

**CABINET MEETING: 28 MAY 2015**

---

**LLANDAFF COMMUNITY POLL**

**REPORT OF THE CHIEF EXECUTIVE**

**AGENDA ITEM: 7**

---

**PORTFOLIO: SAFETY, ENGAGEMENT & DEMOCRACY (COUNCILLOR  
DAN DE'ATH)**

**Reason for this Report**

1. To allow the Cabinet to consider what action the Council should take in response to the Llandaff Community Poll held on 9<sup>th</sup> April 2015.

**Background**

2. A Community Poll is a ballot of local government electors in a Community on a question or questions 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 Llandaff Community Meeting held on 16<sup>th</sup> March 2015, electors called for a Community Poll to be held on the following two questions ("Poll Question 1" and "Poll Question 2" respectively):

Poll Question 1:

"Should Cardiff Council re-open the Waungron Recycling Centre?" and

Poll Question 2:

"Should Cardiff Council reconsider the proposed housing developments in North West Cardiff in light of their potential impact on traffic volume, community facilities and the environment in Llandaff?"

4. In accordance with its legal obligations, the Council held the Llandaff Community Poll on 9<sup>th</sup> April 2015.

**Issues**

5. The result of the Community Poll is appended as **Appendix A**. Members will note that, in response to both questions (Poll Question 1 and Poll Question 2), 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. On 27<sup>th</sup> April 2015, the Monitoring Officer served a notice to confirm that both questions, Poll Question 1 and Poll Question 2, relate to functions of the City of Cardiff Council. A copy of the Monitoring Officer's Notice is attached as **Appendix B** to this report.
8. The response now required from the Council is to perform one of the following actions in response to each Poll Question:
  - (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 27<sup>th</sup> June 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.

#### Poll Question 1 (Waungron Road Recycling Centre)

11. In relation to Poll Question 1, Members will recall that this same question was raised in the recent Fairwater Community Poll (held on 5<sup>th</sup> March 2015), considered by Cabinet on 16<sup>th</sup> March 2015 and by full Council on 26<sup>th</sup> March 2015. The recommendation of Cabinet in response to this previous Poll, and subsequently approved by full Council, was to take no further action on the basis that the closure of Waungron Road Recycling Centre was part of the approved budget savings for 2014/2015, and there was no provision to allow for its re-opening in the 2015/16 budget. Further, it was noted that the budget proposals for 2014/15 and 2015/16 had been subject to full public consultation, rigorous scrutiny and debate.
12. As the call to re-open Waungron Road Recycling Centre cannot be achieved within the approved budgetary framework, this report recommends that the Llandaff Community Poll, Poll Question 1 should be

referred to full Council. 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 Poll Question 1.

### Poll Question 2 (Housing Developments)

13. In relation to Poll Question 2, it is noted that the housing developments in question form part of the deposit Local Development Plan (LDP), which the City of Cardiff Council, as local planning authority has a statutory duty to produce, pursuant to Part 6 of the Planning and Compulsory Purchase Act 2004. The LDP constitutes part of the Council's Policy Framework, which requires approval by full Council.
14. The deposit Local Development Plan was considered by full Council on 26<sup>th</sup> June 2014 (at the same Council meeting which also considered the Fairwater Community Poll held on 30<sup>th</sup> April 2014 calling for the Council not to adopt the LDP).
15. The Council on 26 June 2014 noted that, as local planning authority, it has a statutory duty to produce a local development plan and that the requirements and procedure for the preparation of the Plan (including public consultation arrangements), as statutorily prescribed, had been followed. On this basis, the Council on 26 June 2014 approved the submission of the deposit LDP to the independent examination process (and resolved that no further action should be taken in response to the Fairwater Community Poll held on 30th April 2014).
16. As part of the statutory LDP Examination process, Hearing Sessions have now been held and the Planning Inspectors are currently assessing the soundness of the submitted Plan. The Inspectors Report, with binding recommendations on the Council, is anticipated in Autumn 2015.
17. On the above basis, Cabinet is recommended to refer Poll Question 2 of the Llandaff Community Poll to full Council, with a recommendation that no further action should be taken in response to that Question.

### **Reason for Recommendations**

18. To respond to the Llandaff Community Poll held on 9<sup>th</sup> April 2015 as appropriate, having regard to all relevant factors and the Council's statutory obligations.

