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AGENDA

Committee	ENVIRONMENTAL SCRUTINY COMMITTEE
Date and Time of Meeting	THURSDAY, 13 OCTOBER 2022, 4.30 PM
Venue	CR 4, COUNTY HALL - MULTI LOCATION MEETING
Membership	Councillor Owen Jones (Chair) Councillors Derbyshire, Gibson, Green, Lancaster, Lewis, Lloyd Jones, Jackie Parry and Wood

*Time
approx.*

- 1 Apologies for Absence**
To receive apologies for absence.
- 2 Declarations of Interest**
To be made at the start of the agenda item in question, in accordance with the Members' Code of Conduct.
- 3 Shared Regulatory Services (Pages 5 - 104)** 4.35 pm
To receive a presentation regarding the SRS Business Plan 2022-23
- 4 Electric Bus Scheme (Pages 105 - 124)** 5.20 pm
Pre-decision scrutiny
- 5 SPG Inquiry (Pages 125 - 202)** 6.05 pm
To receive the report following the inquiry
- 6 Committee Business (Pages 203 - 208)** 6.20 pm
To receive an update on open recommendations made by the Committee
- 7 Urgent Items (if any)**

8 Way Forward

6.30 pm

To review the evidence and information gathered during the meeting, agree Members comments, observations and concerns to be passed on to the relevant Cabinet Member by the Chair.

9 Date of next meeting

4:30pm, Thursday 10 November 2022

This will be a multi location meeting held in Committee Room 4 and on Easy Conf.

Davina Fiore

Director Governance & Legal Services

Date: Friday, 7 October 2022

Contact: Graham Porter, 02920 873401, g.porter@cardiff.gov.uk

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**CYNGOR CAERDYDD
CARDIFF COUNCIL**

ENVIRONMENTAL SCRUTINY COMMITTEE

13 OCTOBER 2022

SHARED REGULATORY SERVICE – BUSINESS PLAN 2022/23

Background

1. The Shared Regulatory Service (SRS) is a collaborative service that was formed between the partner local authorities of Bridgend, Cardiff and the Vale of Glamorgan on 1st May 2015. The new approach aims to deliver a fully integrated service under a single management structure for Trading Standards, Environmental Health and Licensing functions with shared governance arrangements ensuring full Elected Member involvement.
2. The creation of the service was originally driven by the need to address the real terms reduction in council budgets while at the same time building resilience within the operation. The budget for the Shared Regulatory Service across the three partner local authorities had significantly reduced around that time and in response to the challenging financial position all three authorities recognised an opportunity to work together to deliver services jointly and agreed the principle of a shared service.
3. In September 2014 Cabinet reports were submitted to each of the three partner local authorities to propose and further the development of a single Shared Regulatory Service comprising the functions of Environmental Health, Trading Standards and Licensing. The model recommended that the new Shared Regulatory Service would be delivered through a single management structure. This approach was approved by Cabinet and Council at each of the partner local authorities in autumn 2014 with a proposed implementation date of 1 April 2015.

4. On the 1st May 2015 all staff in scope transferred to the new Shared Regulatory Service and were employed by the host authority, the Vale of Glamorgan Council. Since then staff have worked hard to continue providing the required service while implementing new working and management structures.
5. The Shared Regulatory Service operates under a Joint Working Agreement with the Head of Service reporting on service provision to a Joint Committee of Elected Members drawn from the three partner local authorities. The detailed delegations of policy and functions from partners to the Joint Committee and Head of Service are set out in the Joint Working Agreement, these include:
 - The functions to be carried out by the joint service.
 - The terms of reference and constitution of the Joint Committee, the Management Board, etc.
 - The term of the proposed Shared Regulatory Service such as staffing, the services to be provided by the host and other partners, financing and other functional issues.
 - The financial operating model.
6. It should also be noted that the Wales Audit Office 2018/19 report Delivering with Less – Environmental Health Services – Follow up Review made the following Proposal for Improvement
 - The Council should strengthen elected member oversight of its health services, for example, through more regular scrutiny of services provided by third parties including the SRS

Core Services Provided by the Shared Regulatory Service

7. The Shared Regulatory Service provides a diverse and comprehensive range of services that safeguard the health, safety and economic wellbeing of consumers, businesses and residents. The services are covered under the three main areas of Environmental Health, Trading Standards and Licensing.
8. These broad areas encompass a wide range of services that deal with issues that can have a huge impact upon people when things go wrong or have not been enforced properly. A brief description of specific services delivered by the Shared Regulatory Service is included in this section of the report.

9. **Trading Standards** – this service protects consumers and businesses by maintaining and promoting a fair and safe trading environment. This area of work ensures that businesses comply with a host of consumer protection statutes including those relating to:
- Product safety;
 - Food standards;
 - Animal feed;
 - Age restricted sales;
 - Counterfeiting;
 - Environmental safety;
 - Weights and measures;
 - False claims about goods and services;
 - Malpractice including rogue traders, scams and doorstep crime.
10. The Trading Standards Service investigates complaints, participates in criminal investigations and exercises, conducts inspections of businesses, undertakes a sampling programme, provides consumer advice to vulnerable residents and provides business advice to help businesses improve their trading practices. Furthermore the Trading Standards Service has the only UKAS accredited Metrology laboratory in Wales providing calibration of weights and measures of length and capacity.
11. **Food Safety** – this service protects public health by ensuring that the food we eat is without risk to the health and safety of consumers. This is achieved through regular food safety inspections of food business and guest caterers, operating the Food Hygiene Rating Scheme, providing education courses and practical advice, investigating food and hygiene related complaints, carrying out regular food and water sampling and undertaking checks on imported food.
12. **Housing Safety** – this service protects public health by working with private landlords and owners to provide warm, safe and healthy homes for tenants. They ensure that Houses in Multiple Occupation (HMO's) are licensed through Mandatory and Additional Licensing Schemes, inspecting HMO's and improving physical and management standards of privately rented accommodation. Complaints from tenants about their rented accommodation are investigated;

these can include complaints about damp, mould, heating disrepair, nuisance and student housing issues. Problems with empty homes that have fallen into disrepair are addressed and immigration inspections are undertaken.

13. **Pollution** – this service protects public health by controlling noise and air emissions into the environment. The Pollution Service investigates noise complaints about issues such as amplified music, DIY activities, house and car alarms, barking dogs, and construction sites. It investigates air pollution complaints such as smoke, dust and odour and illegal burning, undertakes environmental monitoring, local air quality management and regulates emissions from industrial processes.
14. **Contaminated Land** – this service protects public health by reviewing and implementing the Contaminated Land Strategy which ensures the identification, inspection and remediation of historically contaminated sites. Private water supplies used for both domestic and commercial purposes (such as drinking, cooking, and washing) are regulated and responses are provided to Environmental Information Requests and Planning application consultations.
15. **Health and Safety** – this service protects public health and safety by working with others to ensure risks in the workplace are managed properly. This is achieved by undertaking planned inspections and targeted initiatives, investigating reported accidents, diseases, dangerous occurrences and complaints, providing advice and guidance to employers and employees and securing safety standards at outdoor events.
16. **Communicable Disease** – this service protects public health by controlling and preventing cases and outbreaks of infectious disease by investigating confirmed sporadic and outbreak cases of communicable disease, providing and reviewing advice and guidance on infection control, cleaning and disinfection, case and contact exclusions, providing training on food hygiene, nutritional and infection control, enforcing health protection legislation to minimise the spread of communicable disease and contamination from radiation and chemicals that threaten health and leading on local and national communicable disease surveillance programmes.

17. **Animal Health and Warden Services** – this service ensures the wellbeing of animals generally and during transport. It also administers animal movements to prevent the spread of diseases such as rabies, anthrax and foot & mouth. Wardens respond to complaints about straying animals such as dogs and horses.
18. **Licensing** – this service determines applications for the grant, renewal, variation and transfer of many different authorisations which are the responsibility of the three partner local authorities. Applications for licences, certificates, registrations and permits are processed and enforcement undertaken in respect of statutory requirements such as alcohol, public entertainment, gambling, street trading, taxi licences, charitable collections and animal related licensing.
19. **Pest Control** – this service offers services to the Vale of Glamorgan area for the treatment of pests and infestations. This could include, rats, wasps, mice, fleas, cockroaches etc..
20. **Port Health** - this service prevents the import of infectious and animal disease into the UK, ensuring ships comply with international agreed public health sanitation standards and improving the safety and quality of the food chain.
21. **The Wales Illegal Money Lending Unit** - this service is one of only three units operating across the UK. The Unit covers all 22 Local Authority areas in Wales with the key aim of tackling the problem of illegal money lending. The Unit is both proactive and reactive in its work providing education and promotion across Wales to various social groups and highlighting the dangers of illegal lending. The unit also carries out detailed investigations with a view to prosecuting offenders and has the capabilities to act swiftly where necessary to deal with victims of loan sharks.

Shared Regulatory Service Business Plan 2022/23

22. Every year the Shared Regulatory Service is asked to produce a Business Plan that is designed to focus on future service delivery; a copy of the Shared

Regulatory Services Business Plan 2022/23 is attached to this report as **Appendix 1**.

23. Shared Regulatory Services are also required to produce an Annual Report for 2021/22 that will reflect on the outcomes of the period.

24. Summary explanations of the Shared Regulatory Services Business Plan 2022/23 is set out below:

- **Shared Regulatory Service Business Plan 2022/23** – The Shared Regulatory Services Business Plan is a working document that is published at the start of the new financial year. It sets out the resources, targets, challenges and priorities for the coming year. A copy of the Shared Regulatory Service Business Plan 2022/23 is attached to this report as **Appendix 1**. The draft report is broken into six main sections, these are:
 - **Overview of Services** – This section provides a background to the service; a summary of the key services provided; the structure for management and governance of the service; an area wide profile; an explanation of how services can be accessed and a breakdown of staff resources.
 - **Service Aims & Strategic Priorities** – This section addresses the vision, strategic priorities and aims of the service; the corporate priorities and key outcomes of each of the partner local authorities; and how the vision, aims and priorities will be delivered.
 - **Challenges** – This section touches on the main challenges facing the service. For 2022/23 the Shared Regulatory Services Business Plan these are:
 - Delivering SRS in the Future
 - Covid-19
 - Managing complex financial processes
 - Recruitment and retention
 - Remaining relevant to the three Councils
 - New legislation
 - Out of Hours
 - The cost of living crisis

- **Budget & Resources** – This section explains the financial allocation for the service; the resource implications (financial and employment) for the service and the importance of maximising resources.
- **Workforce Development** – This section sets out what the Shared Regulatory Service is looking to do to develop organisational culture; leadership & management; core skills; recruitment, retention & progression; communication & employee engagement and employee performance management.
- **Turning Actions into Outcomes** – This part of the report explains what the Shared Regulatory Service is doing to improve health & wellbeing; safeguard the vulnerable; protect the environment; support the local economy and maximise the use of resources.

25. The Shared Regulatory Services Business Plan 2022/23 is also supported by a summary of ‘what we have achieved’ and action plan for the year to come, and a risk register.

Way Forward

26. The Cabinet Member for Clean Streets, Recycling & Environment, the Chair of Licensing & Public Protection and officers from the Shared Regulatory Service have been invited to attend the meeting. An officer will provide a short presentation on the Shared Regulatory Services Business Plan 2022/23, **Appendix 2**. Following the presentation the Cabinet Member for Transport and Strategic Planning, and officers from the Shared Regulatory Service will be available to answer Member questions.

Legal Implications

27. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not making policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to the Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or

on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

28. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not making policy decisions. As the recommendations in this report are to consider and review matters there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

RECOMMENDATIONS

The Committee is recommended to:

- i. Consider the information in this report and the information presented at the meeting;
- ii. Determine whether they would like to make any comments, observations or recommendations to the Cabinet on this matter; and,
- iii. Decide the way forward for any future scrutiny of the issues discussed.

Davina Fiore

Director of Governance and Legal Services

7 October 2022



Shared Regulatory Services

Business Plan

2022/23

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Gwasanaethau
Rheoliadol
a Rennir



Foreword

The creation of this 2022-23 Business Plan marks the start of the eighth year of the Shared Regulatory Service. In delivering the Environmental Health, Trading Standards and Licensing functions on behalf of the three partner authorities since 2015, we have never shied away from change. Indeed, our very ability to embrace change and to evolve, right from the outset, has made SRS the responsive, adaptable organisation it is today.

Nevertheless, the last two years have seen unprecedented levels of change for the Service on a number of different levels, most notably in playing our role, front and centre, in the Public Health response to the COVID 19 pandemic. This involved multiple staff being seconded from their substantive roles to lead on the various areas of our response, including supporting the Test, Trace Protect (TTP) service with cases needing escalation; supporting high risk settings such as care homes to minimise the potential spread of the disease; enforcing the Health Protection (Coronavirus Restrictions) (Wales) Regulations to ensure businesses complied with the relevant limitations on their trading and had all the necessary safety measures in place; and carrying out checks to ensure individuals complied with self-isolation requirements. All of these activities played an essential part in minimising the risk of disease transmission, and it will be important for the Service to retain these skill sets in the event of a new coronavirus variant of concern appearing in the coming winter.

The last 2 years, however, have not just been about COVID-19, although sometimes it may have felt that way, and throughout this time SRS Officers not directly involved in the 'COVID effort' worked tirelessly to continue to provide regulatory services across the three authorities; all this in a challenging environment of covid restrictions, and fewer staff resources caused by colleague secondments and recruitment pressures.

As we enter 2022-23, our main vision for the coming year is one where the Service continues its transition from the unique challenges of the pandemic towards much more of a 'business as usual' rhythm where we attempt to recover from the challenges of the last two years. We will focus on the recovery of traditional inspection programmes, chief among these of course will be our alignment with the Food Standards Agency Recovery Plan for food hygiene and food standards. We also look forward to re-focusing on our role

in supporting legitimate businesses through tailored packages of advice and guidance, while taking firm action against rogue traders and others who act recklessly or who flout the law. Our Business Plan reflects this and sets out a number of key challenges facing the Service, not least the need for our work to respond to the impact of global events such as the Cost of Living crisis, the Climate Change agenda, EU Exit and of course the war in Ukraine.

Capturing the views of staff on our post-pandemic ways of working and in defining our hybrid model will be crucial in the months ahead, as will finding solutions to the difficulties we currently face in filling certain vacancies, and the latter will be picked up in a dedicated SRS recruitment and retention workstream.

In presenting my first Business Plan as Head of Shared Regulatory Services, I reflect on the words, this time last year, of my predecessor, when he said

'We remain an organisation that is performing well; an organisation that is vibrant and ready to do things differently; an organisation that is doing all it can to keep people safe'

How well these words have stood the test of time; they remain just as relevant now as they were then. I couldn't be prouder of our staff in all that they are doing, have done, and will do in the future to deliver first class services. It is all thanks to them that SRS has been able to rise so effectively to the challenges of the pandemic, as well as to the challenges and opportunities facing us as we emerge from it and embark on the next chapter for the Service.

Helen Picton
Head of Shared Regulatory Services



1. Shared Regulatory Services

Shared Regulatory Services (SRS) is a collaborative service formed between Bridgend, Cardiff and the Vale of Glamorgan Councils on 1st May 2015. SRS delivers a fully integrated service under a single management structure for trading standards, environmental health and licensing functions with shared governance arrangements ensuring full elected member involvement.

SRS operates under a Joint Working Agreement (JWA) whereby the Head of SRS reports on service provision to a Joint Committee of elected members drawn from across the three parent Councils. An officer management board has oversight of the operation of the service and provides support to the Head of Shared Regulatory Services to ensure the development and delivery of a shared vision and strategy for Regulatory Services.

The detailed delegations of policy and functions from partners to the Joint Committee and Head of Service are set out in the Joint Working Agreement which includes:

- The functions to be carried out by the joint service.
- The terms of reference and constitution of the Joint Committee, the Management Board etc.
- The terms of the proposed joint service such as staffing, the services to be provided by the host and other partners, financing and other functional issues.
- Financial Operating Model.

Consequently, the SRS works across the three Councils supporting a range of Committees and where needed, the three Cabinets, to deliver the Regulatory function. The workflow involves quarterly meetings with the officer Management Board followed by meetings of the SRS Joint Committee, details of which are then communicated to all three Cabinets. Officers meet members of the Joint Committee on a regular basis to ensure both regional and local issues are considered and managed appropriately.

Details of all of the SRS Joint Committee meetings since April 2015 are held on the websites of each Council. The reports depict the genesis, development and future direction of the SRS.

Key services offered

The service delivers a diverse and comprehensive range of functions that safeguard the health, safety and economic wellbeing of consumers, businesses and residents covering the main areas of environmental health, trading standards and licensing. These broad areas encompass a wide spectrum of services that deal with issues that can have a huge impact upon people when things go wrong or have not been enforced properly /or when there is poor compliance.



Food Hygiene and Standards

Food Hygiene and Standards protect public health by ensuring that the food we eat is without risk to the health and safety of consumers and is correctly described throughout the food chain. This is achieved through regular food and feed safety and standards inspections of food business and guest caterers, operating the Food Hygiene Rating Scheme, providing practical advice, investigating food safety and standards complaints, carrying out food and water sampling and undertaking checks on imported food.



Fair Trading

Fair Trading protects consumers and businesses by maintaining and promoting a fair and safe trading environment. This area of work ensures that businesses comply with a host of consumer protection statutes including those relating to:

- Product safety;
- Age restricted sales;
- Counterfeiting;
- Environmental safety;
- Weights and measures
- False claims about goods and services;

The service investigates complaints, participates in criminal investigations and enforcement exercises, conducts inspections of businesses, undertakes a sampling programme, and helping businesses improve their trading practices.



Safeguarding

Our safeguarding work ensures we investigate cases of malpractice including rogue traders, scams and doorstep crime. We provide consumer advice to vulnerable residents and help them obtain redress.



Metrology

SRS has the only UKAS accredited **Metrology** laboratory in Wales providing calibration of weights and measures of length and capacity.



Housing Safety

Housing Safety protects public health by working with private landlords and owners to provide warm, safe and healthy homes for tenants. Officers ensure that Houses in Multiple Occupation are licensed through Mandatory and Additional Licensing Schemes, inspect HMO's and improve physical and management standards of privately rented accommodation. Complaints from tenants about their rented accommodation are investigated. These can include complaints about damp, mould, heating disrepair, nuisance and student housing issues. Problems with empty homes that have fallen into disrepair are also addressed.



Noise Pollution

Pollution also protects public health by controlling noise and air emissions into the environment. The service investigates noise complaints about issues such as amplified music, DIY activities, house and car alarms, barking dogs, and construction sites. It investigates air pollution complaints involving smoke, dust and odour and illegal burning, undertakes environmental monitoring, local Air Quality Management and regulates emissions from industrial processes.



Air Pollution



Port Health

Port Health prevents the import of infectious and animal disease into the UK, ensuring ships comply with international agreed public health sanitation standards and improves the safety and quality of the food chain.



Contaminated Land

Contaminated Land protects public health by reviewing and implementing the Contaminated Land Strategy which ensures the identification, inspection and remediation of historically contaminated sites. Private water supplies used for both domestic and commercial purposes (such as drinking, cooking, and washing) are regulated and Environmental Information Requests and Planning application consultations are responded to.



Health and Safety at Work

Health and Safety protects the health, safety and welfare of staff, contractors and any member of the public affected by workplace activities by working with others to ensure risks in the workplace are managed properly. This is achieved by undertaking planned inspections and targeted initiatives, investigating reported accidents, diseases, dangerous occurrences and complaints, providing advice and guidance to employers and employees and securing safety standards at outdoor events.



Communicable Disease

Communicable Disease protects public health by controlling and preventing cases and outbreaks of infectious disease by investigating confirmed sporadic and outbreak cases of communicable disease. The service provides and reviews advice and guidance on infection control, cleaning and disinfection, case and contact exclusions, provides training on food hygiene, nutritional and infection control, enforces health protection legislation to minimise the spread of communicable disease and contamination from radiation and chemicals that threaten health and leads on local and national communicable disease surveillance programmes.



Animal Health and Welfare

Animal Health and Warden Services ensure the wellbeing of animals generally. This includes ensuring feeding stuffs provided to animals are safe and that animals are transferred humanely and animal movements are monitored to prevent the spread of diseases such as Rabies, Anthrax and Foot and Mouth. Our Wardens respond to complaints about straying animals such as dogs and horses.



Licensing

Licensing determines applications for the grant, renewal, variation and transfer of many different authorisations which are the responsibility of the Councils. Applications for licences, certificates, registrations and permits are processed and enforcement undertaken in respect of statutory requirements such as alcohol, public entertainment, gambling, street trading, taxi licences, charitable collections and animal related licensing.



Wales Illegal Money Lending Unit

The **Wales Illegal Money Lending Unit** is one of only 4 units operating across the UK. The Unit covers all 22 Local Authority areas in Wales with the key aim of tackling the problem of illegal money lending. The Unit is both proactive and reactive in its work providing education and promotion across Wales to various social groups and highlighting the dangers of illegal lending. The Team also carries out detailed investigations with a view to prosecuting offenders and has the capabilities to act swiftly where necessary to deal with victims of loan sharks.



Working with Business

Shared Regulatory Services has adopted a more commercial approach by developing paid for services and marketing them to businesses. These commercial activities enhance and complement existing statutory services and provide income generation for the service. They include:-

- Bespoke and accredited training solutions to businesses to assist in achieving legal compliance;
- Paid for business advice visits and 'health' checks from our highly skilled and experienced officers to help and support businesses to comply with legislation;
- Developing Primary Authority partnerships for businesses that trade across council boundaries where they can enter into a legally recognised partnership with the Service, receiving an agreed package of advice and support;
- Marketing the only UKAS Metrology Laboratory in Wales providing calibration of weights and measures of length and capacity;
- Extending and reviewing training offerings to meet business needs;
- Identifying new funding sources;
- Exploring potential income generating services and developing paid for services.

Pest Control offers services to the Vale area for the treatment of pests and infestations. This could include, rats, wasps, mice, fleas, cockroaches etc.

Covid-19 - The unprecedented challenges of the Covid-19 outbreak has seen SRS adapt and work in partnership to reduce the transmission of the virus across the region. This continues to be achieved through our significant commitment to the Test Trace and Protect regime, the investigation of clusters and incidents, the provision of advice to business to operate safely, and ensure compliance with regulations and self-isolation requirements.

The SRS delivers a range of statutory duties for the partner Councils and also functions where the Council has been given powers in legislation to safeguard and protect local communities. Determining the relative importance and value of council services when deciding on where to make savings or service reductions is not easy. Often the debate starts with a focus on determining whether a service is 'statutory' or 'discretionary'. Defining services as 'statutory' or 'discretionary' is perhaps unhelpful. Services that keep people healthy, well and safe; support businesses to flourish and thrive; protect and enhance our environment are essential. In this plan we have sought to clarify the legal basis for a service or how it contributes to wider council responsibilities, but many SRS functions cannot be easily defined in this way; some are extensions of 'statutory' activity whilst other services have developed over time to become longstanding, highly valued and central to the work of each council.

Area Profile

Shared Regulatory Services covers the Council areas of Bridgend, Cardiff and the Vale of Glamorgan and serves over 650,000 residents. Extending from St Mellons in the east to Maesteg in the west, the area encompasses Cardiff, the capital City of Wales with its array of cultural, financial and commercial organisations and the rural areas of Bridgend and the Vale of Glamorgan with their vibrant tourist and agricultural economies.



Bridgend is situated on the south coast straddling the M4 corridor. It comprises an area of 28,500 hectares and a population of over 140,000 residents. To the north of the M4, the area consists of mainly ex-coal mining valley communities with Maesteg as the main centre of population. To the south of the M4, the ex-market town of Bridgend is the largest town, the hub of the economy and its employment base. To the south west on the coast lies Porthcawl, a traditional seaside resort, with a high proportion of elderly residents, which is subject to a major influx of tourists during the summer period.

Cardiff is the capital city of Wales and is continuing to grow faster than any other capital city in Europe. In population terms, it is the largest city in Wales with a population of nearly 370,000. Measures of population however, belies Cardiff's significance as a regional trading and business centre. The population swells by approximately 70,000 daily with commuters and visitors. Cardiff is the seat of government and the commercial, financial and administrative centre of Wales. Cardiff boasts one of the most vibrant city centres in the UK and on a typical weekend, Cardiff's night time economy can attract over 40,000 people and sometimes more than 100,000 when the City's Principality Stadium hosts international events.



The Vale of Glamorgan is bounded to the north by the M4 motorway and to the south by the Severn Estuary. It covers 33,097 hectares with 53 kilometres of coastline, and a population of over 130,000 residents. The area is predominantly rural in character, but contains several urban areas of note such as Barry, Penarth, Dinas Powys and the historic towns of Cowbridge and Llantwit Major. Barry is the largest town, a key employment area and popular seaside resort. The rural parts of the Vale provide a strong agricultural base together with a quality environment, which is a key part of the area's attraction. The area includes Barry Docks and Cardiff International Airport.



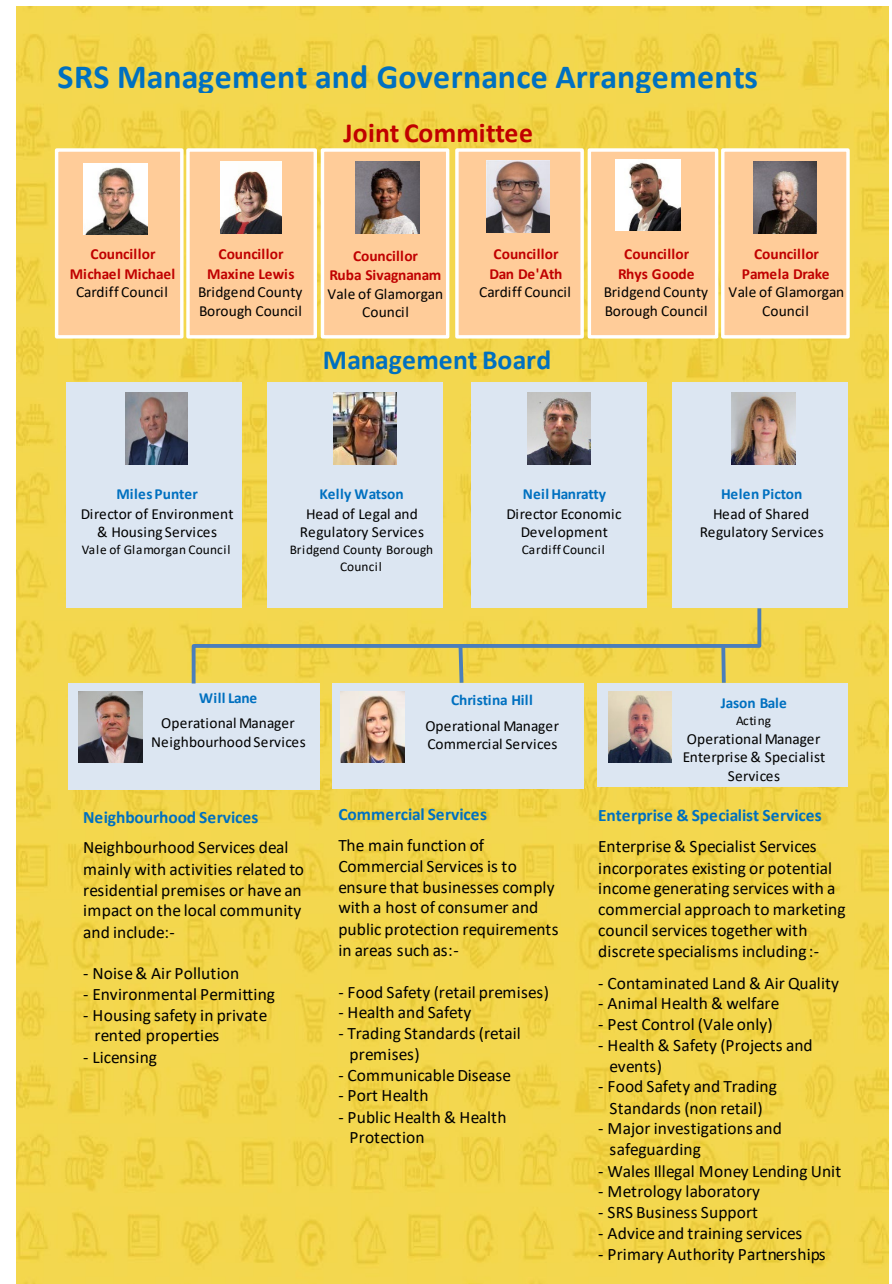
Staff resources

Our organisational structure focuses upon generic working and the development of multi-disciplinary officers, while retaining the capacity to develop specialist professionals. The structure allows the deployment of people in different ways enabling the service to offer income-generating services that complement the more traditional services. The Service operates across 3 distinct sectors:-

Commercial Services ensure that businesses comply with a host of consumer and public protection requirements in areas such as food safety, health and safety at work, trading standards in retail premises, communicable disease and port health. This function is populated in the main by professionally qualified Commercial Services Officers and Technical Officers. Commercial Services Officers are professionally qualified officers in environmental health and trading standards who focus on more complex issues while Technical Officers, with appropriate levels of qualification and competence, fulfil a monitoring and 'triage' role supporting the Service undertaking inspections, compliance checks and providing information and issuing alerts to more qualified officers if they identify major non-compliance issues.

Neighbourhood Services deals mainly with activities relating to residential premises or those that have an impact on the local community such as housing in the private rented sector, noise and air nuisance and licensing. This function consists of multi-disciplined and professionally qualified officers known as Neighbourhood Services Officers and Technical Officers who deal with both Pollution and Housing issues. This move towards more generic working provides greater resilience to service provision across the three areas. The Licensing function retains local distinctiveness and governance arrangements within the three authorities.

Enterprise and Specialist Services (ESS) is the most diverse of the services and incorporates discrete specialisms such as air quality, contaminated land, pest control, animal welfare, major investigations, safeguarding, the Wales Illegal Money Lending Unit, our Industry team and the Business Support function. There is an intentional overlap of service provision between other sectors of the SRS; this creates flexibility and resilience across all teams so that resources can be shared should the need arise, for example, the Major Investigations Team supports the whole of SRS in investigating and enforcing significant breaches of legislative requirements. ESS has a role in generating income, managing the UKAS Metrology Laboratory, delivering training and assessing the potential for higher accreditation levels to attract additional business, engaging in Primary Authority partnerships and developing paid for advice services. The Business Support function provides centralised administrative support to the whole service and has a presence in all three areas at local contact points providing the main customer interface for the Service.



2. Service aims and strategic priorities

Shared Regulatory Services plays a key role in delivering the aspirations and priorities of Bridgend, Cardiff and the Vale of Glamorgan Councils through the delivery of a wide range of services. We have developed a vision, supported by a suite of strategic priorities, that sets out our ambition of being a progressive and innovative organisation. This allows us to deliver high quality, customer focussed services that safeguard the environmental, social and economic wellbeing of our citizens.

Our vision:-

To be the leading provider of regulatory services that safeguard the health, safety and economic wellbeing of the region

As a regional organisation providing regulatory services across three local authority areas, we place the corporate priorities and outcomes of the three councils at the heart of all that we do. In developing our own strategic priorities for Shared Regulatory Services, we have considered the priorities and desired outcomes of all the three authorities, together with the needs and aspirations of our partners and customers so they translate into priorities that meet local needs.



Supporting these strategic priorities, are a number of outcomes that the Service aims to deliver and which are evidenced throughout this Business Plan. Our vision and outcomes will be achieved through the following primary aims:

- Understanding the needs of our customers and placing their needs at the heart of the services we deliver;
- Developing a flexible and agile workforce that is responsive to change and that have the right skills to deliver quality services that meet the needs of our customers and local communities;
- Maximising internal efficiencies to enhance service quality;
- Exploring opportunities to innovate and develop, and
- Working together to future proof the service to meet financial challenges and future demands

Corporate priorities and outcomes of partner local authorities

Bridgend County Borough Council

Priorities

Outcomes/Aims



- Supporting a successful sustainable economy
- Helping people and communities to be more healthy and resilient
- Smarter use of resources

- Support local people develop skills and take advantage of opportunities to succeed.
- Create conditions for growth and enterprise
- Create town centre and communities that improve the quality of life for citizens
- Give people more choice and control over what support they receive ...
- Reduce demand through more targeted early help and intervention programmes
- Develop more active, healthy and resilient communities...
- Ensure the Council is financially sustainable over the longer term.
- Improve efficiency and access to services...
- Work collaboratively to make the most of natural and physical assets
- Develop the culture and skills required to meet the needs of a changing organisation

City of Cardiff Council

Priorities

Outcomes/Aims



- Cardiff is a great place to grow up
- Cardiff is a great place to grow older
- Supporting people out of poverty
- Safe, confident and empowered communities
- A Capital City that works for Wales
- Cardiff grows in a resilient way
- Modernising and integrating our public services

- Cardiff is a great place to grow up
- Cardiff is a great place to grow older
- Supporting people out of poverty
- Safe, confident and empowered communities
- A Capital City that works for Wales
- Cardiff grows in a resilient way
- Modernising and integrating our public services

Vale of Glamorgan Council

Priorities

Outcomes/Aims



- To work with and for our communities
- To support learning, employment and sustainable economic growth
- To support people at home and in their community
- To respect, enhance and enjoy our environment

A Vale that is:

- Inclusive and Safe
- Environmentally Responsible and Prosperous
- Aspirational and Culturally Vibrant
- Active and Healthy

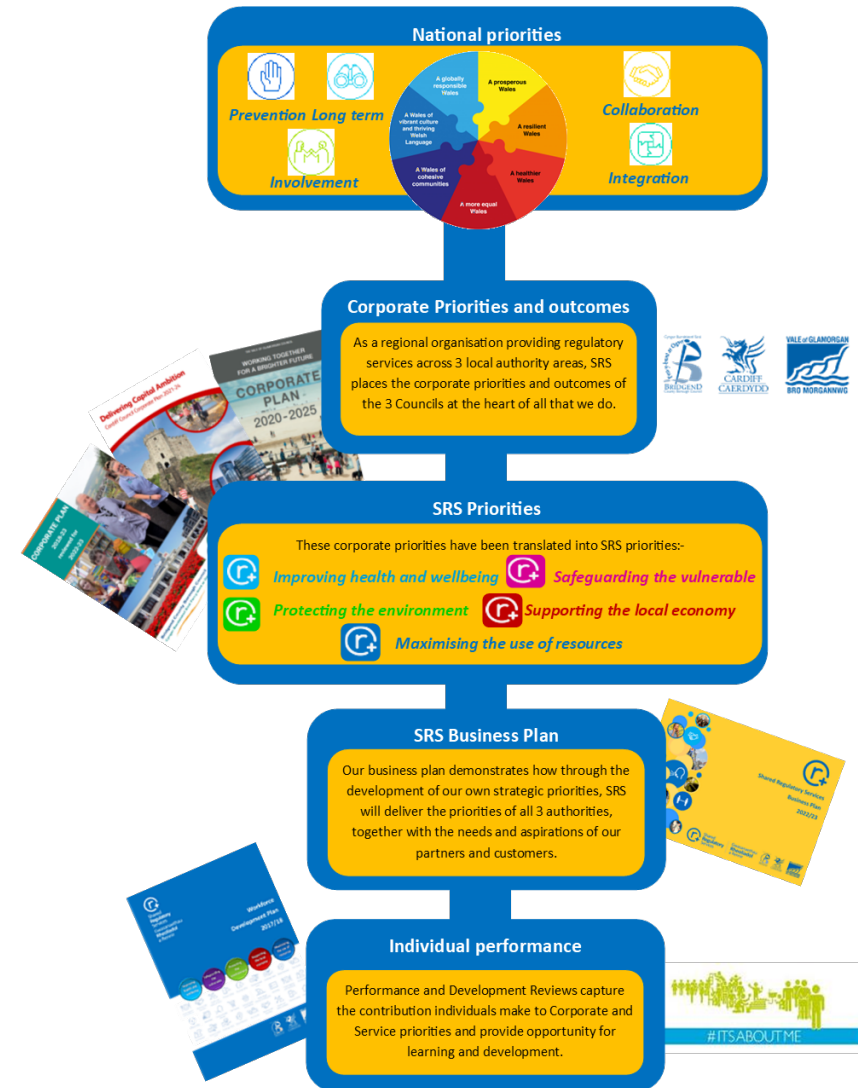
Nationally the service also contributes to the National Enforcement Priorities for Wales for local regulatory delivery which highlight the positive contribution that regulatory services, together with local and national partners, can make in delivering better outcomes, i.e.

- Protecting individuals from harm and promoting health improvement;
- Ensuring the safety and quality of the food chain to minimise risk to human and animal health;
- Promoting a fair and just environment for citizens and business;
- Improving the local environment to positively influence quality of life and promote sustainability.

Furthermore, the **Wellbeing of Future Generations Act 2015** sets out seven wellbeing goals to which public bodies, including local authorities, are expected to maximise their contributions. The goals provide a framework for focussing work on outcomes and delivery for the long term wellbeing of Wales. Shared Regulatory Services' core business activities, outcomes and strategic priorities are inter-related and make a significant contribution to these wellbeing goals. How Shared Regulatory Services contribute to these goals through its priorities is demonstrated below.



Delivering our vision, aims and priorities



3. Challenges

Delivering a service across three local authority areas is an exciting but challenging role. In this context, we define challenges as new or demanding events that will require additional effort and determination to manage successfully; something that goes beyond our existing norms. Understanding the challenges ahead is therefore crucial to delivering the vision set out in section 2. Even after seven years, the Service continues to balance the development of a new and innovative operating model along with the expectation of delivering “business as usual”. There are many factors crucial to our success and the following information demonstrates the actions for the Service in 2022/23, and our risk management approach (Appendix 1).

Delivering the SRS in the future - We are delivering the SRS with a reducing resource. For example, our move toward the Intelligence Operating Model will mean delivering our services using a risk based approach to our activities, where appropriate. We have to examine and introduce new ways of prioritising our services which may result in a reduction in service provision, or the charging for some services and difficult decisions about the level of service provision. These efforts will help reduce the impact of reduced funding, but maintaining performance in light of budget cuts may affect the service ability to maintain performance at existing levels. We will however seek to measure activities and outcomes to ensure performance is managed effectively and in a meaningful way. (RR1)

COVID-19 - The unprecedented challenges posed by COVID-19 saw officers adjust to altered work and personal routines.—At a service level, priorities had to be redrawn quickly to focus regulatory efforts on the most urgent issues facing the region and the public as a result of the pandemic. As COVID restrictions reduce in line with the transition from pandemic to endemic, so too has the SRS resource needed to support the Test Trace and Protect (TTP) contact tracing service and compliance with COVID rules. Moving into 2022-23, the role of SRS in respect of COVID-19 transitions to one of supporting high risk settings, such as care homes, to prevent the spread of the disease among the most vulnerable. This respite is welcome in enabling the return of further staff to their substantive posts and for ‘business as usual’ priorities, such as the food hygiene and food standards inspection programmes to recover. At the same time, we are very aware of the likelihood of further COVID-19 variants of concern emerging as we approach the winter months, and the very real possibility of having to allocate significant resources once again to supporting TTP and business compliance work. For this reason, it will be crucial for staff skill sets in these contexts to be maintained. (RR1)

Managing complex financial processes – Managing resource in the Service is complex, but critical. Understanding the cost of providing a service funded through three local authorities is fundamental. Crucial to this is reflecting the provision of ‘core’ services that are consistently applied across all three areas and ‘authority specific’ services that are those that are specific to one or two authorities so that finances are understood. (RR3)

ICT – The success of Shared Regulatory Services is in part due to embracing the opportunities presented by technical and mobile working solutions. Agile working has become the norm for the service yet, through staff consultation sessions, our officers tell us that the technology currently deployed is becoming outdated. Research indicates that better facilities now exist and the SRS will work with officers and ICT to understand the benefits of exploiting these newer technologies to ensure that our officers can continue to operate as efficiently as possible within financial constraints. (RR4)

Recruitment and retention – We have always committed to the resourcing of training to develop people within the organisation to ensure competency within their roles. Our focus however has been more toward the immediate needs of officers to enable delivery of our five strategic priorities. It is clear that a longer term strategy for recruitment and retention is needed as SRS, in common with regulatory services across Wales, experiences difficulty in recruiting and retaining staff. The cause of the problem appears to be multi-faceted, with factors such as a limited pool of qualified staff, accessibility of the professional qualifications and an ageing workforce all contributing to something of a perfect storm. SRS has been at the forefront of taking forward the Directors of Public Protection Wales ‘*Building for the Future*’ strategy, and in making the case to Welsh Government for a regulatory apprenticeship in Wales to create a route into regulatory services for young people. The creation of a recruitment strategy and the development of retention “initiatives” will be a key target for the SRS management team during 2022/23. Our goal must be to retain our officers and ensure they achieve the job satisfaction that underpins service excellence. (RR2 and RR5).

Remaining relevant to the three Councils – The creation of SRS delivering services across three local authority areas resulted in the transfer of the administration of services and staff to the Vale of Glamorgan Council who act as the host authority for the Service. The Service, although jointly funded by the participant authorities, also has a single consistent identity and branding which is not associated with any one Council. Notwithstanding this, the Covid-19 pandemic and the key involvement of SRS in TTP and the enforcement of Coronavirus Regulations has put the service in the spotlight but we will still need to actively promote the Shared Regulatory Service and the important services we provide across the three Councils to ensure their continuing support for the venture. (RR8)

New legislation – The implementation of new legislation and any requirements imposed by such legislation can place additional burdens on the Service. It requires new processes to be developed, awareness raising to be undertaken with stakeholders, staff training and additional inspections etc. Generally new requirements can be planned for and effectively resourced, for example the Public Health (Wales) Act and the Public Health (Minimum Price for Alcohol) (Minimum Unit Price) (Wales) Regulations, however, it is not always easy to predict the impact that new legislation may have on resources, as the last 2 years has shown. We are prepared to adapt the Service accordingly to ensure businesses can continue to function and consumers are not disadvantaged. The great uncertainty is the quantum of change and the unknown time scales within which that change must take place. (RR6)

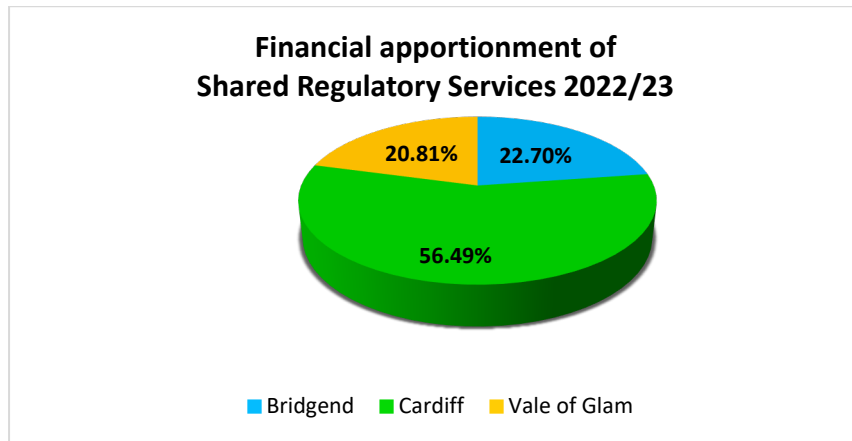
Out of Hours - SRS operates an “out of hours” duty rota to enable the service to respond to incidents that arise outside normal office hours. These responses include responding to nuisance calls relating to burglar alarms, food incidents, etc. To date, officers have operated the rota on a voluntary basis across the service. However, the number of officers willing to participate in the rota is reducing to the extent that the service delivery is becoming uncertain. Coupled with this has been the success of the Joint Enforcement Teams which has raised stakeholder expectation. The SRS management team needs to understand the consequences of that success and review this position and put forward options for these aspects of the service. (RR7)

The cost of living crisis – The full extent of the cost of living crisis has yet to be seen, but it is certain to impact SRS in two broad respects. Firstly, in our role as regulator, at a time when residents are struggling to make ends meet and rogue traders will waste no time in exploiting the situation. When times are hard financially, even normally legitimate traders may feel under pressure to cut corners, for example through the passing-off of inferior products or ingredients for the genuine article. Likewise, this is a time when already struggling residents are at risk of falling into the hands of loan sharks and all the misery that illegal money lending can bring. The other respect in which the cost of living crisis could have a devastating effect is on the wellbeing of our staff, and there is a real need for managers and colleagues to spot warning signs among team mates so that all available support can be provided. (RR1).

