

CABINET

Minutes of a meeting held on 18 December, 2017.

Present: Councillor J. Thomas (Chairman), Councillor H. Jarvie (Vice – Chairman)
Councillors: J. Bird, G. Cox, G. Kemp, A. Parker and B. Penrose.

C169 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 4 December, 2017 be approved as a correct record.

C170 DECLARATIONS OF INTEREST –

The following declarations of interest were received:

Councillor J. Thomas	<p>Agenda Item 11 - Vale of Glamorgan Local Development Plan 2011-2026: Public Consultation on Draft Supplementary Planning Guidance (SPG)</p> <p>Reason for Declaration –</p> <p>Currently has a planning application under consideration by the Council, so declared a personal and prejudicial interest and did not speak or vote on this matter.</p>
Councillor G. Cox	<p>Agenda Item 11 - Vale of Glamorgan Local Development Plan 2011-2026: Public Consultation on Draft Supplementary Planning Guidance (SPG)</p> <p>Reason for Declaration –</p> <p>As the clerk to the Trustees of the Evan Jenkins Charity, he declared a personal interest in the Evan</p>

	Jenkins Charity site, but had received a dispensation from the Standards Committee to speak and vote on LDP matters except in relation to the Evan Jenkins Charity site.
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C171 M4, JUNCTION 34 TO A48 WELTAG STAGE 1 TRANSPORT STUDY (REF) –

The Environment and Regeneration Scrutiny Committee on 30 November, 2017 considered the above report.

Cabinet had referred the report to the Scrutiny Committee for its consideration prior to a final decision being taken by Cabinet in respect of the resolutions below:

- “(1) T H A T the contents of the report and accompanying Strategic Outline Case Report attached at Appendix A to the report and Impacts Assessment Report attached at Appendix B to the report, be endorsed.**
- (2) T H A T consideration be given to progressing a Stage 2 Welsh Transport Appraisal Guidance (WelTAG) Report for M4, Junction 34 to A48 for the Stage 1 short listed options of: Do-Minimum, a highway route east of Pendoylan, a highway route west of Pendoylan and a parkway station with park and ride facilities and bus integration near to M4, Junction 34.**
- (3) T H A T the Stage 2 Welsh Transport Appraisal Guidance (WelTAG) Report, once completed, be presented to Cabinet for consideration in Spring 2018.”**

The Head of Service for Neighbourhood Services and Transport, in presenting the report, advised that the report detailed a Stage 1 report (Appendices A and B) that had been produced by Arcadis Consulting UK Limited (“Arcadis”) using Welsh Transport Appraisal Guidance (WelTAG) on improving strategic transport links between M4, Junction 34 to A48 and Five Mile Lane.

The report highlighted that Arcadis had been commissioned by the Council in July 2017 to develop and appraise potential options for improving the strategic transport route from M4, Junction 34 to A48 including considering options for a park and ride site at Junction 34. Appendix A to the report provided a Strategic Outline Case

which included a map of the study area and Appendix B was an Impact Assessment report.

The Impact Assessment report provided an overview of the study area including information on its location, demographics, employment, environment and land use characteristics.

Ms. Janice Hughes, representing Arcadis, subsequently provided the Committee with a PowerPoint presentation commencing with a Study Brief which had been commissioned to develop and appraise potential options for improving the strategic transport network encompassing the corridors referred to above, reminding Committee that the schemes needed to come through the WeITAG process in order to be put forward for Welsh Government funding.

Consultation on the proposals had taken place with stakeholders on 7th September, 2017 at the Docks Office, Barry, which had included key employers, public organisations, transport providers and the Local Authority. During that consultation, discussion had taken place in identifying problems, opportunities and constraints, objectives set and potential transport options identified and discussed. On 19th September, 2017, consultation had also taken place with Community Councils and stakeholders, again with the opportunity for Community Councillors to provide feedback on identified options, opportunities and constraints, as well as consideration and suggestions for the objectives and potential transport options. On 21st September, 2017 consultation had been undertaken with the public being afforded the same opportunity to provide feedback on identified options, opportunities and constraints, as well as consideration and suggestions for the objectives and potential transport options.

At the public consultation, a wide range of people and organisations had attended, 41 feedback forms had been received with many being very detailed responses. It was noted that the workshop and public sessions had been engaged with full and constructive discussions.

