

COUNCIL: 26 JUNE 2014

CABINET PROPOSAL

AGENDA ITEM: 10

FAIRWATER COMMUNITY POLL

Reason for this Report

1. To allow the Council to consider what action, if any, to take in response to the Fairwater Community Poll held on 30th April 2014.

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 7th April 2014, electors called for a Community Poll to be held on the following question:

“Do you think the Deposit Local Development Plan should be adopted for Cardiff?” (‘the Poll Question’).
4. In accordance with its legal obligations, the Council held the Community Poll on 30th April 2014.
5. The result of the Community Poll was considered by the Cabinet at its meeting on 12th June 2014.

Issues

6. The result of the Community Poll is appended as **Appendix A**. Members will note that 13.5% of the eligible electorate voted at the Poll, and in response to the Poll Question (“Do you think the Deposit Local Development Plan should be adopted for Cardiff?”), the majority vote was ‘No’.
7. 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.

8. The Monitoring Officer has served notice on the Council to confirm that the Poll Question relates to functions of the Council, as local planning authority (under Part 6 of the Planning and Compulsory Purchase Act 2004). The Monitoring Officer's notice was served on 12 May 2014.
9. By law, 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.
10. The action must be taken within 2 months from receiving notice from the Monitoring Officer, that is, by no later than 12 July 2014.
11. After the 2 month period for action has expired, the Council is required to give notice, 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.
12. The Cabinet considered this matter at its meeting on 12 June 2014 and noted that the Council, as local planning authority, has a statutory duty to prepare a local development plan and that the requirements and procedure for the preparation of the plan (including public consultation arrangements), as statutorily prescribed, have been followed. The Cabinet was of the view that no further action was necessary in response to the Poll, but approved the recommendation that this matter should be referred to full Council to consider(that is, to take option (b) from the statutory list set out in paragraph 9 above)..

Legal Implications

13. 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

14. There are no direct financial implications arising from the recommendations of this report, but further advice will be provided on any specific action which may be recommended.

Cabinet Consideration

15. On 12 June 2014 the Cabinet considered this item and resolved to recommend to Council that no further action to be taken in relation to this matter.

CABINET PROPOSAL

Council is recommended to:

- I. Not the information set out in this report; and
- II. Take no further action in response to the Fairwater Community Poll held on 30 April 2014.

MARIE ROSENTHAL
COUNTY CLERK AND MONITORING OFFICER
20 June 2014

The following Appendix is attached

Appendix A - Declaration of Result of Poll, Fairwater Community Poll, 30th April 2014

The following Background Papers has been taken into account:

Monitoring Officer's Notice of Determination, dated 12 May 2014
Cabinet report 'Fairwater Community Poll', 12 June 2014

Declaration of Result of Poll Datganiad Canlyniad y Bleidlais

Fairwater Community Poll Pleidlais Cymuned Y Tyllgoed

A Poll of the Local Government Electors of the Community of Fairwater was taken on 30 April 2014 on the following question:

Cynhaliwyd Pleidlais ymhlith Etholwyr Llywodraeth Leol Cymuned y Tyllgoed ar 30 Ebrill 2014 ar y cwestiwn canlynol:

“Do you think that the Deposit Local Development Plan should be adopted for Cardiff”

“A ddylid mabwysiadu'r Cynllun Datblygu Lleol ar Adnau ar gyfer Caerdydd yn eich barn chi?”

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 Ie	No Na
“Do you think that the Deposit Local Development Plan should be adopted for Cardiff”	31	1311
“A ddylid mabwysiadu'r Cynllun Datblygu Lleol ar Adnau ar gyfer Caerdydd yn eich barn chi?”		

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

I therefore declare that the question is carried as a 'No'
Felly rwy'n datgan bod y cwestiwn wedi cael ei wrthod

Eligible Electorate Etholwyr Cymwys	Ballot Papers Issued Nifer y Papurau Pleidleisio	Turnout Canran a Bleidleisiodd
9919	1344	13.55%

Dated 30 April 2014
Dyddiedig 30 Ebrill 2014

Christine Salter
Christine Salter
Returning Officer/Swyddog Canlyniadau