4. Budget

Financial allocation

Bridgend, Cardiff and the Vale of Glamorgan Councils fund Shared Regulatory Services jointly through an agreed formula. 2022-23 represents Year 8 of the SRS. The Joint Committee approved the proposed Shared Regulatory Services budget for 2022-23 at its December 2021 meeting. The aggregate budget for the service remained at £8.331m as a result of £134k of savings offset by £134k salary costs attributable to the national pay award. Budget discussions will now begin with the partner Councils for the next three year period. The methods of apportionment for operating the core service and the cost contribution percentages are set out in the Joint Working Agreement and based upon the population of each Council. This will not revise the bottom line position of the budget. There are also arrangements in place to deliver “authority specific” services to individual partner Councils.



Resource Implications (Financial and Employment)

The following table summarises the gross expenditure budget for the Service.

SRS Gross expenditure budget 2022/23			
Area	Core £'000	AS £'000	Total £'000
Bridgend	1,343	434	1,777
Cardiff	3,343	1,468	4,811
Vale of Glam	1,231	512	1,743
Total	5,917	2,414	8,331

The budgets detailed above summarise the overall budget contribution agreed by each of the partner authorities. Each contribution consists of two elements – core and authority specific services.

Core services are those functions common to the partner authorities as they share statutory responsibility for the activity, such as trading standards. Core service costs are then pooled and recharged to the partner authorities based on the relative population split within the three authorities.

Authority specific budgets such as Licensing are unique to each partner authority and it is the sole responsibility of each authority to fund its own provision.

The approved authority specific services are as follows:-

Bridgend	Licensing Kennelling & Vets Costs Empty Homes Public health burials
Cardiff	Licensing Additional HMO Licensing at Cathays & Plasnewydd Empty Homes Night time Noise Port Health Student Liaison
Vale	Licensing Kennelling & Vets Pest Control Public health burials Port Health

Both core and authority specific services are recharged to partner authorities inclusive of a management charge, which incorporates management, admin and hosting costs. These include the provision of a multifunctional admin team, professional support in the form of finance, IT and HR, together with the senior management within the Shared Regulatory Service.

The budget is monitored quarterly via the Management Board and Joint Committee and the details of such monitoring form part of the quarterly update reports, available at the websites of each partner Council.

Maximising resources

Our goals of supporting the local economy and maximising resources now challenge us to operate in a more commercial and entrepreneurial way. For our business customers, we aim to deliver high quality technical services. We have created an environment that allows us to focus upon supporting local enterprises enabling them to operate successfully in an increasingly competitive business environment.

As highlighted throughout this Business Plan, since March 2020, the COVID pandemic has impacted service delivery in many ways. One such area was that of income generation where the secondment of key members of staff into the COVID response has limited the provision of certain paid-for services. In addition, COVID restrictions since that time meant that the provision of face to face training courses was not permitted and remote teaching solutions had to be developed. As we move into 2022-23 and the greater potential for income generation the year will bring, we will be able to enhance service delivery and ensure resilience within SRS moving forward.

Our agile working practices allow our specialist officers to use technology to deliver improved productivity, efficiency savings and better customer service. Furthermore, these practices provide opportunities to reduce the accommodation footprint of the Service across the region, reducing operational costs.

The removal of the traditional professional silos means that officers are part of joined up multi skilled teams and have better understanding of our internal processes and the needs of our customers. The reshaped SRS will continue to eliminate unnecessary bureaucracy and simplify processes; we will harmonise practices wherever possible and achieve efficiencies by doing things once (and not three times as happened in the legacy organisations).

Understanding the costs involved in providing services is crucial. We review regularly SRS fees and charges across the three authorities to ensure we know what it costs to provide services and ensure that we recover those costs where possible.

We listen to our customers and stakeholders to identify their needs and expectations. We seek to develop our services so they are easier for customers to access and are more effective and cheaper. We believe that better engagement will help us make better decisions and consequently deliver better outcomes.

We recognise the need to understand, measure and manage our performance across the Service. We continue to work on developing our measures so that we will eventually have a suite of measures that ensures performance is managed effectively and in a meaningful way, and that we are having a positive impact on those customers that interact with us.

4. Workforce Development

Operating a Shared Regulatory Service across three distinct areas presents many challenges for the Service and its workforce. We aim to use our Workforce Development Plan to ensure our officers have the right mix of experience, knowledge and skills required to fulfil our goals. Our plan illustrates how we want to encourage and support our officers to develop new skills and work in different ways. Investing in people is a fundamental element of our maximising resources priority.

The Workforce Development Plan provides a framework to blend:-

- Organisational culture
- Leadership and management
- Core skills
- Recruitment, retention and progression
- Communication and employee engagement
- Employee performance management

Continued Professional Development (CPD) is actively encouraged and officers are offered opportunities to attend a wide range of training courses, seminars, meetings and briefings to help maintain competency and improve technical, legal and administrative knowledge. A number of employees have been supported to undertake post graduate training gaining Masters degrees in areas such as environmental health and leadership and management. In addition, 'in house' technical training days support cross discipline training and increase awareness of related enforcement activities. The service has continued to provide legal competence training for officers along with a number of professional development courses. While this is a cost effective way of increasing the skills base of our workforce, perhaps the greater consequence is the potential to forge a stronger team.

The SRS Staff Survey undertaken in early 2020 sought the views of employees on a number of work place themes including learning and development. Results were generally very good and showed a good level of improvement from the last survey undertaken in 2018. There was, however, one area of people development that, whilst still a good result, was identified as an opportunity for improvement. It will therefore be important during the forthcoming year, to ensure that personal development is actively encouraged through the

performance review process and through the provision of suitable development opportunities linked to SRS business objectives.

In terms of recruitment and retention, SRS has led on the introduction of a Regulatory Compliance Officer type apprenticeship within Wales and promoted the DPPW 'Building for the future' report seeking increased investment in terms of funded public protection workforce development programmes to address capacity and resilience issues in the environmental health and trading standards professions. SRS looks forward to benefitting from these approaches in the future.

We intend our workforce plan to drive our organisational development, both through preparing us for the future by being able to forecast likely challenges and by a more effective process of talent identification, identifying skill gaps, and retaining our officers within the organisation.



5. Turning actions into outcomes

We continue to work to integrate our vision, priorities, outcomes and our performance to provide a comprehensive picture of the work the service undertakes and the positive impact it makes.

The following section of this Business Plan brings all these different elements together in order to highlight our achievements and performance during the last year together with the actions we aim to take forward in 2022/23 to deliver on the strategic priorities. This framework will be continually reviewed to ensure it remains relevant and meaningful to stakeholders.

Priority

Improving health and wellbeing

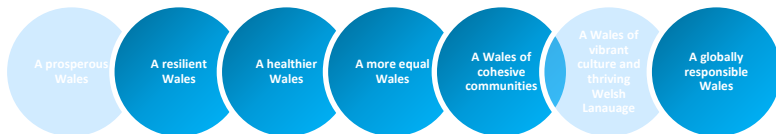
Outcomes



Outputs



In addition, our outcomes also contribute to the following wellbeing goals:-

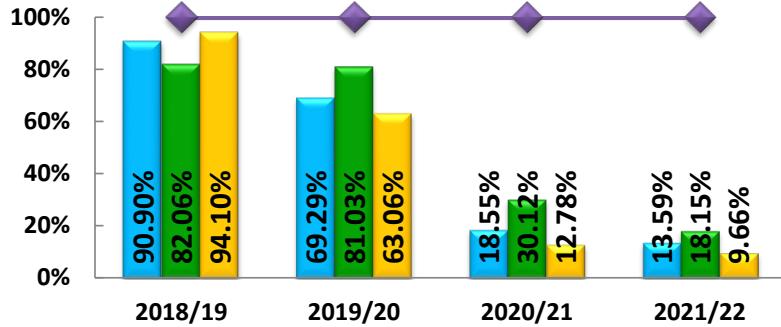


Improving health and wellbeing is a key priority for SRS. The Service delivers a diverse range of services to businesses, consumers and residents many of which are “taken for granted”. Their contribution toward our stated outcomes, and their impact upon communities, should not be overlooked. Work undertaken to ensure that food, from farm to fork, is safe, that infectious disease, noise and air emissions are controlled, that risks in the workplace are managed properly, allows people to live in healthy environments. Add to this our activities to ensure the quality of private rented property, the promotion of a safe trading environment and our regulation of licensed premises to ensure they operate responsibly and it is evident that the work undertaken by the SRS is hugely important to the health and wellbeing of the region.

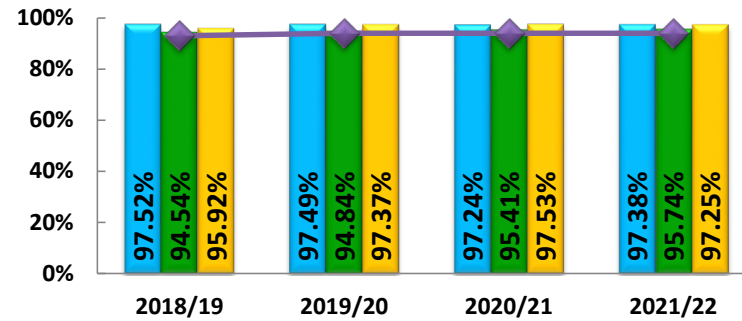
How we performed

■ Bridgend
 ■ Cardiff
 ■ Vale of Glamorgan

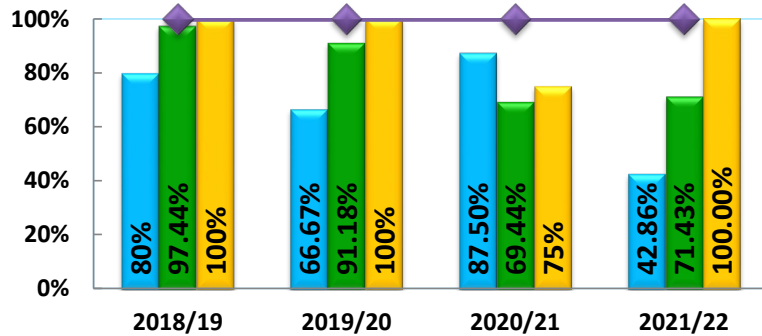
**% of high risk inspections
Food Hygiene (A, B & C rated premises)**



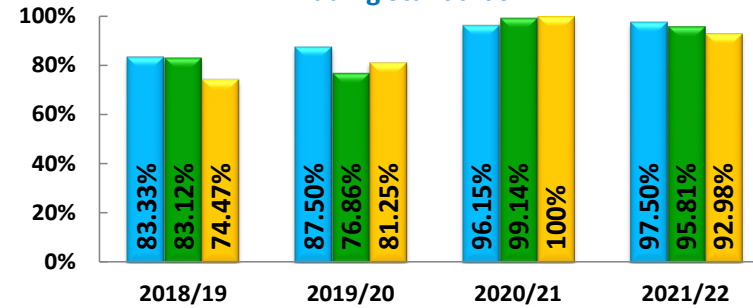
PAM 023 - % of food establishments that meet food hygiene standards



**% of high risk inspections
Trading Standards**



% of significant breaches that were rectified for Trading Standards



% of private rented properties and HMOs improved through the removal of category 1 hazards 2020/21			
	Bridgend	Cardiff	Vale of Glam
Total no. of assessments which contain category 1 hazards	10	72	7
No. of HMOs and non HMOs where all category 1 hazards have been resolved as a result of local authority action.	7	22	11
% Total resolved	70%	30.5%	157%

What we have achieved

The Food chain is safe and free from risks

Businesses that are broadly compliant - The number of food businesses with a food hygiene rating of more than 3 continues to remain at a high level with 97.38% in Bridgend, 95.74% in Cardiff and 97.25% in the Vale of food businesses being broadly compliant. The results show a positive upward trend, year on year, exceeding targets and highlighting the growing number of businesses that are improving their standards, which can be attributed to the success of the intervention programme for food businesses. That programme ensures that any food safety issues identified are followed up by either enforcement, advice or training and subsequently revisits to ensure compliance with food safety law.

Prosecutions – SRS is committed to enforcing the laws we regulate, instigating legal proceedings against those businesses or individuals that flout the law. During 2021/22, despite the COVID-related backlogs in the court process, the service concluded a number of successful prosecutions against individuals/businesses in relation to food offences. The following examples showcase the impact and value of this work

7
Successful prosecutions of food businesses concluded

- **Company/owner of Cardiff convenience store fined £20,000 for a string of food hygiene offences** – In this case, officers found dreadful conditions on the premises including a dead mouse, cockroach infestation, unwrapped raw meat being stored next to fresh herbs and vegetables and out of day and mouldy foods. The defendant had been prosecuted previously for food hygiene matters and also for the supply of illegal tobacco, so knew the serious nature of the offences. The company of which the store owner was the director was given a total fine of £20,000, and the owner sentenced to a total of 13 months imprisonment and issued with a Hygiene Prohibition Order preventing him from participating in the management of any food business.
- **Bridgend takeaway fined for 8 food hygiene offences** – In another case, an inspection of a take-away in Bridgend discovered a number of food hygiene offences including a failure to ensure the premises were kept clean, failure to implement and maintain procedures based on HACCP principles, failure to provide sufficient washbasins and failure to ensure that food, cooking utensils and raw materials were kept clean to avoid cross contamination. In view of the serious incidents, the defendant was fined a total of £1760, ordered to pay costs of £1100 and a victim surcharge of £176.

Port Health and infectious disease – During 2021/22 significant engagement took place with the relevant stakeholders at the seaports of Cardiff and Barry and at Cardiff International Airport to ensure that enhanced measures and controls were implemented to minimise the risk of importation of Covid-19 and its onward spread. This included the need to secure procedures to address the notification of any illness in passengers or crew, the display of relevant informative posters, announcements to passengers and the monitoring of vessel and aircraft movements. Representation was made at many meetings with other organisations such as the Association of British Port Health Authorities, All Wales Expert Panel, Cruise Start, Welsh Government, Maritime Port and Welfare Group and Test Trace Protect, to ensure that officers were following up to date guidance and best practice.

With the gradual opening of international travel, the number of flights steadily increased into Cardiff Airport during the year. A total of 1598 flights entered Cardiff Airport between 1st April 2021 and 31st March 2022. Until 22nd December 2021 there was a requirement for all flights to submit a General Aircraft Declaration confirming that no passengers and/or crew on board were showing symptoms of Covid prior to being permitted to disembark. The monitoring of 1177 flights was completed to ensure compliance with this requirement. In addition, 243 flights entering Cardiff were identified as having a positive passenger travelling on the plane during their infectious period which required further investigation to identify relevant contacts and to provide the relevant advice about isolation requirements.

Vessels (other than those departing from the Common Travel Area) up to 22nd December 2021 were required to submit a medical declaration of health declaring that there was no one symptomatic on board with Covid prior to being granted free pratique to disembark by the Port Health Service at the seaports of Cardiff or Barry. The port operators were advised of the granting or refusal of free pratique to ensure that the risks of infection to their staff were suitably managed. In addition, the Covid procedure for the port operator was reviewed to ensure that suitable controls were in place to minimise the spread of infection.

In July 2021 a detailed review of Covid policies, procedures and an outbreak plan were undertaken for a small cruise ship prior to its arrival in port to ensure that suitable controls had been identified to minimise the risk of spread of infection. This identified a number of improvements that were required to be exercised prior to its arrival.

For many seafarers', issues were experienced in obtaining vaccines against Covid due to the transient nature of their work. The Port Health Team, with the assistance of the Cardiff and Vale Health Board managed to overcome such difficulties and arrange suitable vaccine for crew arriving at Cardiff and Barry where requested. This vaccination model has since been used by other ports within Wales

Food Hygiene Inspection Exercise – As hospitality began to re-open from lockdown, an exercise was initiated to target areas with high concentrations of food businesses. These included City Road in Cardiff, Holton Road in Barry and Nolton Road in Bridgend. All food officers from across the different teams worked together in each area to make targeted unannounced inspections of food businesses. In total over 110 inspections were made across the 3 areas resulting in 4 voluntary closures of businesses, 2 voluntary surrender of

food and the issue of a fixed penalty notice for the non display of food hygiene rating sticker. These exercises brought benefits in terms of maximising the number of inspections carried out through targeted enforcement, and provided greater integration of disparate teams who were able to support one another, develop new relationships and get an appreciation of the restraints and demands in each other's areas.

Online unregistered food businesses – Sometimes referred to as 'Cloud' kitchens, these businesses often prepare food at separate premises rather than a restaurant. This is a relatively new practice, whereby orders are placed online, without the option for the public to enter the premises. While a number of these businesses are legitimate and regulated, others are operated out of home kitchens by people with no training and there is a danger that meals could be sold without clear information on ingredients and allergy information. These businesses are generally promoted via social media platforms such as Facebook and Instagram and as a consequence are difficult to reach. During the year, SRS conducted a project whereby 10 food business operators that had not registered their food business were identified. These businesses were contacted and six of these have been brought into compliance by either 'taking down' the social media platform/posts used to promote the sale of food or as a result of the food business operator registering their business.

Page 30 Risks in the workplace are managed properly

Legionella management in care homes - Legionnaires' disease is a potentially fatal type of pneumonia, contracted by inhaling airborne water droplets containing viable Legionella bacteria. Created by hot and cold water outlets; atomisers; wet air conditioning plant and whirlpool or hydrotherapy baths, health and social care providers are required to carry out full risk assessments of their hot and cold water systems and ensure adequate safety measures are in place. Due to concerns raised by care homes, about allowing entry to contractors due to the risk of introducing Covid-19 or other infections into the homes, SRS undertook an exercise looking at legionella management in care homes. As a result, 31 desk top reviews seeking evidence of monitoring were undertaken with care homes across the region. Where concerns were identified as a result of these assessments, face to face assessments were carried out at a number of premises.

Visits to open farms – Zoonotic diseases, i.e., those that can pass from animals to humans, may be acquired from animal contact at visitor attractions. As families ventured out in the summer of 2021, the Health and Safety Executive relaunched its guidance on the spread of cryptosporidium, campylobacter and e.coli, and SRS officers undertook health and safety visits to open farms in the region. Assessments were carried out during these visits to ensure effective control measures were in place to minimise the risk of infection from contact with animals.

Infectious Disease is controlled and prevented

Test, Trace and Protect – The commitment made by SRS during the last 2 years to support the Test, Trace and Protect Scheme (TTP) has been hugely significant. Senior officers have been at the heart of the TTP initiative from the outset working across the two health boards while 30+ officers have been redeployed at various times to work on the scheme. This has involved the tracing of people who have tested positive for Covid-19 and linking with health professionals to identify trends and incidents in order to restrict the spread of the disease. During the year incidence rates were closely monitored so that the SRS input into TTP could be tailored accordingly. This allowed demand to be met during spikes in the number of cases, while at the same time allowing the flexibility for staff made available to TTP to devote time to their substantive roles during quieter times.

Communicable Disease – The Communicable Disease Team has been at the heart of the Covid-19 pandemic during the last two years, acting as the Regional Response team. Tasked with protecting public health by controlling and preventing cases and outbreaks of infectious disease, the focus of the team has almost entirely shifted to tackling Covid-19. During the last year alone, 135,828 confirmed and suspected cases of communicable disease were reported to the service, 134,048 of which were reported as Covid-19. To provide some context to this figure, in 2019, 2149 cases were reported, then in 2020/21 this figure rose to 44,739, meaning that there was a tripling of that number during 2021-22.

135,828
Communicable
disease cases
notified to SRS.

During the last year, 428 outbreaks of communicable disease in care homes, schools, nurseries, and domiciliary care establishments were investigated and managed. 368 of these were Covid-19 outbreaks. In 2019 this figure was 85. Furthermore 4596 confirmed cases of Covid 19 in care and educational settings were escalated to the regional response team from Test, Trace and Protect.

130
Statutory notices
issued for non-
compliance with
Coronavirus
Regs

Covid Enforcement Teams - When the UK was first put into lockdown in March 2020 it became the responsibility of SRS to enforce the Health Protection (Coronavirus Restrictions) (Wales) Regulations across the region. As a consequence, SRS officers have throughout the pandemic undertaken a range of work to ensure businesses comply with regulations, through visits and the provision of advice and guidance. As regulations and Welsh Government guidance changed, and case numbers increased, SRS put in place a reciprocal commitment with South Wales Police to form three Joint Enforcement Teams (JET) undertaking

coordinated enforcement activity in a range of sectors across each of the three local authority areas. These teams made up of SRS officers focused upon engaging with

business, encouraging compliance and more recently upon ensuring that returning travellers and positive cases observe the isolation requirements.

These visits included checks to ensure those businesses that were required to close, were closed, that adequate social distancing measures and signage were in place and that hand sanitiser was made available. If it was found that businesses were failing to meet the regulations, statutory notices were issued compelling businesses to comply. In total SRS officers issued 529 such notices for non-compliance across the region since 2020, 130 during the last year. These included Closure Notices, Improvement Notices, Prohibition Notices, Compliance Notices and Fixed Penalty Notices depending upon the current regulations in place at the time.

Covid enforcement has been challenging, not least because of the changing regulations throughout the year, which officers, and businesses, were required to be conversant with. In addition, as restrictions continued, public support for restrictions began to wane resulting in a shift in attitude towards officers by some individuals.

South Wales Police Awards 2021 – Such was the success of the Joint Enforcement Teams, mentioned above, the teams consisting of SRS Officers and South Wales Police were recognised at the South Wales Police Awards Ceremony where they were awarded the Special Recognition Award. This award recognised the partnership between local authority and Police colleagues throughout the force area as Joint Enforcement Teams (JETs) undertaking Covid enforcement work from September 2020 onwards. The close working between local authority and Police colleagues through the Force area was commended and held up as a model for future partnership working.



Noise and Air Emissions are controlled

Noise Pollution and Anti-Social Behaviour - In investigating cases of noise nuisance, officers routinely work with external stakeholders such as the Police and local authority anti-social behaviour Teams. Often this is because creating noise disturbance is just one aspect of anti-social behaviour that needs to be addressed to provide solutions to the community issues raised. One example of a case dealt with by SRS in conjunction with the Police concerned residents of a block of flats. SRS received a number of complaints about loud music which resulted in an abatement notice being served. This notice was subsequently

breached when the tenants held a house party during a tier 3 lockdown and South Wales Police were called due to covid breaches. These officers were then assaulted by the tenant's guests. In another case, jointly investigated by SRS and South Wales Police, two neighbours were in dispute, with one neighbour blasting music for long periods of time to annoy the other. In this case SRS were able to catch the offender blasting loud music on 3 occasions.

A safe trading environment is maintained

Disposable e-cigarettes – In January 2022, SRS officers worked with BBC's X-Ray programme on a feature about the work conducted by SRS in relation to disposable e-cigarettes. E-cigarettes are a regulated product that should comply with the Tobacco and Related Products Regulations 2016. These restrictions include a limit on the capacity of the refillable tank of the cigarette device which must not be more than 2 ml; that there is a nicotine limit of 20 mg per ml in nicotine-containing liquids or containers; that products should contain prominent health warnings; and that all e-cigarettes and e-liquids are required to be notified to the Medicines and Healthcare Products Regulatory Agency before they can be sold. 28 inspections were conducted in response to intelligence and complaints received, which resulted in 19 seizures of approximately 3200 non-compliant, disposable e-cigarettes with an estimated value of over £19,000.

Licensed premises operate responsibly

The Public Health (Minimum Price for Alcohol) (Minimum Unit Price) (Wales) Regulations came into force on 2 March 2020. The purpose of the legislation is to protect the health of harmful and hazardous drinkers by using price as the means to minimise their access to very low cost / high alcohol products (for example some strong ciders). Under this law, it is an offence to supply alcohol below the applicable minimum price which is calculated according to the alcoholic strength of a product and the volume in which it is sold. The minimum unit price (MUP) for the purposes of calculating the cost of alcoholic drinks is £0.50. This is a novel piece of legislation for the trade with penalties for failing to comply ranging from a £200 fixed penalty notice to a maximum fine of £1000 if the matter proceeds to court. In order that the trade is fully aware of the requirements of the law, Welsh Government funded SRS officers to visit the 650+ off-licensed premises across the region.

A programme of visits to these premises began in March 2020, however the impact of the Covid-19 pandemic resulted in further visits being delayed to later that year and throughout 2021/22. During the last year SRS conducted 166 initial inspections at alcohol retail premises across the SRS region to assess whether the businesses were complying with the minimum unit price requirement. Of these, 26 were found to be non-compliant and were issued with a warning and guidance on future compliance. 37 re-visits were then conducted at those businesses that had previously been found to be non-compliant, and this resulted in 6 fixed penalty notices being issued in cases where it was found the businesses continued to sell alcohol below the MUP.



Firework storage Inspections - Retailers of fireworks are required to register with the local authority in order to ensure safe storage. All premises registered for the storage of fireworks are inspected by officers of the service to ensure that the conditions imposed by the registration are complied with and that the storage is safe and the business operates in a safe manner. In the run up to 'bonfire night' in 2021, 24 registered premises were inspected by SRS officers to

ensure the safety of firework sale and storage. Only minor non-compliances were identified as a result of these visits, all of which were rectified by the business concerned at the time of inspection.

The quality of private rented property is improved

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HMO Licensing - HMOs often present the worst physical and management standards, as well as having a detrimental impact on the neighbourhoods in which they are situated particularly in relation to street scene. Despite the significant impact of the Coronavirus pandemic on the work of the service, the Cardiff Team took 3 successful prosecutions during 2021/22 comprising 17 separate offences including non-compliance with Housing Act notices and a variety of management offences in dangerous houses in multiple occupation, with total fines and costs being £9,977.

In addition, the team dealt with 1,891 service requests of which just under 500 related to hazards in private rented housing and approximately 600 in relation to housing related advice and

guidance. Of particular concern and possibly linked to issues around lockdown restrictions were the number of complaints about potential nuisance or filthy and verminous properties (88 complaints) which resulted in a number of particularly challenging works in default cases. Furthermore there were 82 complaints about the condition of problem empty homes and a further 26 requests for information on such properties.

It remained the case for much of the year that fewer site visits could be undertaken, with evidence being obtained remotely because of Covid, limiting officer options for enforcement action. However, where visits were undertaken, 142 Housing Act 2004 notices were served, of which 37 were formal actions, and 7 Prohibition orders were served. There was a return to dealing with HMO licensing during the year and 358 HMO licences were issued, almost doubling the total for the previous year where Covid restrictions were more severe. The

team continued joint working with Rent Smart Wales (RSW) to address problem landlords with a total of 9 landlord fit and proper person reviews and significant input into 3 letting agent audits. RSW have also continued to make investigation referrals with 108 cases received including one Renting Homes Fee investigation case. Significant work has also been completed to robustly defend multiple HMO licensing appeals at Residential Property Tribunal.

Cathays Additional Licensing Scheme – The statutory consultation in relation to the re-declaration of the Cathays Additional Licensing Scheme was completed in March. Landlords, letting agents, tenants and residents living in Cathays were consulted together with other people/organisations with an interest in the Cathays area and/or the Scheme. An analysis of the responses received is currently taking place with a view to reporting results to Cardiff Council's Cabinet in Summer 2022.

Cardiff landlord fined following complaints about property condition – This case concerned a complaint about disrepair from a tenant of a property in Cardiff. A check on the property revealed that it was a 3 storey property occupied by 5 unrelated people sharing kitchen and bathroom facilities and was not licensed as a HMO as required. Furthermore a visit made by SRS officers revealed that the property lacked an adequate fire alarm system, had a defective electrical installation and an insecure carpet to the first floor. The defendant subsequently failed to provide electrical reports when requested to do so and was found to be operating a licensable house in multiple occupation without a licence. The landlord was fined £834, ordered to pay costs of £350 and a victim surcharge of £83.

Illegal Evictions and pre-occupancy checks - In Bridgend and the Vale of Glamorgan SRS investigated and gave advice regarding 10 cases of illegal eviction which allowed us to prevent the households from becoming homeless in the majority of cases. We also provided a valuable service to the Housing Solutions Departments by conducting pre-occupancy inspections of 13 properties.

Emerging issues

COVID-19 - The unprecedented challenges posed by COVID-19 has seen officers adjusting to altered work and personal routines, not to mention coping with the uncertainty and anxiety we all face for our own health. SRS has, and continues to play a key role in tackling the Covid crisis through its involvement in Test, Trace, Protect, which has required the service to adapt and re-prioritise the services delivered throughout the last two years. As we look to the future, the position is still uncertain but looking more optimistic, but as we know from the last two years the situation can change rapidly. This will require the service to continue to monitor the situation and adjust resources as circumstances change, which is likely to impact on our ability to deliver 'business as usual'.

Recruitment and retention— Recruiting to vacancies, particularly to those roles that require professionally qualified officers continues to be challenging, particularly as we are seeing a number of our officers leaving the service to secure positions elsewhere. The shortage of applicants with the right skills, abilities and experience in the different professions has created a more competitive market. These shortages, attributable to an aging professional demographic, increasing turnover and a reduced investment in sponsorship of students by Councils, have to be addressed if we are to deliver effective regulatory services. Across Wales, the Directors of Public Protection Wales (DPPW) has sought to co-ordinate a consistent approach to identify immediate issues of capacity and resilience along with other challenges for the future as demands and expectations on regulatory services continue to grow and has produced a report detailing the key issues facing local government regulatory services. The report highlights the challenges faced in terms of workforce pressures, the need for better coordination and oversight and how to achieve greater resilience in the medium term through a number of recommendations.

Backlog of programmed inspections - Government restrictions on social distancing, non-essential travel and the closure of certain businesses to reduce the spread of Covid-19, resulted in routine inspections being suspended several times during the last two years which inevitably created a backlog across a number of SRS services. Furthermore, the deployment of staff to Test, Trace, Protect, covid enforcement teams and other covid related activities has impacted on the resource available within teams to carry out “business as usual” activities creating a significant backlog of inspections, that is further exacerbated by recruitment and retention issues evident in some areas of the service. Inspections of food businesses, for example, are normally programmed each year to ensure all businesses are inspected at regular intervals at a frequency relevant to the risk category of the business. The inability to inspect these premises has inevitably led to a backlog of programmed inspections, particularly in relation to ‘C’ rated and new business inspections where a backlog already existed pre-pandemic. Similarly the Private Sector Housing team have been unable to visit rental properties to carry out inspections as part of the HMO Licensing regime, only undertaking inspections where significant risks to the tenant are identified. While inspections have now resumed, it is envisaged that clearing the backlog of inspections will take a significant resource and take some time to complete.

Food Standards Agency Recovery Plan – In recognition of the backlog of inspections created as a result of the Covid-19 pandemic, the Food Standards Agency produced a Recovery Plan to enable local authority food teams to identify and focus on those food businesses that are trading and pose the greatest risk to public health. Given the backlog that already existed pre-pandemic coupled with the backlog caused by the pandemic, it is envisaged that while the recovery plan is welcomed, the service will have difficulties in delivering the proposals, without additional resource. The service will however work with the FSA to ensure a risk based approach is adopted.

Cost of living crisis – The cost of living crisis in the UK is currently dominating the headlines. With inflation at its highest level in 30 years, the UK is seeing petrol and grocery prices increasing, together with tax increases and exponential rises in energy costs. Disruption of global supply chains due to Covid-19 and global shipping costs has also

resulted in increased prices and shortages of certain products. There are now reports of further shortages as a consequence of the war in Ukraine, most notably sunflower oil and wheat. Most of the sunflower oil used in the UK is imported from Ukraine and is used extensively in cooking, and ingredients in many food products, including crisps, chips, ready meals, biscuits and mayonnaise. Shortages and price hikes have resulted in food manufacturers looking for alternatives to minimise disruption in availability with several already switching to refined rapeseed oils. The Food Standards Agency have indicated that this change has been done so quickly that manufacturers have been unable to update food labels. While the FSA deem this to be of very low risk to consumers, it does highlight potential issues arising from the cost of living increases and product shortages. Food businesses, for example, already struggling following the pandemic, may see a reduction in customers who can no longer afford to eat out. They, faced with rising prices may be tempted to substitute food items for cheaper alternatives and cut corners in their food hygiene processes to save money, placing even greater demands on SRS at a time when the service itself is attempting to recover from the effects of the pandemic and staff shortages.

New Food Businesses – New food businesses are required to register with the service if a new business is planned, the nature of an existing business changes or if there is a change of ownership following the creation of new legal entities such as a new limited company, sole trader and partnership. All new businesses are required to be inspected and the Food Law Code of Practice requires that where possible, they be inspected within 28 days of opening. This requirement places a significant impact on the resources of the Food Safety and Trading Standards functions due to the large number of applications received. During 2021/22 900 applications were received, 529 in Cardiff, 166 in Bridgend and a further 205 in the Vale of Glamorgan all of which are required to be inspected alongside the planned programme of inspections. This is further exacerbated if businesses have poor compliance on initial inspection, requiring the need for further intervention. This requirement coupled with the resource issues currently experienced due to Covid and recruitment and retention issues, will severely impact our ability to complete these interventions.

Inspection of food imports – Brexit – A recent announcement by the UK Government to scrap plans to introduce physical checks on fresh food imported from the European Union, that was planned this summer, has caused the Chartered Institute of Environmental Health to express concern about the severe consequences this could have for UK consumers and for the public health of the country. The plan to introduce checks on animal and plant products entering the UK from the EU came about in the wake of the UK’s exit from the European Union and would have impacted a wide-range of food sold in supermarkets. However, warnings that such checks could make food more expensive and exacerbate the cost of living crisis, resulted in the Government scrapping all inspections for imports from the EU. The CIEH believe that such a move heightens the danger of food fraud and crime where food of unknown origin and questionable quality could end up on supermarket shelves and in our homes. If such concerns are realised, this will inevitably impact on the work of SRS.

Exiting the EU – Now that the UK has left the EU, SRS is keeping abreast with potential changes as they occur in order to be prepared for any eventuality. The United Kingdom's status as a "Third Country" to those that remain within the EU and the countries within the EU becoming "Third Countries" to the United Kingdom has resulted in changes to the import of products of animal origin. Imported products of animal origin and any higher risk products not of animal origin must be imported through a Border Control Post. Currently neither the ports nor airport in the SRS region possess this status in relation to food, but it is anticipated that trade patterns may change in the future and potentially require an enhanced monitoring role for the SRS.

Core Capacities Assessment at Cardiff International Airport - Cardiff International Airport is a designated point of entry which is required to meet certain core capacities. These are annually reported to the World Health Organisation by completing an assessment toolkit, "WHO Assessment tool for core capacity requirements at designated airports, ports and ground crossings".

In relation to comparison of the core capacities required for designated airports there have been some improvements at Cardiff Airport due to the provision of an isolation room which has direct tarmac access for emergency vehicles and an improvement to cleaning programmes as a result of audit by the Port Health Authority. However, a small number of number of actions have been identified as requiring action to meet the core capacity requirements including the inspection programme of facilities, water quality and vector surveillance which have been impacted by the redirection of staff resource to the Covid response. Currently there is no vector surveillance programme being undertaken. Training is required for staff on dealing with potential chemical and radiological incidents, a procedure is required for dealing with human remains and a further review in relation to the responding to events that may constitute PHEIC (Emergencies) is needed.

Implementation of infection control measures directed by Public Health Wales at points of entry – The impact of Covid-19 on travel has seen various restrictions imposed during the last two years,. While it appears that such restrictions are gradually being lifted as the Covid-19 outbreak comes under control within the UK, the 'variants of concern' originating in other countries means that it is possible that additional control measures will be required to be implemented at Cardiff International Airport and Cardiff and Barry seaports which will be the responsibility of the port health officers to ensure are adhered to.

Public Health (Wales) Act – This new legislation brings together a range of practical actions for improving and protecting health by way of a number of new requirements that effect several areas of the SRS. Although not fully enacted, the legislation has already introduced a prohibition of intimate piercing of under 18s and now enables food authorities to retain fixed penalty notice receipts resulting from offences under the Food Hygiene Rating (Wales) Act. Over the coming years, different elements of the legislation will be introduced including a licensing scheme for special procedures such as acupuncture, body piercing, electrolysis and tattooing, and the restriction of smoking in areas such as school playgrounds and hospital grounds. In time, it will create a national register of retailers of tobacco and nicotine products and create a prohibition of handing over tobacco and/or

nicotine products to a person under the age of 18 years. It is unclear when these additional elements will come into force due to delays as a result of the Covid 19 pandemic but it is anticipated that there will be a resource implication associated with this. The scheme aims to strengthen existing registration requirements and as such will place additional responsibilities in administering and enforcing the new requirements including the delivery of training, undertaking professional interviews of applicants and the management of a new database.

Renting Homes (Wales) Act – The Renting Homes Act will be implemented on 1 December 2022, requiring all landlords, for the first time, to issue a written statement of the occupation contract to the tenant or licensee clearly setting out the rights and responsibilities of landlords and contract-holders. The new Act requires landlords to ensure the property is fit for human habitation at the time of occupation which is broadly based on the HHSRS hazards and will include additional provisions that relate to 'no fault evictions' where the minimum notice period that must be given is 6 months subject to certain conditions. Whilst the new fitness standard is intended as a civil remedy for tenants to seek their own address without recourse to the Council, it is anticipated that we may receive service requests running in parallel with the tenant's civil case and a request to supply inspection notes or expert advice in support of the claim. Staff will therefore need to be aware of this new legislation and appropriate training will be required to ensure they are able to advise landlords and tenants alike.

Caravan Parks – During the Covid outbreak holiday caravan parks were instructed to close by the Welsh Government and SRS as the enforcing authority ensured that this was the case. It did however become apparent that some people were using holiday homes as their main residential address with some caravan owners advising that if they were forced to leave the site they would effectively be made homeless. Welsh Government at the time made it clear that they did not wish to see an increase in homelessness during the pandemic and these owners were permitted to stay. However now that covid restrictions have been lifted, and the issue of residency highlighted, it will be necessary for SRS officers to work with the caravan sites to ensure that they are compliant with their licence conditions.

Outdoor hospitality – The covid pandemic saw many hospitality venues investing in outdoor seating areas to enable them to operate in a safe way and to recoup losses following closure and lockdown restrictions. This has inevitably resulted in an increase in outdoor hospitality that is likely to continue, but is an area that has several implications for SRS as a regulatory body. Large numbers of people seated in outside areas does have the potential to create noise nuisance to neighbouring residents, resulting in complaints to our noise service. Furthermore the safety of structures, in terms of electrical installations for lighting and heating will be a key concern in terms of health and safety. SRS recognises the significant impact that the pandemic had on the hospitality industry, but will be mindful of the need to balance the needs of the business with those of the residents and patrons.

Homes for Ukraine is a scheme that allows people in the UK to sponsor someone from the Ukraine to come and live in the UK. Hosts record their interest in offering a home as part of the scheme offering accommodation for at least 6 months. A number of checks are required

to be completed as part of the scheme and SRS have been asked to undertake property inspections in Bridgend, Cardiff and Vale. As part of this process, officers need to ensure that the accommodation provided by the hosts fulfils necessary health and safety requirements and is in line with Welsh Government guidance.

Building Safety Joint Inspection Team – Following the publication of the Building Safety White Paper a Welsh Government priority remains the establishment of the Joint Inspection Team (JIT), hosted by the WLGA. This remains a work in progress and SRS continue to have a presence on the Steering Group which has been charged with appointing the members of the JIT. It is anticipated that this will take place this year to enable a work programme to be drawn up in consultation with all Welsh local authorities and Welsh Government. We will work with the JIT to understand the scale of the issues in high rise buildings in the Authorities that we serve and working in conjunction with WG prioritise any remediation work to ensure the health and safety of the occupants.

In addition to the above, SRS is represented on the Leaseholder Task and Finish Group which is examining options to help support leaseholders who find themselves in financial hardship. Welsh Government plans to introduce a scheme which will target provision where it is most needed in buildings with identified defects where individual leaseholders cannot sell their properties on the open market and find themselves in significant financial difficulty due to escalating costs.

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Smoke free compliance in hospital grounds – The Smoke-free Premises etc. (Wales) Regulations 2007 were introduced to protect employees and the public from the harmful effects of second-hand smoke. This legislation prevented smoking in 'enclosed' or 'substantially enclosed' public places, including workplaces and vehicles. In March 2021 further changes were made to the legislation which extended the smoke-free requirements to more places such as hospital grounds, schools grounds and public playgrounds, as well as outdoor day care and child-minding settings to be smoke-free. SRS is responsible for enforcing these regulations and in doing so recognises that the requirement for all hospital sites to be smoke-free promotes healthier care environments and supports smokers using hospital services, visiting or working in hospitals to quit. The service will therefore undertake a programme of engagement with smokers at these sites to reduce the incidence of smoking and promote improved health and wellbeing.

What we plan to do next

** - Cardiff Corporate Plan *** Vale Service Plan

Improving health and wellbeing Lead Responsibility

The food chain is safe and free from risks

Develop and adopt the Food and Feed Law Enforcement Plan 2022/23 and undertake interventions in accordance with the plan and the arrangements in place to discharge food safety duties. *** C Hill

Deliver the FSA Recovery Plan and adopt processes to prioritise and tackle the backlog of new business and broadly compliant C rated inspections. C Hill

Deliver a programme of inspections targeting retail butcher premises to establish compliance with food standards and weights and measures legislation. C Hill

Develop and adopt the Port Health Plan 2022/23. C Hill

Undertake necessary actions to enable Cardiff International Airport to meet the requirements of the World Health Organisation Assessment tool for core capacity requirements at designed airports, ports and ground crossings. C Hill

Risks in the workplace are managed properly

Develop and adopt the Section 18 Health and Safety Service Plan 2022/23 and undertake interventions in accordance with the plan and the arrangements in place to discharge health and safety duties. *** C Hill

Engage with smokers using, visiting or working at hospital sites to promote smoke free compliance in hospital grounds. C Hill

Noise and air emissions are controlled

Develop a Noise policy including service standards. W Lane

Work with partner authorities to reinvigorate the Responsible Authority Meetings to ensure joined up working and balanced enforcement across regulatory activities. W Lane

Review and explore options for future proofing the Out of Hours Noise Service. W Lane

A safe trading environment is maintained

Continue intelligence led operations to investigate and disrupt businesses selling non-compliant e-cigarette products. C Hill

Conduct firework inspections of licensed premises to ensure those holding a licence sell fireworks that meet the relevant safety standards, have adequate policies in relation to age restricted sales and stored safety in retail premises. C Hill

Licensed premises operate responsibly

Complete the programme of inspections, re-visits and enforcement action, where appropriate, to ensure retailers are complying with the Minimum Unit Pricing (MUP) controls for alcohol. C Hill

Review site licensing conditions in place to manage caravan sites and holiday parks to ensure they are suitable and sufficient to protect the health and safety of the public.*** W Lane

The quality of private rented property is improved

Drive up standards in the private rented sector by:
-Undertaking robust enforcement action to deal with rogue agents and landlords letting and managing properties. ** W Lane

Evaluate the consultation responses carried out in Cathays on the re-declaration of the Cathays Additional Licensing Scheme and submit a report to Cardiff Council's Cabinet. W Lane

Conduct proactive, area based exercises to identify and target unlicensed Houses in Multiple Occupation in Cathays and Plasnewydd. W Lane

Review the fire safety standard, known as the Quick Reference Guide in conjunction with the South Wales Enforcement Group and Fire and Rescue Service and seek adoption by Cardiff Council's Cabinet. W Lane

Infectious disease is controlled and prevented

Secure approval and deliver the Communicable Disease Service Plan 2022/23 and undertake interventions in accordance with the plan and the arrangements in place to discharge these duties.***

C Hill

Work in partnership to respond to the Covid-19 pandemic by leading on the Test, Trace, Protect service, supporting businesses and high risk care settings to operate safely and enforcing regulations and self isolation requirements. ** &***

C Hill

Prepare businesses and internal procedures in readiness for the implementation of the new special procedures licensing regime and through the delivery of RSPH Level 2 Infection Control Training course for Special Procedures.