The transport problems that had been identified were noted as:

- Poor highway infrastructure between M4 Junction 34 and the A48 leading to poor access for local communities and businesses;
- Poor sustainable access to Cardiff Airport and strategic destinations;
- High use of the private car for local and regional trips (e.g. journeys to work);
- Existing congestion issues at M4 Junction 34 and on the A48 which were likely to worsen with the committed developments in the area;

- Environmental issues associated with high use of the car, including adverse greenhouse emissions and noise pollution.
- High local traffic flows led to congestion, capacity issues at junctions, environmental impacts including air quality, noise pollution and unreliable journey times;
- Accessibility for HGVs.
- Adverse road safety conditions along existing routes non-compliant to current Design Manual for Roads and Bridges (DMRB) highway standards.

The opportunities that had been identified were reported as:

- improved connections to link the airport to strategic opportunity areas (SOAs) e.g. Llantrisant and other regional centres;
- national significance of Cardiff Airport;
- growth of Cardiff Airport and investment in St. Athan Enterprise Zone infrastructure;
- Five Mile Lane upgrade will significantly improve access between the A48 and Cardiff Airport;
- potential to create connections between M4 Junction 34 and A48 to continue Five Mile Lane route;
- northernmost 500m section of route near M4 Junction 34 of good standard with existing bridges over River Ely (SSSI) and mainline railway;
- proposed improvement at Bonvilston end of route, connecting to Sycamore Cross;
- potential for park and ride and bus and cycle connections.

The constraints were noted as:

- high quality study area environment;
- policy context (which is also an opportunity);
- potential need for third party land to deliver improvements;
- funding availability;
- location of existing services and facilities within study area.

The Options Appraisal to assess the long list of options included considering how the options tackled identified problems, how the options met the objectives, assessment of risk, consideration of any adverse impacts, constraints and any dependencies.

The options then proposed to be taken forward in the report were as below:

location would provide frequent rail service east towards Cardiff and west towards Swansea, with a large park and ride facility allowing for robust integration for passengers.

The options to be taken forward to WelTAG Stage 2, Ms. Hughes advised, were: Option B – the Highway Route East of Pendoyland, Option C – The Highway Route West of Pendoylan and Option G – Parkway Railway Station including park and ride facilities and bus integration near to M4 Junction 34.

A focus group, including stakeholders, had also taken place on 27th November, 2017 to review the report and options being recommended to ensure that any options being taken forward were supported and deliverable by using the group’s knowledge and expertise in their field. The recommendations of the focus group would be fed back to Cabinet at the same time as it received the views of the Scrutiny Committee before a final decision was taken on the options to be progressed.

Following the presentation a question and answer session took place with Members of the Committee:

Question	Response
Would you describe the project as being demand driven and where was the demand coming from?	It was part of the Business Case and would be an important component of it. The whole project was about future demand and growth and regional growth.
Had there been a lot of demand in the area by lobbying to Local Government and the MPs or was it demand driven by Welsh Government?	It was a regional demand driven project. There was however concern in Pendoylan from residents about the amount of traffic on a daily basis. It was considered to be a “rat run”. However, on top of these concerns there were also far wider issues for the Vale as it was about providing employment sites that were able to be effectively accessed.
Could we have more detailed maps in future reports?	Plans had been used for the public consultation but further details relating to the actual highway alignments and the site itself would be shown at Stage 2 of the process, if approved.
How were the plans to be brought forward?	There were two potential possible highway schemes, together with a rail link as an add on. The intention being that the rail link would in the first instance

	<p>serve local services, with a higher ambition to serve other areas in the future. The officer advised that due to a lack of public transport in the area the locality relied heavily on the Vale of Glamorgan Green Links service.</p> <p>For the future the Head of Service advised that it was important for funding purposes to consider all options, there was a possibility of funding through the City Deal and or private sector investment.</p>
<p>Where did the proposal sit in light of the wider Metro proposals?</p>	<p>There was shortly to be an announcement on the new train franchise and the Council would know more at that point. The Department was engaging in a number of ways with the railway provider and working with Welsh Government to ensure the proposals fitted in with the Metro and the Council's partners.</p>
<p>What was the view in relation to how it would fit in as there were concerns in relation to green belt issues?</p> <p>In respect of Option G, would further proposals be detailed at the next stage in terms of what changes would be needed?</p>	<p>The Stage 2 proposals would look at the preferred bidder option and at that point further additional add ons could be included. The Council looked more easily at highway issues, but there would be a lot of dependencies in relation to the railway network. The green belt issues would depend on where the site was actually sited. The area was quite a constrained area due to the junction, it was on a flood zone and any station proposals would be looked at closely under an Environmental Impact Assessment (EIA).</p>