### **Legal Implications**

19. 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**

### **In relation to Poll Question 1:**

20. 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.

### **In relation to Poll Question 2:**

21. There are no direct financial implications arising from this decision but consideration needs to be given as to the associated costs that may be incurred as a result of any alterations to the Plan.

## **RECOMMENDATIONS**

The Cabinet is recommended to:

1. Note the results of the Llandaff Community Poll held on 9<sup>th</sup> April 2015 (Appendix A to this report); and
2. Refer this matter to full Council, with a recommendation that, in response to the Llandaff Community Poll:
  - (i) Poll Question 1; and
  - (ii) Poll Question 2

No further action should be taken.

## **PAUL ORDERS**

Chief Executive  
22 May 2015

*The following Appendices are attached*

Appendix A - Declaration of Result of Poll, Llandaff Community Poll, 9<sup>th</sup> April 2015

Appendix B – Monitoring Officer’s Notice of Determination in relation to Llandaff Community Poll, dated 27<sup>th</sup> April 2014

*The following Background Papers have been taken into account:*

- Monitoring Officer’s Notice of Determination (Llandaff Community Poll), dated 27<sup>th</sup> April 2015
- Cabinet and Council reports on the Budget 2014/15 (February 2014), and Budget 2015/16 (February 2015)

- Cabinet and Council reports on the Fairwater Community Poll (5<sup>th</sup> March 2015), dated March 2015, 19<sup>th</sup> and 26<sup>th</sup> respectively
- Cabinet and Council reports on the Fairwater Community Poll (30<sup>th</sup> April 2014), dated June 2014, 12<sup>th</sup> and 26<sup>th</sup> respectively
- Cabinet and Council reports on the Local Development Plan, dated June 2014

# Declaration of Result of Poll Datganiad Canlyniad y Bleidlais

## Llandaff Community Poll Pleidlais Cymuned Llandaf

Appendix A

A Poll of the Local Government Electors of the Community of Llandaff was taken on 9 April 2015 on the following question:

*Cynhaliwyd Pleidlais ymhlith Etholwyr Llywodraeth Leol Cymuned Llandaf ar 9 Ebril 2015 ar y cwestiwn canlynol:*

**Should Cardiff Council reconsider the proposed housing developments in North West Cardiff in light of their potential impact on traffic volume, community facilities and the environment in Llandaff?**

**A ddylai Cyngor Caerdydd ailystyried y datblygiadau tai arfaethedig yng Ngogledd-orllewin Caerdydd yn wyneb eu heffaith bosibl ar faint y traffig, cyfleusterau cymunedol a'r amgylchedd yn Llandaf?**

I give notice that the number of votes recorded was as follows:

*Hysbysaf bod nifer y pleidleisiau a gofnodwyd fel a ganlyn:*

Question/Cwestiwn	Yes Dylai	No Na Ddylai
Should Cardiff Council reconsider the proposed housing developments in North West Cardiff in light of their potential impact on traffic volume, community facilities and the environment in Llandaff?  A ddylai Cyngor Caerdydd ailystyried y datblygiadau tai arfaethedig yng Ngogledd-orllewin Caerdydd yn wyneb eu heffaith bosibl ar faint y traffig, cyfleusterau cymunedol a'r amgylchedd yn Llandaf?	824	48

The number of ballot papers rejected by me was as follows:

*Roedd y nifer o bapurau pleidleisio a wrthodwyd gennyf fel a ganlyn:*

Reason/Rheswm	Number/ Nifer
(a) Want of an official mark/ <i>Angen marc swyddogol</i>	
(b) Voting both Yes and No/ <i>Pleidleisio am Ie a Na</i>	
(c) Writing or mark by which the voter could be identified/ <i>Ysgrifen neu farc lle gellir adnabod y pleidleisiwr</i>	
(d) Unmarked or void for uncertainty/ <i>Heb farc neu'n ddi-rym ar gyfer ansicrwydd</i>	2
(e) Rejected in part/ <i>Gwrthodwyd yn rhannol</i>	
<b>Total/Cyfanswm</b>	<b>2</b>

I therefore declare that the question is ~~\*carried/not carried\*~~

*Rwyf felly yn datgan fod y cwestiwn wedi'i (\*gario / heb ei gario\*)*

<b>Eligible Electorate Etholwyr Cymwys</b>  4078	<b>Ballot Papers Issued Nifer y Papurau Pleidleisio</b>  874	<b>Turnout Canran a Bleidleisiodd</b>  <del>7078</del> 12.36.
--	--	---