C Hill/J Bale

What we will measure during 2022/23

Performance Measures 2022/23	Target
% of food businesses meeting food hygiene standards (broadly compliant).	94%
% of high risk businesses (category A & B) that were liable to a programmed inspection that were inspected for food hygiene.	100%
% of high risk businesses (category C) that were liable to a programmed inspection that were inspected for food hygiene.	90%
% of high risk businesses that were liable to a programmed inspection that were inspected for trading standards.	100%
% of significant breaches rectified by intervention during the year for trading standards.	N/A
No. of private rented properties and HMOs improved through the removal of category 1 hazards.	100

Priority

Safeguarding the vulnerable

Outcomes

- Children are protected from harmful substances and products
- Older and vulnerable people are protected from unscrupulous traders & scams
- Vulnerable people are not subject to exploitation, slavery and trafficking
- Illegal money lending activities prevented

Taxi provision is safe and fair.

Outputs

- Undertake underage test purchases
- Monitor supplies of tobacco, alcohol & harmful products
- Help vulnerable consumers obtain redress
- Provide support to those targeted by scams, doorstep crime & rogue traders
- Hold awareness raising events on scams, consumer rights & financial capability
- Protect people from illegal eviction
- Undertake criminal investigations of fraud
- Investigate cases of illegal money lending across Wales
- Provide support to those targeted by illegal money lenders
- Monitor the fitness and propriety of licence holders
- License taxi drivers and vehicles

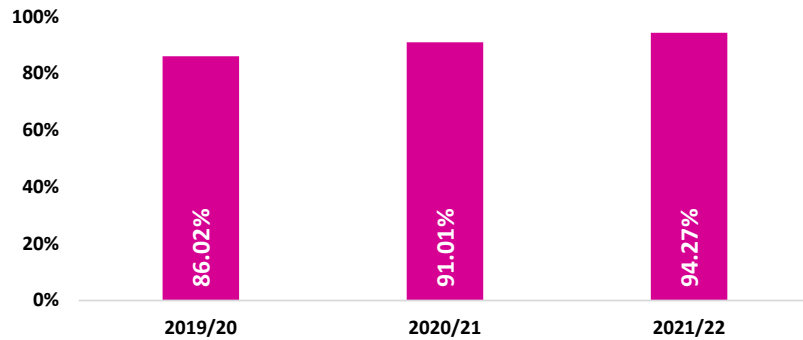
In addition, our outcomes also contribute to the following wellbeing goals:-



Our safeguarding work seeks to ensure that children are protected from harmful substances and products, that older and vulnerable people are protected from unscrupulous individual and traders, that illegal money lending activities across Wales, are challenged robustly and that the public feel safe when using taxis as public transport. We will do this in partnership with our Council colleagues and other agencies to help people who need our support. Safeguarding the vulnerable is a central theme to many of the activities undertaken by SRS.

How we performed

% of reported scams and doorstep crime incidents prevented or resolved through intervention



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693

Cases, enquiries and referrals received or dealt with by SRS Safeguarding Team.



19

Victims of doorstep crime and scams identified. This work included 37 visits to consumers and 1 rapid response made.



£13,000+

Achieved in redress for consumers.

What we achieved

Older and vulnerable people are protected from unscrupulous traders and scams

Cardiff fraudster jailed for pest control scam – A predatory fraudster who targeted 2 elderly and vulnerable women in an elaborate pest control scam was sentenced to an additional 12 months in prison following investigations by SRS officers. In the first case, the fraudster targeted a 71 year old woman who lives alone by knocking on her door and offering to repair a roof tile at the property. What followed was an 8 day fraud where the victim had her life savings of £11,400 taken from her. While working on the broken roof tile, the fraudster claimed to uncover a rat infestation in the victim's loft which he could treat by 'spraying the loft' at a cost of £2600. After 'spraying the loft', he then continued to visit the victim each day to claim further work was required to fix the rat infestation, including further resprays of the loft, repairs to roof felt, and for sealant to repair damage caused by rats. Payments were demanded separately and the victim followed to the bank each time a payment was made. After the work was supposedly finished, the roof started leaking and the victim contacted the fraudster who wanted further payment to finish the work. At this point the pensioner refused. A subsequent assessment by a housing surveyor confirmed that no work had been carried out at the property, and Cardiff's Pest Control service confirmed that a Cardiff resident would only be charged £48 to deal with a rat problem. Between 16 January and 6 February 2019, the fraudster called the victim 65 times and sent her 44 text messages and no details, contract or paperwork were provided.

In the second case, a 69 year old pensioner was cold called at her home by a person called 'Adam' claiming to be an environmental health officer. The resident was told she had a rat infestation in her back garden, and let 'Adam' and a workman into the garden. The worker shouted 'I have got one', waving a rat in the air, inferring that it had been taken from the drain. The fraudster explained he would return the following day to carry out the work but didn't provide a quotation. On arriving at the property the next day with a worker, he stayed for an hour and half in the back garden. The following day the victim began receiving calls from 9am and told that someone would be collecting the £2000 she owed. Over a three month period, this happened on 8 different occasions and the resident parted with a total of £10,400 during this time. No work was carried out and no contract or paperwork provided. Weeks later the resident received a further phone call claiming that the work had taken place but at the wrong address and she would receive a bankers draft of £15,000 plus compensation. To receive this money however, she would have to pay an additional £1500 up front, but she explained that she had no more

money to give.

By the time the matter came to court, the fraudster was already serving a four and a half year sentence for burglary. He pleaded guilty to 2 offences, and had his jail term extended by a further year.

Safeguarding Week - The 2021 National Safeguarding Week for Wales took place between 15th and 21st November with the purpose of raising awareness around the importance of safeguarding children and vulnerable adults and ensuring that they are protected from neglect, harm and other forms of abuse. To coincide with Safeguarding Week, SRS produced a podcast on doorstep crime for Bro Radio and held a public facing information stand in Barry town library alongside SWP Community Safety and the Stop Loan Sharks Wales team.

Safeguarding/Scams – A series of proactive operations and initiatives were carried out through the year to highlight scams and improve awareness. These included training to Police cadets; the creation of 4 new informal ‘mini’ street cold calling control zones by providing window stickers and information leaflets to over 130 houses; and over the course of the year, GP surgeries and pharmacies across the region were supplied with new awareness raising material on scams and frauds to be displayed in practices and in front windows, delivering key preventative advice.’

Doorstep crime and Scams – SRS respond to instances of doorstep crime and scams, supporting the victims and families where possible. Often individuals are elderly and vulnerable and these crimes can have a devastating effect on the emotional as well as the financial wellbeing of residents. The following examples given an indication of the types of interventions undertaken over the course of the year.

During 2021-22, the service dealt with 67 Doorstep Crime and 73 Scams cases. A total of 19 residents were identified through the year as having suffered a doorstep crime incident or as having been on the receiving end of a scam. Some £13,000 in redress was achieved for residents. In one case, a consumer’s card details were being used fraudulently (to access online services) which appeared to have started after they were conned by a white goods insurance/warranty company. What began as a relatively low level scam involving £80, led to further losses of over £8000.

A number of significant cases against rogue traders and doorstep criminals concluded in court. Sitting behind each of these cases is a story of residents being defrauded of large sums of money, often life savings, for little or no work; or where work has been carried out it will have been to a very poor standard. The legacy of COVID related delays in the court process meant that fewer cases of this type than normal finally concluded in court. Nevertheless, the impact of the 6 concluded cases is significant, i.e.

- A combined total of nearly 10 *years in custodial sentences*
- A 12 month Community Order
- Compensation of £3080 awarded to those affected.

Call blockers can put an end to nuisance or malicious calls. They can be installed at the homes of residents being repeatedly targeted by scams and once fitted, prevent all calls coming through other than those from recognised friends and family numbers. SRS installed further call blockers during the last year in residents’ homes helping to reduce nuisance and scam calls. Since 2014 SRS has installed a total of 61 call blockers to protect older and vulnerable people and each of these is estimated to block up to 5 nuisance or scam calls a day.

Vulnerable people are not subject to exploitation, slavery and trafficking

Raising awareness - Safeguarding is a key issue for all three Councils. SRS will continue to play a key role in raising awareness across the partner Councils of the SRS role and how it can integrate with the wider Council agendas. The WAO report for the safeguarding of children recognised the excellent work undertaken by the SRS highlighting that the Council could consider ways in which it could extend its safeguarding training offer, for example building on the Child Sexual Exploitation awareness training given to taxi drivers and the safeguarding training for those working in the night time economy. Each Council is now developing safeguarding plans and SRS will support those initiatives as they progress.

Children are protected from harmful substances and products

Underage sales operations – During 2021-22, with the assistance of a young volunteer, 48 attempts were made to purchase a range of age restricted products, including alcohol, tobacco, knives, e-cigarettes and e-liquids. Seven of these attempts to purchase resulted in a sale (15%) of either alcohol or e-liquids, and the circumstances of each case (1 outlet in Bridgend, 1 in Cardiff and 5 in the Vale) were investigated. In one case, the retailer was issued with a fixed penalty notice in respect of the underage sale of an e-liquid, while another resulted in the prosecution of a Cardiff retailer and Premises Licence holder for selling alcohol to a person under the age of 18. The prosecution resulted in the licence

holder being fined £420 and ordered to pay £220 in costs together with a victim surcharge of £40.

Taxi provision is safe and fair

Taxi Licensing – The Driver and Vehicle Standards Agency (DVSA) is a government agency that approves people to be driving instructors and MOT testers and monitors the recall of vehicles. It also carries out tests that ensure buses and lorries are safe to be driven and undertake roadside checks on both vehicles and drivers. The DVSA joined forces with SRS officers in February in a joint operation in Cardiff to carry out checks relating to the mechanical standards and compliance checks of vehicles. The exercise carried, out over 2 days, resulted in checks of 41 vehicles. The overall compliance rate was poor, with only 30% of the vehicles checked being completely clear of defects. A total of 29 ‘Stop Notices’ were issued by Licensing Officers due to a range of mechanical defects and faults with disability access systems, seatbelt fittings and vehicle trim damage. DVSA officers identified 10 defects that resulted in immediate prohibition action (to be fixed before driving away), 31 defects that resulted in delayed prohibition action (grace period given for repairs), 26 defects that resulted in advice being issued, and one vehicle was noted to have expired road tax which was taxed at the roadside. The range of mechanical defects found included suspension faults, steering faults, brake faults, air bag faults, defective tyres, fuel leaks and corrosion. One driver even obstructed an examiner by refusing an inspection and driving away which resulted in the issue of a £300 fixed penalty notice. The poor compliance rate illustrates the continued need for regulatory enforcement in relation to vehicle standards and the importance of joint inspections with the DVSA.

Illegal money lending activities are prevented

Wales Illegal Money Lending Unit - Dealing with the personal and ‘social’ fallout linked to the criminality of illegal money lending is difficult to quantify. Reporting rates are often low and victims are sometimes unwilling to name the lender for fear of repercussion. In 2021/22, 13 pieces of intelligence were received, resulting in 7 operations being carried out, and 8 illegal lenders being identified. The total value of all loans given out by these illegal lenders was approximately £64,000. 9 victims have been identified and supported as part of the team’s investigations; and approximately £30,000 of debt has been ‘written off’ via intervention.

Illegal Money Lending Education and Training - The Wales Illegal Money Lending Unit (WIMLU) is small team covering the whole of Wales. As a result, it is reliant on other public agencies, housing providers and third sector organisations to be its eyes and ears. These are the ‘front line’ people who will encounter the victims of loan sharks through their daily activities and provide the richest vein of intelligence available. To exploit this

and encourage reporting, WIMLU proactively seeks opportunities to present to these organisations on our work. The restrictions imposed as a result of the Covid-19 pandemic led to the indefinite postponement of Client Liaison training programmes, however, new forms of engagement emerged very quickly. These new forms of engagement have evolved into useful tools to raise awareness of loan sharks, not least because the harsh economic consequences of lockdown have underlined concerns that loan sharks will exploit the financially vulnerable. Training sessions have continued to be delivered virtually since the onset of the pandemic, and the team still receives frequent requests for information and training of frontline staff and community based public facing support services. In 2021/22, training was delivered to 22 different organisations from all over Wales, reaching 319 participants. This included Flintshire Citizens Advice Service; Ceredigion Family Support Service and the Vale of Glamorgan Council Tenancy Support Team.

Awareness raising activities – In addition, WIMLU undertook a number of other awareness raising activities and this included the Principality Building Society inviting the team to run an awareness raising session during their financial crime awareness week. This was attended by a high number of customer facing staff. During National Safeguarding Week WIMLU was invited to speak to over 20 people within the statutory and voluntary supporting people sectors. The theme was ‘Debt, Mental Health and Loan Sharks’ and presented an excellent opportunity to explore this challenging theme. Training for Citizen’s Advice staff and volunteers continued, with Torfaen and Flintshire colleagues attending virtual awareness raising sessions. The Vale of Glamorgan’s Homes and Safe Communities Scrutiny Committee requested an update on the unit’s work. The committee was well attended, and WIMLU’s input was widely reported in local and national Welsh media. The Council’s Housing and Tenant Liaison departments subsequently requested and received training. During the course of the year, the West Wales Financial Capability Forum resumed its activities and WIMLU had an opportunity to promote its work, and finally, Ceredigion Council’s Family support team attended a virtual training and workshop session.

Within the charitable sector, Kinship Carers made contact with WIMLU and a valuable engagement session took place as a result. The session explored the likelihood of illegal money lenders attempting to exploit vulnerabilities arising from the problems experienced by people caring for children in difficult circumstances. Melin Community Trust, based in Neath Port Talbot also took up the training offer.

Near Miss Scheme/POCA Community Based initiatives - Monies obtained from loan sharks under the Proceeds of Crime Act is used by WIMLU on initiatives that raise awareness of the problems caused by illegal lending in our communities, and how those affected, and the wider public, can report concerns. In 2020/21 a fixed amount of proceeds of crime funds were set aside for a year-long pilot of a new initiative known as the ‘Near Miss Scheme’, encouraging responsible borrowing from Credit Unions.

Working with the Cambrian Credit Union in North Wales, a pilot exercise in which individuals who have narrowly missed out on satisfying the Credit Union borrowing criteria, benefited from having small loans underwritten by proceeds of crime funds. The pilot has been very successful, resulting in 28 loans being issued with only 2 defaults, and the Credit Union concluding that the project “enabled staff to think differently about loan decisions... and take a more calculated risk”. In addition, their rejection rate decreased by 10%. Crucially, all the ‘near miss’ borrowers started savings accounts as a result of their inclusion, and some were able to go onto borrow further additional monies. Such was the success of the scheme, that in the course of regular meetings with Welsh Government, the Scheme was discussed and on the basis of it’s success, Welsh Government is considering a national scheme underwriting similar marginal loans.

WIMLU/Credit Union – Paid for ads – Another POCA funded project undertaken by the WIMLU team was aimed at promoting affordable credit to users of Facebook and Google. This project funded the sponsoring of adverts for the Credit Unions of Wales which boosted the social media profile and visibility of the Credit Unions so that the adverts were targeted at those searching for small loans utilising the algorithms of these platforms and appearing in searches. The project took place between July and November 2021 and resulted in an 148% increase in traffic to loan pages compared to the previous 6 months and 54% of traffic to the Credit Union of Wales website was via these paid for adverts.

Emerging issues

Economic impact on lending - The harsh economic consequences of the Covid pandemic and the current cost of living crisis have underlined concerns about the type of borrowing undertaken by individuals. As a service we have seen loan requests from Welsh borrowers for as little as £7. People who are struggling to pay the bills can easily fall prey to loan sharks and scammers. Recent research commissioned by The Wales Illegal Money Lending Unit (WIMLU) reveals that Welsh citizens are using Reddit to look for loans from other users to make ends meet. The most shocking finding was that less than 45% of loans to Welsh borrowers were given by lenders who were in good standing, and nearly a third (31%) of lenders either had no track record of lending, or were subsequently banned from reddit due to account violations. The majority of these loans are for relatively small amounts of money and are mostly to cover cash flow problems and everyday living expenses. Any registered Reddit user, provided their account meets basic criteria, can request a loan by simply posting in new thread on the relevant subreddit. This thread can be responded to by any other Reddit user who wishes to provide the loan on the terms requested by the borrower, wherever they are in the world. The finer details of the transaction are finalised via private messaging. This type of lending is completely unregulated and open to abuse.

Cost of living crisis - The cost of living crisis in the UK has the potential to impact a number of services within SRS. With rising prices on energy, fuel and other products coupled with national insurance increases and interest rises, people will have less disposable income. This plan has already highlighted some of the possible issues in terms of improving health and wellbeing, but this theme also runs through our safeguarding work. As people have less disposable income, they may be tempted to take on cheaper rogue traders to undertake work in their homes, which could lead to an increase in complaints and enforcement action. Similarly, people could be tempted by unregulated forms of credit and fall prey to loan sharks and scammers.

Buy now pay later deals have increased dramatically during the pandemic. This unregulated form of credit allows consumers to delay payment for goods, without interest and has gained a foothold among the under 30s and those with tight finances. Companies such as Clearpay, Laybuy and industry leader Klarna give online shoppers options to pay for products via instalments at the checkout and there are concerns that people are signing up for credit without fully understanding that this is the case and that it is being made easier for consumers to buy more than they can afford. While the UK Government has consulted on the future of the buy now, pay later sector, it will be some time before any regulation will take-effect.

Ageing population - On a national level, we are living in an ageing population with increasing levels of loneliness and cognitive impairments such as dementia. Nearly half of all people over 75 live alone. In addition, the Social Services and Well-Being Act 2015 creates a duty of care to protect persons at risk from financial abuse; with partnership working and cooperation at the heart of this approach.

Preventing crime, and supporting safe, confident, resilient communities, is a key aspiration that SRS shares with the South Wales Police and Crime Commissioner. Shared areas of work might include scams and cyber crime, night time economy and licensing, victim support and safeguarding, general intelligence sharing and substance misuse together with underage sales, including knife crime. This is putting further strain on already stretched resources as the potential number of victims to scams and doorstep crime increases and expectations of successful interventions rise.

The pandemic and government restrictions resulting from COVID-19 highlighted the opportunities that fraudsters will seize upon to take advantage of a situation. Within days, new scams and frauds relating to Covid-19 were being highlighted including text messages designed to obtain bank details or monies. The cost of living crisis will see a reduction in disposable income for many consumers which could result in these fraudsters exploiting similar opportunities to take advantage of those seeking more affordable options. There is now a greater need to try and protect more vulnerable residents in the face of the likely increase in reporting during the coming year.

Awareness raising activities are crucial to crime prevention, but they invariably increase the demand for the service. We will support South Wales Police as it delivers the Police and Crime Plan and will endeavour to enhance the protection available to the most vulnerable in our communities.

HMRC Conditionality checks – From April 2022, the renewal of licences for drivers of taxis and private hire vehicles and also for scrap metal dealers and collectors, will only be possible if the person applying can show they have completed a tax check with HMRC. This is in addition to the requirements already in place by licensing authorities. The process requires that typically once every 3 years an online tax check will be made on renewal to confirm that applicants are registered for tax if they need to be. Applicants will need a tax check reference number which they get by submitting their details into the online service. The licensing authority will use this to confirm with HMRC that the applicant has completed a taxi check. First time applicants will not have to complete the check but instead, licensing authorities will make sure they have access to HMRC guidance, showing them what they need to do in order to be properly registered for taxi in the future.

What we plan to do next

** - Cardiff Corporate Plan *** Vale Service Plan

Safeguarding the vulnerable

Lead Responsibility

Support the 3 partner Councils in fulfilling their safeguarding responsibilities. ** & ***

All OMs

Children are protected from harmful substances and products

Contribute to the safeguarding agenda by working with partners to safeguard the vulnerable to ensure that children are protected from harmful substances and products, older people are protected from rogue traders and scams and vulnerable people are not subject to exploitation, slavery and exploitation. ***

All OMs

Conduct intelligence led underage sales exercises in relation to the sale of tobacco, alcohol, nicotine inhaling products, knives and other age restricted products.

C Hill

Illegal money lending activities are prevented

Build on the 'Near Miss' Pilot Scheme and consider other Proceeds of Crime funded community opportunities.

J Bale

Support victims of illegal money lending to access debt advice, rebuild their finances and make a sustainable transition to legal credit and carry out enforcement to remove loan sharks from communities ***

J Bale

Vulnerable people are not subject to exploitation, slavery or trafficking

Continue a programme of training and awareness of Child Sexual Exploitation, slavery and trafficking to protect vulnerable residents.

W Lane

Taxi provision is safe and fair

Engage and respond to any further consultation from Welsh Government on their public transport consultation to introduce national standards for taxis.

W Lane

Undertake enforcement exercises to ensure compliance with the provisions of the Equalities Act and to ensure compliance with taxi regulations.

W Lane

What we will measure during 2022/23

Performance Measures 2022/23

Target

- % of reported scams/doorstep crime incidents prevented /resolved through intervention.
- % of licence holders receiving disciplinary action following receipt of notifications of safeguarding concerns.
- No. of people reached through education or training on scams and doorstep crime.

80%

Not applicable

500

Priority

Protecting the environment

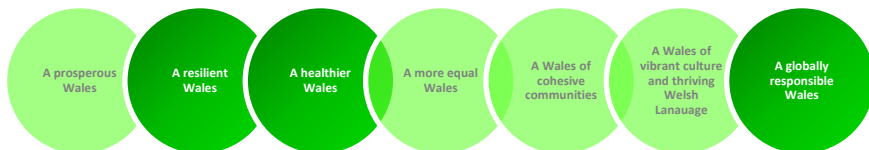
Outcomes

 <p>The environment is protected from harmful emissions to land, air & water</p>	 <p>People will use energy efficient buildings and products</p>	 <p>Communities are protected from nuisance and are safer</p>	 <p>Animals are treated humanely</p>
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Outputs

Remediate contaminated land and undertake water sampling	Monitor air quality	Regulate industrial processes through environmental permitting	Operate market surveillance programmes on energy efficiency
Bring empty homes back into use	Respond to noise and air complaints	Work with partners to improve student safety & their impact on the community	Enforce taxi licence conditions
Control stray dogs and horses	Inspect overloaded vehicles	Contribute to the planning process	Respond to environmental information requests

In addition, our outcomes also contribute to the following wellbeing goals:-

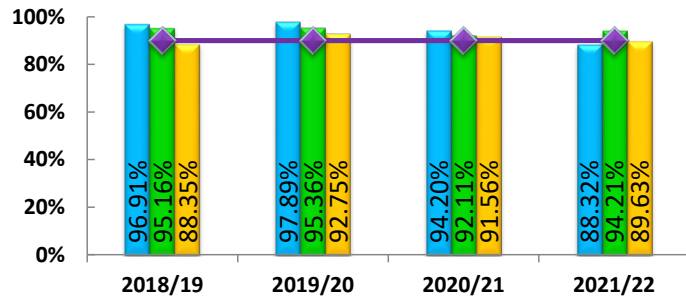


Protecting the environment is a core strategic priority of SRS. Many of the activities listed here such as water sampling, monitoring air quality, and remediating contaminated land contribute toward promoting a better environment which in turn means better long term prospects for the health and wellbeing of our communities. However, the work in protecting the environment goes further, we ensure communities are protected from nuisance and are safer by investigating noise complaints, dealing with stray dogs and horses. We have a key role to play in the wider climate change and future generations agendas through our enforcement role on energy efficiency controls on properties and products. The impact of these activities is less apparent in the short term for communities, but has an important role for future generations.

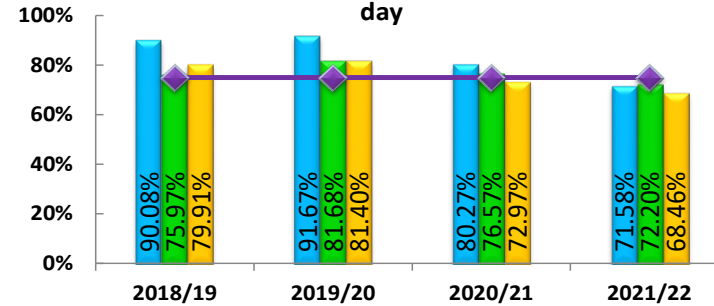
How we performed

■ Bridgend
 ■ Cardiff
 ■ Vale of Glamorgan

% domestic noise and air complaints responded to within 3 working days

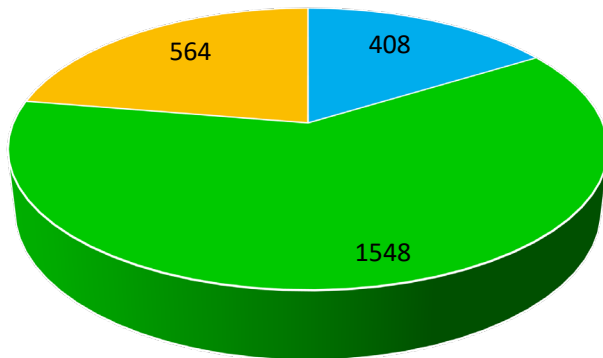


% commercial and industrial noise and air complaints responded to within one working day

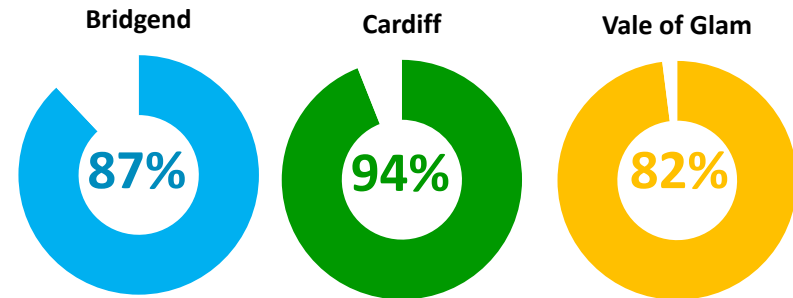


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No. of Air Quality Samples taken during 2021/22



% of alarm complaints responded to within one day 2021/22



What we have achieved

The environment is protected from harmful emissions to land, air and water

Air Quality - The issue of Air Quality is never far from the headlines and the impact of poor air quality on health is well documented. Indeed air pollution continues to be the largest environmental risk linked to deaths in the population with long term exposure (over several years) contributing to a reduction in life-expectancy primarily due to an increased risk of mortality from cardiovascular and respiratory causes. At a national level, the UK and devolved Governments have legal obligations to achieve nitrogen dioxide annual average limit value (40ug/m3) compliance in 'the shortest possible time'. This stems from an EU directive and was meant to be achieved by 2010; the EU provided time extensions to this date and the Westminster Government published the UK Plan for tackling roadside nitrogen dioxide concentrations (July 2017).

SRS continues to deliver the statutory local air quality duties for Bridgend, Cardiff and the Vale of Glamorgan Councils, ensuring the Annual Progress Reports are submitted and approved by each respected Cabinet. These reports provide vital information on the local air quality in each area, and provide relevant updates on statutory work such as the Park Street Air Quality Action Plan for Bridgend, and the delivery for the Clean Air Plan for Cardiff. Work to improve and enhance monitoring capabilities across all 3 local authorities also remains a priority for SRS.

In **Bridgend**, the 2021 APR highlighted continued non-compliance of the annual average air quality objective for NO2 at number of locations within the Park Street AQMA, even when accounting for the impacts from COVID in terms of reduced travel demand. Work has continued in terms of assessing measures outlined in the Draft Air Quality Action Plan (AQAP) to pursue mitigation options that will manage and improve traffic flows through the Park Street AQMA in order to reduce NO2 concentrations in line with air quality objectives. In March 2022, cabinet received the preliminary results of the assessment of the key options for Park Street. The modelling results indicate that NO2 concentrations at the majority of locations will achieve compliance with the annual average air quality objective for NO2 of 40 µg/m3 by the end of 2023, including all currently monitored locations within the AQMA. Two modelled locations do still show a slight exceedance of the objective. Cabinet has agreed for a public consultation on these options to be undertaken following the local government elections. Following completion of the public consultation a final AQAP will be reported to Cabinet for approval prior to submission to Welsh Government by the end of September 2022.

In **Cardiff**, the 2021 APR highlighted that no monitoring sites recorded concentrations in exceedance of the annual average objective set for NO2 of 40 µg/m3. The results were indicative of the impacts of the COVID lockdowns and restrictions on pollution levels in Cardiff, which was likely owing to traffic volumes having decreased. SRS continues to support delivery of the Cardiff Council Clean Air Plan in line with the additional Legal Direction it received. Work in 2021-22 has ensured delivery of a number of key measures in the Plan, namely implementation of 36 Electric Buses, Retro fit programme of 49 buses, and a taxi lease scheme in conjunction with a 30 day try before you buy scheme with Cardiff Capital Region. In November 2021, Cabinet implemented an interim transportation scheme on Castle Street following approval in June 2021. Work is ongoing to assess the implementation of a permanent scheme on Castle St to ensure long-term NO2 compliance post COVID recovery.

In the **Vale of Glamorgan**, the 2021 APR demonstrated that no monitoring sites recorded concentrations in exceedance of the annual average objective set for NO2 of 40 µg/m3. Monitoring within the previously declared Windsor Road Air Quality Management Area (AQMA) showed continued compliance concerning the applicable air quality objectives for NO2.

Environmental Sampling – SRS completed the assessment and sampling of all statutory private water supplies across the region and ensured statutory returns were supplied to the Drinking Water Inspectorate as required. This involved 49 visits across the region to take water samples at private water supplies. 46 environmental samples were also taken at beaches and lakes across the region. Furthermore SRS took 2520 air quality samples across the region .

Lease Scheme for electric wheelchair accessible vehicles – Welsh Government has set a target of de-carbonising the taxi fleet by 2028 and to facilitate this have in conjunction with Day's Rental introduced an Electric Taxi Scheme. This Scheme gives licensed taxi drivers the chance to trial a fully electric, wheelchair-accessible vehicle for 30 days and review the financial and environmental benefits of zero-emission vehicles. Cardiff Licensing Team have assisted with the introduction of this lease scheme, enabling 16 new electric hackney carriages vehicles to be rented out to existing vehicle owners.

Animals are treated humanely

Illegal dog breeder jailed for illegal dog breeding, animal mutilation, causing unnecessary suffering to an animal and illegal importation of dogs – This case was brought to light via an anonymous email to the service from a member of the public claiming that a Cardiff man was breeding dogs illegally. It was alleged that he was selling American Bully puppies through Facebook without a dog breeders licence under the name 'Bulletproof Bullies'. Following investigations, a search warrant was carried out at

the offender's property where 5 breeding bitches and 3 male-dogs were discovered, as well as 8 puppies. The offender was unable to provide any passports for three of his adult dogs at that point, and 6 out of the 8 puppies had recently had their ears cropped, a form of animal mutilation prohibited by the Animal Welfare Act 2006. These 3 dogs together with the 8 puppies were subsequently seized. Further investigations carried out with veterinary practices, identified the scale of the offender's illegal trading with the finding that he had registered 67 dogs at one local veterinary practice alone. He was sentenced to a total of 16 weeks in custody with immediate effect, fined £1200 and ordered to pay costs of £9775. He was also banned from keeping animals for a period of 8 years, with no right to apply for this ban to be revoked for a period of 5 years. In addition, an order was made to deprive the offender of the 8 puppies that were seized, as well as the 8 adult dogs and a victim surcharge of £120



Puppy Breeders prosecuted and ordered to pay more than £450,000 – In this further case of illegal dog breeding, a Vale of Glamorgan couple were ordered to pay more than £450,000 following a successful prosecution brought by SRS. The couple were convicted of breeding bulldogs without a licence and on animal welfare counts relating to the number of litters produced within a short period. Officers found that breeding dogs were not given enough time to recover, often being artificially inseminated soon after

delivering a previous litter. A warrant executed at the couple's home found 28 dogs in an outbuilding, a laboratory with equipment including a multipurpose centrifuge machine, microscopes, equipment for storing and collecting semen, and for taking blood. A further 30 dogs were discovered at two other properties. Investigations found that the couple bred at least 67 litters between 2014 and 2020 with information on known C-sections indicating 43 litters had been delivered between 2018 and 2019. One dog had delivered 6 litters within a 4 year period while numerous others were forced to deliver 2 litters in less than a 12 month period. The dogs were registered with 5 different veterinary practices and litters given different names and addresses to avoid detection by both the local authority and the kennel club. The couple were fined a total of £19,000 each, ordered to pay prosecution costs of £43,775.50 and a victim surcharge of £175 each. They were also told to repay a total of £372,531.54 within 3 months in a Proceeds of Crime Hearing or face a 2 year prison sentence.

South Wales Police and Crime Commissioner Partnership Award 2021

recognised our hard work in the seizure of 240 horses in appalling conditions in January 2020, and the subsequent prosecution and disqualification of the owner under the Animal Welfare Act. As a result of the very best in partnership working, SRS Officers had worked alongside the RSPCA and equine charities to seize the horses from three different locations, supported by colleagues from South Wales Police. In addition a further partner, South Wales Fire and Rescue Service, came to the rescue with emergency lighting when darkness began to fall, enabling the teams to work into the night to complete the task.



People will use energy efficient buildings and products

Empty Homes – In **Bridgend**, SRS has responded to 245 new service requests from members of the public, empty property owners and internal staff requesting advice and support in relation to empty properties. Work has continued in Bridgend in relation to empty properties which has resulted in considerable progress, with 17 longer-term empty properties. The owners of these properties have received help and assistance mainly using the 5-stage letter process and on occasions may have been subject to the service of an Enforcement Notice. This has resulted in properties being marketed for sale, in change of ownership, and in renovation works commencing. A total of 115 properties have now been risk assessed and action has been targeted in relation to the 'top 20' properties. Of these, planning permission for renovation work has been obtained in respect of two, six properties are subject to formal enforcement action and a grant application has been submitted in respect of one.

In **Cardiff**, SRS presented a new Private Sector Empty Homes Policy 2021-2024 to Cardiff Council's Cabinet, which was agreed. The Policy underpins the work undertaken against two Public Accountability Measures (PAMs) relating to homes brought back into use and new units of accommodation. The increased profile of this work due to the adoption of the Policy has secured an extension of funding from Cardiff Council enabling the service to employ 2 empty homes officers for a further 2 years. Key to ensuring effective corporate working on the issue of empty homes has been the establishment of an empty homes working group which met on several occasions during the year and is useful in shaping corporate working to maximise performance. An action plan has also

been submitted to Welsh Government which has had formal approval. This will enable the drawing down of funding to underwrite losses made in any subsequent activity taken against the worst, derelict, long term empty City Centre properties. In total 84 properties were returned to use or new units created as a result of empty homes work during the last year.

Communities are protected from nuisance and are safer

Straying horses and dogs - Our Animal Health and Welfare team has continued to work proactively across the area to reduce the instances of straying horses and associated welfare issues. Regular patrols have been carried out and stray dogs and other animals picked up, while at the same time, officers have taken every opportunity to work with residents across the region to improve responsible ownership.

Vale resident prosecuted for excessive bird feeding – This case arose as a result of anti-social behaviour caused to neighbours by a resident feeding wild birds. The resident left large quantities of bird food outside her house causing those living nearby to be subjected to noise nuisance, the threat of injury from swooping seagulls, excessive bird mess on houses and gardens, and the presence of rats and other vermin, attracted by the feed, which caused damage to properties in the street. Initially the defendant was served with a Community Protection Notice, requiring her to stop all feeding of birds on the land, however a few months later she was found to be feeding the birds again. The resident was charged with offences under the Prevention of Damage by Pests Act 1949, and the Anti-social Behaviour Crime and Policing Act 2014 for failing to comply with the Community Protection Order. The resident was fined £1000 and ordered to pay costs of £3583 together with a victim surcharge of £100.

Student Liaison – The Student Liaison Officer (SLO) is a role that sits in the Cardiff Student Community Partnership (CSCP) and is jointly funded by the universities in Cardiff and Cardiff Council. The role focuses on facilitating work between Higher Education Institutions, the Local Authority, Police and Health Board including initiatives to address student-community issues and to collaborate with members on strategic ambitions for the city.

Over the course of the last year, the SLO has focused on the redevelopment of the governance structure and work programme of the Partnership. The successful collaboration between SRS, Cardiff Council, South Wales Police, CAVUHB and the Universities to support students and address issues during the pandemic demonstrated the need to further embed joint-working practices in other areas. To reflect this shared approach, the CSCP's membership has been expanded to formally include SWP and

CAVUHB, and a new governance structure has strengthened links across the organisations to improve the decision-making process and the delivery of the partnership's work programme. The priority areas have also been redeveloped and now include: 1) Community Life, 2) Student Health & Wellbeing, 3) Economic Development and 4) Net Zero, and the SLO is working with the members to establish a new work programme to reflect those priority areas.

Communications have also been a key focus of the SLO. The CSCP's public brand - Cardiff Digs - now has Instagram and Facebook pages to reflect the channel preferences of students. The Cardiff Digs channels (social media and website) host annual advice campaign content such as housing and waste management advice as well as a wide range of relevant content from partners such as SRS's food allergy awareness campaign or Cardiff Council's voter registration campaign. With the return of in-person events, the SLO supported by members from SRS's Pollution and Housing Enforcement teams as well as Cardiff Council's Waste, Sustainable Transport and Electoral Services Teams attended engagement and training events aimed at students and staff. The SLO also supported the development of new resources such as guidance tools for students to help manage waste and recycling at their properties and supported outreach activities including Community Days at the universities and door-knocking campaigns by the Waste Strategy Team, South Wales Police and University Advice Teams. The SLO will be working with the partnership on a new communications strategy and campaign plan for the next year.

The SLO has also contributed strategic input into a range of groups, meetings, plans and consultations including the Cathays and Plasnewydd Operations Board, the U.K. Town and Gown Association, WRAP Cymru, Keep Wales Tidy/Caru Cymru, the consultation for the redeclaration of the additional HMO licensing scheme in Cathays and Cardiff's Local Development Plan as well as helped facilitate links between the University/Students' Unions and Local Authority Teams on specific case work.

Cardiff street prohibited for street trading – Following complaints from local residents about a burger van trading next to a busy junction in the Whitchurch area of Cardiff, SRS Licensing officers worked with colleagues in Cardiff Council and local residents to prohibit nearby streets for street trading purposes. In this case, residents were concerned that a burger van permanently parked in a newly created residents parking bay was creating a nuisance and potential safety risk due to an extension cable running from an adjacent property to the van across an adopted footway, and customers illegally parking and causing obstruction on a busy junction used by school children. Following consideration of these complaints, 4 streets in Whitchurch were declared as prohibited, making it an offence to street trade.

Emerging issues

The **Domestic Minimum Energy Efficiency Standard (MEEES) Regulations** set a minimum energy efficiency level for domestic private rented properties requiring properties which require an energy performance certificate (EPC) to have a minimum 'E' rating on their EPC assessment, or have a valid exemption registered. If a property has an F or G rating, owners are required to improve the property's rating to E or better, or register an exemption before entering into a new tenancy. The cost of making improvements is capped at £3500 (including VAT), so if owners cannot improve their property to an EPC E for this amount or less, they are required to make all the improvements they can make up to that amount, then register an 'all improvements made' exemption. Although these regulations have been in place for some time, they now apply to all private rental contracts, not just those that are new. Delivering on this area of work now has even greater urgency, given the need to improve energy efficiency and reduce carbon emissions, and also as a result of the recent energy price rises, which are already impacting tenants of such properties.

Avian Influenza is an infectious disease of birds caused by the influenza A virus. Birds are the hosts for most avian influenza viruses and domestic poultry are especially vulnerable and the virus can rapidly cause epidemics in flocks. Human infections with avian influenza are rare, however, some viruses, have been associated with human disease. Following a number of detections of avian influenza (bird flu) in wild birds across Great Britain, the Chief Veterinary Officers from Wales, England and Scotland declared an Avian Influenza Prevention Zone (AIPZ) across the whole of Great Britain to mitigate the risk of the disease spreading amongst poultry and captive birds. When such a zone is declared, owners must put in place a range of disease control measures to prevent the disease spreading to poultry and other domestic birds. While these controls are effective in domestic and commercial settings, it can become particularly challenging when the influenza is present in the wild bird population where traditional controls used in these situations are ineffective and difficult to manage. An example of this is the recent cases of Avian influenza affecting swans at Cold Knap in Barry and Roath Park in Cardiff which were found to be unwell or to have died from Avian influenza and there were reports of the public handling the animals and carcasses.

Pets from Ukraine – Any pet travelling to the UK must meet strict health requirements. to ensure they are not bringing diseases which do not exist here that could be very serious. These include, but are not limited to, rabies. Whilst Welsh Government understand how important pets are to their owners, they, unlike the UK Government have made a decision to uphold quarantine requirements on pets arriving from Ukraine. Therefore cats, dogs and ferrets traveling to the UK from an unlisted third country, such as Ukraine, are considered compliant and can enter and move freely across the UK only if they meet a number of requirements, including a 3 month quarantine. These

requirements will form part of the Homes for Ukraine suitability checks to ensure that homes are suitable for pets.

Dog ownership – During the covid pandemic of the last 2 years, the UK saw a significant rise in dog ownership as individuals and families who found themselves spending more time at home, sought the companionship of a dog. There were concerns during this time, that as people returned to work, this could lead to issues with separation anxiety, and that the economic fallout from the pandemic would result in a spike of straying and abandoned dogs which owners are no longer able to look after. Currently, the cost of living crisis is giving further cause for concern and we are seeing a rise in the number of dogs being housed in rescue centres, some finding their way there as 'fake strays'. While the service has yet to see a significant rise in noise complaints regarding dogs barking as a result of separation anxiety, there is potential for this to increase as restrictions end and more and more people will be required to return to the office/workplace.

Increase in Illegal dog breeding – As demonstrated by the successful prosecutions carried out by SRS, the high value of certain dog breeds together with the increase in consumer demand for puppies has led to an increase in complaints to the Service. On-going investigations show that a number of these cases are complex, with multi agency involvement and links to organised crime. The largest illegal dog breeding case during the last year uncovered evidence of unlicensed breeding, the over-breeding of dogs, illegal importation and mutilation. Investigations into illegal dog breeding have highlighted a hidden industry with a particular area of concern being that of 'backyard' breeding. As a result, there appears to be an increasing incidence of unlicensed breeding and sick puppies. Officers will continue to work with partner agencies to investigate such reports and take appropriate enforcement action.

Seeking effective controls on activities linked to dog breeding – Current Welsh Government legislation requires that a person holds a dog breeding licence if they breed 3 or more litters of puppies on their premises in any 12 month period, and those puppies are supplied to customers. During the course of our investigations into illegal dog breeding, it has become apparent that a number of practices allied to breeding can legitimately take place without the need for a dog breeding licence. For example, no licence is needed for the supply of stud services or the sale of semen, nor for the advertisement of puppies produced as a result of those stud services. Similarly, no licence is needed where bitches are acquired when already pregnant. It is clear that these 'linked' practices can be hugely lucrative, serve to fuel the illegal dog breeding market and associated animal welfare concerns, and yet they are completely unregulated.

What we plan to do next

Protecting the environment

Lead Responsibility

The environment is protected from harmful emissions to land, air and water

Undertake local air quality assessments and review the data to ensure that national air quality objectives continue to be achieved.***

J Bale

Complete the public consultation and agree and implement the Action Plan for the Park Street, Bridgend AQMA.

J Bale

Contribute to good air quality in Cardiff by:

- Updating the Clean Air Strategy and Action Plan and implementing further measures to improve air quality;
- Reviewing real-time air quality data to assess and identify trends in pollution to assess further interventions that will further reduce air pollution;

J Bale

People will use energy efficient buildings and products

Work with landlords to return empty properties back into use helping to increase the availability of affordable housing for sale or rent in Bridgend and Cardiff.