In considering the report, Members agreed that it was important that the proposals were progressed to Stage 2 but that in relation to Option G the Park and Ride scheme was in their view premature as at present with the only benefit they could currently envisage to be for the Cardiff area. Officers were then asked whether the funding issue in relation to the Metro had been discussed at the City Deal Board. The Head of Service for Regeneration and Planning, in response, advised that the project was likely to be part of the City Deal project, but that it was currently going through the WelTAG study which was funded by Welsh Government (WG). He was however, aware that WG had been speaking to the City Region. Although there was a joined up process, no bidding had been established as yet due to the fact that a full stage business case would have to be completed and submitted.

The Chairman, in summing up, stated that there was a lack of detail at Stage 1 and he hoped that answers to queries and further detailed information as discussed above would be provided at Stage 2 of the process. In terms of housing, he queried whether there had been an assessment of key sites and its potential impact on the LDP. The Head of Service stated that these issues would be factored in as the proposals progressed. The LDP itself ran until 2026 and before that period there would have to be a review of that Plan together with the figures for housing demand in the Vale as well as identifying new sites. At the current stage of the process the Department could not say whether a new settlement would be required, but all factors would have an impact if the network or station was in place. Ms. Hughes also advised that the first stage was considered to be a high level document and that Stage 2 would detail the traffic modelling, discussions she said with WG to discuss the strategic model and cost benefit analysis would continue.

Following consideration of the report and discussions at the meeting, it was subsequently unanimously

RECOMMENDED –

(1) T H A T the resolution of Cabinet to progress to Stage 2 Welsh Transport Appraisal Guidance (WelTAG) Report for M4, Junction 34 to A48 for the Stage 1 shortlisted options of: Do-Minimum, a highway route east of Pendoylan, a highway route west of Pendoylan and a parkway station with park and ride facilities and bus integration near to M4, Junction 34 be endorsed.

(2) T H A T Cabinet be apprised of the Committee's concerns, as outlined above, in respect of the detail required at the next stage of the process.

(3) T H A T the Stage 2 Welsh Transport Appraisal Guidance (WelTAG) Report once completed be presented to the Scrutiny Committee for consideration when available.

Reasons for recommendations

(1&2) To apprise Cabinet and to endorse the resolution to progress the Stage 2 proposal.

(3) To seek Committee's views on the Stage 2 report once completed.

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This was a matter for Executive decision

Cabinet, having considered the recommendations of the Environment and Regeneration Scrutiny Committee.

RESOLVED –

- (1) T H A T the contents of the report, and the recommendations of the Environment and Regeneration Scrutiny Committee meeting be noted.
- (2) T H A T the WelTAG Stage 2 report be presented to Environment and Regeneration Scrutiny Committee in due course once completed.

Reasons for decisions

- (1) To note the contents of the report and the comments made at the Environment and Regeneration Scrutiny Committee meeting.
- (2) To reflect the concerns of the Environment and Regeneration Scrutiny Committee and to allow further scrutiny at the appropriate time.

C172 UPDATE ON BIOMASS DEVELOPMENT AT WOODHAM / DAVID DAVIES ROAD, BARRY DOCKS (REF) –

The Environment and Regeneration Scrutiny Committee on 30 November, 2017 considered the above report of the Managing Director.

Prior to the commencement of consideration of the report, the Chairman welcomed the public speakers to the Committee also acknowledging the significant number of members of the public who were present to hear the debate, as well as thanking Mr. John Wheadon from Natural Resources Wales (NRW) for his attendance and to answer Members' questions. The Chairman in outlining the procedure to be followed during the debate also advised that the report had been prepared following queries around the environmental impact of the site as any matters in relation to the planning process would be a matter for the Planning Committee. Should any further applications be submitted to the Planning Committee, he reminded members of the public that there would be opportunities at that stage to register to speak at a meeting of the Planning Committee.

The Head of Regeneration and Planning, by way of background, advised the Committee that in 2008 the Council received an application for planning permission for the development which the Council had refused, but an appeal to the Welsh Ministers had been allowed and planning permission granted. In 2015, a revised outline application for an alternative energy from wood waste development was submitted to the Council for the site. The application was approved, subject to 31 conditions and the decision notice was attached at Appendix A to the report. A reserved matter submission was received in 2016 and was approved subject to two additional conditions.