**Dated 9 April 2015  
Dyddiedig 9 Ebril 2015**

**Christine Salter  
Returning Officer/Swyddog Canlyniadau**

V

# Declaration of Result of Poll *Datganiad Canlyniad y Bleidlais*

## Llandaff Community Poll *Pleidlais Cymuned Llandaf*

A Poll of the Local Government Electors of the Community of Llandaff was taken on 9 April 2015 on the following question:

*Cynhaliwyd Pleidlais ymhlith Etholwyr Llywodraeth Leol Cymuned Llandaf ar 9 Ebril 2015 ar y cwestiwn canlynol:*

**Should Cardiff Council reopen the Waungron Recycling Centre?  
A ddylai Cyngor Caerdydd ailagor Canolfan Ailgylchu Waungron?**

I give notice that the number of votes recorded was as follows:

*Hysbysaf bod nifer y pleidleisiau a gofnodwyd fel a ganlyn:*

Question/Cwestiwn	Yes Dylai	No Na Ddylai
Should Cardiff Council reopen the Waungron Recycling Centre?	853	20
A ddylai Cyngor Caerdydd ailagor Canolfan Ailgylchu Waungron?		

The number of ballot papers rejected by me was as follows:

*Roedd y nifer o bapurau pleidleisio a wrthodwyd gennyf fel a ganlyn:*

Reason/Rheswm	Number/ Nifer
(a) Want of an official mark/ <i>Angen marc swyddogol</i>	
(b) Voting both Yes and No/ <i>Pleidleisio am Ie a Na</i>	
(c) Writing or mark by which the voter could be identified/ <i>Ysgrifen neu farc lle gellir adnabod y pleidleisiwr</i>	
(d) Unmarked or void for uncertainty/ <i>Heb farc neu'n ddi-rym ar gyfer ansicrwydd</i>	2
(e) Rejected in part/ <i>Gwrthodwyd yn rhannol</i>	
<b>Total/Cyfanswm</b>	<b>2</b>

I therefore declare that the question is ~~\*not carried\*~~ **\*carried\***

*Rwyf felly yn datgan fod y cwestiwn wedi'i (\*gario / heb ei gario\*)*

<b>Eligible Electorate Etholwyr Cymwys</b>	<b>Ballot Papers Issued Nifer y Papurau Pleidleisio</b>	<b>Turnout Canran a Bleidleisiodd</b>
7078	875	<del>7078</del> 12.36%

**Dated 9 April 2015  
Dyddiedig 9 Ebril 2015**

**Christine Salter  
Returning Officer/Swyddog Canlyniadau**

**LLANDAFF COMMUNITY POLL, 9<sup>TH</sup> APRIL 2015**

**MONITORING OFFICER'S NOTICE OF DETERMINATIONS**

[Pursuant to paragraph 38B(3) of Schedule 12 to the Local Government Act 1972]

TO: THE CHIEF EXECUTIVE OF THE CITY OF CARDIFF COUNCIL

I hereby give notice of my determinations, made on 22<sup>nd</sup> April 2015, that the two questions in relation to which the Poll was taken, namely:

Question 1:

“Should Cardiff Council re-open the Waungron Recycling Centre?” and

Question 2:

“Should Cardiff Council reconsider the proposed housing developments in North West Cardiff in light of their potential impact on traffic volume, community facilities and the environment in Llandaff?”

Both relate to the functions of the principal council, the City of Cardiff Council.

The reasons for these determinations are as follows:

In relation to Question 1, the provision of household waste recycling facilities is a function of the City of Cardiff Council, as the waste disposal authority for Cardiff, pursuant to Part II of the Environmental Protection Act 1990.

In relation to Question 2, the housing developments in question form part of the Local Development Plan which the City of Cardiff Council, as local planning authority, has a statutory duty to produce pursuant to Part 6 of the Planning and Compulsory Purchase Act 2004.

Dated: 27<sup>th</sup> April 2015

Signed:



Marie Rosenthal  
County Clerk and Monitoring Officer  
Cardiff Council  
Room 286, County Hall,  
Atlantic Wharf,  
CARDIFF CF10 4UW