W Lane

Review advice and support given to owners of long term empty homes and work with Welsh Government to establish the most effective enforcement route to deal with the worst long term, derelict empty homes and draw down funding to underwrite such action.

W Lane

Work with landlords and letting agents to raise the energy efficiency ratings of private rental properties in line with the requirements of the Domestic Minimum Energy Efficiency Standard (MEES) Regulations.

W Lane

Support the 3 partner Councils in fulfilling their climate change responsibilities through the delivery of regulatory activities that contribute to the reduction of carbon emissions. ***

All OMs

Animals are treated humanely

Promote a register for all breeders, home boarders etc. that have a licence.

J Bale

Carry out investigations into illegal dog breeding.

J Bale

Review the impact of the implementation of the Animal Welfare (Licensing of activities involving animals) (Wales) Regulations 2021.

J Bale

Engage with Welsh Government regarding the welfare of stud and imported dogs and wider animal welfare issues related to dog breeding and sales.

J Bale

Work with partners to make the case for practices allied to dog breeding to be brought within the licensing regime and subject to the necessary enforcement controls.

J Bale

Communities are protected from nuisance and are safer

Engage with students and residents during Freshers Week in Cardiff providing community advice on housing, environmental and social issues.

W Lane

What we will measure during 2022/23

Performance Measures 2022/23	Target
• % of domestic noise and air complaints responded to within 3 working days	90%
• % of commercial and industrial noise and air complaints responded to within one working day	75%
• % of alarm complaints responded to within one day.	90%
• % of stray dogs returned to owner or rehomed.	90%
• % of empty private sector properties brought back into use during the year through direct action by the local authority (Cardiff and Bridgend only)	TBC
• Number of additional dwellings created as a result of bringing empty properties back into use (Cardiff and Bridgend only)	TBC

Priority

Supporting the local economy

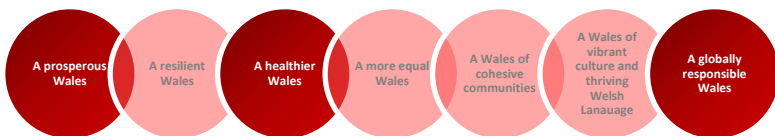
Outcomes



Outputs



In addition, our outcomes also contribute to the following wellbeing goals:-

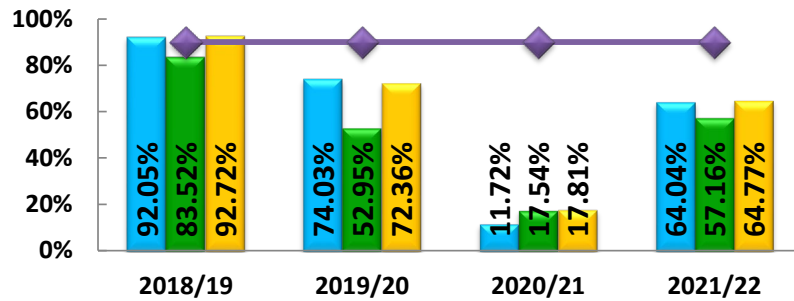


A strong local economy is a key component in the quality of life experienced by local people. The work of SRS has a significant, but often unseen, impact upon the local economy. The provision of timely advice and guidance on regulation can benefit the economic viability of businesses resulting in improved business practices; our growing role in the field of Primary Authority is testament to this assertion. Much of our market surveillance activity focuses upon maintaining balance in the “marketplace”; the equitable enforcement of regulations helps businesses to compete on equal terms ensuring a fairer trading environment. Our role as regulator also extends to information and education to support consumers to enable them to become better informed and confident. In an age where people can purchase goods and services without leaving home, the importance of the principle of “*caveat emptor*” has never been more relevant.

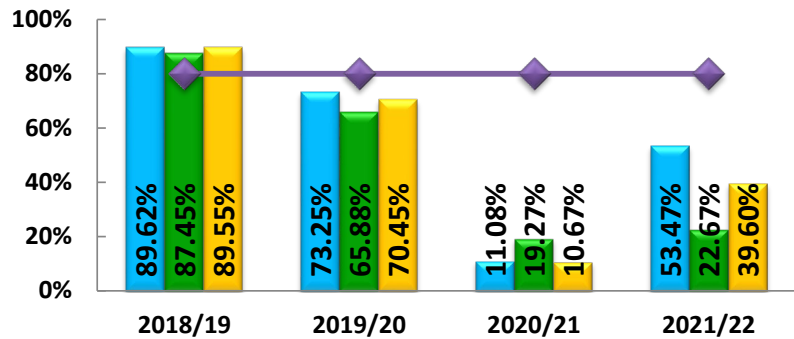
How we performed

■ Bridgend
 ■ Cardiff
 ■ Vale of Glamorgan

% of new Food Hygiene businesses identified and visited



% of new Trading Standards businesses identified and visited



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What we have achieved

A fair trading environment is maintained

Cardiff cowboy builders who ruined dozens of homes jailed – In this case two builders defrauded 24 consumers out of £565,000 by targeting victims claiming thousands of pounds for work which was not needed, scaring consumers into thinking that their roofs were unsafe. The builders employed unskilled labourers who carried out poor quality work leaving consumers’ roofs in worse condition, requiring significant sums of money to rectify. They used aggressive tactics against vulnerable victims with initial quotes being plucked out of thin air and escalating the price when the property had been partially or fully stripped of its roof and the property owners were in a vulnerable position. Consumers felt intimidated, bullied and robbed with one consumer losing over £86,000. Much of this fraud took place when one of the builders was awaiting sentence for a previous prosecution brought for similar offences and, whilst under a suspended sentence. The driving force behind the scam was sentenced to a total of 6 years and 10 months imprisonment, and his accomplice was sentenced to 3 years and 4 months imprisonment. A Proceeds of Crime application was made by the prosecution and a timetable set for April 2022, at which time compensation and costs will be dealt with as part of the application.

Bridgend rogue trader jailed – A rogue builder from Bridgend was prosecuted after leaving several people out of pocket. The trader defrauded a total of 20 people across South Wales including single mothers, NHS workers and a widow, causing a loss of approximately £50,000. In this case, the trader would demand customers pay an upfront deposit to ‘secure a slot’ for the work to be done then didn’t return to complete the work or attend site and complete a nominal amount of work, often leaving to get more materials or due to a ‘family emergency’ and then never return. The trader pleaded guilty to 11 charges under the Fraud Act and 10 further charges under the Consumer Protection from Unfair Trading Regulations 2008. He was jailed for 16 months and an investigation under the Proceeds of Crime Act continues.

Sales blocking at Caravan Site – In this case, the owner of a caravan site in the Vale of Glamorgan was found guilty of offences relating to ‘sales blocking’. SRS initially received a complaint from the owner of a residential mobile home located at the site, who on inheriting the mobile home had advertised it for sale and secured a purchaser who then completed the obligatory Proposed Sale Form which was submitted to the owner of the caravan site. The purchaser had indicated that he intended to park a Mitsubishi car on the site. The site owner however, applied to the Residential Property Tribunal for a Refusal Order in an attempt to stop the sale, claiming that the purchaser wanted to park

a camper van on the site, which site rules precluded. This was vehemently denied by the purchaser who confirmed that he did not and had never owned a campervan and had not made any calls to the site suggesting that he wanted to park a campervan. The Refusal Order was not granted by the Tribunal and the sale was eventually completed, but at a substantially lower price as the complainant had felt the need to reduce the sale price given the delays caused to the purchaser. SRS subsequently prosecuted the site owner who was charged with one offence under the Mobile Homes (Wales) Act 2013 for knowingly or recklessly providing information which was false and which could cause a potential purchaser of a residential mobile home to decide not to do so. It became clear in evidence presented during the court case, that the defendant had submitted a number of applications for Refusal Orders in other cases to the Tribunal in an attempt to frustrate the sale of homes. As a result of this prosecution the defendant was fined £1400, ordered to pay costs of £600 and a compensation order of £10,000 was made for the complainant to compensate him for the loss in sale price, which he was ordered to pay within 28 days. This case was subsequently highlighted on the BBC X Ray consumer programme.

Illicit tobacco – Illegal tobacco continues to present a problem in our communities, and the most recent market research available indicates that at least 15% of all tobacco and tobacco products supplied are illegal (either counterfeit or non-duty paid). Many smokers appear to be comfortable in purchasing illegal tobacco, presumably under the misapprehension that the only impact of its widespread use is the loss of revenue to HM Treasury. This thinking ignores the most serious harms caused by illegal tobacco. At around half the cost of legitimate product, illegal tobacco removes the price incentive for smokers to quit the otherwise expensive habit. In addition, the way in which illegal tobacco is supplied means that mainstream tobacco control measures such as minimum age of purchase and the tobacco display ban are undermined. Finally, supply chains for illegal tobacco are sufficiently profitable to appeal to organised crime groups (OCGs). Part of this attraction has been the much lower penalty associated with the selling of illegal tobacco when compared to other supply chains such as those for drugs, weapons, etc. SRS officers regularly carry out inspections often involving partner agencies including South Wales Police and Wagtail who provide tobacco detection dogs to assist with the location of the product whilst on site. This allows officers to locate ‘hides’ that are used by retailers to conceal the products that often require specialist skills to detect and open. During the year 29 seizures of illegal tobacco were made from vehicles, residential and retail premises. 53,682 packets of cigarettes and 152.5kg of hand rolling tobacco was seized during these operations with a total retail value estimated to be £697,942.

Counterfeiting - Counterfeit products are fake replicas of the real product and are often produced with the intent to take advantage of the superior value of the imitated product.

29

Seizures of
illegal tobacco

The word counterfeit frequently describes the imitations of goods such as clothing, handbags, shoes, pharmaceutical, watches, electronics, software, toys and films. Counterfeit products tend to have fake company logos and brands, and have a reputation for being low quality, unsafe and may even include toxic chemicals. Counterfeit goods are sometimes considered ‘victimless’ crimes, but this is far from the truth as fake products can endanger the local economy and can potentially cause injury. Furthermore the huge profits can be used to fund other serious organised crimes such as people smuggling, drugs, guns, child pornography and even terrorism. In August 2021, SRS officers supported by an officer from South Wales Police attended Splott Market in Cardiff following intelligence received that counterfeit goods were being openly sold at the market. As a result, 602 counterfeit items of clothing were seized with an estimated retail value of £4,900 from three stallholders. All received a written warning and the seized clothing was either signed over for destruction or was forfeited in the courts.

Improved business practices and operation

Training provision - The Service has continued to consolidate its excellent reputation as a training provider and despite many covid restrictions being in place during the last year, impacting the delivery of face to face training, the service trained 98 delegates on accredited courses in Level 1 and 2 in Food Safety and Level 2 Food Allergens. The last year saw the service focus upon existing workplaces to reduce risks and build stronger relationships rather than offering publicly available training, mainly in departments within the Vale of Glamorgan Council. Furthermore, the service developed online training as an alternative to face to face training. Despite there being less demand for this type of training, the one online course held was very successful and we will look to continue to offer this type of training going forward. In addition to the accredited training, SRS trained over 65 businesses on the new changes brought in as a result of Natasha’s Law on allergens which came into force last year, in addition to 37 SRS Officers on the same topic. Bespoke training on intellectual property matters when setting up an online marketplace was also carried out, resulting in over 300 delegates being trained in total.

100%

Of delegates
felt training
will benefit
their business

Supporting businesses through the pandemic – Since the UK was put into lockdown on 23 March 2020, the government put into place a limited number of reasons for people to be allowed to leave their homes and imposed various restrictions on the opening of businesses. As a consequence, many businesses had to close or implement safeguards to prevent the spread of the virus, and it became the responsibility of SRS to enforce the Health Protection (Coronavirus Restrictions) (Wales) Regulations across the region. During the following 2 years these regulations were updated as we moved from various

tiers according to the current risks, and throughout this SRS have been at the forefront of not only enforcing these regulations but providing guidance to businesses in order that they can operate safely. This period has been a challenging and unsettling time for all concerned but the unique position of SRS in regulating a diverse range of businesses has enabled us to provide targeted guidance and advice to different business sectors by way of mailshots, the SRS website, through Primary Authority partnerships, regular visits to businesses and responding to service requests.

Accessible services responsive to business needs

Primary Authority - The Primary Authority scheme enables a business to enter into a statutory partnership with a local authority through which it can receive assured advice. Provided this advice is followed, the Primary Authority (PA) is able to challenge intended enforcement action by other local authorities. SRS now has some 28 Primary Authority partnerships in place with both local and national businesses and is able to charge for the work done as part of these arrangements on the basis of full cost recovery. 2022/23 is likely to see further consolidation of this work.

28
Primary
Authority
partnerships

Allergens Project – On 1 October 2021 the law on allergens and ingredients lists changed. Known as Natasha’s Law, food businesses are now required to provide full ingredient lists and allergen labelling on foods pre-packaged for direct sale on the premises. In order to prepare businesses for the changes SRS undertook a project to raise awareness of the changes, improve the knowledge of food businesses across the SRS region and across the service to provide greater support to businesses. Four free online workshops were run via MS Teams for businesses based in Bridgend, Cardiff and the Vale of Glamorgan which took place between August and September 2021. Scheduled on various days and times to accommodate as many businesses as possible, 65 delegates were trained. Feedback received was very positive with several businesses indicating that they would share the information with their colleagues.

‘Ask the regulator’ podcasts – In order to make information and advice on regulatory matters as easy as possible to access, SRS launched a new podcast service in August 2021. The aim of these podcasts is to hold dialogues and discussions between regulators, businesses and members of the public on matters concerning environmental health, trading standards and licensing with a view to providing useful advice and guidance on things that matter to businesses across the SRS region. Produced by Bro Radio, the local community radio station focussed on the Vale of Glamorgan, SRS have so far produced 5 podcasts on subjects such as allergens, Halloween, Safeguarding, Food and Christmas, and health and nutrition and aim to produce further episodes through 2022/23 on other environmental health, trading standards and licensing regulatory matters. These podcasts can be accessed via the SRS website and are also available on Spotify.



Informed and confident consumers

As part of its Safeguarding role, the Service provides assistance to residents identified as being vulnerable in resolving difficulties encountered as a result of marketing scams and also more straightforward ‘shopping’ problems. In providing this service, the aim is not only to resolve the immediate difficulty facing a resident but to equip them as well as their families and carers with the knowledge and awareness to avoid similar issues arising in the future. This Plan has highlighted several prosecutions undertaken by SRS against rogue traders that have scammed individuals of money for work not completed and these examples demonstrate where SRS has been able to make a huge difference to the lives of residents needing assistance to resolve problems of this type. With the investment of officer time to provide tips on avoiding similar problems in the future, the legacy of these interventions is one where even our more vulnerable residents and their families are far better equipped to make informed decisions.

Emerging issues

New Food Businesses – Food businesses are required to register with the service if a new business is planned, the nature of an existing business changes or if there is a change of ownership following the creation of new legal entities such as a new limited company, sole trader and partnership. All new businesses are required to be inspected and the Food Law Code of Practice requires that where possible, they be inspected within 28 days of opening. This requirement places a significant impact on the resources of the Food Safety and Trading Standards functions due to the large number of applications

received. During 2021/22 900 food business registration applications were received, 529 in Cardiff, 166 in Bridgend and a further 205 in the Vale of Glamorgan all of which are required to be inspected alongside the planned programme of inspections. This is further exacerbated if businesses have poor compliance on initial inspection, requiring the need for further intervention.

Major events - SRS plays an important role in the successful staging of major events across the three local authority areas. In addition to dealing with any licensing matters associated with a particular event, SRS plays an essential role in ensuring that food sold at these events is safely prepared and stored, and that it is labelled correctly. In the case of stadium concerts and sporting events, input may be required to assist brand holders to protect trademarked goods and safeguard against the supply of counterfeits. Major events staged through the participant Councils go through a detailed planning process via the respective Events Safety Advisory Group in Bridgend and the Vale of Glamorgan, and in Cardiff via the Events Liaison Panel. SRS plays a role throughout the planning stages with respect to food safety, health and safety and brand protection. While summer is traditionally the busiest time for events, the summer of 2021 was exceptionally busy. This is due in part to the success of the City of Cardiff Council in promoting itself on the world stage as the home of successful events and also to a degree of event organisers and promoters making up for the time lost during the various spells of lock down. All of this has an impact on the service in terms of meeting demand from other areas of responsibility, at a time of diminishing staff resource, and in covering weekend and evening work.

Cardiff Music City – Cardiff Council’s ambition of becoming a world leader in the music cities movement aims to create vibrant, exciting communities and increase the social and economic value of music in the City. Cardiff wants to become the first city in the UK to incorporate music into its city structure, from planning to licensing to social wellbeing and tourism. SRS will contribute significantly to these ambitions through its licensing policies and noise pollution functions and its important role in the successful staging of events. In supporting these ambitions it will be essential to consider the wider implications on communities and how these ambitions interact with regulatory services that protect residents and the public in general.

On-line retailing - The internet is undeniably driving change, and large retailers have responded by embracing multi-channel sales strategies. While the high street has not, as yet, been put out of business, there is a danger that traditional, physical stores will increasingly become secondary outlets to this strong online presence. It would seem inevitable that, in the longer term, the size and composition of the high street will be significantly impacted, as on-line shopping becomes a far more mainstream activity. Information technology and the fast developing digital environment are also causing a change in the way people interact, including in the way they interact commercially. Modern consumers increasingly access goods and services across the world through the

tap of a phone screen or the click of a mouse. The internet presents an enormous opportunity for consumers and this became even more evident during the last 2 years, as shops were required to close, and customers relied heavily upon the ability to shop online, whether it be to order groceries, or other consumer products. The Office of National Statistics report that the proportion spent online soared to 35.2% in January 2021 from 19.5% in January 2020. The internet expands the size of the market and therefore gives access to more providers and more choice. It also makes it possible to compare products, suppliers and prices on an unprecedented scale. The internet is the most empowering tool consumers have ever had. A consequence of this for the law enforcement agencies like the SRS is that the “visible” high street has moved to an activity undertaken behind closed doors. Monitoring the market place through traditional market surveillance methods thus needs to change else the SRS will only be able react to incidents and not prevent them.

What we plan to do next

** - Cardiff Corporate Plan *** Vale Service Plan

Supporting the local economy Lead Responsibility

A fair trading environment is maintained

Conduct intelligence led operations to investigate and disrupt businesses selling illegal tobacco products and raise public awareness of how to report it. C Hill

Incorporate regular surveillance and review of on line sales platforms into trading standards work due to the volume of goods being sold on line. C Hill

Informed and confident consumers

Continue to promote the 'Buy with Confidence' (responsible trader) scheme across the region J Bale

Improved business practices and operation

Extend training provision through the delivery of RSPH Level 2 Infection Control Training course for Special Procedures. J Bale/C Hill

Accessible services responsive to business needs

Consolidate the advice and support requirements for our current Primary Authority partners H Picton

Develop online training for businesses on Food Safety and other regulatory areas. H Picton

Extend the scope of the 'Ask the regulator' podcasts to encompass other regulatory activities undertaken by SRS. J Bale

What we will measure during 2022/23

Performance Measures 2022/23	Target
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<ul style="list-style-type: none"> % of new businesses identified which were subject to risk assessment visit or returned a self-assessment questionnaire during the year for food hygiene. 	90%
<ul style="list-style-type: none"> % of new businesses identified which were subject to risk assessment visit or returned a self-assessment questionnaire during the year for Trading Standards 	80%
<ul style="list-style-type: none"> % of businesses who felt that interaction with SRS has helped them improve standards of compliance in their business. 	85%
<ul style="list-style-type: none"> % of businesses satisfied with our paid for business advice services. 	Baseline being set
<ul style="list-style-type: none"> % of individuals who feel that the training they received through SRS will benefit their business. 	95%

Priority

Maximising the use of resources

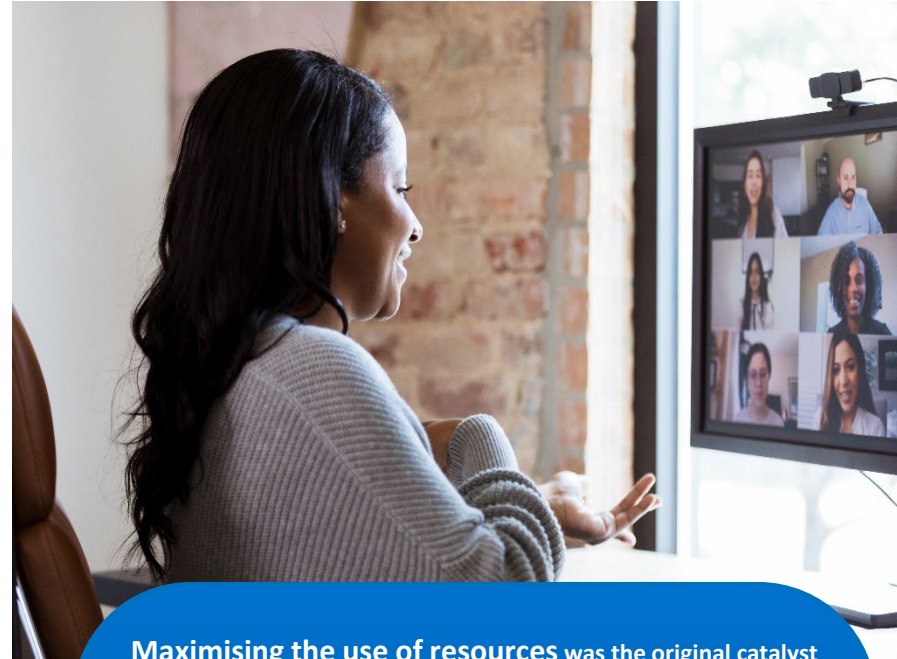
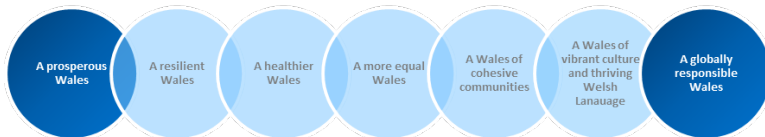
Outcomes



Outputs



In addition, our outcomes also contribute to the following wellbeing goals:-



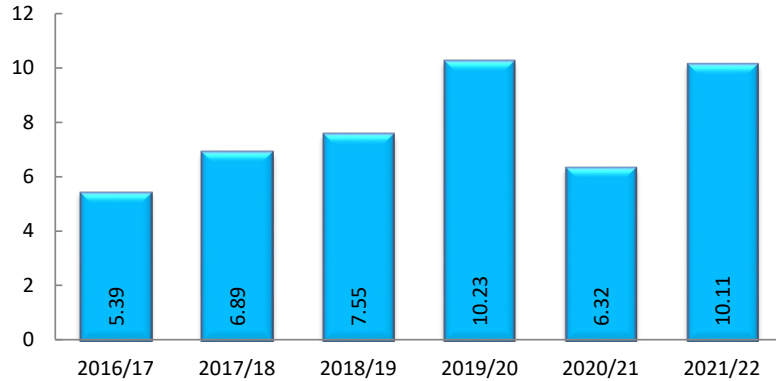
Maximising the use of resources was the original catalyst for creating SRS, and our work in this area continues. Reducing “triplication” of effort, introducing better processes, making our systems work without constant intervention, improving access into the service will all benefit our business and increase customer satisfaction.

We are generating income, where possible, to underpin service delivery; activities like marketing our metrology laboratory, offering paid for advice services, building Primary Authority partnerships and extending our training provision to business are examples of our more “commercial” culture.

Above all, we recognise that crucial to the success of SRS are the people who work within the service. We will ensure that our officers are effective in their roles by investing in learning and development opportunities, by engaging them fully in the development of the service, and by fostering an environment where people are encouraged to think, lead and innovate.

How we performed

No. of days sickness absence per FTE



How training participants rated the training provided by SRS.



What we have achieved

SRS operates effectively and efficiently across all 3 areas

Staff Commitment during the Covid-19 pandemic – The Covid-19 threat to the health and wellbeing of our societies has been at the forefront of everyone’s minds during the last 2 years, and the significant role SRS has played in reducing the transmission of the virus has been well documented and recognised. Officers have been deployed to roles in the Test Trace Protect regime and enforcement teams while their colleagues picked up the additional demands placed on them due to the reduction in resource to deal with ‘business as usual’. This has required the highest level of commitment and flexibility from all officers during this time, to meet the unprecedented demands placed on them, at a stressful time both professionally and personally and SRS Officers should be celebrated for their achievements.

Covid-19 – Changing the way we work and deliver services - When the UK was put into lockdown on 23rd March 2020, the government put into place a limited number of reasons for people to be allowed to leave their homes. For SRS and many council services, this meant that offices were closed and employees had no choice but to work from home. As a service committed to mobile/remote working, SRS was in a better position than many, with the majority of employees already equipped to work remotely or from home. There were however teams such as Business Support and Licensing who traditionally kept a presence in the office with no facilities to work remotely, together with other services who maintained an office presence to cover ‘on call’ rotas and deal with complaints received. Both scenarios presented challenges for the service, particularly in the early stages of the pandemic, but SRS successfully adapted to new ways of working. The following provides a flavour of the types of changes that were put in place and continue to be utilised.

- All staff were provided with the equipment needed to work from home such as laptops and mobile phones.
- Business Support and Licensing teams moved to working from home keeping a minimal presence in the office .
- Where attendance is required at the office for cover, this is done on a strict rota basis to minimise the numbers in the office.
- Committee meetings, internal and external meetings moved online via MS Teams. This method of communication is also used to keep in contact with colleagues.

- During the suspension of visits to premises, virtual inspections were undertaken where appropriate.
- The printing of correspondence was moved online, enabling letters to be emailed to a hybrid mail provider who would print and send correspondence, removing the need for employees to attend the office.
- Taxi driver and vehicle applications and licence payments were moved online. This has had several benefits for applicants as they are no longer restricted to applying for a licence during office hours and can now apply at any time of the day. They also no longer need to travel, park and wait in queues to be served.
- Hackney Carriage and Private Hire vehicle licences were extended for 6mths in line with government safety guidelines to support the taxi trade during the early part of the pandemic.
- The Noise app introduced prior to the pandemic, has been a really effective tool in dealing with noise complaints, negating the need for officers to monitor noise nuisance themselves.
- In order to support food businesses that changed their operations to take-away during the pandemic, SRS Officers provided telephone support and advice.
- Service requests made about activities that SRS regulate were triaged to ensure that those requiring urgent attention were prioritised.

Customer Satisfaction – SRS delivers a diverse range of regulatory services on behalf of Bridgend, Cardiff and the Vale of Glamorgan Councils and we place great importance on receiving customer feedback which enables us to understand what we are doing well and what can be improved. As well as monitoring customer satisfaction through surveys, the results of which can be found throughout this plan, we also receive specific feedback from individuals or groups that we have helped expressing their gratitude for our intervention. During the last year, we received a number of such compliments, a selection of which can be found below-

“... I recently had need for the support of your team in dealing with an absolute nightmare of neighbours... After 18 years of living with ‘neighbours from hell’... I finally had EXCELLENT support from members of your team... I cannot thank your team enough... After 18 years, and constant emails, letters and phone calls... I finally believe that at long last I am getting somewhere. It’s all down to the professionalism and support provided by your team. I cannot thank you all enough. Many many thanks”. Noise Pollution complainant..

“I am writing to say thank you for your hard work dealing with our " Burger Van " problem. The van has closed since you posted your notice and has made life a bit more normal for everyone in the street. I am in admiration of your perseverance and diligence plus your stamina in dealing with this problem as I know it gave you stress and anxiety !. If

you ever go into politics you have my vote !! ...So once again thanks from me and the residents for you hard work...PS .please pass this email to your boss. It may get you a pay deserved rise !”. Noise Pollution complainant

“Thank you for the update on the Public Protection Committee report. I look forward to seeing how they respond to the public consultation. I am copying this email to your Chief Executive as I judge that you should receive commendation for the very efficient and sensitive manner in which you handled this matter of public concern. I appraise... how time consuming such work can be, particularly during the challenge of the pandemic”. Street Trading complainant.

“Just a quick note to you all at your covid team to say just a massive thank you to you for your support and dedication this year. It’s been a rough tough year due to covid restrictions but we all got through it. Your support loyalty means so much...” Business who was assisted to meet covid restrictions.

Review of HMO Licensing fee structure – A thorough review of the licensee fee structure for Houses in Multiple Occupation was implemented in Cardiff during the year. The new fees better reflect the significant administrative costs and in particular the officer costs incurred in enforcing the scheme and raising standards. The additional income projected from this, together with the empty homes funding, derived from a Council Tax premium in Cardiff has allowed the team to strengthen by recruiting at administrative, technical and managerial levels.

Public and stakeholders are able to access our services

Access to SRS services –The ease with which the public and stakeholders are able to access SRS services has been particularly important in 2021/22 as in 2020/21 as buildings were less accessible and many staff worked from home.

The following examples show how SRS ensures access to services.

- **SRS website** – The improvement of the SRS website is an ongoing process which sees web pages being added or updated to provide valuable up to date information for SRS customers. This has been particularly true during the last 2 years where we have provided regular guidance for businesses on how to comply with the Coronavirus Regulations and operate safely while highlighting the notices issued to businesses under the regulations. During the last year, the website had 64,914 users and 177,919 page views. Our Noise and Air Pollution web pages consistently receive the most page views.

- **Equalities** – Following the inclusion of equalities information in our customer satisfaction surveys, we are now able to carry out equality monitoring of our customers in order to identify any issues or concerns and more specifically access to our services. During 2021/22, despite the response rate being very poor, 100% of responses to our customer satisfaction survey said they were able to access the services and facilities they needed from SRS.
- **Twitter account** – Since launching our own Twitter account @SRS_Wales in 2017, the SRS continues to increase the number of followers which stood at 643 on 1 April 2022. This means of communicating with our customers enables the service to be promoted whilst conveying key messages to residents and businesses alike and shared with the legacy authorities.
- **Noise app** – This app can be downloaded by customers making a complaint about noise enabling them to record short bursts of the disturbance and submit to the service to determine if a nuisance has occurred. This app has come into its own during the last 2 years during a time when noise nuisance complaints increased as more people stayed at home, enabling complaints to be triaged, and reducing the need for officers to visit homes to monitor disturbances.

Income generation underpins sustainable service delivery

UKAS Accredited Metrology Laboratory - The Metrology laboratory based in Cardiff undergoes an annual audit by the United Kingdom Accreditation Service (UKAS) to maintain its accreditation. The metrology laboratory was first established in 1995, but since the creation of SRS there has been a drive to enhance the income generating capacity of the laboratory. Calibration work has been undertaken for a significant number of businesses, the majority of whom are regular and returning customers. These businesses represent a broad range of sectors including avionics, food, pharmaceutical and medical where accuracy and confidence in their weighing equipment is fundamental to their operations. The aim for this this year will be to continue with the UKAS Accreditation following the scheduled audit in August 2022 and supporting local businesses to meet their needs as they emerge from the pandemic.

Income generation – A key priority for SRS, is the adoption of a more commercial approach by developing 'paid for' services and marketing them to business. These commercial activities are aimed at complementing existing services whilst also

£63,000+

Income
generated

providing income generation. We do this by developing Primary Authority partnerships with businesses of which we currently have 28 in place. Furthermore, the Service provides accredited training in areas such as food safety, Health and Safety and allergens and officers within the Industry Team have recommenced delivery of these course through a mixture of online and where possibly face to face. As we emerge from the pandemic it is hoped that the range and frequency of courses provided will increase.. Income is also generated via our Metrology Lab services and Air Quality Monitoring Services/Local Site Operator Licences. During 2021/22 the income generated was £63,407.22

Staff are effective in their roles

Investing in Staff Learning and Development – SRS is committed to developing staff to ensure they are effective in their roles. Learning and development can take many forms from traditional study to the taking up of secondments. During the last year, the service has invested in a number of learning and development activities to support the business including the following examples:-

- SRS regularly offers opportunities to employees who are interested in developing themselves by offering to match fund suitable applications for external study. This has resulted in a number of employees pursuing academic qualifications such as M.Sc. qualifications in Environmental Health and Public Service Management, several of whom have now successfully completed their studies and are able to apply their learning in the workplace.
- Secondments provide development opportunities for both the employee who is seconded and the employee who fills the empty position and during the last year the number of secondments within the service increased significantly. Within SRS we now have four team managers seconded to different stakeholders which has enabled their roles to be filled on a temporary basis by existing employees. Furthermore recent changes to the senior management team have provided an Operational Manager secondment opportunity. The creation of our JET teams enforcing Coronavirus Regulations also provided opportunities for 3 employees to be seconded to Team Manager roles. And finally, two of our officers have been seconded to TTP to take on a co-ordinating role across the wider public health network. The ability to 'act up' provides valuable development opportunities and experience for officers, whilst also contributing to the effective management of the service.
- Training in food standards work continued amongst our food safety officers to enable them to undertake food standards interventions at the same time as a food safety inspection of low risk food standards. This training and the concept of generic working not only provides team members with learning and career

development opportunities but benefits the service by building a more cohesive and resilient approach to inspections.

- The demands on SRS brought upon us by the Covid-19 pandemic required SRS employees to respond by agreeing to be redeployed to other roles. Our commitment to the Track, Trace, Protect Scheme saw 30+ officers be redeployed to act as clinical leads and contact tracers over the last year at various times with 2 officers acting as managers, extending their work experience and personal development.

Emerging issues

Recruitment and retention – Recruiting to vacancies continues to be challenging and SRS has struggled to recruit suitable individuals into certain areas of the service. The shortage of applicants with the right skills, abilities and experience in the different professions has created a more competitive market. These shortages, attributable to an aging professional demographic, increasing turnover as people secure positions elsewhere, and lack of a recognised regulatory apprenticeship, have to be addressed if we are to deliver effective regulatory services. Across Wales, the Directors of Public Protection Wales has identified immediate issues of capacity and resilience along with challenges for the future as the demands and expectations on regulatory services continue to grow. The *Building for the Future* report details the key issues confronting local government regulatory services; the challenges faced in terms of workforce pressures, the need for better coordination and oversight. It presents a case to Welsh Government for increased investment over the medium term, in terms of budget, funded public protection workforce development programmes and the introduction of a Regulatory Compliance Officer type apprenticeship in Wales. SRS fully supports these recommendations, however we also recognise that it will take some time for the effects of such proposals to come into fruition. Given the pressures the service currently faces, it will be essential for SRS to consider other short to long term solutions that make working for SRS an attractive proposition.

ICT Interface with Legacy Authorities – Since the inception of SRS, officers have been provided with access to the systems of the 3 legacy authorities of Bridgend, Cardiff and the Vale of Glamorgan. This enables officers to access the essential IT systems they need to fulfil their duties for the relevant authorities. While this has worked well, more recent updates to systems and software have impacted on the continuity of current arrangements affecting connectivity and access. SRS maintains good relationships with the ICT departments of the legacy authorities to deal with issues as they arise in the short term, however it has become evident that there is a need to consolidate the long term

access requirements of SRS to ensure continued access and smooth running of systems in order to provide seamless delivery of essential services.

Review of ICT and mobile working solutions – An essential component of the operating model for SRS was the introduction of technical and mobile working solutions that enable employees to work remotely. This has contributed to the success of the service, but as agile working becomes the norm for many within the service, we are finding that the technology deployed is becoming outdated. The Covid-19 outbreak reinforced this as many more staff transitioned to working from home. It is clear that as technology improves, better facilities now exist which could further enhance the work of SRS and its remote working capabilities as we move forward. SRS will continue working with staff and ICT to explore options for improving equipment and systems to ensure that we deliver services both efficiently and effectively

Customer engagement – Customer engagement is key to understanding the needs and expectations of our customers. It helps us know what we are doing well and what we could do better and informs policy development and procedural changes within the service. Within SRS we engage with customers in a number of ways via public consultations, customer satisfaction surveys, citizens panels and the monitoring of complaints and compliments. While response levels via these various mechanisms has traditionally been low, the last year has seen a huge reduction, particularly via customer satisfaction surveys which is of concern. It is likely that this reduction is as a result of moving surveys online, as opposed to the sending out of hard copy questionnaires which whilst more cost effective for the service, requires a level of effort by customers to navigate their way to the relevant questionnaire. SRS recognises the need to improve customer engagement in this area during the coming year to maximise the important feedback we receive and will take steps to address this.

Backlog of programmed inspections - Government restrictions on social distancing, non-essential travel and the closure of certain businesses to reduce the spread of Covid-19, resulted in routine inspections being suspended several times during the last two years which inevitably created a backlog across a number of SRS services. Furthermore, the deployment of staff to Test, Trace, Protect, covid enforcement teams and other covid related activities has impacted on the resource available within teams to carry out “business as usual” activities creating a significant backlog of inspections, that is further exacerbated by recruitment and retention issues evident in some areas of the service.

Hybrid working – The changes to working practices brought about as a result of the covid pandemic saw organisations adapt to facilitating employees working from home. Whilst the majority of SRS staff were already accustomed to these arrangements due to our agile/remote working culture, others quickly adjusted. As restrictions have relaxed, there is now a greater call for employees to return to the office and organisations are considering how best to facilitate this whilst meeting the needs of employees in relation

to greater work/life balance. Hybrid working is a relatively new concept that is being seen by many as a way of preserving pre-pandemic office work cultures and office space investments while meeting employee expectations for greater flexibility, striking a balance between employee and employer preferences. Local government is no different and recent developments suggest that partner authorities are considering the implementation of such arrangements with a view to reducing accommodation footprints. SRS occupies office space in Bridgend, Cardiff and the Vale of Glamorgan and it will be necessary to work with these authorities to adjust to new arrangements while ensuring adequate office space is maintained and fit for purpose.

Public health and adapting to world events –SRS played a vital role in ensuring public health and public safety through the way in which we responded to the Covid-19 crisis and demonstrated how SRS is central to the public health agenda. It highlighted how, as a service our ability to adapt quickly and respond to emerging world events is key to delivering public health and safety, and how important it is to be able to respond in the same way going forward as issues emerge. Indeed, as we now come out from the pandemic, we are already playing our part in supporting Ukrainian refugees through the undertaking of checks on Homes for Ukraine, and tackling new covid variants. These rising demand pressures, together with ongoing pandemic management support will require effective prioritisation to ensure that the capability of the service is effectively deployed and managed.

What we plan to do next

** - Cardiff Corporate Plan *** Vale Service Plan

Maximising the use of resources

Lead Responsibility

SRS operates effectively and efficiently across all 3 areas

Maximise mobile working opportunities by reviewing ICT and mobile working needs across the service including evaluating options for virtual communication between staff and other stakeholders to ensure service continuity with particular emphasis on:- ***

H Picton

- Consolidating the ICT interface between the legacy authorities to ensure continued access and smooth running of systems.
- The introduction of portable devices to enable use of electronic inspection forms.
- Exploring opportunities to use tools such as 'Yammer' to improve communications, sharing of ideas and innovation.

Promote the Intelligence Operating Model across SRS with a view to rolling out to other areas of the service, where appropriate

H Picton

Further develop a recruitment strategy together with retention initiatives to address professional skill gaps within the Shared Regulatory Service.***

H Picton

Explore the feasibility of establishing a digital forensics function within the service, that can improve the effectiveness of seizing and analysing digital media to assist investigations, and further reduce spending on outside forensic services.

J Bale

Meet the recommendations outlined in the Welsh Audit Office report 'Delivering for less'.

H Picton

Engage with partner authorities on accommodation requirements as a result of hybrid working arrangements.

C Hill

Undertake a review of HMO licensing administrative processes in Cardiff to speed up response times.

W Lane

Public and stakeholders are able to access our services

Improve engagement and consultation with stakeholders including service users and residents and review the effectiveness of current mechanisms used to access Shared Regulatory Services. ***

All OMs

Staff are effective in their roles

Complete the PDR process with all SRS employees.

All OMs /TMs

Review Workforce Development Plan.

H Picton

Conduct a staff survey of SRS employees .

H Picton

Promote and encourage staff involvement in directorate and corporate staff engagement and well-being initiatives and proactively support staff development in line with the new ways of working. ***

All OMs

Income generation underpins sustainable service delivery

Review all available options for cost recovery and income generation.