Prior to the commencement of development (reference 2015/00031/OUT and 2016/00187/RES), the Developer submitted to the Council a number of details in discharge of Conditions 6, 7, 8, 10 and 28 relating to waste management, finish materials, contamination, means of enclosures and construction environmental management plans (reference 2015/00031/1/CD). The Council considered these submissions and approved details in respect of each following any necessary consultation with statutory bodies.

The Developer had submitted a further two batches of condition discharge details, 2015/00031/2/CD for the discharge of condition 13 regarding sustainable drainage and 2015/00031/3/CD for conditions 11 (dust management), 12 (external lighting specification), 20 (cycle parking) and 29 (green travel plan). Both of these submissions were registered on 16th October, 2017 and were currently being considered and would be determined in due course following any necessary consultations with statutory consultees.

In addition to the above, the Developer had also submitted an application to vary condition 5 of planning permission 2015/00031/OUT to include a fire tank and building as well as relocation of parking (reference 2017/01080/FUL). That

application would be reported to the Council's Planning Committee for a decision in due course.

Insofar as complaints relating to the implementation of the development were concerned, officers from both Planning and the Shared Regulatory Services (SRS) had investigated the matter. In light of these investigations, the SRS issued a statutory notice under the Control of Pollution Act 1974 to control the hours of noisy construction works on site. The Council's Planning section had written to the Developer to outline the breach of the Construction Environmental Management Plan (CEMP) concerning hours however in light of the action pursued by SRS, at this juncture no formal action had been pursued under the planning regime.

Further to the above it was noted that the SRS had been contacted by several local residents alleging noisy works were being undertaken at night at the site. There had also been complaints alleging that light arising from the site was causing a statutory nuisance.

The initial complaint was received on 21st September. SRS officers discussed the complaints with residents and liaised with the contractors and a Section 60 notice under the Control of Pollution Act 1974 was served on the contractors on 27th September, 2017. The notice limited the times of noisy works being undertaken on site to day time only; the notice did not restrict inaudible works at night. It was noted that the contractors had been co-operative in complying with the notice and had restricted any vehicles from reversing on site at night along with managing the activities to ensure that there was no likely breach of the notice.

It was unfortunate that from 10pm on 7th October until 6am 13th October, Network Rail were undertaking works on the main railway line which created noise at night. These were essential works being carried out at night as possession of the line was required to undertake the works safely. SRS were unable to take enforcement action against statutory undertakers such as Network Rail where essential works were being undertaken.

SRS Officers had subsequently visited residents' properties on Dock View Road to witness the alleged noise and light affecting the local residents. There was no evidence of the breach of the Section 60 notice relating to noise and there was no evidence of a statutory light nuisance as defined under the Environmental Protection Act 1990. That said, officers were able to see the light from the construction site but were satisfied that the light did not cause a material interference with the residents' use and enjoyment of their property.

The report also highlighted that NRW had issued a “Minded to Issue Environmental Permit” on 14th November, 2017 which it was understood that this decision would be followed by a further consultation. It was also noted that if an Environmental Permit was issued for the Biomass Boiler, the regulatory body for enforcing such a permit would be NRW.

Dr. M. Wallis, the first public speaker, then presented his representations to the Committee as below:-.

“Harm from abnormal operations – we call “accidents”

The NRW did issue Fire prevention and Mitigation Plan guidance 2016. NRW told the company to comply; Capita consultants said the same for Barry Town Council. Now the NRW have decided not to require it. In any case, the NRW has to be confident the plant will be operated safely without harm to health and the environment. “The technology is novel, the operator is not competent one-man company backed by Aviva money. No info on comparison plants abroad and their failures - NRW first said needed, then dropped it. No worst-case accident scenarios In Scotland SEPA say buffer zone is “probably needed because of unknown fire and explosion risks”

NRW say this is primarily a planning concern and not within our remit. However, the impact assessments for air quality, human health, habitats and noise have used a distance based screening criteria to assess the impact. This is not a chemical plant and SEPA are a different organisation and as such have different policies and procedures which we cannot comment on.

NRW ‘impact assessments’ only apply for normal operations. DIA quotes Specialist reviews much like a chemical plant with pressurised explosive gases. Require an emergency venting system for release of pressure and avoidance of furnace explosion. There is none.

