible to know the outcome of any further Poll which may be called for at the Llandaff Community Meeting on 16th March 2015.

Reason for Recommendations

15. To enable the Council to consider what action should be taken in response to the Fairwater Community Poll held on 5 March 2015.

Legal Implications

16. The law governing Community Polls is set out in the Local Government Act 1972, Schedule 12, Part V (as amended by the Local Government (Wales) Measure 2011) and the Parish and Community Meetings (Polls) Rules 1987). The relevant legal provisions are set out in the body of the report.

Financial Implications

17. The setting of the budget is a Council decision. The decision to close Waungron Road formed part of the 2014/15 and 2015/16 Council budget decision. All costs associated with the reopening of Waungron Road need to be identified in order to inform the decision. In the event of a decision to reopen Waungron Road, then alternative savings or funding mechanism to the level of the costs required would need to be determined and established in order to ensure that the Council budget for 2015/16 remains balanced.

CABINET PROPOSAL

Council is recommended

1. Note the results of the Fairwater Community Poll held on 5th March 2015 (Appendix A to this report); and
2. Agree that no further action should be taken in response to that Poll.

THE CABINET

19 March 2015

The following appendix is attached:-

Appendix A - Declaration of Result of Poll, Fairwater Community Poll, 5th March 2015

The following Background Papers have been taken into account:

Monitoring Officer's Notice of Determination, dated 6th March 2015
Council and Cabinet reports on the Budget 2014/15 (February 2014), and
Budget 2015/16 (February 2015)