J Bale

What we will measure during 2022/23

Performance Measures 2022/23	Target
Average days sickness per FTE.	8.00
% of Staff Performance Development Reviews completed.	100%
% of staff who feel they are able to achieve the right balance between work and home life.	100%
% of staff working in SRS who are satisfied with their job in SRS.	100%
% of customers and Council members satisfied with their ability to access the facilities and services they need from SRS.	90%

Appendix 1 – Risk Register

Possible Impact or Magnitude of Risk	Catastrophic	MEDIUM 4	MEDIUM/HIGH 8	HIGH 12	VERY HIGH 16
	High	MEDIUM/LOW 3	MEDIUM 6	MEDIUM/HIGH 9	HIGH 12
	Medium	LOW 2	MEDIUM 4	MEDIUM 6	MEDIUM/HIGH 8
	Low	VERY LOW 1	LOW 2	MEDIUM/LOW 3	MEDIUM 4
Low 1-2 Low/Medium 3 Medium 4-6 Medium/High 8-10 High 12-16		Very Unlikely	Possible	Probable	Almost Certain
Likelihood/Probability of Risk Occurring					

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Risk Description	Inherent Risk Score (April 2022)		Risk	Comments What SRS are doing to mitigate risks	Residual Risk Score		Risk
	Likelihood	Impact			Likelihood	Impact	
RR1: Insufficient resources, and capacity to deliver planned services will result in loss of service provision and reduction in performance.	4	3	High 12	The Covid 19 pandemic has placed substantial demands on the service in terms of Test, Trace Protect and the enforcement of the Coronavirus Regulations which has seen staff seconded to roles within these functions. This coupled with recruitment and retention issues has significantly impacted performance, The cost of living crisis is also certain to impact SRS in terms of regulatory	4	3	High

Risk Description	Inherent Risk Score (April 2022)		Risk	Comments What SRS are doing to mitigate risks	Residual Risk Score		Risk
	Likelihood	Impact			Likelihood	Impact	
				activity and on the wellbeing of staff. To mitigate this, the Service is examining new ways of prioritising services and using risk based approaches to activities in line with reduced resources, and through the recruitment of temporary staff and graduates. The service however has yet to fully return to “business as usual” and a backlog of normal planned work remains that requires significant resource to complete.			
RR2: Inability to recruit professional officers to vacant posts.	4	3	High 12	Recruiting to vacancies, particularly to those roles that require professionally qualified officers continues to be challenging, particularly as we are seeing a number of our officers leaving the service to secure positions elsewhere. The shortage of applicants with the right skills, abilities and experience in the different professions has created a more competitive market and is attributable to an aging professional demographic, increasing turnover and a reduced investment in sponsorship of students by Councils, The traditional supply of professional officers from universities has greatly reduced, and it now takes longer to qualify which has resulted in a shortage of applicants for vacancies within the service. The service has recruited a number of students and apprentices to support the work of the service which has been beneficial as a number of students appointed to deal with the covid work have now joined the service on a permanent basis. While this has enabled some gaps to be filled, training and	3	3	Medium/ High 9

Risk Description	Inherent Risk Score (April 2022)		Risk	Comments What SRS are doing to mitigate risks	Residual Risk Score		Risk
	Likelihood	Impact			Likelihood	Impact	
				competency requirements mean that it will take some time for these officers to be fully competent to carry out the full range of duties, which will cause shortfalls, particularly in the Food Hygiene and Food Standards disciplines which does present issues for the service. This issue is not unique to SRS and the Directors of Public Protection Wales have produced a report on the issues of capacity together with a number of recommendations. While these proposals are welcomed, it will take some time for the effects to come into fruition. SRS SMT are therefore considering other short to long terms solutions to alleviate some of those pressures.			
RR3: The complexities of resource allocation may result in a lack of understanding and misalignment of resources.	3	3	Medium/ High 9	Dedicated accountant appointed for the Service. Governance arrangements in place to address lack of understanding. Review and standardisation of financial processes ongoing.	2	2	Medium 4
RR4: The lack of functioning ICT systems could hinder the ability to work as a single service unit and affect the Service's ability to work smarter and more efficiently.	3	3	Medium/ High 9	The service utilises a web based database that facilitates remote working and all staff have been issued with laptops and mobile devices which enables more agile working. The technology used, however, has become outdated and there is a need to improve our remote working capabilities and the IT interface between the SRS and the legacy authorities to deliver services efficiently and effectively. We are liaising with ICT on access requirements and on the sourcing of suitable devices, however current demands placed on ICT have resulted in delays in progressing some issues.	2	2	Medium 4

Risk Description	Inherent Risk Score (April 2022)		Risk	Comments What SRS are doing to mitigate risks	Residual Risk Score		Risk
	Likelihood	Impact			Likelihood	Impact	
RR5: Failure to identify and resource staff learning and development needs to address changes in roles and immediate needs and long term goals of the service could result capability issues amongst staff which would affect the Service's ability to deliver services.	3	3	Medium/ High 9	SRS is committed to the resourcing of training to develop people to ensure competency and the corporate appraisal process <i>#it'saboutme</i> ensures performance reviews are undertaken annually and learning and development opportunities identified. Due to recruitment and retention pressures, however, we now face a skills gap akin to that in 2015/16. A match funding offer to staff for personal development has resulted in a number of officers being supported in further development studies.	1	3	Medium/ Low 3
RR6: Implementation of new legislation may create additional demands on service delivery.	4	3	High 12	Whilst workloads are reviewed and monitored and processes are in place to regularly report to partner authorities, it is not always easy to predict the impact that new legislation may have on resources. This has been particularly evident during the Covid-19 pandemic. SRS became responsible for enforcing the Coronavirus Regulations across the 3 areas which has required a change of focus and placed additional demands on the service. As restrictions have been relaxed, we have seen our commitment reduce, however the impact of the legislation has impacted our planned "business as usual" activities, and the service now has a significant backlog of work. The pressure continues with the new law on food allergens which is an example of increased demand in an area where SRS is struggling to recruit competent professionals.	4	3	High

Risk Description	Inherent Risk Score (April 2022)		Risk	Comments What SRS are doing to mitigate risks	Residual Risk Score		Risk
	Likelihood	Impact			Likelihood	Impact	
RR7: An inability to recruit officers to the Duty Officer regime may result in inadequate cover and failure to deal with emergencies out of hours.	3	2	Medium 6	The Duty Officer regime operates on a 24/7 basis over 365 days a year providing a single point of contact out of office hours dealing with SRS emergencies. Cover is provided by officers on a voluntary basis however there have been periods where it has become difficult to recruit officers resulting in shortage of cover which has required managers to step in a short notice. Steps have recently been taken to address this lack of resilience following the recruitment of new officers to the service who have subsequently volunteered to work the rota. Therefore, whilst the risk has reduced, there will be a need to keep arrangements under review.	1	2	Low 2
RR8: The positioning of Shared Regulatory Services under a host authority, together with unique branding may result in the Service becoming divorced from its constituent Councils or marginalised.	2	2	Medium 4	The Service remains relevant to all 3 authorities through links into Corporate Plans of 3 authorities, attendance at the various Council/Executive meetings and maintaining strong links with members and senior officers within each legacy authority with opportunities to promote successes taken where possible. The Covid-19 pandemic has seen the critical involvement of SRS in the Test, Trace and Protect system and enforcement of Coronavirus regulations which has brought greater attention and recognition from the 3 authorities we serve.	1	2	Low 2

Appendix 2 – Action Plan

Improving health and wellbeing	Lead Responsibility
The food chain is safe and free from risks	
Develop and adopt the Food and Feed Law Enforcement Plan 2022/23 and undertake interventions in accordance with the plan and the arrangements in place to discharge food safety duties. ***	C Hill
Deliver the FSA Recovery Plan and adopt processes to prioritise and tackle the backlog of new business and broadly compliant C rated inspections.	C Hill
Deliver a programme of inspections targeting retail butcher premises to establish compliance with food standards and weights and measures legislation.	C Hill
Develop and adopt the Port Health Plan 2022/23.	C Hill
Undertake necessary actions to enable Cardiff International Airport to meet the requirements of the World Health Organisation Assessment tool for core capacity requirements at designed airports, ports and ground crossings.	C Hill
Risks in the workplace are managed properly	
Develop and adopt the Section 18 Health and Safety Service Plan 2022/23 and undertake interventions in accordance with the plan and the arrangements in place to discharge health and safety duties. ***	C Hill
Engage with smokers using, visiting or working at hospital sites to promote smoke free compliance in hospital grounds.	C Hill
Noise and air emissions are controlled	
Develop a Noise policy including service standards.	W Lane
Work with partner authorities to reinvigorate the Responsible Authority Meetings to ensure joined up working and balanced enforcement across regulatory activities.	W Lane
Review and explore options for future proofing the Out of Hours Noise Service.	W Lane
A safe trading environment is maintained	
Continue intelligence led operations to investigate and disrupt businesses selling non-compliant e-cigarette products.	C Hill

Conduct firework inspections of licensed premises to ensure those holding a licence sell fireworks that meet the relevant safety standards, have adequate policies in relation to age restricted sales and stored safety in retail premises.

C Hill

Licensed premises operate responsibly

Complete the programme of inspections, re-visits and enforcement action, where appropriate, to ensure retailers are complying with the Minimum Unit Pricing (MUP) controls for alcohol.

C Hill

Review site licensing conditions in place to manage caravan sites and holiday parks to ensure they are suitable and sufficient to protect the health and safety of the public.***

W Lane

The quality of private rented property is improved

Drive up standards in the private rented sector by:

-Undertaking robust enforcement action to deal with rogue agents and landlords letting and managing properties. **

W Lane

Evaluate the consultation responses carried out in Cathays on the re-declaration of the Cathays Additional Licensing Scheme and submit a report to Cardiff Council's Cabinet.

W Lane

Conduct proactive, area based exercises to identify and target unlicensed Houses in Multiple Occupation in Cathays and Plasnewydd.

W Lane

Review the fire safety standard, known as the Quick Reference Guide in conjunction with the South Wales Enforcement Group and Fire and Rescue Service and seek adoption by Cardiff Council's Cabinet.

W Lane

Infectious disease is controlled and prevented

Secure approval and deliver the Communicable Disease Service Plan 2022/23 and undertake interventions in accordance with the plan and the arrangements in place to discharge these duties.***

C Hill

Work in partnership to respond to the Covid-19 pandemic by leading on the Test, Trace, Protect service, supporting businesses and high risk care settings to operate safely and enforcing regulations and self isolation requirements. ** &***

C Hill

Prepare businesses and internal procedures in readiness for the implementation of the new special procedures licensing regime and through the delivery of RSPH Level 2 Infection Control Training course for Special Procedures.

C Hill/J Bale

Safeguarding the vulnerable

Lead
Responsibility

Support the 3 partner Councils in fulfilling their safeguarding responsibilities. ** & ***

All OMs

Children are protected from harmful substances and products

Contribute to the safeguarding agenda by working with partners to safeguard the vulnerable to ensure that children are protected from harmful substances and products, older people are protected from rogue traders and scams and vulnerable people are not subject to exploitation, slavery and exploitation. ***

All OMs

Conduct intelligence led underage sales exercises in relation to the sale of tobacco, alcohol, nicotine inhaling products, knives and other age restricted products.

C Hill

Illegal money lending activities are prevented

Build on the 'Near Miss' Pilot Scheme and consider other Proceeds of Crime funded community opportunities.

J Bale

Support victims of illegal money lending to access debt advice, rebuild their finances and make a sustainable transition to legal credit and carry out enforcement to remove loan sharks from communities ***

J Bale

Vulnerable people are not subject to exploitation, slavery or trafficking

Continue a programme of training and awareness of Child Sexual Exploitation, slavery and trafficking to protect vulnerable residents.

W Lane

Taxi provision is safe and fair

Engage and respond to any further consultation from Welsh Government on their public transport consultation to introduce national standards for taxis.

W Lane

Undertake enforcement exercises to ensure compliance with the provisions of the Equalities Act and to ensure compliance with taxi regulations.

W Lane

Protecting the environment

Lead
Responsibility

The environment is protected from harmful emissions to land, air and water

Undertake local air quality assessments and review the data to ensure that national air quality objectives continue to be achieved.***

J Bale

Complete the public consultation and agree and implement the Action Plan for the Park Street, Bridgend AQMA.

J Bale

Contribute to good air quality in Cardiff by:

- Updating the Clean Air Strategy and Action Plan and implementing further measures to improve air quality;
- Reviewing real-time air quality data to assess and identify trends in pollution to assess further interventions that will further reduce air pollution;

J Bale

People will use energy efficient buildings and products

Work with landlords to return empty properties back into use helping to increase the availability of affordable housing for sale or rent in Bridgend and Cardiff.

W Lane

Review advice and support given to owners of long term empty homes and work with Welsh Government to establish the most effective enforcement route to deal with the worst long term, derelict empty homes and draw down funding to underwrite such action.

W Lane

Work with landlords and letting agents to raise the energy efficiency ratings of private rental properties in line with the requirements of the Domestic Minimum Energy Efficiency Standard (MEES) Regulations.

W Lane

Support the 3 partner Councils in fulfilling their climate change responsibilities through the delivery of regulatory activities that contribute to the reduction of carbon emissions. ***

All OMs

Animals are treated humanely

Promote a register for all breeders, home boarders etc. that have a licence.

J Bale

Carry out investigations into illegal dog breeding.

J Bale

Review the impact of the implementation of the Animal Welfare (Licensing of activities involving animals) (Wales) Regulations 2021.

J Bale

Engage with Welsh Government regarding the welfare of stud and imported dogs and wider animal welfare issues related to dog breeding and sales.

J Bale

Work with partners to make the case for practices allied to dog breeding to be brought within the licensing regime and subject to the necessary enforcement controls.

J Bale

Communities are protected from nuisance and are safer

Engage with students and residents during Freshers Week in Cardiff providing community advice on housing, environmental and social issues.

W Lane

Supporting the local economy

Lead
Responsibility

A fair trading environment is maintained

Conduct intelligence led operations to investigate and disrupt businesses selling illegal tobacco products and raise public awareness of how to report it.

C Hill

Incorporate regular surveillance and review of on line sales platforms into trading standards work due to the volume of goods being sold on line.

C Hill

Informed and confident consumers

Continue to promote the 'Buy with Confidence' (responsible trader) scheme across the region

J Bale

Improved business practices and operation

Extend training provision through the delivery of RSPH Level 2 Infection Control Training course for Special Procedures.

J Bale/C Hill

Accessible services responsive to business needs

Consolidate the advice and support requirements for our current Primary Authority partners

H Picton

Develop online training for businesses on Food Safety and other regulatory areas.

H Picton

Extend the scope of the 'Ask the regulator' podcasts to encompass other regulatory activities undertaken by SRS.

J Bale

Maximising the use of resources

Lead
Responsibility

SRS operates effectively and efficiently across all 3 areas

Maximise mobile working opportunities by reviewing ICT and mobile working needs across the service including evaluating options for virtual communication between staff and other stakeholders to ensure service continuity with particular emphasis on:- ***

- Consolidating the ICT interface between the legacy authorities to ensure continued access and smooth running of systems.
- The introduction of portable devices to enable use of electronic inspection forms.
- Exploring opportunities to use tools such as 'Yammer' to improve communications, sharing of ideas and innovation.

H Picton

Promote the Intelligence Operating Model across SRS with a view to rolling out to other areas of the service, where appropriate

H Picton

Further develop a recruitment strategy together with retention initiatives to address professional skill gaps within the Shared Regulatory Service.***

H Picton

Explore the feasibility of establishing a digital forensics function within the service, that can improve the effectiveness of seizing and analysing digital media to assist investigations, and further reduce spending on outside forensic services.

J Bale

Meet the recommendations outlined in the Welsh Audit Office report 'Delivering for less'.

H Picton

Engage with partner authorities on accommodation requirements as a result of hybrid working arrangements.

C Hill

Undertake a review of HMO licensing administrative processes in Cardiff to speed up response times.

W Lane

Public and stakeholders are able to access our services

Improve engagement and consultation with stakeholders including service users and residents and review the effectiveness of current mechanisms used to access Shared Regulatory Services. ***

All OMs

Staff are effective in their roles

Complete the PDR process with all SRS employees.

All OMs /TMs

Review Workforce Development Plan.

H Picton

Conduct a staff survey of SRS employees .

H Picton

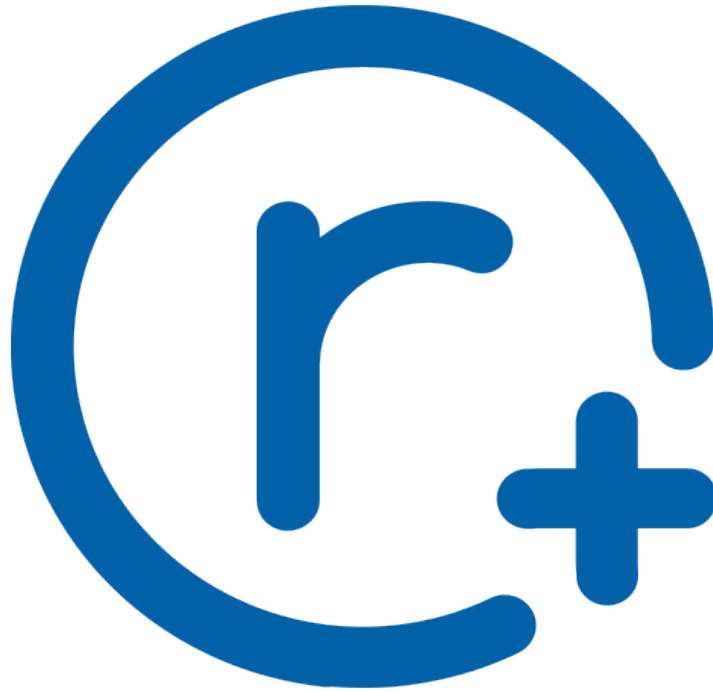
Promote and encourage staff involvement in directorate and corporate staff engagement and well-being initiatives and proactively support staff development in line with the new ways of working. ***

All OMs

Income generation underpins sustainable service delivery

Review all available options for cost recovery and income generation.

J Bale



SRS Business Plan 2022-23

Environmental Scrutiny Committee 13th October 2022

Background

- A fully integrated service delivering the Environmental Health, Trading Standards and Licensing functions across the Bridgend, Cardiff and Vale of Glamorgan areas.
- Around 180 FTE staff working across the region
- Serving a population of approximately 640,000 residents and regulating over 10,000 businesses

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Governance

- The Service launched in May 2015, bringing economies of scale as well as resilience and retention of expertise
- The first and only Shared Regulatory Service in Wales
- Governance is through a Joint Working Agreement, Joint Committee and Scrutiny arrangements of the respective councils

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Governance

Joint Committee



**Councillor
Michael Michael**
Cardiff Council



**Councillor
Maxine Lewis**
Bridgend County
Borough Council



**Councillor
Ruba Sivagnanam**
Vale of Glamorgan
Council



**Councillor
Dan De'Ath**
Cardiff Council



**Councillor
Rhys Goode**
Bridgend County
Borough Council



**Councillor
Pamela Drake**
Vale of Glamorgan
Council

Governance

Management Board



Miles Punter

Director of Environment
& Housing Services
Vale of Glamorgan Council



Kelly Watson

Head of Legal and
Regulatory Services
Bridgend County Borough
Council



Neil Hanratty

Director Economic
Development
Cardiff Council

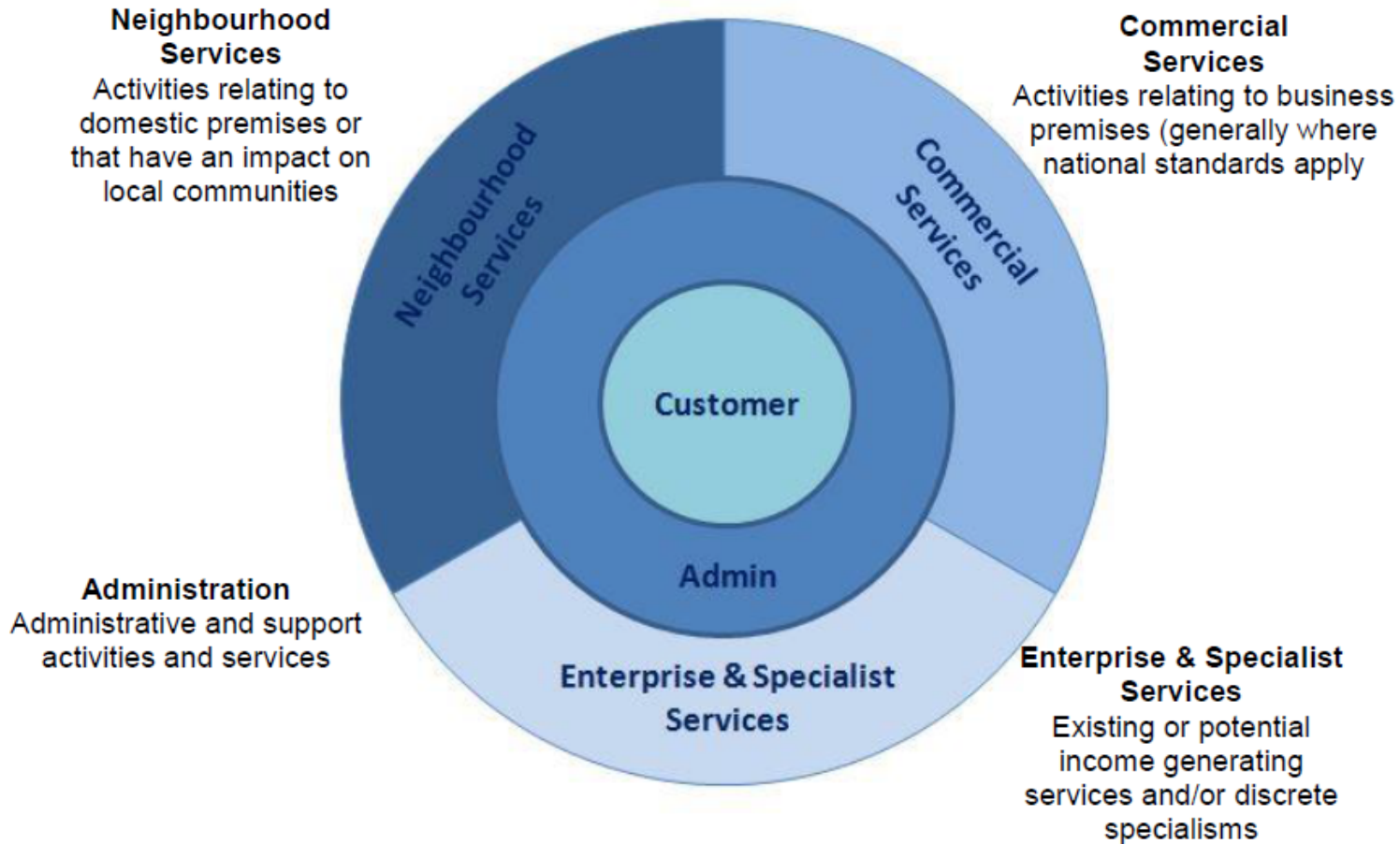


Helen Picton

Head of Shared
Regulatory Services

SRS structure

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Service Sectors



Will Lane
Operational Manager
Neighbourhood Services

Neighbourhood Services

Neighbourhood Services deal mainly with activities related to residential premises or have an impact on the local community and include:-

- Noise & Air Pollution
- Environmental Permitting
- Housing safety in private rented properties
- Licensing



Christina Hill
Operational Manager
Commercial Services

Commercial Services

The main function of Commercial Services is to ensure that businesses comply with a host of consumer and public protection requirements in areas such as:-

- Food Safety (retail premises)
- Health and Safety
- Trading Standards (retail premises)
- Communicable Disease
- Port Health
- Public Health & Health Protection



Jason Bale
Operational Manager
Enterprise & Specialist
Services

Enterprise & Specialist Services

Enterprise & Specialist Services incorporates existing or potential income generating services with a commercial approach to marketing council services together with discrete specialisms including :-

- Contaminated Land & Air Quality
- Animal Health & welfare
- Pest Control (Vale only)
- Health & Safety (Projects and events)
- Food Safety and Trading Standards (non retail)
- Major investigations and safeguarding
- Wales Illegal Money Lending Unit
- Metrology laboratory
- SRS Business Support
- Advice and training services
- Primary Authority Partnerships

The SRS business planning process

The SRS Business Plan

- Delivers the statutory requirements placed upon each Council

Supports the corporate priorities of each Council through our five strategic themes

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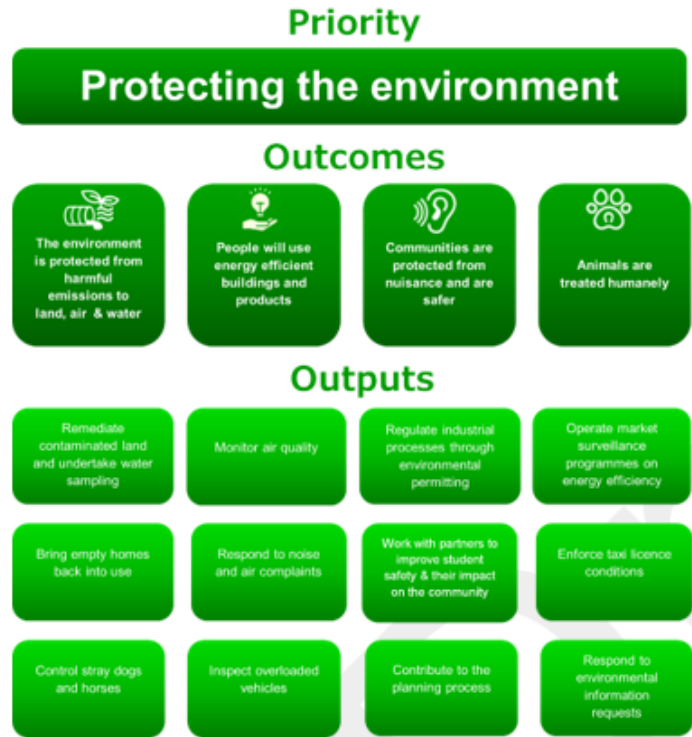


SRS strategic themes



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Turning strategic themes into outcomes



In addition, our outcomes also contribute to the following wellbeing goals:-



SRS Business Plan 2022-23

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Shared Regulatory Services

**Draft Shared Regulatory Services
Business Plan
2022/23**

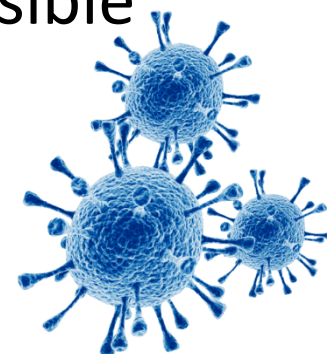
Shared Regulatory Services | **Gwasanaethau Rheoliadol a Rennir**

BRIDGEND | **CARDIFF CAERDYDD** | **VALE of GLAMORGAN BRO MORGANNWG**

Reflecting on 2021-22

The Business Plan sets out service achievements in 2021-22 under each of the strategic themes. Just a few examples:

- Responding to the COVID-19 pandemic (escalation of cases from the TTP service, supporting high risk settings, ensuring business and returning traveller compliance)
- Maintaining business as usual work as far as possible (including the food programme, housing, pollution and trading standards interventions)



Reflecting on 2021-22

- 94% of reported scams and doorstep crime incidents prevented or resolved through intervention
- Prosecution of 7 rogue traders and doorstep criminals:-
 - A combined total of nearly 10 years in custodial sentences
 - A 12 month community order
 - Compensation of £3080 awarded to those affected
- Prosecution in two major cases of illegal dog breeding
- Further outreach by the Wales Illegal Money Lending Unit and piloting the 'Near Miss' scheme
- 53,682 packets of illegal cigarettes and 152.5kg of hand rolling tobacco were seized with an estimated retail value of £697,942

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Delivering for Cardiff

- Core Services
- Authority-specific services, including
 - Empty homes
 - Additional HMO Licensing schemes
 - Student liaison work
 - Night time noise service

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Food Safety in Cardiff

Broadly compliant food businesses (FHRS score of 3 or above)

Year	Percentage
2021-22	95.74%
2020-21	95.41%
2019-20	94.84%

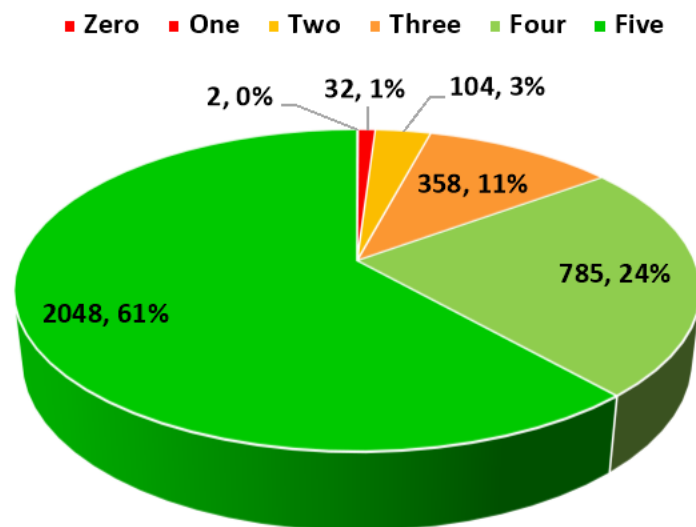
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Actions 2021-22

Written warnings	788
Simple cautions	2
Prosecutions concluded	3
Voluntary closure	15

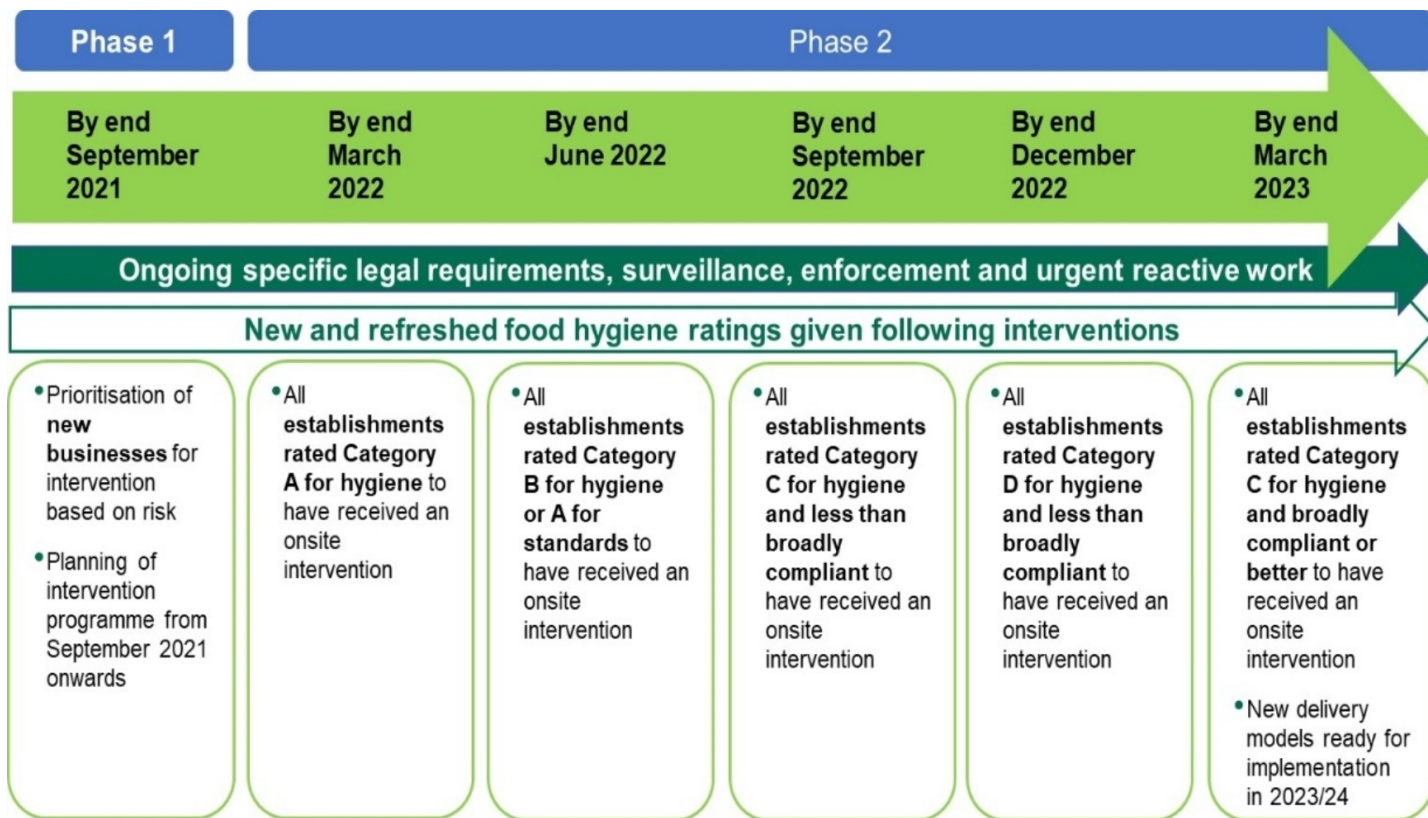
Food Hygiene Rating Scores

FHRS - Cardiff April 2022



Food Standards Agency Recovery Plan

FSA COVID-19 Local Authority Recovery Plan



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Local Air Quality Monitoring in Cardiff

- Cardiff Council has statutory Duty under Part IV of the Env Act 1995 to regularly review and assess air quality and to determine whether air quality objectives are likely to be achieved. SRS undertakes these duties on behalf of the Council.
 - Defra provides a framework to all local authorities undertaking local air quality management . The guidance lists UK pollutants and their associated air quality objectives, as well as where these air quality objectives should apply
 - Air quality limit values apply at certain localities, for example the annual average limit values apply at residential facades, whereas the hourly limit values apply at locations where someone would be expected to be at for a one hour duration, such as a commercial property (shop).
- Traffic Volume is key consideration when establishing new monitoring site - road links susceptible to traffic volumes greater than 10,000 annual average daily traffic movements (AADT) or 5,000 AADT (narrow streets) are priority
- **Latest full annual data set for 2021 to be presented in the 2022 Annual Progress Report shows that all monitoring locations in Cardiff showed compliance for long term and short air quality objectives.**

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Cardiff's Clean Air Plan



- In 2018 following legal action by Client Earth against UK and Welsh Gov, Cardiff Council were legally directed by WG to undertake detailed modelling and assessment work to demonstrate compliance with EU Ambient Air Quality Directive and specifically the NO2 limit value of 40 ug/m³.
- Castle Street was predicted to exceed EU limit values for NO2 (with some other roads also of concern) beyond 2021 without further interventions.

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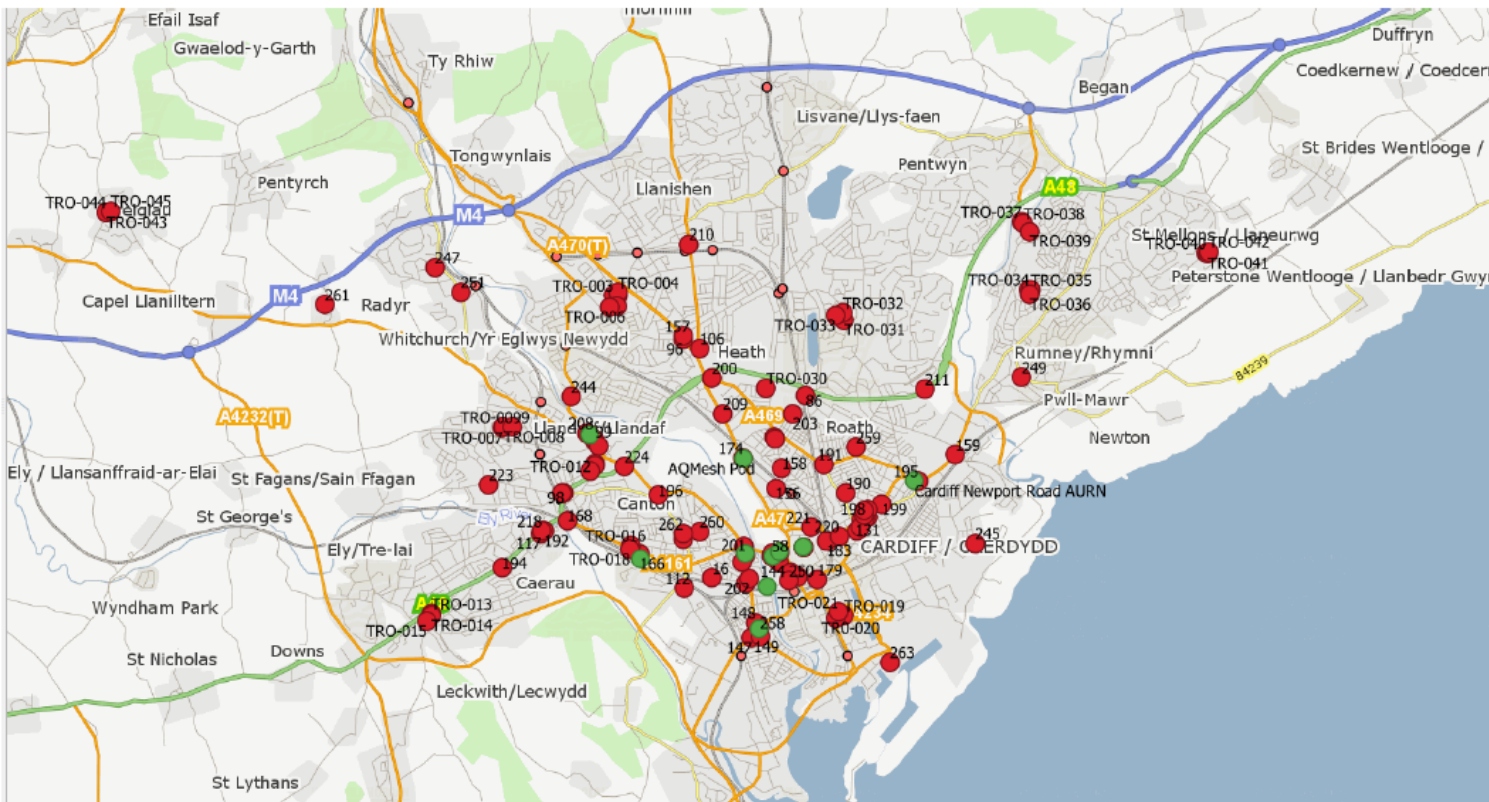
Cardiff Council's response was to develop and implement its Clean Air Plan – including changing flows around the city centre and focusing on the bus fleet

Additional live air quality monitors have been installed as part of this work

- SRS has supported Cardiff Council to develop and implement the Council's Clean Air Plan.
- To ensure long term sustained compliance is maintained and enhanced the Council is further assessing options to fully understand the impacts on Castle Street and also, vitally, impacts on other nearby populated areas and the City as a whole.
- A decision on a permanent scheme for Castle Street will be taken by Cabinet early in the New Year in line with latest Welsh Gov Legal Direction.

Current Monitoring Locations in Cardiff

- Diffusion tube monitoring sites
- Automatic monitoring sites (Welsh automatic network, AURN, AQmesh indicative pods).



Problems associated with Empty Homes



- Open to access
 - Squatting and vandalism
 - Drug abuse, asb, arson
- Nuisance
 - Damage to neighbouring houses
 - Dangerous structures
 - Overgrown gardens
 - Rodents and fly tipping
- Financial Impact
 - House prices
 - Discourage investment

Empty Homes

- Empty Homes Policy 2021-24
- Commitment to proactive empty homes work
- Clearly defined path for dealing with cases
 - Maintain database and monitoring
 - Method for prioritising cases
 - Outlines incentives for landlords
 - Sets out enforcement tools
- Empty Homes Working Group – Chair Cllr Thorne
- Develop corporate approach & partnerships

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Empty Homes

- Welsh Government action plan submitted
- Identifies 13 long term targets
- Funding allocated on case by case basis to underwrite financial risks
- Working with WG expert Andrew Lavender
- 2 CPOs completed
- 150% Council Tax premium – funding for officer recruitment

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Student Liaison Work during Freshers

- SRS has a dedicated **Student Liaison Officer** and a student arrival plan
- **Cecilia Priday** works across the Council for the development of messaging, activities, interventions and supports the delivery of the plan with external partners.
- 70,000 students now choosing to study, work and live in the greater Cardiff region
- Excellent partnership working with stakeholders including the Universities, Student Unions and South Wales Police to ensure that students are supported during this important transition period.
- primary themes
 - housing, parking, noise awareness, waste management, community safety, travel and local area information



Cardiff Metropolitan University

Prifysgol Metropolitan Caerdydd

University of South Wales Prifysgol De Cymru

In partnership with Cardiff University, Cardiff Metropolitan University and University of South Wales.

Cardiff Digs Community Guide

Your one stop shop for student community



@cardiffdigs

CROESO FROM CARDIFF DIGS!

WE ARE VERY EXCITED TO WELCOME YOU TO YOUR NEW NEIGHBOURHOOD!

But we know, when you've just landed into a new term and a new home, there is a lot going on, so we've put together this handy guide to help you get settled.

What is Cardiff Digs?

Cardiff Digs is a partnership between Cardiff's three Universities and the Council. We work with the local police, fire service, health board and many community projects to support you whilst living off campus. We are here to help you have a rewarding experience as part of Cardiff's community, keeping you safe, healthy and happy. So unbox the kettle, make a cuppa and take a moment to look through this short guide. It should answer some initial questions, but for more information and to get in touch, visit our website cardiffdigs.co.uk



- 3 - Moving In Checklist
- 4 - Your Community
- 6 - Home Secure
- 7 - Fire Safety
- 8 - Recycling and Waste
- 10 - Traveling around Cardiff
- 11 - Health and Wellbeing
- 12 - City Safe
- 14 - Noise - be a good neighbour
- 16 - Moving Out Checklist

Student Liaison Work during Freshers

- Freshers Fayres
- Opportunity for attendees to speak to staff including the Student Liaison Officer and officers from the Waste, Noise Pollution and Housing Enforcement teams.
- The staff highlight:
 - - Cardiff Digs Community Guide
 - - Noise Awareness
 - - Waste & Recycling Guidance & Information
 - - Registering to Vote
 - - Illegal Money Lending
 - - Active/Sustainable Travel
 - - Community Safety Advice
 - - Parks
 - - Volunteering Opportunities

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Looking ahead

Challenges for the Shared Service:

- The need to recover lost ground in our business as usual interventions, for example the food programme
- Addressing current difficulties in recruitment and retention of staff in certain roles and the need to develop a workforce strategy embracing new ideas, including regulatory apprenticeships
- The need to respond to the emergence of any coronavirus variants of concern as we approach winter

Looking ahead

Emerging issues:

- The cost of living crisis and its effects in the marketplace
- Climate change and minimum energy efficiency standards in the private rented sector
- New legislation – e.g. Renting Homes (Wales) Act, Public Health (Wales) Act provisions relating to Special Procedures, and smoke-free requirements
- Supply chain difficulties (many causes including EU Exit, the war in Ukraine and associated sanctions)

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Looking ahead

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**CYNGOR CAERDYDD
CARDIFF COUNCIL**

ENVIRONMENTAL SCRUTINY COMMITTEE

13 OCTOBER 2022

CARDIFF ELECTRIC BUS SCHEME: PRE-DECISION SCRUTINY

Purpose of the Report

1. To give Members the opportunity to support the allocation of grant funding from the Welsh Government and to consider the proposed development and Implementation grant, prior to its consideration by Cabinet at their meeting on 20 October 2022.

Structure of the Papers

2. To facilitate Members' scrutiny, the following appendices are attached to this report:
 - **Appendix 1 – Cabinet Report**

Scope of Scrutiny

3. At their meeting on 20 October 2022, the Cabinet will consider proposals to develop and implement the Cardiff Electric Bus Scheme grant from the Welsh Government.

Background

4. Cardiff Bus released 36 new electric buses in January 2022 following a successful bid by Cardiff Council & Cardiff bus to the Department of Transport's Ultra Low Emissions Bus Scheme of £5.7m. However, this represents a small percentage of their fleet of approximately 250 buses delivering local services in Cardiff. Welsh Government are making up to £8m is available to the Council to boost the availability of electric buses within its boundaries.
5. Consultation with bus operators will take place during October 2022, this will inform the development of the grant criteria and application process.

6. The Welsh Government 'Net Zero Wales' targets to decarbonise the bus fleet by 2035 are noted in **point 7**, and are:
 - The whole Traws Cymru bus fleet to be zero tailpipe emission by 2026
 - The most polluting 50% of service buses to be replaced by zero-tailpipe emission bus fleet by 2028: and
 - The remaining 50% of the service bus fleet to be zero emission by 2035
7. This approach is allied to the Councils polices and the need to improve air quality in areas across the city, which following consultation there was considerable support for replacing the most polluting buses and retrofitting the other most polluting busses to ensure they meet the most recent emissions standards.
8. **Point 12** notes key actions contained in the 'One Planet Cardiff Strategy as:
 - Move to 100% low emission taxis and buses by 2027
 - Work with local bus operators, including Cardiff Bus and local taxi companies to facilitate the shift to low emission taxis and buses
 - Help deliver charging infrastructure across the city to ensure businesses have the confidence to make the shift in line with the most recent Electric Vehicle Strategy
9. The desire to accelerate the transition to zero tailpipe emissions in advance of 2028 for buses and taxis is supported by the Stronger Fairer Greener Strategy, published in July 2022.

Issues

10. The allocation of the grant needs to ensure value for money is achieved while guaranteeing it applies equally and fairly to **all** bus operators.
11. Funding to support 'infrastructure' however, the primary objective of the grant is to increase use of electric buses in Cardiff.
12. Officers have been collaborating with colleagues in Newport to develop a consistent approach to consulting and engaging bus companies, as they have also received funding and they also have a municipal bus company.
13. The agree time scales for delivery of the scheme are detailed in **point 19**:
 - Consultation period with bus operators. – September/October 2022
 - Undertake legal and technical due diligence on proposed scheme – November 2022.

- Funding application period – Jan 2023.
 - Assessment – February 2023.
 - Make grant awards and commitments to operators - March 2023.
 - Make payments in accordance with funding awards, to allow for the payment of deposits and final acquisition costs having regard to lead time of vehicle acquisition by October 2023.
14. The 'subsidy' matters that the Council must consider in relation to the scheme are outlined in **point 22** along with the responses in relation to the scheme.
15. **Point 24** indicates the need for bus operators to communicate at the earliest opportunity with their parent company and/or board to secure support, as the award of any grant will be dependent on this.
16. Issues to be considered in building the scheme are noted in **point 25**.
17. **Point 26** highlights additional issues that will need to be addressed collaboratively between successful bidders and the Council
18. **Point 27** notes that as a Cardiff wide issue no consultation with local members is needed.

Financial Implications

19. It is noted that any grants awarded will need to comply with the Welsh Government terms and conditions and that further financial guidance will be sought in relation to developing the scheme, including the implications of matched funding and Public Subsidy advice.

Legal Implications

20. It is noted in **points 30 and 31** that further legal advice will be sought as the grant scheme is developed and that Welsh Government terms and conditions must be adhered to as well as subsidy and competition law. It is also noted that as Cardiff Council own Cardiff Bus, who may apply for funding, consideration needs to be given to make sure there is no conflict of interest and to ensure compliance with the Transport Act 1985.
21. Duties in relation to the Equalities Act 2010 are noted in **point 32**.
22. In addition, duties in relation to the Wellbeing of Future Generations (Wales) Act 2015 are noted in **points 33 – 36**.

23. The requirement to meet obligations under the Welsh Language (Wales) Measure 2011 and the associated standards are noted in **point 37**.