The new Fire Prevention Plan (FPP) = GHD Livigunn is not adequate – refers to obsolete CIRIA 164. DIAG expert advice - containment system of the correct capacity is a key issue, but still not sorted. Firewater supply and run-off containment still require changes and planning permit.

Adjacent to the chemicals - vulnerable to an incinerator fire/ explosion include:

1. Shipping deliveries of hazardous chemicals to Dow Corning - Bomar Quest
2. Delivery by of Methyl Chloride train passing within metres of the plant
3. Stored materials in the S & K yard next to the plant with unknown and variable chemicals.

NRW didn't assess, they could and should have assessed the possible consequences.

Over-ride the NRW excuse "outside our remit" as the Industrial Emissions Directive covers it. Second Issue the RSK Sea Flooding assessment from June 2008 is completely inadequate, wrong base tide level.

The 2015 review was by "Power Consulting (Midlands)" by Richard Frearson, "Director" of a one-man outfit. With no expertise in flooding and climate change.

Ove Arup study for Waterfront development.

- set a proper base tide level, nearly 1 metre higher by 2093
- include nearby East Quay and show a flood coming over the harbour entrance. Ove Arup recommended :-

a) ground level raise – level of 9.1m agreed by NRW

b) raise access roads so they flood by under 0.6m in the extreme event

David Davies Way past the incinerator site is 7.6m, a little higher inside the site

The NRW Permitting team now say: "The impact of flooding has been assessed and a flood plan is not required due to the location". In fact, the location in the sea-flood zone is exactly the reason for requiring flood planning. The Permitting team just looked at a surface flooding map."

Dr. Wallis concluded by asking the Committee to request that a proper flood study with Flood Consequences Assessment together with a full accident assessment including off-site consequences be undertaken.

Mr. Kevin Irish was then afforded the opportunity of making his representations to the Committee.

Mr. Irish stated that the Vale Council had gone to considerable expense by putting in new sewer pipes in Cardiff Road. The Biomass site had however changed the landscape and altered the situation and as a result had increased the potential for further flooding. Welsh Water had admitted that the sewers could not cope with the excess and this had to be released into the environment. The Biomass plant would produce and release over 526 effluences into the sewer per hour, which equated to 100 litres per day, this did not take into account any new housing on the doorstep. In essence, it would be 36 million litres per year and Mr. Irish's question was who would foot the bill when the sewers prematurely collapsed? Who will compensate the public for the disruption caused and for environmental clean-ups? It seems the test is "let's dump it in the docks". The sewers, Mr. Irish stated, were not designed to

take the excess load that was anticipated and the cost to the Council would be significant.

Councillor Ms. Collins, not a Member of the Committee but with permission to speak, asked how NRW could reassure local residents and herself that robust monitoring on the site would be done. She needed to be reassured that monitoring would be in place by the Vale Council and NRW.

Mr. Wheadon from NRW, in response, advised that the licence would regulate activities on the site, which was the principal purpose. A regular forum of dialogue had also been put in place with DIAG, but some of the matters raised were not within NRW remit. With regard to monitoring of the site, as part of the current consultation, the operator would need to ensure they were compliant with the permit and undertake regular monitoring. Monitoring results would need to be submitted to NRW for assessment by technical experts. There was currently a full set of conditions in place with the proposed permit and if any site was non-compliant, then NRW would address them when necessary.

The Chairman stated that there was wide concern that the consultation was inadequate. For the public the issue was transparency and self-reporting, and he queried whether this was usual practice. Mr. Wheadon advised that it was usual practice for operators across Wales, but that NRW would need to be satisfied that the monitoring in place was appropriate and what emissions would be coming from the plant.

A Committee Member raised concern in relation to condition 31 which advised that “within nine months of the energy plant hereby approved being fully operational, the applicant shall carry out a further Air Quality Assessment through monitoring”. The Member’s concern was in relation to the poacher / gamekeeper scenario and suggested that it would be far more beneficial if the whole process was carried out by an independent monitoring agency either appointed by the Vale or NRW but paid for by the applicant. Mr. Wheadon advised that it was usual practice for the operator to undertake their own monitoring regime as approved by NRW and referred members to the ongoing consultation urging people to comment on them.

The Head of Service took the opportunity to advise all present that the planning decision had already been made and flooding issues had been assessed as part of the planning process but that at that time no objections had been raised.