HR Implications

24. None are noted in **point 38**

Property Implications

25. None are noted in **point 39**

Proposed Recommendations to Cabinet

26. The report to Cabinet contains the following recommendations:

- *'Note that the Welsh Government has allocated £8m of grant funding to support the transition to electric bus on the Cardiff Network'*
- *'Delegate Authority to the Director of Planning, Transport and Environment, subject to consultation with the Cabinet Member for Transports & Strategic Planning, s151 Officer and Director Governance and Legal Services, to prepare the scope and method of allocating Welsh Government grant funding to increase the use of electric buses serving Cardiff and to determine, approve and implement the Cardiff Electric Bus Scheme'*

Way Forward

27. Councillor Dan De' Ath (Cabinet Member –Transport & Strategic Planning) will be invited to make a statement and answer questions. Andrew Gregory (Director of Planning, Transport and Environment), and Jason Dixon (Operational Manager – Transport Development and Network Management) will also attend to answer Members' questions.

Legal Implications

The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters, there are no direct legal implications. However, legal implications may arise if and when the matters under review are

implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters, there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

RECOMMENDATION

The Committee is recommended to:

- i. Consider the information in this report, its appendices and the information presented at the meeting;
- ii. Determine whether they would like to make any comments, observations or recommendations to the Cabinet on this matter; and
- iii. Decide the way forward for any future scrutiny of the issues discussed.

DAVINA FIORE

Director of Governance & Legal Services

7 October 2022

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BY SUBMITTING THIS REPORT TO THE CABINET OFFICE, I, ANDREW GREGORY, DIRECTOR OF PLANNING, TRANSPORT AND ENVIRONMENT AM CONFIRMING THAT THE RELEVANT CABINET MEMBER(S) ARE BRIEFED ON THIS REPORT

**CARDIFF COUNCIL
CYNGOR CAERDYDD**

CABINET MEETING: 20 OCTOBER 2022

CARDIFF ELECTRIC BUS SCHEME

TRANSPORT & STRATEGIC PLANNING (COUNCILLOR DAN DE'ATH)

AGENDA ITEM:

Reason for this Report

1. To note that the Welsh Government has allocated £8m of grant funding to support the transition to electric bus on the Cardiff Network.
2. To seek delegated authority from Cabinet for the Director of Planning, Transport and Environment to prepare the scope and method of allocating Welsh Government grant funding to increase the use of electric buses serving Cardiff and to determine, approve and implement the Cardiff Electric Bus Scheme.

Background

3. Cardiff Council has been successful in supporting the transition of buses on the Cardiff network to becoming fully electric. Cardiff Bus were enabled to introduce 36 new electric buses into their fleet from January 2022. It was delivered through a collaboration between Cardiff Bus and Cardiff Council after a successful bid for funding from the Department for Transport's (DfT) Ultra-Low Emissions Bus (ULEB) Scheme that received funding of £5.7m.
4. Nonetheless, this support was a first step in this aspiration for a full conversation of the city-wide bus fleet. There are estimated to be approximately 250 buses operating local bus services in Cardiff.

5. In this context, grant funding has recently been made available by Welsh Government for the sum of up to £8m for Cardiff Council to increase the electric bus provision within (or primarily within) the Council area.
6. This new tranche of grant funding will require full consultation with bus operators. The consultation is planned to be completed by the end of October 2022. Responses to the consultation stage will be used to help shape the process to be adopted, which may take the form of a grant but has yet to be determined. The feedback will also be used to set criteria for any application process.
7. Furthermore, this approach is consistent with Welsh Government and Council policies of moving more quickly towards a zero-emission bus fleet by 2035. In 'Net Zero Wales', the Welsh Government aims to deliver the following targets to decarbonise the bus fleet:
 - The whole Traws Cymru bus fleet to be zero tailpipe emission by 2026.
 - The most polluting 50% of service buses to be replaced by a zero-tailpipe emission bus fleet by 2028; and
 - The remaining 50% of the service bus fleet to be zero emission by 2035.
8. More specifically, in response to the legal direction Cardiff Council received from Welsh Government- Environment Act1995 (feasibility study for Nitrogen Dioxide Compliance) Air Quality Direction 2018, it has been following a legal process to comply. As part of this process the Council submitted its "initial scoping proposals" in March 2018 and its Initial Plan, to Welsh Government in September 2018, as approved by Cabinet 15th November 2018. These proposals presented the results of the initial baseline assessment of the Clean Air Feasibility Study. Cabinet approved an Outline Business Case in March 2019, which set out the preferred option being a package of non-charging measures. It included the following proposals as part of the package of measures:
 - Implementation of Electric Buses;
 - Bus Retro Fitting Programme.
9. Consultation on the measures received overwhelming support (1,303 responses):
 - 96.8% support the proposal to replace the most polluting diesel buses with electric buses.
 - 90.4% support the proposal to retrofit other polluting buses so they are upgraded to meet the latest emission standards.
10. The Air Quality Feasibility Study Final Plan – Full Business Case and City Centre Transport Improvements was approved by Cabinet in June 2019.
11. In terms of Cardiff Council, the Transport White Paper is the central policy. The Transport Vision to 2030 was approved by Cabinet in January 2020. Ensuring that all buses in Cardiff are clean, green and efficient by shifting to electric buses and cleaner engines is a key priority of this 10-year plan.
12. Also, One Planet Cardiff Strategy approved by Cabinet in October 2020 includes the following key actions:
 1. Move to 100% low emission taxis and buses by 2027.

2. Work with local bus operators including Cardiff Bus and local taxi companies to facilitate the shift to low emission taxis and buses.
 3. Help deliver charging infrastructure across the city to ensure businesses have the confidence to make the shift in line with the most recent Electric Vehicle Strategy.
13. The Stronger Fairer Greener strategy published by the Council in July 2022 includes the following commitment:
- Continue to support both bus and taxi sectors to accelerate towards achieving 'Zero Tailpipe' emission fleets in advance of 2028.

Issues

14. The grant funding process for this new electric bus scheme is intended to follow a clear, structured and transparent approach that ensures all interested bus operators are treated equally and fairly, in a non-discriminatory manner, to achieve best value for money and encourage a positive competition market response.
15. Competition and procurement rules require that all bus operators be given the opportunity to apply for the funding to increase their use of electric buses in Cardiff. Consideration will also be given to funding the supporting infrastructure, but the key delivery metric will be the delivery of increased use of electric buses in Cardiff. The bus operators will also need to confirm what the lead times are for delivery allowing for payment of deposits and final acquisition costs by October 2023 in accordance with the Welsh Government grant letter.
16. The grant letter from the Welsh Government requires the Council to consult with these bus operators on approaches to implementing the scheme. The commitment to spend the funding needs to be made by the end of March 2023, with a view to ensuring buses are on the roads and in operation as soon as possible. To achieve this, delegated authority to the Director of Planning, Transport and Environment is needed to scope and implement the scheme.
17. Newport Council has received similar grant funding from the Welsh Government. Officers have been working closely with Newport on the joint approach for consulting and engaging with bus operators.
18. At this stage the Council has yet to determine how (whether by grant or other means) the funding would be used and or allocated. The consultation and engagement will seek the views of bus operators bearing in mind the various legislation which the Council has to comply with including subsidy control and competition law. The information received will be used to inform the development of the scheme. Any response received may be made public, as part of any decision-making process. Accordingly, the bus operators will be asked to specifically mark any part of their response which they request be treated as confidential and provide the reasons for doing so.
19. The timescale for delivery is as follows as agreed with the Welsh Government:
 - Consultation period with bus operators.

- Undertake legal and technical due diligence on proposed scheme – November 2022.
 - Funding application period – Jan 2023.
 - Assessment – February 2023.
 - Make grant awards and commitments to operators - March 2023.
 - Make payments in accordance with funding awards, to allow for the payment of deposits and final acquisition costs having regard to lead time of vehicle acquisition by October 2023.
20. The recommendation to delegate authority to the Director of Planning, Transport and Environment to prepare the scope and method of allocating the Welsh Government funding will facilitate achieving this timescale for delivery.
21. The Council is also required to undertake consultation with bus operators on the scheme. The consultation will be undertaken over a four-week period in September/October. The results of the consultation will be used to prepare the scope and decide on the method of allocating the funding for the scheme.
22. The Council must also consider the following subsidy matters. Responses to each matter are provided in relation to this scheme:
- 1) The subsidy pursues a specific public policy objective to remedy an identified market failure or to address an equity rationale such as social difficulties or distributional concerns (“the objective”);
Response: Currently, bus operators are unable to afford the cost of purchasing electric buses. The policy objective supports addressing this matter.
 - 2) The subsidy is proportionate and limited to what is necessary to achieve the objective;
Response: The assessment of bids for the funding will ensure value for money and will account for bus operator fleet plans to ensure that the funding is only used to provide what is necessary.
 - 3) The subsidy is designed to bring about a change of economic behaviour of the beneficiary that is conducive to achieving the objective and that would not be achieved in the absence of subsidies being provided;
Response: Currently, bus operators are unable to afford the cost of purchasing electric buses. The scheme is the only way in the current market to achieve the objective.
 - 4) The subsidy should not normally compensate for the costs the beneficiary would have funded in the absence of any subsidy;
Response: The assessment of bids for the funding will ensure that the funding is only used to provide what is necessary and not compensate for what would be funded in the absence of the scheme.

- 5) The subsidy is an appropriate policy instrument to achieve a public policy objective and that objective cannot be achieved through other less distortive means; and

Response: The scheme is currently the only mechanism available to achieve the objective. There are not expected to be any measurable distortion effects because the scheme only replaces existing buses that are not currently electric.

- 6) The subsidy's positive contributions to achieving the objective outweigh any negative effects, in particular the negative effects on trade or investment between the parties.

Response: There are no negative trade or investment effects identifiable.

23. Although public transport is generally exempt of Value Added Tax (VAT), any specific requirements or exceptions will be considered in the development of the scheme.

24. Bus operators will be advised to engage early with their parent company and/or board to ensure they get endorsement. The award of any grant funding following a bidding process will be subject to signing of a certificate of guarantee to confirm this endorsement.

25. The following factors will be considered in developing the proposals and making the decision to proceed with the scheme:

- a) Technical requirements, quality standards and ambitions;
- b) The need to comply with all applicable laws (By way of example only, the Council would have to comply with the laws relating to, and consider its various legal duties as regards, Well-being of Future Generations, Sustainability, Equality, the Welsh Language, best value, procurement, Subsidy Control, Competition, Freedom of Information, the Environmental Information Regulations and Data Protection);
- c) The requirement to put in place appropriate mechanisms to deal with audit, monitoring and safeguarding the funding against fraud.

26. The Council will also, with cooperation from any successful bidders:

- a) Undertake legal and technical due diligence on any proposed scheme;
- b) safeguard the Funding against fraud generally and participate in fraud prevention initiatives as may be required from time to time;
- c) maintain appropriate procedures for dealing with any conflicts of interest in relation to the Funding whether actual, potential or perceived;
- d) comply with all applicable domestic or international laws or regulations or official directives;
- e) confirm adequate insurances to cover against the risks which may arise in connection with any property or any activity undertaken in delivery of grant awarded funding;
- f) confirm appropriate financial, risk and control systems before releasing any part of the Funding to provide a grant to or procure any goods or services from third parties; and

- g) demonstrate compliance with any procurement regulations, legislation or guidance in place from time to time to which the local authority, or any person carrying out a business or function of the same or similar nature to you, is subject; and
- h) comply with the local authority procurement policy in place at the relevant time.

Local Member consultation (where appropriate)

27. The proposal does not involve a local issue. The proposal does not require the carrying out of consultation under statute or at law or by reason of some promise or undertaking previously given by or on behalf of the Authority.

Reason for Recommendations

28. To deliver the electric bus scheme to increase the use of electric buses primarily within Cardiff in a timely manner by October 2023.

Financial Implications

29. Funding is available as part of the Council's Capital Programme to implement a scheme to increase the use of Electric Buses within the City. The terms and conditions of any grant awards should consider the standards and long-term sustainability and use of such assets and associated infrastructure provided with financial support. Any expenditure incurred must be eligible capital expenditure. Further financial advice will be needed to support the development of the final grant scheme, including any match funding requirements and implications arising from Public Subsidy advice.

Legal Implications (including Equality Impact Assessment where appropriate)

30. The delegation is wide and full legal advice should be sought as the scope of the scheme is developed. In preparing the scope and method of allocating the Welsh Government grant funding the decision maker must be satisfied that the proposed way forward complies with the conditions attached to the Welsh Government grant as well as subsidy and competition law.

31. It should also be noted that the Council owns Cardiff Bus who could be an applicant for funding under the scheme being developed. Accordingly, as part of the process consideration will need to be given to dealing with any conflict of interest and to ensure compliance with the Transport Act 1985.

32. The decision about these recommendations has to be made in the context of the Council's public sector equality duties. The Council also has to satisfy its public sector duties under the Equality Act 2010 (including specific Welsh public sector duties). Pursuant to these legal duties, Councils must in making decisions have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics. The Protected

characteristics are: age, gender reassignment, sex, race – including ethnic or national origin, colour or nationality, disability, pregnancy and maternity, marriage and civil partnership, sexual orientation, religion or belief – including lack of belief. If the recommendations in the report are accepted and when any alternative options are considered, the Council will have to consider further the equalities implication and an Equality Impact Assessment may need to be completed.

33. The Well-Being of Future Generations (Wales) Act 2015 (“the Act”) places a ‘well-being duty’ on public bodies aimed at achieving 7 national well-being goals for Wales – a Wales that is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language, and is globally responsible.
34. In discharging its duties under the Act, the Council has set and published well being objectives designed to maximise its contribution to achieving the national well being goals. The well being objectives are set out in Cardiff’s Corporate Plan 2021-24
35. The well being duty also requires the Council to act in accordance with ‘sustainable development principle’. This principle requires the Council to act in a way which seeks to ensure that the needs of the present are met without comprising the ability of future generations to meet their own needs. Put simply, this means that Council decision makers must take account of the impact of their decisions on people living their lives in Wales in the future. In doing so, the Council must:
- Look to the long term
 - Focus on prevention by understanding the root causes of problems
 - Deliver an integrates approach to achieving the 7 national well-being goals
 - Work in collaboration with others to find shared sustainable solutions
 - Involve people from all sections of the community in the decisions which affect them
36. The decision maker must be satisfied that the proposed decision accords with the principles above; and due regard must be given to the Statutory Guidance issued by the Welsh Ministers, which is accessible using the link below: <http://gov.wales/topics/people-and-communities/people/future-generations-act/statutory-guidance/?lang=en>
37. The Council has to be mindful of the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards when making any policy decisions and consider the impact upon the Welsh language, the report and Equality Impact Assessment deals with all these obligations. The Council has to consider the Well-being of Future Guidance (Wales) Act 2015 and how this strategy may improve the social, economic, environmental and cultural well-being of Wales.

HR Implications

38. There are no HR implications. Existing Council staff resources will be used to implement the scheme.

Property Implications

39. There are no property implications.

RECOMMENDATIONS

Cabinet is recommended to:

1. Note that the Welsh Government has allocated £8m of grant funding to support the transition to electric bus on the Cardiff Network.
2. Delegate authority for the Director of Planning, Transport and Environment, subject to consultation with the Cabinet Member for Transport & Strategic Planning, s.151 Officer and Director Governance and Legal Services, to prepare the scope and method of allocating Welsh Government grant funding to increase the use of electric buses serving Cardiff and to determine, approve and implement the Cardiff Electric Bus Scheme.

SENIOR RESPONSIBLE OFFICER	Andrew Gregory Director of Planning, Transport & Environment
	Date submitted to Cabinet office

The following background papers have been taken into account

- Welsh Government Grant Award Letter, dated 14th March 2022.
- Cabinet Report 13 June 2019, Air Quality Feasibility Study Final Plan – Full Business Case and City Centre Transport Improvements.
- Cabinet Report 23 January 2020, Transport White Paper: Cardiff Transport Vision – 2030.
- Cabinet Report 23 January 2020, Clean Air Plan Approval & City Centre Transport Improvements: City Centre West Phase 1 - Central Square.
- Cabinet Report 15 October 2020, One Planet Cardiff – A Response to the Climate Emergency.



**STRONGER
FAIRER
GREENER**



Cardiff Electric Bus Scheme

**Environmental Scrutiny
13th October 2022**



#GweithioDrosGaerdydd
#GweithioDrosochChi

#WorkingForCardiff
#WorkingForYou

Cardiff Electric Bus Scheme



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Cabinet Recommendation:

1. Approve the acceptance of the grant funding to support the further delivery of electric buses on the Cardiff network.
2. Delegate authority to engage / scope / approve / implement method of allocating funding to:

Cab Member/Director PTE

s.151 Officer / Director Governance and Legal Services,



Cardiff Electric Bus Scheme



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Overview:

- £8m Welsh Government funding now available
- Aim: to increase the use of electric buses primarily within Cardiff
- Aligns with corporate priorities/Transport 10 yr vision
- Currently 250 buses / 36 already EV
(from previous ULEB grant of £5.7m)
- Utilise funds by 30th Oct 2023



Cardiff Electric Bus Scheme



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Key Considerations:

- Current Engagement with Bus Operators – critical to design scheme
- Potential retrofitting or new vehicles
- Subsidy rules/state aid
- Method of allocating the funding to be determined to achieve best value (grant/tender)
- Funding of potential supporting infrastructure
- Lead times and deliverability



Cardiff Electric Bus Scheme



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Detailed Timescales:

- Collaboration with Newport Council on Joint Approach Jun-Aug 2022
- Consultation with bus operators Oct 2022
- Legal and technical due diligence on proposed scheme Nov 2023
- Funding application period – Jan 2023
- Commitments to operators by end of March 2023



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CYNGOR CAERDYDD
CARDIFF COUNCIL

ENVIRONMENTAL SCRUTINY COMMITTEE

13 OCTOBER 2022

‘SUPPLEMENTARY PLANNING GUIDANCE’ INQUIRY - REPORT

Reason for Report

1. To provide Members with the ‘*Supplementary Planning Guidance*’ Inquiry draft report, attached at **Appendix A**, for discussion, amendment, and approval, prior to presentation to the Cabinet for consideration.

Supplementary Planning Guidance Inquiry

2. During discussions to inform the joint scrutiny of the Replacement Local Development Plan, Members raised the need to scrutinise the use of Supplementary Planning Guidance in Cardiff. Following initial scoping meetings, Members agreed the following terms of reference:
 - *To explore planning policy in Wales to understand when to use Supplementary Planning Guidance by:*
 - a. Examining the relationship between the Replacement Local Development Plan, Supplementary Planning Guidance (SPGs), and other planning policy tools, such as Technical Guidance Notes and Planning Advice Notes.*
 - b. Understanding which planning policy tool is most appropriate to use when.*
 - c. Investigating when SPGs can be used to inform adopted LDP policies, and the timescales involved*
 - d. Considering the “weight” to be afforded to SPG against adopted LDP policies.*

- *To explore planning policy in Wales to understand how to use Supplementary Planning Guidance by:*
 - a. *Considering what is needed in the Replacement Local Development Plan to ensure it contains the policy ‘hooks’ required to enable SPGs to pass Planning Inspectorate Wales tests*
 - b. *Considering whether new SPG’s fall into the following three categories:*
 - *Design Guidance* • *Area Briefs/Masterplans* • *Development Management Policy notes*
 - c. *Researching useful good practice examples in Wales and in England where these are capable of being replicated in Cardiff, including how these were successfully implemented and used.*
 - d. *Identifying any areas of Welsh planning system that prevent use of good practice English SPGs.*
 - *To gather stakeholders’ views regarding the above, including Cardiff Councillors, partners, professional bodies and relevant Cabinet Members and Cardiff Council officers.*
 - *To make evidence-based recommendations to improve use of SPGs in Cardiff.*
3. The Committee agreed the following membership for this task group: Councillor Patel (Chair), Cllr Lancaster, Councillor Sandrey and Cllr Wong. At the local elections in May 2022, Cllr Patel stood down and Cllr Sandrey was not re-elected: Cllr Lancaster and Cllr Wong were both re-elected and completed the Inquiry.
4. Attached at **Appendix A** is the draft report of the task group, which details key findings and recommendations.
5. The task group heard evidence from several external witnesses, including members of Cardiff Civic Society, Cardiff Future Wellbeing Alliance, Cardiff

University, Design Commission for Wales, Planning Environment Decisions Wales¹, and Planning Officers Society Wales.

6. Scrutiny Services emailed a variety of other external stakeholders, including developers and other professionals working in development and their representative bodies, offering them the opportunity to contribute to the Inquiry. Members were particularly keen to understand their perspectives. However, no responses were received from these contacts.
7. Desk based research was undertaken to inform the Inquiry; Members were provided with information detailing the policy context, and good practice examples of other local authorities Supplementary Planning Guidance.
8. The task group shared the draft main body of the report and key findings with Cllr De'Ath, Cabinet Member Transport and Strategic Planning, Simon Gilbert, Head of Planning, and Stuart Williams, Group Leader – Policy, Planning, to seek their views on the findings and to give them the opportunity to submit any additional evidence they wished the Inquiry to consider prior to the task group framing recommendations.
9. The task group arranged a meeting with Cllr De'Ath, Simon Gilbert and Stuart Williams; on the day, Cllr De'Ath was unfortunately unable to attend due to another call on his time. However, the task group met with officers to discuss the report, following which officers provided annotated copies of the draft report, containing their comments, suggested amendments to improve the clarity and accuracy of the report, and additional evidence they wished the Inquiry to consider.
10. All the evidence has been used to identify suitable findings from the Inquiry, which are shown at the front of the document under the headings 'Headline Findings' and 'Key Findings'. The recommendations are based on the evidence heard throughout the Inquiry.

¹ PEDW officers emphasised that the views they expressed were their own and not those of Welsh Government

Way Forward

11. During their meeting, Members may wish to discuss and agree any amendments required to the Task Group report '*Supplementary Planning Guidance*', attached at **Appendix A**.

Legal Implications

12. The Scrutiny Committee is empowered to enquire, consider, review, and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters, there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

13. The Scrutiny Committee is empowered to enquire, consider, review, and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters, there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

RECOMMENDATION

The Committee is recommended to consider the '*Supplementary Planning Guidance*' task group report, attached at **Appendix A**, and endorse the report, subject to any amendments the Committee wish to make, for submission to the Cabinet.

Davina Fiore

Director - Governance and Legal Services

7 October 2022

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An Inquiry Report of the:
Environmental Scrutiny Committee

SUPPLEMENTARY PLANNING GUIDANCE

October 2022



Cardiff Council

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FOREWORD

To be completed

Include T&F Membership – Cllr Patel, Cllr Sandrey as well as Cllr Lancaster and Cllr Wong.

October 2022

TERMS OF REFERENCE

1. To explore planning policy in Wales to understand when to use Supplementary Planning Guidance by:

- Examining the relationship between the Replacement Local Development Plan, Supplementary Planning Guidance (SPG), and other planning policy tools, such as Technical Guidance Notes and Planning Advice Notes.
- Understanding which planning policy tool is most appropriate to use when.
- Investigating when SPG can be used to inform adopted LDP policies, and the timescales involved
- Considering the “weight” to be afforded to SPG against adopted LDP policies.

2. To explore planning policy in Wales to understand how to use Supplementary Planning Guidance by:

- Considering what is needed in the Replacement Local Development Plan to ensure it contains the policy ‘hooks’ required to enable SPG to pass Planning Inspectorate Wales tests
- Considering whether new SPG’s fall into the following three categories:
 - Design Guidance
 - Area Briefs/Masterplans
 - Development Management Policy notes
- Researching useful good practice examples in Wales and in England where these are capable of being replicated in Cardiff, including how these were successfully implemented and used.
- Identifying any areas of Welsh planning system that prevent use of good practice English SPG.

HEADLINE FINDINGS

- HF1. Planning in Wales is plan-led, with local authorities required to adopt a local development plan (LDP). Crucially, planning legislation confers special status to development plan policy but not to Supplementary Planning Guidance (SPG). SPG therefore does not have the same status in law as a LDP but is a material consideration and can be afforded significant weight when considering development proposals.
- HF2. The “Development Plan” including the National Plan and LDP are the primary bases upon which planning decisions are made. Therefore, it is important that the LDP contains evidence-based, precisely written policies, detailing the Council’s specific requirements on areas that are important to the Council for shaping developments, the rationale for these, and the criteria where the Council will make an exception and not apply the policy. The strength of the LDP in encompassing these contribute significantly to whether Planning Inspectorate Wales support planning decisions on appeal.
- HF3. SPG supplements policy in the LDP – it cannot be used to make or amend policy but only to provide further technical guidance to support existing LDP policy. The LDP has to cover a large amount of policy areas and so cannot provide all the detailed technical information needed to implement LDP policies. SPG can be used to help guide decision makers and developers on how to achieve the objectives of the LDP policy. For SPG to be effective, there needs to be an effective LDP and the SPG needs to be both strong and strongly linked to the LDP.
- HF4. To be effective, the LDP must conform to national planning policy (including the National Plan, Planning Policy Wales, Technical Advice Notes and other circulars and statutory instruments), be evidence-based, have policies that set out clearly what the Council wants to achieve and the scale and type of development, be precisely worded with detailed definitions, contain thresholds, numbers, percentages, targets and measures as relevant, set out the impact seeking to avoid and consequences if not avoided, and detail exceptional circumstances. These specifics and evidence will be subject to examination by the Planning Environment Decisions Wales inspectorate as part of the LDP examination. Once the LDP policies are adopted, they will carry the weight of the LDP and enable

planning decisions, which have to be made in accordance with adopted development plan policies.

HF5. For SPG to be strong, it must state which LDP policy and paragraph it is supplementing and that it is a material consideration. It should use positive, precise language and phraseology, be as concise as possible whilst remaining fit for purpose, evidence and explain how thresholds, numbers, percentages, targets, and measures are calculated, evidence and explain how the impact seeking to avoid is measured and how the consequences of not avoiding impact, the harms arising, are measured, and provide details on exceptional circumstances and how these are worked out and applied. In addition, Councils must take SPG through the approved process, including consultation, and should formally approve SPG at a meeting of full Council. Cardiff Council planning officers highlighted that the ‘weight’ to be applied to SPG can vary depending on its relevance to the issue, the amount of consultation undertaken, the level of governance in approving the guidance and other planning factors.

HF6. It cannot be stressed enough how important it is to have appropriate hooks and strong linkages between the LDP and SPG. This can be achieved by having a clear policy in the LDP for those areas where the Council knows it wants to have an SPG, by stating upfront and clearly in the SPG which LDP policy the SPG supplements, and by using positive language in the SPG, such as the SPG is a material consideration.

HF7. This Inquiry heard from the Planning and Environment Decision Wales witnesses that the Planning system is not designed for absolute ‘*thou shalt not ever*’ policies – it is designed to enable shades of grey so decision makers can take into account the different factors that affect a particular development.

KEY FINDINGS

Local Development Plan

Scope of LDP

KF1. LDPs must have regard to national planning policy and take an evidence-based policy approach to address local issues. In Cardiff, the LDP will need to contain policies to cover

the breadth and complexity of Cardiff's planning landscape, ranging from urban areas, river corridors and woodland areas to post-industrial landscapes.

KF2. Cardiff Council needs to think carefully about what it seeks to achieve and how best to reach this, so that LDP policies are clear and do not cause unintended harms. It needs to make careful decisions on which policy areas to include in the LDP, including whether new policies are needed, for example a tall buildings policy.

KF3. This Inquiry heard that it is important LDP policies embed tackling the climate change and biodiversity crises and enable the achievement of Cardiff being a Carbon Neutral City by 2030.

Language in LDP

KF4. This Inquiry heard that it is important the language used in LDP policies is precise, with proper definitions, specified targets and measures. General statements and vague wording must be avoided. Whilst the LDP is meant to be a fairly slim document, it must contain enough detail for policies and SPG to stick, without becoming too lengthy and unwieldy.

Evidence in LDP

KF5. LDP policy must be evidence based – it is essential the Council has evidence to support policy requirements, such as thresholds, numbers, and percentages, and evidence of the harms the policy is seeking to avoid and the impact that will result if these harms are not avoided.

Exceptions in LDP

KF6. It is important for LDP policy to set out exceptional circumstances/ criteria where the local planning authority may depart from the principles of the policy, where this is in the over-riding interest. This gives decision makers clarity and flexibility in specific circumstances.

LDP Preparation

KF7. The LDP preparation process is set out in legislation and includes the need to involve local stakeholders and local populations. Producing an LDP is expected to take 3-4 years and is agreed with the Welsh Government through the preparation of a 'Delivery Agreement'.

KF8. The LDP preparation process includes examination by the Planning Environment Decisions Wales inspectorate. Their examination tests whether there has been sufficient consultation and whether there is a robust evidence base for policies.

KF9. This Inquiry heard that Planning Inspectors are encouraged to say, during the examination stage, if a policy needs tightening to achieve the LDP's stated aims.

Updating LDP – responding to emergencies

KF10. The Inquiry heard concerns that the LDP process does not allow for rapid response to emerging challenges, such as the biodiversity, nature and climate emergencies and the Covid-19 pandemic.

KF11. Members believe that, as the replacement LDP Vision includes ensuring Cardiff is carbon-neutral by 2030, the replacement LDP will need to embed tackling the climate change, nature, and biodiversity crises. However, Members recognise the challenges posed by the need to respond appropriately and quickly to as yet unknown crises. Members believe the short-term review process, set out below, provides a mechanism to address this.

KF12. Local authorities can carry out a short-term review if they find that a policy is not delivering as intended. These reviews take close to 2 years to complete and require the Planning Environment Decisions Wales inspectorate to schedule inspector time to look at the review.

KF13. Witnesses from the Planning Environment Decisions Wales inspectorate commented that, as Cardiff is underway with its replacement LDP, it is not worthwhile carrying out a short-term review currently, unless something is felt to be a major issue.

Supplementary Planning Guidance

Status and Weight of SPG

KF14. Supplementary Planning Guidance (SPG) derives from LDP policy, which provides the substantive intended policy, the 'hook.' SPG does not have the same status as the LDP in

law due to the way the legislation has been drafted. SPG is a material consideration but is not enforceable.

KF15. The English planning system enables Supplementary Planning Documents (SPD) to be taken as part of the Local Plan document and thus be part of the statutory process and examined. This gives these SPD added weight. There is no similar provision in Wales.

KF16. During his evidence to the Inquiry, Dr Harris, Cardiff University, raised the possibility that, in the absence of a similar system to England, an independent review of SPG may add weight to SPG. This approach has not been tested or substantiated in Wales.

Scope of SPG

KF17. SPG helps guide decision makers and developers on how they might achieve the aim of the LDP policy, how the policy is going to be interpreted, and how to implement LDP policy. They provide technical guidance, design parameters and minimum/ maximum standards, for example for parking, floorspace etc., and can be site specific masterplans, area-based guidance, design guidance or development management policy notes. SPG should set out the mechanism by which thresholds, numbers and percentages are calculated, and provide detail on harm(s) seeking to avoid and the impact if these harms are not avoided, and exceptional circumstances. SPG can only provide additional advice and guidance and cannot contain the criteria for deciding planning applications upfront.

KF18. Whilst SPG derives from LDP policy, this Inquiry heard that SPG needs to be kept relevant, within the bounds of the LDP policy, for example by:

- i. updating SPG to reflect changes in the legislative, policy and local government landscape
- ii. ensuring SPG are future-proofed and address the Climate and Nature emergencies
- iii. introducing new SPG as needed, such as for tall buildings and conservation of historic buildings.

Style of SPG

KF19. This Inquiry heard that SPG should be as concise as possible whilst remaining fit for purpose. They should use positive, precise language and:

- Cite LDP policy and paragraph upfront
- State SPG is a material consideration

- Be clear and unambiguous re what the Council is expecting
- Use positive phraseology, such as ‘*expectations of local authority*’ and ‘*basis for negotiations*’
- Contain evidence for thresholds, numbers, percentages
- Contain details of the harm(s) the SPG is seeking to avoid and the implications if harm(s) is not avoided
- Contain details of exceptional circumstances
- Not state ‘*this is a non-statutory document.*’

KF20. This Inquiry heard that the phraseology and content of SPG can be strengthened by using an iterative consultation process that enables stakeholders and the general public to work with the Council to suggest improvements and tighten wording.

Exceptional circumstances in SPG

KF21. This Inquiry heard from the Planning and Environment Decisions Wales inspectorate witnesses that the planning system is not designed to be prescriptive, and there has to be some flexibility to enable decision makers to apply judgement within the context of the LDP vision and objectives.

KF22. To provide a framework for flexibility, the LDP and SPG need to provide clear advice on the exceptional circumstances where the usual LDP and SPG expectations will be disappplied in the over-riding interest. Providing detail in the SPG on exceptional circumstances gives decision makers clarity on when flexibility is required, when the impacts the SPG seeks to avoid are outweighed by the individual circumstances. Cardiff Council planning officers added that each development proposal has to be considered on its own merits, having regard to all factors and with planning officers having the consider the ‘planning balance’ in the public interest.

KF23. The SPG should provide details on the exceptional circumstances, the evidence to support these, the calculations that will be used to reach a decision where exceptions relate to thresholds, numbers or percentages, and the way in which the Council will approach the exceptional circumstance.

Strong SPG

KF24. This Inquiry expressly sought the views of witnesses on how to strengthen SPG and, specifically, how to ensure they are strong enough to withstand appeals against local Planning Committee decisions that rely on SPG.

KF25. The Inquiry heard that Planning Inspectors will give considerable weight to SPG where:

- i. it complies with national planning policy
- ii. it is clearly linked to the substantive policy within the LDP
- iii. it has been subject to public consultation, and
- iv. it has been approved by Council as supplementary planning guidance.

KF26. This Inquiry heard that the following factors also strengthen SPG:

- i. positive phraseology
- ii. clearly stating the impact they seek to avoid and the implications if this impact is not avoided
- iii. evidencing specifics in the SPG such as thresholds, numbers, and percentages, harms avoiding and the impact if these harms are not avoided, and
- iv. providing details of exceptional circumstances.

KF27. Swansea Council provided the Inquiry with examples of cases where the Planning Inspector upheld decisions in favour of the local planning authority, following strengthening of their LDP policy and SPG for Houses in Multiple Occupation (HMOs).

KF28. Dr Harris, Cardiff University, mooted the possibility of consulting on critical SPG in parallel with LDP, so that these SPG go through the same process as the LDP and thereby draw weight from this. Witnesses from the Planning and Environment Decisions Wales inspectorate commented that they could see the advantages to this. However, both Dr Harris and witnesses from the Planning and Environment Decision Wales inspectorate highlighted that this would be resource intensive, as it would require officers to draft LDP policy and SPG in the same timeframe, and therefore there may be capacity issues that prevent this taking place. However due to the way the current legislation has been drafted, planning legislation only confers special status to development plan policy and not to Supplementary Planning Guidance (SPG).

Identifying SPG

KF29. Cardiff Council planning officers highlighted that, in their view, there is merit in identifying where future SPG will be required at an early stage in the replacement local development plan preparation and consulting on this. They added that work on the evidence base could then be used to inform new SPG quicker following adoption of the Plan. Likewise, existing SPG that remain fit for purpose could be brought forward quicker in early tranches on SPG preparation.

Consultation on SPG

KF30. The Inquiry heard that SPG must be consulted on and that the Council needs to set out how they have assessed representations, responded to these and whether they have made resultant changes to the SPG. As SPG derives from LDP policy, it is essential to ensure LDP consultation is right, so that the LDP is robust, passes examination and is adopted.

KF31. The Inquiry heard conflicting views on SPG consultation in Cardiff, to date. Dr Harris commented that he could see, on Cardiff Council's website, that SPG have been consulted on, that representations have been assessed and responded to, and that SPG have been approved by Council resolution. However, Cardiff Civic Society wanted to see a more expansive consultation, as they felt examples and suggestions made by themselves and other stakeholders had not been taken on board. Cardiff Council planning officers explained to the Inquiry that consultation listens to a variety of views, sometimes conflicting views, and that reasons are given for amendments; however, it is not possible to take on board everyone's, sometimes conflicting, views. They emphasised that SPG include appendices to identify the consultation responses and the actions/ changes made following consultation, which helps add 'weight' as does the fact the Council consults for a reasonable period, publicises this consultation and seeks to approve SPG through Cabinet and Full Council.

KF32. Cardiff Future Wellbeing Alliance witnesses emphasised the replacement LDP and SPG consultation process is a real opportunity to engage, educate, increase understanding, and build trust in the planning process. They highlighted the need for engagement and an iterative process, to seek views once citizens know more about the planning system, rather than the current, periodic consultation exercise. Cardiff Council planning officers stated that they appreciated the point made, adding that the consultation

process is governed by legislation with national guidance the Council needs to follow. They added that they have made concerted efforts to amplify community voices, including children and young people, throughout the replacement local development plan process.

Ensuring SPG are Accessible

KF33. This Inquiry heard from several witnesses that there is a need to ensure the accessibility of SPG by:

- i. Including all SPG on a specific section of the Council's website
- ii. Ensuring the status of SPG is clear
- iii. Replacing draft SPG with approved SPG
- iv. Providing a table of proposed SPG, clearly stating where these later morph into other planning tools, such as Technical Guidance Notes
- v. Ensuring documents are capable of being downloaded onto mobile devices without compromising their usability.

KF34. Cardiff Council planning officers explained that there is a section on the Council's website for SPGs, with a list of approved SPGs, a page for draft SPGs for consultation, and a list of related Technical Guidance Notes. They stressed the need for Council website documents to meet the accessibility regulations that apply to public sector bodies¹.

Good Practice SPG

KF35. Members undertaking this Inquiry were keen to find good practice SPG to illustrate the points made about how and when to use SPG effectively. They sought the advice of the Planning and Environment Decisions Wales inspectorate officers and were advised that:

- a. in general, the best LDP and SPG are the simplest.
- b. whilst policies in England and Wales are diverging, the principles and mechanisms of the planning systems are the same and there is no harm in looking for good practice SPG examples in England.

KF36. Members also heard, from Cardiff Civic Society, that, given the range of SPG in England and Wales, it is essential for the Council to be clear what it is aiming to achieve so that relevant good practice examples are selected.

¹ Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018

KF37. Bearing this advice in mind, the Inquiry sought witnesses' views on good practice SPG relating to biodiversity, climate change, and sustainability – given the LDP Vision aims to be carbon-neutral by 2030 and to tackle the climate and nature emergencies - and Houses in Multiple Occupation (HMO) and Purpose-Built Student Accommodation (PBSA) – as Members are aware of issues in Cardiff relating to these areas. The body of this report cites the following good practice examples:

- a. Bath & North-East Somerset Council – Houses in Multiple Occupation SPD
- b. Bristol Council – Climate Change SPG
- c. Bristol Council – Trees SPG
- d. Cornwall Council – Biodiversity SPG
- e. Monmouthshire Council - Green Infrastructure SPG
- f. Newcastle City Council – Sustainability Statements Planning Process Note
- g. Public Health Wales – Healthy Weight Environment SPG template
- h. Swansea Council – Biodiversity and Development SPG
- i. Swansea Council – Houses in Multiple Occupation and Purpose-Built Student Accommodation SPG
- j. Swansea Council – Placemaking - Street Trees SPG
- k. Swansea Council – Trees, Hedgerows and Woodlands SPG
- l. Woking Council – Climate Change SPG.

Other

Other planning tools

KF38. This Inquiry heard that, whilst there are other planning tools alongside the LDP, none of these carry more weight than SPG. Tony Thickett, Deputy Chief Planning Inspector, stated Councils can prepare what they like and call it what they like but they need to get it approved as SPG for it to have as much weight as possible. Additionally, the SPG must have a strong linkage to an existing substantive policy within the LDP.

Annual Monitoring Report (AMR)

KF39. Councils are required to produce an annual monitoring report that sets out progress in delivering the LDP policy objectives and highlights issues with SPG. This Inquiry heard that Cardiff Council's 5th AMR does not highlight concerns re SPG, stating that most SPG are working as intended. Members of the Inquiry were aware that the LDP Review, March 2021, identified, at point 3.36, *'the issue of sub-divisions/ conversions into HMOs and flats*

is a matter which is considered to warrant a detailed analysis in response to concerns regarding the cumulative impact of proposals on local communities and amenity considerations of occupiers and neighbours. Whilst additional SPG has been prepared, appeal decisions are not always supporting the Council's position, so a review is considered timely. Members therefore concluded that the Annual Monitoring Report required strengthening, to make it clearer to readers the areas needing actions to address deficiencies, perhaps by highlighting these and including an action plan, with steps to address these deficiencies.

Regional Strategic Development Plans (SDP)

KF40. In the future, Wales's planning system will have three tiers – the national tier set out in Future Wales, the regional tier set out in SDPs and the local tier set out in LDPs.

KF41. As yet, there is no guidance or framework regarding SDPs, although Welsh Government are currently consulting on SDP preparation. Members heard that concerns have been raised that the resources required to prepare SDPs will impact on the preparation of local authority SPG as local authority staff may be called on to draft the SDP. It may also be possible that the SDPs themselves require SPG; this is still to be determined.

Role of Council

KF42. Over the course of this Inquiry, it has become clear that it is essential for the Council to:

- a. Think through what outcomes it wants to achieve and whether this is best achieved via LDP policy or other mechanisms
- b. Consider carefully whether proposed LDP policies may result in unintended harms
- c. Think carefully about which policies to include in the LDP and what SPG is required
- d. Think carefully about what information needs to go into the LDP policy and what information can be deferred to SPG, using good practice examples to assist consideration
- e. Ensure SPG are able to be linked to specific policies in LDP
- f. Ensure SPG are up to date, reflect climate and nature emergencies, and address issues that have grown in importance since the last LDP, such as tall buildings and conserving historic buildings, post-pandemic recovery, cost of living crises, homelessness and affordable housing
- g. Consider whether to consult on some SPG in parallel to LDP
- h. Examine how to ensure an accessible and inclusive consultation and engagement process for LDP policies and SPG, in line with legislation and national guidance
- i. Assess how best to publicise SPG, for example by ensuring SPG are accessible.

RECOMMENDATIONS

This Inquiry sought to understand how and when to use Supplementary Planning Guidance (SPG) and how to strengthen planning policy to ensure SPG is robust. Having considered the evidence to this Inquiry, the Environmental Scrutiny Committee makes the following recommendations to ensure the replacement Local Development Plan process establishes strong foundations for required SPG and that future SPG are fit for purpose.

- R1. Members recommend that Cabinet task officers to identify opportunities to seek views from the public and stakeholders on existing SPG and the need for new SPG, as early as possible in the replacement LDP process.*
- R2. Members recommend that Cabinet task officers to use Headline Findings 1 to 7 and Key Finding 14 to Key Finding 37 when reviewing existing SPG and drafting new SPG, as part of the replacement Local Development Plan process, to ensure future SPG is fit for purpose.*
- R3. Members recommend that Cabinet task officers, as part of the replacement Local Development Plan process, to gather and collate the evidence required to support LDP policy and associated SPG, including evidence of any harms these seek to avoid and evidence of the implications if these harms are not avoided.*
- R4. Members recommend that Cabinet task officers, as part of the replacement Local Development Plan process, to review the findings of this Inquiry with regard to Houses in Multiple Occupation SPG, identify aspects that will assist Cardiff Council (including collating evidence of harm) to strengthen its LDP policy and SPG re Houses in Multiple Occupation and flat conversions, and build these into relevant draft SPG for consultation.*
- R5. Members recommend that Cabinet task Planning Officers to meet with local members on specific issues/ hot topics that impact their wards to help inform the review of current SPG, and support the collation of evidence, as part of the replacement Local Development Plan process.*
- R6. Members recommend that Cabinet task Planning Officers to analyse and regularly publish data on the number of successful and unsuccessful appeals at Planning and*

Environment Decisions Wales (PEDW), in regard to Cardiff SPG, to inform where SPG are effective/ ineffective, to commence by 31 March 2023.