A Member queried whether Welsh Water had been part of the initial consultation process and whether any of the monitoring equipment systems would be capable of

shutting the plant down and whether there was a compliance for monitoring if they exceeded the limit, whether there was a shutdown period and was it capable of doing so. Mr. Wheadon advised that he did not know what type of monitoring equipment was being used specifically, but he suspected that it would be unlikely to be extended to stop the operation. Following a further question as to whether there was a requirement for the licence that they would have to shut down if there was an issue, Mr. Wheadon stated that if the monitoring identified breaches, NRW would need to address the issues with the operator, but ultimately it would depend on the circumstances.

Another Member of the Committee stated that in his view, what he could see was that NRW was minded to support the licence and therefore he thought the consultation was going to be tokenistic. The fact that no EIA had been requested did not give Members a lot of confidence in the process, and further queried whether NRW had the ability to monitor the plant on all levels as. In his view, he stated that "it was blatantly obvious that NRW was under-resourced in respect of monitoring capacity". Having had a discussion at the previous meeting on the Hinkley Point project, he stated that he was not confident that self-monitoring was appropriate and asked whether the plant was safe and whether the Vale Council was going to respond to the NRW consultation on the permit. The Head of Service advised that comments had already been made by the Shared Regulatory Service, but it had been agreed that they be reviewed to assess if any further comments needed to be made. Mr. Wheadon stated that he was more than satisfied that NRW had the technical expertise to commission the application.

Following a query as to why drainage tanks had been missed when the application had originally been submitted, the Head of Planning advised that an application in respect of drainage was currently being considered. Consultations were with colleagues in NRW, in a different part of the organisation to Mr Wheadon's section. The applicant, he advised, had planned for drainage as they were part of the original conditions, although the fire tanks were separate and subject to a variation of the condition.

Mr. Wheadon confirmed that NRW had looked at the human health impacts and through the assessments and air quality expert evidence, the advice was that it was not a risk to human health.

Following a further question as to why the need for an EIA was not pursued, Mr. Wheadon confirmed that these were matters that were not in the particular scope of the scheme. The Head of Planning advised that it was a process through every planning application to assess if an EIA was required and that at the time of the

application being presented it had been identified that no EIA was required at that time. That view was also challenged with Welsh Government being asked to call the matter in, following which the view was substantiated that an EIA was not required.

Another Member, referring to a visit to the plant, advised that she and a fellow Councillor had been informed by the Director that a SENS system would be put in place and she sought assurance from the NRW officer that the system had been installed. Mr. Wheadon stated that although he couldn't confirm if the system had been installed through NRW's compliance work, they would ensure that operations were on site before the permit was granted.

The Chairman referred to the impact on regeneration and asked whether the Council had at any time, since the submission of the application, undertaken an assessment on the impact on regeneration. The Head of Planning advised that this would be largely irrelevant as consent had been granted. He could also confirm that residents locally had not raised any concerns at the time. The Chairman's view however, was that an assessment would not be irrelevant as the Committee's responsibility was to consider ways to improve regeneration in the Vale and an assessment would identify potential problems as they arose.

Following a further question as to how the proposal fitted in with the Well-being of Future Generations Act, the Head of Planning stated that the Act had not been in force when the application came before the Council (it took effect from April 2016), but if any further applications were to be presented the Act would have to be considered, however it was important to note that the principles of the Act had been part of the planning process (i.e. sustainability) for many years.

The Chairman thanked all present for their attendance, in particular the public speakers who had registered to speak and the officer from NRW. He however, stated that by issuing a "Minded to" Notice prior to consultation, it was about the message that was being given to the wider public with it not being seen as a useful consultation process as a result.

Following consideration of the report and the evidence provided at the meeting, it was subsequently unanimously

RECOMMENDED –

(1) T H A T the Chairman on behalf of the Committee writes to Natural Resources Wales, a copy to the Minister, requesting that independent monitoring be

established, to ensure confidence in the process and that a full accident review and flood study of the site be undertaken.

(2) T H A T Cabinet be requested to consider recommending to NRW that an independent expert be appointed to carry out the monitoring on the site and that a full accident review and flood study be undertaken.

(3) T H A T the comments made at the meeting be referred to Cabinet for its consideration and that Cabinet also be requested to consider providing a formal response to the consultation, in particular having regard to the request that an independent expert be appointed to carry out the monitoring of the site.

Reasons for recommendations

(1&2) To inform Members and the public and in order that an appropriate and full review can be undertaken, and that in the interests of transparency and in view of public concern that an independent monitoring process is established to alleviate concerns and have confidence in the process.