- R7. Members recommend that Cabinet task officers to use Headline Findings 1 to 7 and Key Finding 1 to Key Finding 6 when reviewing existing LDP policies and drafting new LDP policies, as part of the replacement Local Development Plan process, to ensure future LDP policies are fit for purpose and provide the hooks and linkages between the LDP and SPG.*
- R8. Members recommend that Cabinet task planning officers to work with web content officers to ensure SPG on the Council's website is accessible on portable devices, is clearly labelled as either draft or approved, and is the latest version available, by 31 March 2023.*
- R9. Members recommend that Cabinet task officers to strengthen future Annual Monitoring Reports, by highlighting any areas requiring work to address deficiencies and including an action plan detailing the steps to achieve this.*

During the course of this Inquiry, Members reflected that much of what they had learned about the LDP and SPG, the interface between them and their essential nature, was new to them, despite having attended internal Cardiff Council training on planning. Members believe that this knowledge gap exists for other Members as well and believe it would benefit Cardiff Council for this to be addressed, enabling Members to better focus their enquiries. Therefore:

- R10. Members recommend that Cabinet task officers to arrange external training for new and existing Members on the areas covered by this Inquiry, by the end of March 2023.*
- R11. Members recommend that Cabinet consider whether there is a need to offer Member training on specific issues/ hot topics prior to the adoption of the replacement Local Development Plan.*

There are likely to be a number of either new or amended SPG following adoption of the replacement Local Development Plan. Members recognise effective scrutiny of SPG is crucial and that the findings of the Inquiry are useful to assist this. Therefore:

R12. Members recommend that Cabinet task the Head of Democratic Services to use the findings of this Inquiry to prepare a checklist for scrutiny committees to use when undertaking future scrutiny of SPG.

OVERALL CONTEXT

1. Supplementary Planning Guidance (SPG) is precisely that – it *supplements* existing policy in the Local Development Plan (LDP), to help *guide* decision makers and developers on how to achieve the LDP policy.
2. The LDP is the primary basis on which planning application decisions are made. It is essential that policy areas that are important to a Council for shaping development are written into the LDP, with the necessary level of detail.
3. SPG are not crucial to planning application decisions – they are a material consideration but the policy which they amplify must already exist in the LDP. SPG cannot be used to set or amend policy – the policy has to be in the LDP.
4. In order to have effective SPG, a Council must have an effective LDP.
5. LDPs have to fit with the legislative framework for Wales and the national planning policy set by Welsh Government. Otherwise, they will be deemed unsound by the Planning Inspectorate, meaning they cannot be adopted by the local authority and implemented.

PLANNING IN WALES - BACKGROUND

6. The planning system in Wales is ‘plan-led,’ which ‘*means that national and local planning policy is set out in formal development plans which describe what developments should and should not get planning permission, how land should be protected and seeks to ensure a balance between development and environmental protection in the public interest.*’² These plans include Planning Policy Wales and the National Development Framework at a Welsh Government level, and Local Development Plans at a local authority level.
7. These plans need to fit with the legislative framework for planning in Wales, provided by the following:

² ‘*Comparison of the planning systems in the four UK countries*’ January 2016 – National Assembly for Wales Research Paper

Specific Planning Acts

- Town and Country Planning Act 1990
- Planning and Compulsory Purchase Act 2004
- Planning Act 2008
- Planning (Wales) Act 2015

Overarching legislation

- Wellbeing of Future Generations (Wales) Act 2015
- Environment (Wales) Act 2016
- Historic Environment (Wales) Act 2016
- Public Health (Wales) Act 2017

8. The Welsh Government's Planning Policy Wales (PPW) sets the context for planning in Wales, including the context for Local Development Plans and, therefore, Supplementary Planning Guidance. PPW is updated as required, following consultation, with the latest edition issued as an online document only. It is supplemented by technical advice notes, circulars, and policy clarification letters.
9. The Welsh Government's Minerals Planning Policy Wales provides the planning policy framework for mineral extraction and related development and their Natural Resources Policy sets out the need to deliver nature-based solutions, increase renewable energy and resource efficiency, and take a place-based approach.
10. The Welsh Government has issued 24 Technical Advice Notes (TANs) to provide detailed guidance on specific areas, and 2 Minerals Technical Advice Notes (MTANs).
11. The Welsh Government's National Development Framework (NDF) sets out national spatial planning policies and Local Development Plans must take the NDF into account. It is known as 'Future Wales: The National Plan 2040'.
12. The Planning (Wales) Act 2015 set out provision for regional development plans, known as Strategic Development Plans (SDPs). The aim is to deal more effectively with cross-boundary issues and achieve better planning outcomes. The new Corporate Joint

Committees are responsible for developing these. The development process mirrors the LDP process. Cardiff is in the South-East Wales strategic planning area.

13. The Welsh Government Building Better Places guidance was produced to assist recovery after the Covid-19 pandemic. The guidance promotes a placemaking approach that is people-focused and environment-led and states that the need for economic recovery should not be at the expense of quality, both in terms of health and well-being and in response to the climate and nature emergencies. The Welsh Government has also issued a Welsh National Marine Plan and Prosperity for All: A Low Carbon Wales.

LOCAL DEVELOPMENT PLANS

14. The Planning and Compulsory Purchase Act 2004 introduced a statutory requirement for each Local Planning Authority to produce an LDP that sets out proposals and policies for the future use of all local land, covering a period of 10-15 years. Once an SDP is in place, the Local Planning Authority will only be required to produce a 'light' version of an LDP for its area.
15. The Vice-Chair of the Planning Officers Society Wales, Tom Evans, explained to the Inquiry that Planning Act legislation confers special status to development plan policy (LDP) but not to planning guidance (SPG). Planning decisions must be made in accordance with planning legislation, in accordance with Future Wales and in accordance with adopted Local Development Plans.
16. Dr Harris, Senior Lecturer in Planning, Cardiff University, explained to the Inquiry that in the Welsh planning system, SPG is supplementary guidance as the name states, so therefore they are not crucial to planning application decisions: anything that Members really want planning decisions to hang on needs to have a policy in the LDP. So, **it is not just a case of thinking how to strengthen SPG: a Council needs to have a strong LDP, this is crucial – it is a matter of how the LDP forms the substantive policy as hooks for SPG.**
17. Members therefore sought to understand how best to frame and word an LDP to ensure that it is strong and forms strong hooks for SPG. Members explored the following topics:

scope and length of LDPs; witnesses' views on how to ensure a strong LDP, with strong hooks; and how to update an LDP.

Scope of LDP

18. The Vice-Chair of the Planning Officers Society Wales, Tom Evans, explained that LDPs must have regard to national planning policy, set out in Future Wales. Members also heard that the LDP must have regard to the SDP when it is produced. The technical term used is '*general conformity*.'
19. The Chief Inspector of Planning, Victoria Robinson, explained that LDPs address the issues that face their specific area and, therefore, LDPs across Wales will be different because of differences in local issues and the evidence that supports these policies e.g., Cardiff and Swansea will have issues with HMOs (*Houses in Multiple Occupation*) and PBSAs (*Purpose Built Student Accommodation*) and local evidence for this whereas Carmarthenshire would not, whilst other areas may have issues with barn conversions, for example, and also affordable housing levels will vary across Wales – there is no '*one size fits all*' for planning policy, it is not black or white, it's all about degrees.
20. In terms of the issues facing an area, it is important for a Council to think through what it wants to achieve and how best to reach this. The Vice-Chair of the Planning Officers Society Wales, Tom Evans, explained that LDP policies need to be clear about what they want to achieve, the scale and type of development – this has to be in the LDP as it is fundamental, it cannot be left to SPG to describe this.
21. In their written contribution, the Design Commission for Wales stated that strong general policies need to be included within the LDP that can be given more detail or specific application within SPG. They added that the topics of SPG should be established now so they can be linked to specific policies within the LDP, and reference should be made to SPG within the LDP.
22. The Deputy Chief Inspector of Planning, Tony Thickett, highlighted that it is important for Councils to think through the consequences of policies – intended and unintended consequences – to ensure that policies do not cause harm. He gave an example from Leeds, where their local plan included a proposed policy to refuse any further HMO

applications in Headingley – a student area. At the public sessions that are part of the examination process, Tony heard from an old man, who was in tears because this would mean he would not be able to sell his property – his was the last property in his street that was not a student house and the only people who would want to buy it would be people wanting to convert it into an HMO. This was an unintended consequence of the proposed policy and Leeds Council relented, as it had not wished to cause harm but to prevent harm. This illustrates the importance of thinking through what it is the Council wants to achieve and how best to reach this. Tony Thickett emphasised it is important for Councils to think through the potential consequences of ‘absolutes.’

23. Both Cardiff Civic Society and Cardiff Future Wellbeing Alliance highlighted that the One Planet Cardiff strategy and commitment that Cardiff will be a Carbon Neutral City by 2030 will require LDP policies to embed this across the LDP, to ensure the climate change and biodiversity crises are addressed. They highlighted the LDP is critical to the success of achieving these stated aims.

‘Dovetailing the One Planet Cardiff strategy with the LDP is critical – if do not get this right, then One Planet Cardiff will fail.’

Clare James

‘Consultation has resulted in one big change being made to the draft Vision & Objectives and that is to include ‘Cardiff will be a Carbon Neutral City by 2030’ – this will be a huge task to build this into LDP policies, a big challenge.’

Lyn Eynon

24. The Welsh Government LDP Development Manual³ sets out the following regarding the scope of LDPs:

A plan will contain the strategy, policies, and allocations to address the key issues, based on robust evidence. It will shape and guide development proposals to sustainable locations, delivering the scale and type of growth and well-being required over the plan period. A plan will demonstrate how it delivers the National Sustainable Placemaking Outcomes, that development is deliverable, financially viable, phased and supported by infrastructure. LDPs will support consistent decision making across Wales.

³ The Welsh Government manual for developing a local development plan is available online at: [development-plans-manual-edition-3-march-2020.pdf \(gov.wales\)](https://gov.wales/development-plans-manual-edition-3-march-2020.pdf) Downloaded 30/11/21

Length of LDP

25. The Deputy Chief Inspector of Planning, Tony Thickett, explained that the LDP is meant to be a fairly slim document, with the additional detail in SPG; a Council cannot put all the detail in an LDP as it would end up with a lengthy, unwieldy plan, so it needs to delegate to guidance how policy should be interpreted.
26. Members queried how Councils ensure that the LDP is detailed enough without it becoming too lengthy, particularly as the Inquiry was being advised that Councils need to put the right amount of detail in their LDP and cannot just include it in SPG. The Deputy Chief Inspector of Planning, Tony Thickett, explained that it is important the LDP include thresholds or numbers or percentages, and that the LDP policy says what the aim is. He highlighted that **it is far stronger to put the threshold in the LDP**. He cited Swansea's HMO policy which has the threshold in the LDP and also has exceptions criteria. So, Swansea's HMO approach carries the weight of the LDP, whereas Cardiff's SPG does not carry the same weight as the thresholds are not in the LDP.
27. Dr Harris, Senior Lecturer in Planning, Cardiff University, stated that it is a question of '*what is the detail?*.' If something is not in the LDP, it will not have the same weight. Therefore, Councils need to make careful decisions re what is in the LDP and what is not in the LDP – a policy for any eventuality will lead to an unworkable length but Councils need to create space in LDP for a bit more detail.
28. Members concluded that LDPs need to be detailed enough for policies and SPG to stick without becoming too lengthy and unwieldy.

How to ensure a strong LDP

29. The Inquiry sought the views of witnesses on how to ensure a strong LDP and heard that the following elements are key: language; evidence; exceptions; and process.

Language

30. Lyn Eynon, Cardiff Civic Society highlighted the need for Cardiff Council to tighten up the language in the LDP, calling for the replacement LDP to have precisely worded policies, with specifics such as targets and measures, rather than general statements and phrases. He stated that '*Compared to Swansea, Cardiff's LDP has no number or*

specifics, for example Policy H.5 - sub-divisions & conversions of residential properties – has very general statements and phrases, such as ‘no material harm to amenity of nearby residences’ which means it does not have the precision of Swansea’s LDP. So, Swansea’s LDP is well-defined unlike Cardiff’s, which is not well-defined and therefore it is hard to prove whether an exception or not. Cardiff needs to put more precise detail into its LDP.’

31. Following his meeting with the Inquiry, Lyn Eynon emailed scrutiny services to add to the above, highlighting his concern that developers are using viability claims to evade the LDP affordable housing policy:

‘One of my observations was on how loose language in the LDP was allowing developers to evade the spirit of the LDP because they could not be pinned down on the letter of it.... Policy H3 on Affordable Housing is repeatedly evaded by developers through viability claims permitted under paragraph 5.11, as recently happened on Guildford Crescent. A paragraph in the Planning Statement for a current application 22/00415/MJR signals that this will be done again for this large development of 331 flats. The policy seeks 20% affordable housing on brownfield sites that meet the identified criteria. It notes that affordable housing will be sought to be delivered on-site unless there are exceptional circumstances. The supporting text (Paragraph 5.11) confirms that in negotiating affordable housing, each proposal’s actual contribution will depend on that scheme’s capacity for provision. This is to ensure that the affordable housing contribution in itself will not make a scheme unviable. I would be grateful if you could pass this on to the Scrutiny Task and Finish team, as viability claims are making LDP Policy impossible to enforce.’

32. Cardiff Future Wellbeing Alliance witnesses stressed that the LDP needs to be tighter on environmental issues. They stated that the LDP could be made stronger by introducing clear targets and measures and then having an SPG that explains the ‘how.’
33. The Deputy Chief Inspector of Planning, Tony Thickett, explained that Councils need to think about what the objective is they are seeking and ensure there are proper definitions with enough detail. He gave a theoretical example of a local authority having very vague wording such as ‘we like things that are nice-looking’ – that is a valid aim but there is no detail, nothing about how that is to be achieved, or what it means.

34. The Welsh Government LDP Development Manual⁴ sets out the following regarding LDPs being clear and succinct:

An LDP should be focussed, succinct and relevant to the key issues it is seeking to address. An LDP should not repeat national policy. Plans should not be a compendium of policies to cover every eventuality. Succinct LDPs should use plain language, avoid jargon, be accessible to the reader and enable effective plan review and revision.

Evidence

35. The Deputy Chief Inspector of Planning, Tony Thickett, stressed that LDP policy must be evidence based, and that it is essential to evidence thresholds, numbers, percentages, and impact trying to avoid, for example, what is the impact of having more HMOs than the policy states is acceptable, what is the tipping point, and where is the evidence to support this tipping point and the impact if this tipping point is breached?
36. Members sought assurance that council officers have been told about the need to evidence LDP policies and the Deputy Chief Inspector of Planning, Tony Thickett, confirmed that he has met with Cardiff Council planning officers and told them about the need to evidence LDP policies and SPG.
37. The Welsh Government LDP Development Manual⁵ sets out the following regarding LDPs being based on robust evidence:

A plan will contain the strategy, policies, and allocations to address the key issues, based on robust evidence.

Exceptional Circumstances

38. The Vice-Chair of the Planning Officers Society Wales, Tom Evans, explained it is important for LDP policy to set out exceptional circumstances, setting out the sort of circumstances where the Council may depart from the principles of the policy i.e., where this is in over-riding interest. This gives decision makers clarity and flexibility in specific circumstances to enable them to divert from the over-arching principles when this is in the over-riding interest.

⁴ Available online at: [development-plans-manual-edition-3-march-2020.pdf \(gov.wales\)](https://development-plans-manual-edition-3-march-2020.pdf.gov.wales) Downloaded 30/11/21

⁵ As above

39. The example cited to the Inquiry was Swansea Council's policy for Houses in Multiple Occupation (HMOs) and Purpose-Built Student Accommodation (PBSA). The LDP policy sets out exceptional circumstances where some long-standing empty properties may be allowed to become HMOs in specific circumstances. The HMO and PBSA SPG, December 2019, then provides more details on how exceptional circumstances are determined and the reasons for this, linking these back to the LDP policy.⁶

Process

40. The key stages in the LDP process – Preferred Strategy, draft LDP, deposit and examination - are set out in legislation. The Welsh Government manual for developing a local development plan is available online at: [Development Plans Manual \(Edition 3\) March 2020 | GOV.WALES](#) This sets out the steps to follow when preparing an LDP.
41. The Vice-Chair, Planning Officers Society Wales, Tom Evans, explained that timescales per se are not written in the legislation and LDP Manual – each local authority can go through the key stages of LDP process at different times – Cardiff and his authority, Swansea, have major sites and issues to plan for and engage on and the biggest populations to engage with and consult with, which is why it takes longer. He explained that, ultimately, if Council's rush the process, then 1) they do not involve stakeholders and the local populations as much as they should be 2) there is not enough time to evidence decisions and policies and 3) independent examination finds it an unsound process and one that can be picked apart by Inspectors. So, Councils should not rush the stages. It is an unwieldy process and can be frustrating for practitioners as much as others. He stated that, to be fair to Welsh Government, they have made moves to speed up the process by slimming down the key stages, so the aspiration is it takes 3-4 years to produce an LDP rather than 5-7 years, as previously. However, the timings will vary from local authority to local authority, depending on the scale and type of issues and the size of population to consult with.
42. Once the Local Planning Authority has prepared a draft LDP, known as a deposit plan, the Planning and Environment Decision Wales inspectorate⁷ examines the deposit plan

⁶ See Case Study Note on Page 29 of this report

⁷ Planning Inspectorate Wales is now part of Welsh Government and is known as Planning and Environment Decisions Wales (PEDW)

and related documents to ensure the plan is ‘sound’ and that the views of all those who have commented have been considered. They report any changes that should be made to the plan. Their views are binding on the Local Planning Authority.

43. The Deputy Chief Inspector of Planning, Tony Thickett, confirmed that when he examines Plans he will say if policy needs to be tightened to achieve the stated aim, and that the Inspectorate encourages all Planning Inspectors to do that.

How to ensure strong ‘hooks’ in LDP

44. The Welsh Government’s LDP Development Manual sets out that there must be an LDP policy or policy criterion that provides the development plan ‘hook’ for an SPG; SPG cannot be linked to national policy alone. This point was emphasised by witnesses to the Inquiry:

‘It is important to have the appropriate hooks and linkages between the LDP and SPG. SPG needs to derive from and be consistent with LDP policy – not national policy, must be linked to local policy in LDP that has been adopted’

Tom Evans, Vice-Chair, Planning Officers Society Wales

‘SPG are parasitic – they suck their power from the LDP policy that they hook into.’

Dr Harris, Senior Lecturer in Planning, Cardiff University

45. Dr Harris, Senior Lecturer in Planning, Cardiff University, elaborated that Councils need to have a clear policy in the LDP for those areas where they know they want to have SPG. It is not sufficient to have SPG linking to several LDP policies, as this could weaken it. He cited Cardiff Council’s Tall Buildings SPG that supplements five policies in the LDP and questioned whether this waters down the relationship between the SPG and LDP policies and therefore its weight and hook; it is having to call on 5 policies and hooks because there is not one policy in the LDP on tall buildings to give it direct strength and linkage – this could cause it to lose weight because it does not have a clear hook to pull on – it is pulling on too many related policies rather than one specific policy.

46. Dr Harris added that Councils need to try to get detail into the LDP to get the policy hooks strong; he highlighted that Councils may find Inspectors require the Council to strike out some of the detail if they feel the detail should be in a SPG rather than the statutory plan.
47. Dr Harris summarised that, to make LDP policy hooks strong:
- a. Have a clear policy in LDP - for those areas where you know you want to have an SPG, rather than SPG linking to several policies
 - b. Be upfront and clear in SPG – start with clear statement of which policy in LDP the SPG hooks to, that *'this is the LDP policy, and this is what is being supplemented'*.
 - c. Use positive language – state SPG it is a material consideration – e.g., Monmouthshire's Green Infrastructure SPG follows this positive tone – sharp and focused and explains why people should pay attention to it.

Updating LDP

48. Cardiff Civic Society highlighted that the pace of change since the LDP was adopted has been rapid, citing the Well Being of Future Generations Act, Brexit, and the Covid-19 Pandemic as some examples that have radically changed the context for the LDP. Nerys Lloyd-Pierce, Chair Cardiff Civic Society stated:

'LDPs need to be less lumbering if they are going to be effective – they will be pretty much obsolete towards the end of their lifespan otherwise, and we need a Replacement LDP that is more moveable, particularly to be able to address crises such as biodiversity, nature and climate emergencies that are only going to accelerate'

49. However, the Vice-Chair, Planning Officers Society Wales, Tom Evans was less sceptical that LDP and policies will go out of date within the lifespan of the LDP, given the new process and timescales set out in the updated LDP manual. He stated that, if the main issues are covered by policies that SPG can build on and amplify, the LDP will be in a good place.
50. Having considered the above, Members believe that, as the replacement LDP Vision includes ensuring Cardiff is carbon-neutral by 2030, the replacement LDP will need to

embed tackling the climate change, nature, and biodiversity crises. However, Members recognise the challenges posed by the need to respond appropriately and quickly to as yet unknown crises. The short-term review process, set out below, provides a mechanism to address this.

Short-Term Review

51. The Inquiry heard, from the Deputy Chief Inspector of Planning, Tony Thickett, that local authorities can carry out a short-term review if they find that one policy is not delivering what the Council had intended or a particular area is not doing what the council wants it to do. These reviews take close to 2 years to complete and require the Planning and Environment Decisions Wales inspectorate to schedule inspector time to look at the review.
52. The Deputy Chief Inspector of Planning, Tony Thickett, clarified that, as Cardiff is underway with its replacement LDP, it is not worthwhile carrying out a short-term review, given the replacement LDP will be ready in 4 years and the short-term review would take nearly 2 years to complete.
53. The Chief Inspector of Planning, Victoria Robinson, added that normally, the need for a review is flagged by the Council's Annual Monitoring Review (AMR) report. To her knowledge, there has only been one short term review - in Snowdonia, a much smaller authority than Cardiff. She commented that, if she were in Cardiff Council's officers' shoes, she would be saying that Cardiff reviews their issues via the Replacement LDP unless something is felt to be a major issue.

CASE STUDY - Swansea Council – LDP policy re Houses in Multiple Occupation (HMOs).

Swansea Council were experiencing problems with their previous LDP policy not being upheld on appeal as it was not specific enough. Officers realised that the new LDP needed a more targeted, evidence-based policy and that they could not rely simply on SPG as, whilst SPG are a material consideration, the LDP policy is the primary basis on which decisions are made. Their discussions with Welsh Government indicated they were supportive of this approach.

The new LDP HMO policy sets out the actual requirements re HMOs in fairly detailed planning policy, setting out the principles developments are required to aspire to and accord with; SPG then supplements this providing more detail and description, so it is clear to developers what the Council means by the policy.

The new LDP HMO policy sets out a targeted approach that is evidenced based, includes definitions, and sets out clear requirements, for example not sandwiching property between two existing HMOs. It contains specific reference to how HMOs will be dealt with in small streets and describes unacceptable concentrations, with specific caps and maximum thresholds. Critically, it includes exceptional circumstances, spelling out when the LDP HMO policy may not be applied where this is in the over-riding interest; these centre on long-term empty properties that meet specified criteria, and provide decision makers with clarity and flexibility in specific circumstances.

The new LDP policy contains examples of how calculations are done to determine the above and has evidence to support them. Tom Evans, Vice-Chair of Planning Officers Society Wales and Placemaking and Strategic Planning Manager, Swansea Council, explained to Members that it was better to put this detail into the LDP policy as it needed to be properly consulted on, so that the Council could hear the views of stakeholders, which strengthens the policy, and so that it goes through examination.

Swansea Council's HMO and PBSA⁸ SPG, December 2019, provides more details, linking this back to the LDP policy.

The Deputy Chief Inspector of Planning, Tony Thickett, cited Swansea Council's LDP HMO policy in his evidence to the Inquiry, stating that it is far stronger to put the threshold in the LDP and to include exceptions criteria. He stated that Swansea Council's HMO approach now carries the weight of the LDP, whereas Cardiff Council's SPG does not carry the same weight as the thresholds are not in the LDP.

⁸ PBSA = purpose-built student accommodation

SUPPLEMENTARY PLANNING GUIDANCE (SPG)

54. The Inquiry sought the views of witnesses on the purpose, role, use, scope, and status of SPG. Members were keen to understand how to strengthen SPG and asked witnesses to share their understanding of how to add weight to SPG. In addition, the Inquiry explored the need to publicise SPG and update SPG. Members invited witnesses to share good practice examples, which were supplemented by desk-based research by the Inquiry's supporting scrutiny officer.

Purpose of SPG

55. The Chief Inspector of Planning, Victoria Robinson, explained that the purpose of SPG is to add clarity where Councils cannot have all the detail in the LDP as it is already a big document. The Vice-Chair Planning Officers Society Wales, Tom Evans, explained that the replacement LDP cannot provide all the details required, as otherwise the LDP would become too lengthy and unwieldy, and that these details then need to be in SPG.

Role of SPG

56. The Vice-Chair Planning Officers Society Wales, Tom Evans, stated that the role of SPG is to explain to applicants and decision makers how LDP policy is going to be interpreted. **Councils need to think carefully about which details to put in the LDP, so they have the weight of the LDP, and which can be deferred to SPG, which puts some meat on the bones and helps to interpret the LDP policy.** He added that Swansea Council's LDP contains fairly detailed planning policy that sets out the principles that development is required to aspire to and accord with, and the SPG supplements this by providing more details.

57. The Deputy Chief Inspector of Planning, Tony Thickett, stated that SPG is not there to replace the LDP – the overarching policy of whatever it is that the council is trying to achieve should be set out in the LDP and then the SPG supplements this policy to help guide decision makers and developers on how they might achieve the aim of the policy. He gave the following examples:

- i. have an affordable housing LDP policy with a target of x for schemes of a certain size and then the SPG sets out the mechanism by which councils would achieve that through planning obligations, how that is calculated

ii. maintain privacy policy – statement in LDP policy but then SPG sets out detail on how this is calculated e.g., 21 metres between facing windows.

58. The Deputy Chief Inspector of Planning, Tony Thickett, clarified that SPG cannot be used to set policy – the policy has to already be in the LDP – but it can be used to expand on and supplement the LDP policy and provide detail on how to implement the policy.

59. The Welsh Government’s LDP Development Manual states the following:

- SPG must be consistent with national policy and the local development plan
- SPG cannot be linked to national policy alone – there must be an LDP policy or policy criterion that provides the development plan ‘hook’, whilst the reasoned justification provides clarification of the related national policy
- SPG must derive from a LDP policy or, in the case of a master plan/ development brief, from a site allocation.

Use of SPG

60. Dr Harris, Senior Lecturer in Planning, Cardiff University, explained that SPG can be used for a range of different matters - masterplans, design frameworks, developer contributions etc.

61. In their written submission, the Design Commission for Wales highlighted that significant site allocations would benefit from site-specific development brief SPG with overt reference to placemaking, stressing that placemaking considerations should be integrated into all relevant SPG. They also emphasised that SPG should be as place-specific as possible, as there is little value in repeating general principles about a topic, and that there needs to be specific application to the location.

Scope of SPG

62. The Deputy Chief Inspector of Planning, Tony Thickett, told the Inquiry that whilst it is important the LDP policy says what the aim is and includes thresholds or numbers or percentages, the SPG needs to say how that is worked out e.g., affordable housing policy will contain number or percentage, the SPG explains how this is worked out, what is included/ excluded, and details exceptions, He continued that this could be the same for a Houses in Multiple Occupation SPG – it explains to developers what the tipping

points are and the detailed way the policy is implemented – it explains how the council makes the decision of whether an application tips the balance re the threshold.

63. The Welsh Government’s LDP development manual states that SPG should not be used to determine the appropriate type, scale, and level of development for particular sites. Rather, SPG have a key role in interpreting and expanding on generic policies in the LDP and can:
- Provide important guidance to expand on topic-based policy to assist the implementation of the LDP (e.g., design, landscape, green infrastructure, heritage, conservation, Houses in Multiple Occupation (HMOs), renewable energy)
 - Cover detail and numerical guidelines/thresholds where they may change, to avoid the LDP becoming quickly outdated and to assist flexibility (e.g., car parking standards)
 - Provide additional detailed guidance on the type of development expected in an area allocated for development in the LDP. This could take the form of a development brief or a more detailed master plan.

Status of SPG

64. The Vice-Chair Planning Officers Society Wales, Tom Evans, explained that SPG needs to derive from and be consistent with a local policy in the LDP that has been adopted – this provides the ‘hook’ for the SPG. He added that councils need to bear this in mind when deciding where they should be developing SPG. He continued that the LDP is the primary basis on which planning application decisions are made, with SPG being a material consideration only.
65. The Welsh Government’s LDP development manual is also clear that the LDP should not delegate the criteria for decisions on planning applications to SPG, which should only contain advice and guidance.
66. Dr Harris, Senior Lecturer in Planning, Cardiff University, explained that the LDP has a certain status, and that SPG will never get to the same status due to the way the current legislation has been drafted. He highlighted that one of the terms used in the SPG Inquiry terms of reference, ‘*enforce*’, is not strictly accurate – they are not ‘enforceable’ as it is not in their nature to be ‘enforced’ but councils can add weight to an SPG.

67. The Welsh Government’s LDP development manual sets out that SPG should be formally approved by the local planning authority so that proper weight can be given to it by Inspectors when determining appeals. However, SPG should not be approved formally until after the Inspector’s report is received on the LDP and the policy approach has been confirmed by resolution to adopt the plan by the local planning authority. Any documents approved as SPG should accord with the accepted procedures for SPG (i.e., consultation, revision, and approval).
68. Members concluded that:
- i. SPG derive from LDP policy, which provides the ‘hook’.
 - ii. SPG supplements the policy in the LDP to help guide decision makers and developers on how they might achieve the aim of the policy, how the policy is going to be interpreted, and how to implement the policy.
 - iii. SPG set out the mechanism by which to achieve LDP policy - how thresholds, numbers and percentages are calculated, what is included/ excluded – explaining to developers what the tipping points are, and the detailed way policy is implemented. SPG provides detail on exceptions stated in LDP policy.
 - iv. SPG will never get to the same status as LDP unless the legislation is changed.
 - v. SPG are a material consideration but are not ‘enforceable’ as not in their nature to be ‘enforced’.
 - vi. SPG must go through the accepted procedures - consultation, revision, and approval.
 - vii. SPG should be formally approved by the local planning authority, once the LDP has been through examination and the policy approach is confirmed by resolution to adopt the LDP.

Adding weight to SPG

69. The Inquiry asked witnesses for their views on the various factors that add weight to SPG, in addition to the factors contained in the LDP, so the factors that are only contained in SPG. Witnesses identified the following factors: style, language, evidence, impact, exceptions, consultation process, and examination process.

Style

70. Julia Barrell, Vice-Chair - Cardiff Civic Society, stated Cardiff Council needs to make SPG shorter and snappier, with clear examples of what the Council is expecting.
71. In their written submission, the Design Council for Wales highlighted that a clear summary of the key points of the guidance at the start of the document will make it more accessible and user friendly.

Language

72. Representatives from Cardiff Civic Society commented on the use of language in Cardiff Council's current SPG:

'Need to tighten the use of language in SPG, being explicit in the SPG which LDP policy, paragraph, the SPG is expanding upon and looking to avoid terms such as 'will seek' and other caveats. If the language is not precise enough, it is easier for developers to argue against the intents of the SPG, for example on grounds of viability. Tighter language will make an SPG easier to defend and get Planning Inspectors support on appeals. I recognise that any large planning application will have some areas that are in breach of an LDP – it is a value judgement which breaches are tolerated, and tighter language will help clarity on this'

Lyn Eynon

'language is important, the Green Infrastructure SPG contains lots of 'hedging' terms, such as 'may/ should/ seek to' etc. This does not help people understand what they should be doing and what the Council is expecting – need to be clear and unambiguous.'

Julia Barrell

73. Clare James, Cardiff Future Wellbeing Alliance, also made this point:

'Need to ensure the language used in the LDP is not vague – need to avoid terms such as 'may' 'should' 'like' – the average person sees it as language to enable developers to get around things – need clear language in LDP e.g., measures – and then the 'how' in the SPG.'

74. Members heard from the Vice Chair Planning Officers Society Wales, Tom Evans, that, whilst SPG language is less definitive, this is going to be the case as cannot introduce new policy in SPG. Dr Harris, Senior Lecturer in Planning Cardiff University explained to

Members that some councils use phrases such as ‘seek’ ‘sought’ whereas others phrase it more robustly as ‘expectations of local authority’ and ‘basis for negotiations’, the latter point being key as SPG has to be used flexibly and needs flexibility built in. So, whilst phrases such as ‘seek’ are accurate, as councils cannot insist, they do not give the right message; **language needs to be strengthened and have positive messages whilst recognising need to negotiate and explore with developers**. Dr Harris cited Monmouthshire Council’s Green Infrastructure SPG as a good example of this.

75. Members highlighted the importance of language in the Highway Code – ‘could’ meaning advisory and ‘should’ meaning legally obliged to – and asked whether it is the same in planning legislation re weight of words. Dr Harris explained there is nothing in primary legislation re SPG because it is non-statutory, but that councils do not need to emphasise this in SPG. Some local authorities state in their SPG ‘*this is a non-statutory document*’ – whilst that is true, there is no reason to emphasise this.
76. Clare James, Cardiff Future Wellbeing Alliance, added that there is a need for an iterative process to inform the development of the LDP and SPG, which would be more about engagement than consultation, to work together to avoid vague terms, to get it right in the first place.

Evidence

77. The Deputy Chief Inspector of Planning, Tony Thickett, informed the Inquiry that the guidance on producing SPG is that this **must be evidence based** - when you produce SPG it should be as equally evidenced based as you would for an LDP going before a Planning Inspector. He continued that the Council must have the evidence to show the impact that the SPG is seeking to avoid, to support the harm claimed by the council if this is not avoided, and to support the thresholds, numbers, and/or percentages chosen.

‘The key is to have evidence to show the impact that the policy is seeking to avoid – what is the impact of having more HMOs than the policy states is acceptable, the tipping point, where is the evidence to support this impact? It is essential to evidence thresholds, numbers, percentages, impact. So, the detailed way of how going to implement the policy sits in the SPG, whereas the overarching policy objective sits in the LDP policy. Whatever thresholds choose, need to evidence.’

Tony Thickett

Impact

78. The Vice Chair Planning Officers Society Wales, Tom Evans, explained that Swansea Council's SPG **highlight the reason why something is not acceptable**, they explain the implications, for example the impact on wellbeing, on useable space etc. This means that planning inspectors can see that the guidance is clear on what is required of the developer and the impact if this is not followed. He explained that this provides a reason for planning inspectors to concur with the Council – the planning inspectors need a reason – it is not sufficient for them to say the application does not comply with an aspect of the guidance – they need to know the implications and that the implications are unacceptable, which is why Swansea Council set out the impact, for example the impact on wellbeing etc.

Exceptions in SPG

79. The Inquiry received a written submission from Cardiff Civic Society that stated:

'First and foremost, Cardiff Council needs to abide by the edicts set out in its documents. The material is worthless if the council simply ignores its own policies at every opportunity.'

80. At the meeting with Members, Nerys Lloyd-Pierce, Chair Cardiff Civic Society added to the above, stating the Council needs to abide by its SPG and that there is no point having 400-page documents if the Council does not stick to what is in it.

81. Members explored this issue with other witnesses. The Chief Inspector of Planning, Victoria Robinson, clarified that **the planning system is not designed to be prescriptive, and councils should not try to be prescriptive in the LDP and SPG as they could end up tying their own hands**. She continued that councils needs to be clear what their goal is, what they are trying to achieve through policy and have evidence to support why saying that. Then, as long as this is consistent with national policy, this should work in terms of shaping development. She added that

'the planning system is not designed to have 'thou shalt not ever' policies, and certainly cannot state these in SPG or LDP, this is my number one advice to scrutiny - there has to be shades of grey – need the LDP and SPG to provide clear advice on what developers need to do and how the council will take into account different factors that affect a particular development.'

82. The Deputy Chief Inspector of Planning, Tony Thickett, explained that SPG is only guidance: it is not meant to be applied slavishly, it needs to have some flexibility. He gave the following example:
- ‘if SPG specifies 21 metres between facing windows, and developer comes forward with proposal that is only 19 metres apart, this does not mean have to refuse it automatically – it depends on the circumstances – it could be that in this particular case although there is only 19 metres it does not cause harm as it is at an angle – it’s not a black and white tick box – need to apply judgement.’*
83. The Vice Chair Planning Officers Society Wales, Tom Evans, stated there are going to be cases where it is in the interests of the Council to divert from some of the SPG principles or requirements, in the wider interest of achieving the development e.g., if 2 out of 100 houses can’t see street trees, as required by Swansea’s Street Trees SPG, but they have distant views of rolling hills, then the Council would not insist on this – the Council has to take a reasoned approach to details in the SPG. He stressed the Council must be reasonable in how it applies SPG – the main issues to think about are being clear what wanting to achieve/ not allow/ impacts to manage and then think about whose interests are served by applying SPG, so, if perfectly acceptable or even preferred alternative, a council may decide not to stick rigidly to SPG – need to make sensible decision based on entirety of scheme.
84. The Vice Chair Planning Officers Society Wales, Tom Evans, added that Swansea Council’s HMO and PBSA⁹ SPG, December 2019, provides more details on exceptional circumstances, linking this back to the LDP policy, and setting out the sort of circumstances where the council will depart from the principles e.g., long-standing empty property that has been marketed for a significant period of time but without finding anyone to live there, and is in a poor state of repair and the level of investment required means it is not viable for family housing, so if not allowed to use it as HMO it would stay in a poor state of repair and empty to the detriment of the neighbourhood. He continued that the LDP Policy and the SPG set out the exceptional circumstances and so give decision makers clarity and some flexibility in specific circumstances to enable them to

⁹ HMO = Houses in Multiple Occupation, PBSA = purpose-built student accommodation

divert from over-arching principles when in over-riding interest e.g., long-standing empty property. He also provided another example re HMOs and small streets and how the SPG sets out how small streets would be disproportionately affected by the overall 25% threshold and why an additional level of protection is provided to small streets, the evidence amassed to support this, the way in which this will be approached, and the calculations used to arrive at a decision.

85. The Chair of Cardiff Civic Society, Nerys Lloyd-Pierce asked Tom Evans whether, in his experience, developers took advantage of this flexibility – that they used it to get out of the SPG? Tom Evans responded that Swansea’s experience so far was that this did not happen to any great deal: **developers need to evidence and explain why, in that individual circumstance, the exception applies and how the concerns the Council has identified (*the impacts if SPG not implemented*) are outweighed by the individual circumstances.** He stressed that that is the test – **the only reason why a decision maker disapplies the SPG is if it is in the wider interests of development and the area.** He continued that there will always be circumstances where this happen, and that this is particularly the case re thresholds and proportions.
86. In their written submission, the Design Council for Wales stated there is a need to ensure SPG is appropriate and has value for designers, clients, applicants, and decision makers, highlighting that this will require analysis of specific locations. They added that there should be sufficient flexibility in the SPG to ensure each application can be considered by suitably skilled officers to enable appropriate innovative and creative design.
87. The Deputy Chief Inspector of Planning, Tony Thickett, reiterated the point that planning is not black or white, there is an element of subjective judgement and there will be exceptions, so there is a need for flexibility e.g. might have target for affordable housing but might need to reduce it to meet brownfield site needs, transport needs, or education needs; it depends on the priorities for the site – there is not a bottomless pit of money from developer contributions, so it is up to the Council what they put the money towards.

Consultation re SPG

88. The Vice Chair Planning Officers Society Wales, Tom Evans, explained that councils have to show that they have gone through a process of consultation and have to set out how they have responded, and whether they have made changes to the document in light of representation; this shows SPG is a reasoned document. He stressed that it is not always the case that every representation made leads to a change in a document as sometimes there are good reasons for not doing so but councils need to show all representations have been properly assessed and the reasons why changes cannot be made.
89. Cardiff Civic Society stated that it is important for Cardiff Council to demonstrate and evidence that it is giving due consideration to stakeholders' comments, that it is taking them seriously. Nerys Lloyd-Pierce, Chair Cardiff Civic Society, stated that the current LDP had 1,500 recommended changes via consultation but, apart from a couple of tiny points, none of them were taken on board. Julia Barrell, Vice-Chair, Cardiff Civic Society, added that lots of examples and suggestions were provided during the consultation for the Green Infrastructure SPG and none came to fruition.
90. Dr Harris, Senior Lecturer in Planning, Cardiff University, told the Inquiry that he could see on Cardiff Council's website that Cardiff's SPG have been consulted on, and evidence of this consultation.
91. Clare James and Terry Howe, Cardiff Future Wellbeing Alliance, put forward the view that there is limited awareness and understanding amongst most people of what an LDP or SPG are: consultation on SPG, and the LDP, is an opportunity to build knowledge and trust in the planning system, provided there is iterative engagement:

'The LDP consultation documents are 'dry documents' that do not engage – a lot of people do not know what an LDP or SPG are or why they matter – this is understandable as it is a complex area with lots of documents to wade through.'

Terry Howe

'The consultation process needs to be iterative; it needs to be a conversation to build trust, it needs to educate and explain and inform citizens and then seek their views again once they know more about the LDP process and planning system overall and

context that local authorities have to work within. It is critical that citizens are given the opportunity to understand the whole process'

Clare James

92. In addition, they stressed the need for trust that the Council is working in the common good not developers' interests. Members discussed this with Clare and Terry and raised the issue that Members sometimes face, that something is in the greater good but may affect individuals e.g., bus/ cycle lanes. Clare and Terry acknowledged the tensions between these positions, responding that as they come from the environmental perspective, they know bus/ cycle lanes and inner-city flats are needed but are aware of others' views. They stressed that they would not want to see green belt development or see this as good for children/families, but recognised trade-off is sometimes needed, particularly re transport improvements.
93. In their written submission, the Design Commission for Wales stated that there should be genuine, early, and iterative engagement with stakeholders and local people to develop SPG.
94. Members sought the views of the Planning Inspectors re consulting on SPG; Members were concerned that it is hard enough to consult effectively on the LDP let alone on SPG, which does not have the same status, which may lead to stakeholders feeling it is not worthwhile responding to SPG consultation. The Deputy Chief Planning Officer, Tony Thickett, stated that it is important to get the LDP policy right and to consult on this and get that consultation right – the SPG then interprets and assists in implementation of the policy, so **the LDP policy consultation focuses on consulting on the principles underpinning the policy whereas the SPG consultation focuses on the 'how' of implementing the policy, not the principle.**
95. The Welsh Government's LDP development manual states that SPG that have been subject to consultation will carry more weight and that approved SPG should include, or reference, a statement of consultation and any changes made as a result of this consultation. It also sets out that the LDP Delivery Agreement should establish what SPG will be prepared (or revised) and by when, and the timetable indicating when SPG would be issued for consultation and the length of that consultation. It should also

identify the means of community involvement suitable for different types of SPG. Commitments to involvement and consultation must be followed if the SPG is to be of value. SPG will carry little or no weight unless it is produced in accordance with a Community Involvement Scheme and is subject to public consultation and approved by Council resolution.

96. Dr Harris, Senior Lecturer in Planning, Cardiff University highlighted there is an opportunity where there are critical hooks in LDP to consult on these critical SPG in parallel with LDP. The Inspector reviewing the LDP will be able to comment and reconsider how well LDP is written and presented at the same time as seeing what it is that will be in the SPG, which will help to make the SPG more robust.

'If there are some really important SPG - maybe those that cover crucial areas for guiding development, such as developer contributions, transport network impacts etc. – then there is an opportunity to consult on SPG in parallel to LDP, rather than subsequently as is often the case. So, if there are critical hooks in LDP, then consult on these critical SPG in parallel with LDP'

Dr Harris

97. Dr Harris continued that running LDP and SPG consultation in parallel is resource intensive, given the amount of detailed preparation required to appropriately draft SPG, but it might help to enhance the SPG because the process to develop the SPG – consulting, revising, and approving by Council resolution - would be in close parallel to the LDP.
98. Dr Harris advised to only do this on SPG which are critical, given the resource implications, where it is really crucial to get the hook right in the LDP. Then, when the Inspector is reviewing the LDP, they are not only commenting on the plan in light that SPG will follow, but they are also commenting and reconsidering how well the LDP is written and presented at the same time as seeing what it is that will be in the SPG. He concluded that this is one example of how councils might make some of their SPG documents more robust, by running consultation in parallel with LDP.
99. Members sought the view of the Planning Inspectors on this proposal. The Deputy Chief Inspector, Tony Thickett, stated that he could see a lot of advantages to doing this and

no harms arising but that there would be a capacity issue for planning officers, as it is a lot of work to prepare LDP and SPG and they are two different things. He highlighted that it starts to make it very complicated and a big job when you also have the LDP to do but that there are no reasons why you cannot do this.