(3) For Cabinet's consideration in order that a formal response may be forwarded to Natural Resources Wales on behalf of the Council and in view of public concern in relation to the current monitoring process.



After presenting this item, the Cabinet Member for Legal and Regulatory Services stated that Cabinet's views on this matter were the same as the Environment and Regeneration Scrutiny Committee and as such he would recommend that their recommendations be agreed.

This was a matter for Executive decision

Cabinet, having considered the recommendations of the Environment and Regeneration Scrutiny Committee.

RESOLVED –

(1) T H A T recommendation 1 from the Economy and Environment Scrutiny Committee be noted and supported.

- (2) T H A T the Cabinet Member for Regulatory and Legal Services writes to the Chief Executive of Natural Resources Wales (NRW) requesting that, in the event of a permit being issued by NRW, consideration be given to appointing an independent expert to carry out monitoring of the site.
- (3) T H A T, in pursuance of resolution 2 above, the same letter raises the need for a full accident review and flood study in relation to the operation and site.
- (4) T H A T recommendation 3 of the Environment and Regeneration Scrutiny Committee be noted, and it be noted that the Council's Shared Regulatory Services officers will review the current position and provide a response as appropriate within the consultation timeframe.

Reasons for decisions

- (1) To note the recommendation of the Environment and Regeneration Scrutiny Committee.
- (2-3) To support the request of the Environment and Regeneration Scrutiny Committee.
- (4) To reflect the role of the Council's Shared Regulatory Services in responding to the consultation process.

C173 YOUTH OFFENDING SERVICE – REPORT RE IMPACT OF VALE OF GLAMORGAN COURT CLOSURE (REF) –

The Homes and Safe Communities Scrutiny Committee on 6 December, 2017 considered the above report of the Director of Social Services.

The Youth Offending Service (YOS) Manager presented the report, the purpose of which was to provide the Committee with a qualitative report regarding the impact of the Vale of Glamorgan Magistrates Court closure on the YOS and its service users, following a request for the report from Committee in September 2017.

The Ministry of Justice announced its decision to merge the Vale of Glamorgan and Cardiff Local Justice Areas on 14th December, 2010 and to close the Vale of Glamorgan Magistrates Court. The Court closed in December 2011 and all cases transferred to Cardiff Magistrates Court with effect from January 2012.

The officer advised that prior to the closure, the Court operated a single Youth Court day where the majority of cases were listed for consideration, with the exception of remand hearings or trials. The YOS was not required to provide a presence when trials were being heard and would be informed of the outcome by the Court.

Cardiff Magistrates Court operated Youth Court on three of the five working days and remand Courts on the remaining two working days and on a Saturday.

Her Majesty's Courts and Tribunals Services (HMCTS) did not provide an option for cases from individual Local Authority areas to be heard separately as part of an area listing as their aim was to merge the benches into a single Cardiff and Vale of Glamorgan Youth Bench. Bridgend Youth Court had also joined the court listing.

As a result, cases from the Vale of Glamorgan would be listed at any time over the three days that the Youth Court Bench was sitting. There was also a requirement to cover remand hearings which may also take place on the remaining three days, including Saturday.

The officer drew the Committee's attention to the table below which outlined the numbers of children and young people listed at Court between 2012 to 31st October, 2017. This demonstrated the level of demand.

	Monday	Tuesday	Wednesday	Thursday	Friday	Weekend
2012	20	167	42	132	16	8
2013	15	132	55	120	22	8
2014	13	122	26	47	10	2
2015	13	138	39	28	6	0
2016	6	127	16	22	5	0
2017 – to 31/10/2017	17	96	13	27	8	2

The officer further advised that in order to mitigate against the requirement for a YOS officer to be in attendance on all three Youth Court days, the YOS had agreed a Protocol with Cardiff YOS to provide cover for first hearings, sentencing outcomes where custody was not a consideration or any listings of revocation of Orders.

Cases where sentencing required the input of the YOS officer with more detailed knowledge of the child or young person, or where custody or remand was an option both on working days or on Saturday, or breach of an Order, required a Vale YOS officer to be in attendance.

The YOS Manager was pleased to advise that despite an anticipation that there would be an increase in the numbers of children failing to attend Court, evidence from YOS records indicated that during the period since 2012, there had been limited failures to attend with the number of warrants issued with or without bail as outlined below:

2012 = 8

2013 = 13

2014 = 5

2015 = 2

2016 = 8

2017 = 1.