100. The Welsh Government's LDP development manual states that:

'Where SPG relates to, and would assist the understanding of the implications of the plan or a key policy, it should ideally be prepared and consulted on in parallel with the LDP.'

101. Members noted that Cardiff Council's LDP Review (March 2021) states

'A review of the existing SPG including ones recently amended and adopted will be undertaken as part of the LDP Revision process.'

Point 3.85

102. Members further noted the Replacement LDP Delivery Agreement, agreed with Welsh Government in January 2021, states the need for any new or revised SPG (related to existing LDP policies) will be considered *'on its merits having regard to the need for new guidance together with the adequacy of the existing policy framework'* as set out in the LDP and national guidance and continues, *'In such cases, the SPG will be subject to its own consultation process.'*

103. The Delivery Agreement also acknowledges that consultation with stakeholders as the Replacement LDP is prepared may reveal the need for new SPG to be produced that directly relates to the Replacement LDP. It states *'In such cases, it is intended that public consultation on the SPG would be undertaken in parallel with wider replacement LDP engagement. Stakeholders will be kept informed of any such consultations.'* SPG would need to be included in the Replacement LDP Deposit of proposals stage, scheduled to take place December 2022 – November 2023. SPG would need to be included in the documents published as part of the statutory 8-week consultation period.

Examination process

104. The Deputy Chief Inspector, Tony Thickett, explained that, in Wales, Inspectors do not examine SPG as these are outside their remit.

105. Dr Harris, Senior Lecturer in Planning, Cardiff University, highlighted that England used Supplementary Planning Documents (their equivalent to SPG) and had a process where, if the local authority wanted them to have enhanced weight, they could take them as a Local Plan document - part of their Local Plans (their equivalent to LDP) – so these SPDs were examined, with a formalised and statutory process. This gives the SDP added weight. Dr Harris explained there is no similar provision within the Welsh planning system. The English approach takes more resource as more formality as a statutory process, whereas in Wales SPG are easy and quick to prepare, consult on and resolve to approve by Council, albeit that they lack statutory status.
106. Dr Harris, Senior Lecturer in Planning, Cardiff University, stated that it may be possible for councils in Wales to learn from England re the above, by setting up an independent review of SPG, or some of them – those that Councils want to ‘bite’ a little bit more. This would not be a statutory review but an independent review of SPG or some of them, that may add weight. He explained that, at the moment, Cardiff Council develops SPG, consults on them, reflects on suggested changes, amends SPG accordingly if it wishes to and presents them to Council for approval – it may be that a semi-independent review would enhance the weight, albeit that only incrementally adding weight. He stressed that it is not definite that an independent review would add weight in the planning inspectors view, but it could. Dr Harris did not offer an example of where this process was trialled successfully.

How to make SPG strong enough to win an appeal

107. Members highlighted that, ultimately, a Council will only know if SPG is a good document at the point that it is challenged by an appeal and upheld by the Planning Inspector – it may look good and contain useful information but is it effective? Is it open to interpretation? They sought the views of the Planning Inspectors on what they think is needed for SPG to be strong enough in appeals.
108. The Deputy Chief Inspector of Planning, Tony Thickett, explained the weight a Planning Inspector gives to an SPG depends on how it fits with the LDP policy and the process it has been through. Planning Inspectors will give considerable weight to SPG if i) it is clearly linked to an LDP policy ii) it has been subject to public consultation and iii) it has

been approved by Council as supplementary planning guidance. Ahead of all of these is the need for the SPG to comply with national planning policy.

109. Tony Thickett reiterated that the LDP is the starting point – the planning authority and planning inspectors must determine the application in accordance with the LDP until and unless material consideration indicates otherwise - if the LDP policy is vague, that is still the starting point. He emphasised that a council cannot bring in SPG to amend the policy or fill the gap. However, they could do a minor review of LDP if they were finding that one policy was not delivering what the council had intended.
110. The Chief Inspector of Planning, Victoria Robinson, highlighted local authorities can refer to Future Wales, which has development plan status, in their SPG and that she would encourage councils to do this; whilst a lot of the policies in Future Wales are high level, because it is a national plan, they are still useful. For example, with regard to retail centres and changing dynamics about types of uses, Future Wales talks about town centre first and the flexibility that town centres should be looking at. She added that Planning Policy Wales has been updated as well regarding retail – stating that this is an area that has moved on in quality terms since Cardiff’s last LDP was adopted. She reiterated the point that SPG carries more weight the more consistent it is not only with LDP but national planning policy as well and that is where Future Wales can help move things forward a bit more.
111. Dr Harris, Senior Lecturer in Planning, Cardiff University stated that, in his view, a lot of what Cardiff Council is doing re SPG is not so different to what other councils are doing in England and Wales, based on his review. Cardiff’s SPG have been consulted on and you can see evidence of this consultation and they have been approved by Council resolution. So, the Council’s planning department is doing most of the things it can do to give strength and weight to SPG. He emphasised this is a separate point to the effectiveness of the Council’s LDP policy hooks.
112. The Vice-Chair Planning Officers Society Wales, Tom Evans, offered to share examples of appeal decisions relating to HMO applications that show how Swansea Council’s new LDP HMO policy and HMO and PBSA SPG has been used to manage HMO issues in Swansea.

CASE STUDY - Swansea Council – Use of LDP policy and SPG in Appeal Decisions re HMO applications

Tom Evans, Vice- Chair Planning Officers Society Wales and Placemaking and Strategic Planning Manager, Swansea Council, shared four appeals decisions that illustrate how inspectors have used LDP policy and related SPG to underpin decisions to dismiss planning appeals.

The inspectors' decision notices cite the relevant LDP HMO policy and the HMO PBSA SPG¹⁰ and focus on the use of thresholds, including within and outside HMO management areas and in small streets, the evidence basis re thresholds, the evidence basis re harm and the impact of the proposal on local community and amenities, and that there are flexibilities and exceptions written into the LDP and SPG which these cases do not meet. This demonstrates the importance of including these aspects in the LDP policies and SPG.

The four appeals decisions are:

- 5 Kilvey Terrace, St Thomas, Swansea, SA1 8BA – Appeal Ref: APP/B6855/A/19/3243984
The appeal decision states that the SPG has been subject to public consultation and is therefore an important material consideration. It cites the LDP policy threshold and the SPG threshold calculation methodology. It cites the LDP policy exceptional circumstances and the SPG detail on this. It cites the LDP policy and SPG objectives to foster balanced and cohesive communities and to avoid adverse consequences for the character and amenity of the area. It dismisses the appeal for these reasons, and for the reason that the application does not meet the more general requirement of LDP Placemaking and Place Management policy that development should enhance the quality of places and accord with relevant placemaking principles.
- 38 St James Crescent, Uplands, Swansea, SA1 6DR - Appeal Ref: APP/B6855/A/20/3252707
The appeal decision cites the LDP Policy, stating the proposed development would conflict with this. It also states the proposed development would run counter to the general thrust of the advice contained within the SPG.
- 17 Oaklands Terrace, Mount Pleasant, Swansea, SA1 6JJ – Appeal Ref: APP/B6855/A/20/3265453
The appeal decision cites the LDP Policy threshold for HMO management areas and the LDP Policy re small streets, including the reasoning for a different approach for small streets and that the SPG recognises that a judgement still needs to be made even if the threshold ratio is exceeded, and cites one of the worked examples included in the SPG to illustrate this. The appeal decision states the LDP policy is evidence based, went through examination, and was found to be sound. It also states that the LDP policy and SPG incorporate flexibility via the exceptions criteria. It cites the LDP policy and SPG objectives to foster balanced and cohesive communities.
- 131 Rhondda Street, Mount Pleasant, Swansea, SA1 6EY: Appeal Ref: APP/B6855/A/21/3271767
The appeal decision cites the LDP policy and SPG's recognition that there will be a need for HMOs to meet occupier demand and that future provision needs to avoid overconcentration to the detriment of residential amenity and community balance. It cites the LDP policy thresholds and that the SPG provides detailed advice on this. It cites the LDP policy re HMO management areas. It cites the LDP policy re exceptional circumstances and the flexibility this provides.

¹⁰ Available at: <https://www.swansea.gov.uk/hmospg>

SUMMARY - How to Ensure Strong SPG:

- Use positive, precise language
- Cite relevant LDP policy and paragraph upfront
- Be clear and unambiguous re what the Council is expecting
- Use positive phraseology, such as '*expectations of local authority*' and '*basis for negotiations*'
- State SPG is a material consideration
- Do not state '*this is a non-statutory document*'
- Provide evidence for thresholds, numbers, percentages, and impact seeking to avoid
- Clearly state and detail the impact the SPG is seeking to avoid
- Detail the implications if this impact is not avoided – the harm caused
- Include flexibility via exceptional circumstances, providing details on these, how they will be approached and how they will be calculated
- Have an iterative engagement and consultation process
- Take the SPG through the approved process
- Formally approve the SPG at Full Council

Publicising SPG

113. Cardiff Future Wellbeing Alliance highlighted the need to increase the publicity for Cardiff Council's SPG, to make them more accessible and help build citizens knowledge about SPG:

'Need to have clarity with SPG – at the moment some of them seem hidden and are hard to find – and build knowledge about SPG – the average citizen would not know what an SPG was.'

Clare James

114. In their written submission, the Design Council for Wales stated that all SPG documents must be available on the Council's website. Cardiff Civic Society also highlighted the need to improve the accessibility of Cardiff Council's SPG by including all SPG on the Council's website in one specific section. In addition, they raised the need to clarify where planned SPG instead morphs into another type of planning tool, such as a Technical Guidance Note, so that it is straightforward for stakeholders to keep track:

'The current LDP states there will be an SPG on Open Space, but this has morphed into a Technical Guidance Note on Open Space forming part of a wider Green Infrastructure SPG. This may or may not be the right way to tackle these issues, but it could be confusing and, indeed, the Indoor Arena developer does not seem aware of this, as they state in their application that there is not an Open Space SPG but do not refer to the TGN on Open Space.'

Lyn Eynon

115. Lyn Eynon, Cardiff Civic Society also raised the need to improve the housekeeping for SPG, by ensuring draft SPG are replaced by the approved SPG and that the status of SPG is clear:

'currently some approved SPG are on the website in their own section, some are only available by finding the relevant report to Council e.g., Green Infrastructure SPG. In addition, it is not very clear on their status - some still have draft on them, with no final version online, such as Green Infrastructure SPG'

Lyn Eynon

116. The Vice-Chair of Planning Officers Society Wales, Tom Evans, confirmed to Members that there needs to be clarity on the status of SPG and where they can be found.
117. Finally, Cardiff Civic Society emphasised the need to ensure that documents are capable of being downloaded onto mobile devices without compromising their usability, that they are 'accessible-friendly.'

Up to date SPG

118. In their written contribution, Cardiff Civic Society stated that several of Cardiff Council's SPG need updating, citing the City Centre Design SPG that dates from 1994. During their meeting with Members, they stated that, in their view, some of the SPG are '*past their sell-by date*,' citing the Dumballs Road Masterplan, which dates back to 2006, as an example.
119. Similarly, in their written submission, the Design Council for Wales, stated that SPG must be kept up to date and that several of the current SPG are old and have outdated policy and place references

120. However, Dr Harris, Senior Lecturer in Planning, Cardiff University, stated that
‘Cardiff is doing quite well – it has one or two quite dated SPG – but most followed quickly after the LDP, so not too dated.’

Future Proofing SPG

121. Cardiff Civic Society stressed the need for SPG to address the Climate and Nature emergencies:

‘Need to futureproof SPG – climate and nature emergencies are not going away – need to think through what need to achieve from developers 5/10 years ahead’

Julia Barrell

122. Cardiff Future Wellbeing Alliance emphasised the need for the LDP, and therefore SPG, to assist in implementing One Planet Cardiff:

‘how One Planet Cardiff fits into the LDP – this is a real opportunity to engage and take One Planet Cardiff seriously in terms of achieving net zero.’

Clare James

New SPG

123. Cardiff Civic Society raised the need for new SPG, such as to conserve historic buildings that mean a lot to local communities but may not be deemed nationally significant and therefore subject to the protections offered by CADW.

‘There is a need for new SPG, such as to conserve historic buildings – not just buildings deemed as nationally significant but also locally important historic buildings e.g., the Settlement building in Splott and the Rompney Castle, these mean a lot to local communities’

Nerys Lloyd Pierce

124. It should be noted that this suggestion must be taken in context with the expert advice that SPGs cannot be used to make new policy or amend policy but only to amplify existing LDP policy. Consideration would need to be given to whether new SPG could build on existing LDP policy or whether they would require new policies in the Replacement Local Development Plan.

Good Practice SPG

125. Cardiff Civic Society advocated Cardiff Council be open to good practice advice from elsewhere, including England.

‘Cardiff Council needs to take advice from elsewhere to move forward, need to be more open to accepting good practice advice and follow this. Bristol is similar to Cardiff so why not follow good practice from there?’

Nerys Lloyd Pierce

‘whilst there are differences between planning systems in England and Wales, some of the good things developed in England could come to Cardiff and be applicable – in my view it is unlikely to be prohibited – need to look more widely than Wales, at other larger cities, to find examples useful to Cardiff.’

Julia Barrell

126. Members wondered whether the differences between the English and Welsh planning systems, such as definitions, would mean that English good practice would not be relevant or applicable in Wales. They sought the advice of the Deputy Chief Inspector of Planning, Tony Thickett, who responded that:

‘you will find good and bad SPG in England that you can learn from – the role of SPG in England is exactly the same as it is in Wales, with development plan the primary document and SPG having the same function in England and Wales. Whilst policies in England and Wales are diverging, the principles and mechanisms of the planning systems are the same, so there is no harm in looking for examples in England.’

127. The Deputy Chief Inspector of Planning, Tony Thickett, also stated that there is not a silver bullet anywhere – in general, the best LDP and SPG are the simplest.

128. Julia Barrell, Vice-Chair, Cardiff Civic Society highlighted the need for Cardiff Council to be clear what it is looking to achieve so that it can identify relevant good practice examples:

‘I and others might see these as good practice examples but, from experience, the Council may not as they may not accord with what the Council is looking for, and

therefore it is essential as a first step to be clear what it is that the Council is looking to achieve, what it wants to see.'

Good Practice SPG - examples

129. Throughout the Inquiry, Members asked witnesses to identify examples of SPG used elsewhere that they thought was good practice and to clarify to Members why they believed these to be good practice.
130. Cardiff Civic Society identified Bristol Council's Trees SPG and Cornwall Council's Biodiversity SPG as good practice examples, whilst Cardiff Future Wellbeing Alliance highlighted some English councils have Climate Change SPG that might be worth looking at, including Bristol Council and Woking Council. Dr Harris stated that he had asked colleagues to identify good practice SPG, which led to Monmouthshire Council's Green Infrastructure SPG being cited as good practice.
131. Tom Evans, who attended the Inquiry as the Vice-Chair of the Planning Officers Society Wales and is also the Placemaking and Strategic Planning Manager, Swansea Council, talked Members through two Swansea Council SPG – the Street Trees section of the Placemaking SPG and the Houses in Multiple Occupation and Purpose-Built Student Accommodation SPG. In addition, he forwarded links to two other Swansea Council SPG – Trees, Hedgerows and Woodlands¹¹, and Biodiversity and Development¹².
132. In addition, at the request of Members, the Scrutiny Officer supporting this Inquiry undertook some internet searches to identify good practice SPG re sustainability, Houses in Multiple Occupation, and accessibility.

Bristol Council's Trees SPG

133. Cardiff Civic Society cited Bristol Council's Trees SPG¹³ as good practice, giving the following reasons:
- It makes it clear what the Council wants to see
 - It is specific
 - It provides examples and photos
 - It provides links to further information.

¹¹ Available at: <https://www.swansea.gov.uk/treespg>

¹² Available at: <https://www.swansea.gov.uk/biodiversityspg>

¹³ Available at: [Supplementary planning documents, practice notes and other planning guidance - bristol.gov.uk](https://www.bristol.gov.uk/supplementary-planning-documents-practice-notes-and-other-planning-guidance)

Cornwall Council's Biodiversity SPG

134. Following their meeting with the Inquiry, Julia Barrell, Cardiff Civic Society, highlighted Cornwall Council's Biodiversity SPG¹⁴, stating it is a good example because

- It is clear
- It is easy to understand
- It is defined and detailed
- It explains what the Council is expecting developers to do and show that they have done
- It sets some minimum standards - e.g., minimum number of integrated bird and bat boxes on buildings, minimum number of bee boxes, planting of native trees, etc
- It provides case studies
- It sets out a standard for a minimum 10% biodiversity enhancement¹⁵

Climate Change SPG

135. Cardiff Future Wellbeing Alliance highlighted some English Councils have Climate Change SPG that might be worth looking at particularly given the need to ensure the LDP supports implementation of the One Planet Cardiff Strategy and assists efforts to tackle the climate and nature emergencies.

136. They identified Bristol Council's Climate Change SPG¹⁶ and Woking Council's Climate Change SPG¹⁷, which has a climate neutral checklist for applicants. Cardiff Future Wellbeing Alliance stressed that it is not aware how these SPG have held up in practice but find the approach taken by these councils interesting, for example Bristol's SPG includes the following: *'developers should aim to exceed the requirements of the current local plan policies. Where development proposals go beyond the standard required by the current LDP the benefits of such an approach can be taken into account as a material consideration when planning applications are decided.'*

Monmouthshire Council's Green Infrastructure SPG

137. Dr Harris, Senior Lecturer in Planning, Cardiff University stated that Monmouthshire Council's Green Infrastructure SPG¹⁸ has been identified to him as good practice SPG as it:

- Starts with a clear statement of which policy in the LDP the SPG hooks into

¹⁴ Available at: <https://www.cornwall.gov.uk/media/v1roqk0x/planning-for-biodiversity-and-net-gain-spd-v11.pdf>

¹⁵ Members noted that the Environment Act 2021 came into force in England in November 2021 – this requires 10% minimum Net Biodiversity Gain for all new developments which will be on site from November 2023.

¹⁶ Available at: [Supplementary planning documents, practice notes and other planning guidance - bristol.gov.uk](https://www.bristol.gov.uk/media/2022/07/supplementary-planning-documents-practice-notes-and-other-planning-guidance-2022-07-27/)

¹⁷ Available at: [Supplementary Planning Documents and Guidance - Woking 2027](https://www.woking.gov.uk/media/2022/07/supplementary-planning-documents-and-guidance-2022-07-27/)

¹⁸ Available at: [Adopted SPG - Monmouthshire](https://www.monmouthshire.gov.uk/media/2022/07/adopted-spg-monmouthshire-2022-07-27/)

- States that the SPG supplements the LDP policy
- States that the SPG is a material consideration
- Uses the above to explain why people should pay attention to it
- Uses a positive tone that is sharp and focused
- Uses robust phraseology including ‘*expectations of local authority*’
- Includes the phrase ‘*basis for negotiations,*’ thus demonstrating that the flexibility is built in and that there is a need to negotiate and explore with developers.

Swansea Council’s Placemaking SPG – Street Trees

138. Tom Evans, Vice-Chair of the Planning Officers Society Wales and Placemaking and Strategic Planning Manager, Swansea Council, cited Swansea Council’s ‘*Placemaking Guidance for Residential Development October 2021*’¹⁹ as a good example of how an SPG provides details of how to implement LDP policy, to ensure the aim of the policy is realised.

139. He focused on the LDP policy on Street Trees as an example, which sets out the need for street trees to be incorporated into developments, meaning a decision to refuse a proposal can be made on the basis that it does not include street trees. However, what if developers put one or two street trees in a major spine road serving residential area – they have ticked the box of the LDP policy, but has it gone far enough? Tom explained that this is where SPG comes into play as it sets the context by referring to LDP policy, and provides more details, with examples and illustrations of various scenarios, thus augmenting concepts set out in policy. The LDP contains detailed policy and the Placemaking SPG builds on this and illustrates it.

140. The SPG provides details on how the Council expects street trees to be incorporated into developments. It provides illustrations of various scenarios, such as how to integrate street trees via planted verges, buildouts, into carriageway, and how to integrate trees on different types of streets – spine streets and major carriageways, lanes, and mews etc. It provides details re direct and oblique views of trees. It explains how to resolve SUDs impact and conflicts between these and street trees. The SPG therefore ensures a developer meets the aims of the LDP policy and avoids a ‘tick box’ approach.

¹⁹ Available at: <https://www.swansea.gov.uk/placemakingspg>

141. Tom Evans explained the Council has to take a reasoned approach to details in the SPG and must be reasonable in how it applies the SPG, giving as an example that if 2 out of 100 houses cannot see street trees, as required by the Placemaking SPG, but they have distant views of rolling hills, then the Council would not insist on these street trees. He emphasised the main issues to think about are being clear what wanting to achieve/ not allow/ impacts to manage, and then think about whose interests are served by applying SPG, so, if perfectly acceptable or even preferred alternative, the Council may decide not to stick rigidly to SPG – need to make sensible decision based on entirety of scheme; there are going to be cases where it is in the interests of the Council to divert from some of the SPG principles or requirements, in the wider interest of achieving the development.

142. Therefore, Swansea Council’s Placemaking SPG provides details augmenting concepts set out in LDP policy, where the LDP policy sets out requirements and SPG builds on this and provides detail. This provides detail to planning applicants and ensure the LDP policy is implemented in the way the Council wishes.

Swansea Council’s Houses in Multiple Occupation and Purpose-Built Student Accommodation SPG

143. Tom Evans, Vice-Chair of the Planning Officers Society Wales and Placemaking and Strategic Planning Manager, Swansea Council, cited Swansea Council’s Houses in Multiple Occupation (HMO) and Purpose-Built Student Accommodation SPG²⁰, as good practice, highlighting how it, coupled with a strengthened LDP policy, has meant the Council is now winning appeals on HMOs, enabling it to manage HMOs more effectively – see page 46 of this report for more details.

144. Having experienced problems with their HMO policy not being upheld on appeal, Swansea Council has strengthened the new LDP policy on HMOs, rather than simply strengthen the SPG, as set out at page 30 of this report.

145. Tom Evans explained that the SPG amplifies the LDP policy providing details on:

- the reasons why something is not acceptable
- the implications, for example the impact on wellbeing, or on useable space

²⁰ Available at: <https://www.swansea.gov.uk/hmospg>

- exceptional circumstances - linking this back to the LDP policy, and setting out the sort of circumstances where the Council may depart from the principles e.g., a long-standing empty property that i) has been extensively marketed but cannot find someone to live there, ii) is in poor state of repair and iii) the level of investment required to bring it to good state of repair means it is not viable for family housing, so would otherwise stay in poor state of repair and empty, to the detriment of the local community
- small streets aspect of the LDP HMO policy - including how small streets would be disproportionately affected by the wider 25% threshold, why additional level of protection is therefore provided to small streets, the evidence amassed to support this, the way in which this will be approached and what sort of calculations will be done to arrive at a decision.

CASE STUDY - Cardiff Council's Houses in Multiple Occupation – LDP Policy and SPG

Members undertaking the Inquiry were aware from their ward work, work on Planning Committee, and from issues raised with them by other Members, that Cardiff Council's existing SPG on HMOs is not achieving its aim and is not being upheld at appeal by Planning Inspectors. Members sought clarification on why this is and what Cardiff Council needs to do to strengthen the SPG.

Tony Thickett, Deputy Chief Inspector of Planning, explained Cardiff Council needs to start by improving its LDP policy on HMOs by:

- clearly stating what the Council's objective is
- clearly stating what it wants for areas with high number of HMO applications
- setting out what is to be gained from protecting from HMOs – what harms will be avoided?
- setting out what harms will result from breaching thresholds
- providing evidence of tangible harms
- tightening definitions.

He advised Cardiff Council to look at the Planning Inspectors' decisions:

- *What are the things they are taking into account when making their decisions?*
- *What are the reasons cited for their decision?*
- *What areas do decisions highlight that the Council needs to improve?*

From his understanding, the majority of decisions are because the applications are in areas where the threshold has already been exceeded and there is nothing in LDP or SPG about the harm arising if that is the case and, therefore, there is nothing for planning inspectors to cite to refuse an appeal.

Tony Thickett stated, in his personal view, the Council may wish to take a street-by-street approach, rather than a ward-wide approach.

Tony Thickett stated, in his personal view, the Council may wish to use tools other than planning policy to achieve its aims – is planning the best tool to achieve what Cardiff Council wants to achieve?

Members reflected that the above can be supplemented by the other aspects identified by this Inquiry for improving LDP and SPG.

Good Practice identified by internet searches

146. Members requested that the Scrutiny Officer supporting this Inquiry undertake some internet searches to identify good practice SPG re sustainability, Houses in Multiple Occupation, and accessibility – the latter as a result of a comment received from a fellow Member that their biggest concern re SPG is that they do not address disability issues and that they would prefer issues like disability to be at the forefront of planning.

147. The following SPG were identified:

a. Public Health Wales – SPG template for Healthy Weight Environments (June 2021)

This provides a blueprint for local authorities to use to develop their own local SPG designed to support local people to maximise their well-being, including achieving a healthy weight.

[Microsoft Word - Planning and Enabling Main Resource v8.docx \(nhs.wales\)](#)

b. Planning Advisory Service – Access All Areas – Planning for an Inclusive Environment (April 2007)

– includes examples of council SPG that ensure inclusivity and accessibility built in as fundamental in planning applications.

[Layout 1 \(local.gov.uk\)](#)

c. Bath & NE Somerset Council - SPD Houses in Multiple Occupation (January 2022)

A recent example of SPD for HMOs that deals with similar issues to Cardiff and includes various criteria for tackling this, including:

- ‘sandwich test’ – HMO will not be allowed if it results in other property being ‘sandwiched’ by HMOs.

[Houses in Multiple Occupation \(HMO\) supplementary planning document \(bathnes.gov.uk\)](#)

d. Newcastle City Council – Sustainability Statements Planning Process Note (November 2021)

A recent example of planning guidance to help developers ensure their designs address the impacts of climate change and achieve sustainability ambitions.

[Newcastle City Council - Sustainability Statements Planning Process Note \(November 2021\) _0.pdf](#)

OTHER

Other Planning Tools

148. The terms of reference for the Inquiry included Members understanding when to use SPG and when to use other planning tools. Members sought the views of witnesses. Dr Harris, Senior Lecturer in Planning, Cardiff University, explained that Councils can use various planning tools, such as place plans, design guides, Technical Guidance Notes, and issue based SPG, but none of these have greater status than SPG. He continued

‘Councils can prepare what they like and call it what they like but need to get it approved as SPG for it to have weight’

Annual Monitoring LDP

149. Councils are required to produce an annual monitoring report that sets out progress in delivering the LDP policy objectives and highlights issues with SPG. The Welsh Government’s LDP development manual sets out that the effectiveness of SPG, alongside the policy it supplements, should be evaluated as part of the annual monitoring process and that annual monitoring also has a role to play in identifying the requirement for any new or updated SPG.

150. Cardiff Civic Society stated that, in Cardiff, this process is not satisfactory, as the Annual Monitoring Report (AMR) does not highlight any concerns with SPG, when it is clear that there have been issues with some of the SPG, for example the Houses in Multiple Occupation SPG. Dr Harris, Senior Lecturer in Planning, Cardiff University, also identified that the AMR does not highlight any concerns re SPG – it talks about significant progress in putting in place a suite of SPG, and states that most SPG are working as intended.

151. Members of the Inquiry were aware that the LDP Review, March 2021, identified that 18 SPG have been approved by Council since the adoption of the LDP and that the Review identifies, at point 3.36, *‘the issue of sub-divisions/ conversions into HMOs and flats is a matter which is considered to warrant a detailed analysis in response to concerns regarding the cumulative impact of proposals on local communities and amenity considerations of occupiers and neighbours. Whilst additional SPG has been*

prepared, appeal decisions are not always supporting the Council's position, so a review is considered timely.'

152. Members therefore concluded that the Annual Monitoring Report required strengthening, to make it clearer to readers the areas needing actions to address deficiencies, perhaps by highlighting these and including an action plan, with steps to address these deficiencies.

Regional SDP and LDP relationship

153. Members of the Inquiry were interested to understand the relationship between the planned regional Strategic Development Plans (SDP) and local authority LDPs. The Deputy Chief Inspector of Planning, Tony Thickett, explained that, in the future, Wales's planning system will have three tiers – the national tier set out in Future Wales, the regional tier set out in SDPs and then the local tier set out in LDPs. He stated that SDPs apportion growth regionally, and LDPs determine where this growth would be e.g., the SDP would say x number of houses needed and that Cardiff will provide x amount of these, and the LDP would determine where these would be provided.
154. Dr Harris, Senior Lecturer in Planning, Cardiff University, stated that, regarding the relationship between SDPs and LDPs, it was early days, with the setup of Corporate Joint Committees and process of SDPs still to be clarified with no guidance or framework yet. He highlighted that some concerns have been raised regarding resources required re additional layer, with concerns that staff resources in the local authorities in SDP areas may be used to draft SDP and that could lead to a trade-off re producing good SPG, given that there is only so much resource available. He stressed that SDPs themselves may require SPG; this is still to be clarified. He added that it is not yet clear how the LDP nestles within SDP and that this will be an interesting dynamic – some policies might be dealt with at a strategic level – it is yet to be seen how this plays out.

CARDIFF COUNCIL PLANNING OFFICERS VIEWS

155. The task group shared the draft main body of the report and key findings with Cllr De'Ath, Cabinet Member Transport and Strategic Planning, Simon Gilbert, Head of Planning, and Stuart Williams, Group Leader – Policy, Planning, to seek their views on the findings and to give them the opportunity to submit any additional evidence they wished the Inquiry to consider prior to the task group framing recommendations.
156. The task group arranged a meeting with Cllr De'Ath, Simon Gilbert and Stuart Williams; on the day, Cllr De'Ath was unfortunately unable to attend due to another call on his time. However, the task group met with officers to discuss the report, following which officers provided annotated copies of the draft report, containing their comments, suggested amendments to improve the clarity and accuracy of the report, and additional evidence they wished the Inquiry to consider. This included:
- The Development Plan including the National Plan and LDP are the primary bases upon which planning decisions are made.
 - The LDP must conform to the National Plan, Planning Policy Wales, Technical Advice Notes and other circulars and statutory instruments
 - Producing an LDP is agreed with Welsh Government through the preparation of a Delivery Agreement
 - Need to be clear that policies are in the LDP and not in SPG – SPG can provide further technical guidance to support an existing LDP policy.
 - LDP has to cover a large amount of policy areas and so cannot provide all the detailed technical information needed to implement LDP policies.
 - SPG are approved rather than adopted and should be formally approved at a meeting of Full Council
 - SPG often cover technical matters and therefore need to be comprehensive, rather than 'short and snappy', they need to be fit for purpose, clear to the target audience and possibly use plain language. It may be that an SPG has to be lengthy and quite technical.
 - SPG provide additional advice and guidance and cannot contain the criteria for deciding planning applications upfront

- SPG can be afforded significant weight when considering development proposals. The weight to be applied to SPG can vary depending on its relevance to the issue, the amount of consultation undertaken, the level of governance in approving the guidance, and other planning factors. Each development proposal has to be considered on its own merits, having regard to all factors – officers will have to consider the ‘planning balance’ in the public interest.
- There may be merit in identifying where future SPG will be required at an early stage in plan preparation and consulting on this. Work on the evidence base could then be used to inform new SPG quicker following adoption of the Plan. Likewise, existing SPG that remain fit for purpose could be brought forward quicker in early tranches on SPG preparation.
- Consultation is governed by legislation and national guidance
- Consultation listens to a variety of views and sometimes these are contradictory views
- The Council has to take into account all comments received
- Appendices in Cardiff Council’s SPG identify consultation responses and the actions/ changes made following consultation. This helps add ‘weight’ as does the fact the Council consults for a reasonable period, publicises and seeks approval of SPG through Cabinet and Council.
- Cardiff Council has been amplifying community voices, including children and young people, throughout the replacement LDP process.
- The Council has a section on its website for SPGs, including a list of approved SPG, a page for draft SPG for consultation, and a list of related Technical Guidance Notes
- There is recognition of the need for web accessibility and a wide range of user accessibility
- Welsh Government recently started a consultation on SDP preparation.
- There may be a need to consider SPG to address issues such as post pandemic recovery, cost of living crises, homelessness and affordable housing.

APPROACH TAKEN

- M1. Members undertook this Inquiry between March – September 2022.
- M2. Members invited Cllr De'Ath, Cabinet Member – Transport and Strategic Planning, and planning officers to a meeting, and received evidence from the following internal stakeholders who contributed to the Inquiry:
- Simon Gilbert – Head of Planning
 - Stuart Williams – Group Leader – Policy, Planning.
- M3. Members also received evidence from the following external stakeholders:
- Cardiff Civic Society
 - i. Nerys Lloyd-Pierce - *Chair*
 - ii. Julia Barrell – *Vice Chair*
 - iii. Lyn Eynon
 - Cardiff Future Wellbeing Alliance
 - i. Clare James
 - ii. Terry Price
 - Cardiff University – Dr Neil Harris – *Senior Lecturer, Planning*
 - Design Commission for Wales
 - i. Carole-Anne Davies – *Chief Executive*
 - ii. Jen Heal -
 - Planning Environment Decisions Wales
 - i. Victoria Robinson – *Chief Planning Inspector*
 - ii. Tony Thickett – *Deputy Chief Planning Inspector*
 - Planning Officers Society Wales
 - i. Tom Evans (*Vice-Chair*)
- M4. The Planning Environment Decisions Wales witnesses – Victoria Robinson and Tony Thickett – emphasised that the views they expressed were their own and not those of Welsh Government.

- M5. Scrutiny Services emailed a variety of other external stakeholders, including developers and other professionals working in development and their representative bodies, offering them the opportunity to contribute to the Inquiry. Members were particularly keen to understand their perspectives. However, no responses were received from these contacts.
- M6. To inform the Inquiry, Members were provided with information detailing the policy context, and good practice examples of other local authorities Supplementary Planning Guidance.
- M7. The evidence has been used to identify suitable findings from the Inquiry.

FINANCIAL IMPLICATIONS

The Scrutiny Committee is empowered to enquire, consider, review, and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications.

LEGAL IMPLICATIONS

The Scrutiny Committee is empowered to enquire, consider, review, and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without modification. Any report with recommendations for decision that goes to Cabinet / Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal power of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of

the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. standing orders and financial regulations; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

COMMITTEE TERMS OF REFERENCE

- To scrutinise, measure and actively promote improvement in the Council's performance in the provision of services and compliance with Council policies, aims and objectives in the area of environmental sustainability including:
 - Strategic Planning Policy
 - Sustainability Policy
 - Environmental Health Policy
 - Public Protection Policy
 - Licensing Policy
 - Waste Management
 - Strategic Waste Projects
 - Street Cleansing
 - Cycling and Walking
 - Streetscape
 - Strategic Transportation Partnership
 - South East Wales Transport Alliance
 - Transport Policy and Development
 - Intelligent Transport Solutions
 - Public Transport
 - Parking Management

- To assess the impact of partnerships with and resources and services provided by external organisations including the Welsh Government, joint local government services, Welsh Government Sponsored Public Bodies, and quasi-departmental non-governmental bodies on the effectiveness of Council service delivery.

- To report to an appropriate Cabinet or Council meeting on its findings and to make recommendations on measures, which may enhance Council performance or service delivery in this area.

Environmental Scrutiny Committee Membership



Councillor Owen Jones (Chair)



Councillor Bob Derbyshire



Councillor Jackie Parry



Councillor Jamie Green



Councillor Helen Lloyd Jones



Councillor Bethan Procter



Councillor John Lancaster



Councillor Ashley Wood



Councillor Andrea Gibson

APPENDIX 1

Local Listing

Cardiff Civic Society raised the issue of local listing of buildings, stating the last local listing in Cardiff was in 1997. They are concerned CADW has an anti-urban bias, with Powys have eight times as many listed buildings as Cardiff.

Inquiry Members explored local listing with witnesses, who clarified that:

- CADW listing system is good but leaves a serious gap as there are numerous examples of buildings that are important to local communities, but which do not meet CADW's architectural heritage and merit bar
- Local listing is a legacy issue from the 1990's before the system changed – most local authorities do not add to them – they date back to Grade 1,2 and 3 listings, where local lists were Grade 3
- Local listing is an additional consideration, but it lacks statutory weight so limited what designation as a local listed building would add.
- Local listing offers no additional statutory protections. A planning officer or planning decision maker or planning inspector would have to actively consider the local listing, so it is not true to say it does not add anything but as it offers no statutory protection, it is a very marginal consideration
- Article 4 directives are cumbersome and bring financial and legal implications for local authorities, such as compensation, which is why the tool is there but is quite limited.
- Article 4 directives must be approved by Welsh Government, who are in turn advised by CADW, who would have turned down listing the building in the first place as it did not meet CADW's architectural heritage and merit bar
- There needs to be a discussion between local authorities, Welsh Government, CADW, WLGA and POSW to find mechanisms to safeguard these buildings.

Dr Harris explained, in his view, there is merit in local listing and engaging local communities, working with them to identify buildings that are important to them – such as Roath Park Pub – in terms of special architectural interest, as they could be candidates for future statutory listed buildings. In England, the system is different in that the Localism Act 2011 established tools such as 'assets of community value' and 'community right to bid' – he stated that he is not sure how effective these have been but at least they have tools to protect buildings of interest to communities but might not have special architectural interest.

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**CYNGOR CAERDYDD
CARDIFF COUNCIL**

ENVIRONMENTAL SCRUTINY COMMITTEE

13 OCTOBER 2022

COMMITTEE BUSINESS

Purpose of Report

1. This report seeks to provide the Committee with an overview of the recommendations made by the Committee since January 2021 when the Scrutiny Recommendation Tracker tool was introduced.

Structure of the Papers

- **Appendix A** provides further details of those recommendations that have not had a response from Cabinet to date

Scrutiny Recommendations

2. Since January 2021 the Committee has made 51 recommendations:

Directorate	RECOMMENDATIONS	
	Open	Closed
Planning Transport & Environment	17	20
Economic Development	10	3
Resources	0	1
TOTAL	27 (53%)	24 (47%)

3. Twelve of these recommendations were following Task and Finish inquiries in relation to the RLDP. Six have been responded too and are now closed, 5 were accepted in full and the remaining recommendation was partially accepted. The remaining six were taken to Cabinet in July and the response is being considered at October Cabinet.

4. Of the 24 closed recommendations:
 - 14 (58%) were Accepted
 - 7 (29%) were Partially accepted
 - 3 (13%) were Not Accepted

5. Of the 27 open recommendations 17 (63%) have no response logged. Some are from recent meetings or are from the pre election period, so it is understandable, however, a responses in relation to an earlier letter in relation to Intelligent Transport Systems has been requested from Cabinet Office. However, as these relate to a previous Administration it may be necessary to 'close' them as they may no longer be relevant, however the Committee are still able to refer to previous recommendations if the issue is considered by Scrutiny in the future.

6. A response is outstanding for five Economic Development Directorate recommendations from the letter sent on 28/09/2022 regarding the Recycling Strategy for Cardiff recently.

7. In relation to Planning Transport and Environment Directorate, 12 recommendations have no Cabinet response from the following meetings:
 - 07/03/2022 – Intelligent Transport System (2 recommendations)
 - 16/03/2022 – Replacement Local Development Plan (RLDP) (6 recommendations)
 - 07/07/2022 – Directorate Delivery Plan (4 recommendations)

8. Since May 2022 and the election of the new administration, the committee has made 15 recommendations:

Directorate	RECOMMENDATIONS	
	Open	Closed
Welsh Government Bus White Paper Consultation	0	6
Planning Transport & Environment DDP	4	0
Recycling Strategy for Cardiff	5	0
TOTAL	9 (60%)	6 (40%)

Way Forward

9. The Principal Scrutiny Officer continues to monitor and manage the receipt of Cabinet letters to ensure that all recommendations are responded to in a timely manner.

Legal Implications

10. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters, there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

11. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters, there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

RECOMMENDATION

12. The Committee is recommended to:

- i. Note the content of this report.
- ii. Support action to reduce the number of recommendations with no cabinet response, where appropriate.
- iii. Support action to reduce the number of recommendations that remain open longer than six months.

Davina Fiore

Director of Governance & Legal Services

7 October 2022

Open recommendations with no response as at 06/10/2022

Type of Scrutiny Activity	Date of Meeting	Recommendation Made	Topic	Date Submitted to Cabinet	Directorate Responsible	Date of Cabinet Response	Recommendation Open/Closed
Pre-decision	07/03/2022	That in re-drafting the questionnaire you re-phrase the questions to avoid response bias.	ITS Strategy	08/03/2022	PTE	Email sent to Cabinet Support requesting copy	Open
		That you consider the language profile of Cardiff residents and ensure this questionnaire is made available in minority languages, particularly reaching out to BAME and hard to reach communities.					Open
T&F Inquiry	16/03/2022	The evidence and key findings in relation to the Corporate consultation process for the Strategic and Delivery Options contained within this letter and the attached matrix (Appendix F) are used to inform and develop the consultation process for the Preferred Strategy and all other consultation processes for future stages of the RLDP.	RLDP	16/03/2022	PTE	Response going to Cabinet 20 Oct 22	Open
		The evidence and key findings on the Strategic and Delivery Options contained within this letter and the attached matrix (Appendix G) are incorporated as formal responses and given equal weighting to those from the Corporate consultation process.					Open
		The evidence and key findings in relation to accessibility, inclusivity and environmental sustainability contained within this letter and the attached matrix (Appendix H) are incorporated as formal responses and given equal weighting to those from the Corporate consultation process in relation to the Strategic and Delivery Options.					Open
		The evidence and key findings in relation to accessibility, inclusivity and environmental sustainability contained within this letter and the attached matrix (Appendix H) are used to inform the development of the Preferred Strategy for the RLDP as part of addressing and meeting the needs of the individuals and communities in Cardiff as well as the Council's environmental responsibilities.					Open
		That Scrutiny be prioritised in future stages of the RLDP, with early sight of RLDP consultation documents to enable their feedback to be considered prior to them being finalised for publication.					Open
		That all political groups are provided with an early draft of RLDP consultation documents for consideration before being finalised so that they can also provide comment and suggest amendments for incorporation					Open
Policy Updates or Progress reports	07/07/2022	It is recommended that an engagement strategy /communications plan is put in place that considers imaginative ways to include the wider community to support the climate change actions and the behaviour change need by residents.	DDP	14/07/2022	PTE		Open
		The Committee recommend the inclusion of additional Key Performance Indicators that measure 'particulate matter', in support of the air quality agenda.					Open
		It is recommended that in future years justification is provided for not setting targets that take previous year's results into account					Open
		It is recommended that all future strategies and plans emphasise the need for all modes of transport link together to make public transport a more attractive option for the public, e.g. bus services provide links to train stations to facilitate onward journeys.					Open
Pre-decision	26/09/2022	It was recommended that the impact of the segregated recycling pilot in terms of reduced contamination and increased recycling rates are included in future communications	Recycling Strategy for Cardiff	28/09/2022	Economic Development		Open
		It is recommended that the communications around the implementation of the strategy use language associated with the 'circular economy' to embed this in the public consciousness.					Open
		It is recommended that local councillors are included in any communications about the roll out of separated recycling in their area.					Open
		It is recommended that provisions are made to support and enable partially sighted/blind residents to recycle, e.g. braille tags to differentiate the containers.					Open
		It is recommended that the Committee are kept informed of decisions in relation to preferred containers as the roll out progresses and different solutions are trialled, and in particular solutions for properties without frontages, flats and HMOs.					Open

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