The Court merger had however increased the requirement for a YOS officer to be present from a single day up to three days per week, an increase in travel and parking costs for YOS officers, additional travel and waiting time and financial costs for service users. The officer stated that this was the biggest impact for the YOS.

The YOS had quantified the cost to the service which equated to £16,500 per annum based on additional staffing, travel and parking costs. However, no additional resources were available to the YOS, therefore the YOS had needed to redirect existing resources, this meant that whilst practitioners were undertaking cover at Court, they were not able to undertake other job role activities.

The Court merger had also introduced delays in the listing of cases in relation to breaches, which would previously be listed within one week in the Vale of Glamorgan Magistrates Court, but could now take approximately three to four weeks to list.

In conclusion, the YOS Manager advised that residents of the Vale of Glamorgan had also been put to increased expense with train / bus fare costs ranging from £3 to £7 per person attending. Children were required to attend with a parent and the YOS had provided some families, who were reliant on benefits, with travel warrants to enable their attendance at Court.

A Member referred to the increased breach listing delays and asked the officer if there were any possible actions the Local Authority could take to reduce the current three to four week period. The officer advised that since the merging of Cardiff, Bridgend and Vale of Glamorgan benches, the demand on the now single service had subsequently increased and had therefore slowed the process.

A Member highlighted the fact that the £16,500 per annum quantified cost was almost the equivalent of a staff salary and it was crucial to recognise the cost being incurred by the Council. The Member also shared her concern over the travel cost incurred by Vale residents using the service and highlighted the fact that the financial obligation could be significant and distressing for individuals. In light of these points, the Member suggested that the report be referred to Cabinet with a polite request that Cabinet write to the Ministry of Justice to express the Council's concerns.

In response, the officer advised that the Council had made robust representations to the Ministry of Justice on closure in 2011 and a Judicial Review was requested in March 2011. Also, in response to a Member's question on whether there was any consideration given in 2011 to the quantitative costs going forward, the officer advised that costs following the Court closure were taken into account by individual departments, but there was no central funding made available and this was still the case.

In summary, the Chairman thanked the officer for bringing the report to Committee and recognised that it was important for Cabinet to have sight of the report and for views to be shared with the Ministry of Justice. The Committee agreed with the Member's recommendation.

RECOMMENDED –

- (1) T H A T the content of the report be noted.
- (2) T H A T the report and Scrutiny Committee's concerns be referred to Cabinet.
- (3) T H A T a request be made of Cabinet for a letter to be sent to the Ministry of Justice outlining the concerns of the impact of the Vale of Glamorgan Court closure for service users.

Reasons for recommendations

- (1) In acknowledgement of the contents contained therein.
- (2) To provide Cabinet with information regarding the implications of the Court closure for both service users and the Youth Offending Service and the Scrutiny Committee's concerns.
- (3) To ensure that the Council's concerns are raised with the Ministry of Justice.

This was a matter for Executive decision

Cabinet, having considered the recommendations of the Homes and Safe Communities Scrutiny Committee.

RESOLVED – T H A T the contents of the report be noted and the Cabinet Member for Learning and Culture write to the Ministry of Justice outlining the impact of the Vale of Glamorgan Court Closure on service users, as set out in the reference from the Homes and Safe Communities Scrutiny Committee.

Reason for decision

To support the recommendation of the Homes and Safe Communities Scrutiny Committee.

C174 EXTERNAL FUNDING PROCEDURE REVIEW (L) (SCRUTINY COMMITTEE - CORPORATE PERFORMANCE AND RESOURCES) –

Agreement was sought for proposals to amend the current approach to approving applications for external funding.

As part of the Reshaping Services Programme a project to consider the Effectiveness of Spend was established. The purpose of the project was to identify changes in the way grants into and out of the Authority were managed. A Stronger Communities Fund was subsequently established to streamline the allocation of grants to external organisations.

Following discussions at Insight Board and Corporate Management Team (CMT), and a recognition that the External Funding procedures were not as responsive as they needed to be in terms of accountability and timelines, it was agreed that the existing approach to funding bids needed to change.

Discussions led to an agreement that a new external funding procedure would need to achieve a number of objectives:

- Ensuring that there was value in pursuing a funding application which may be competitive or accepting a grant allocation e.g. from Welsh Government.
- Ensuring that all relevant departments and partners were involved in the development of any proposals for the use of external funding.

- Ensuring that risks to the Council were considered and appropriate mitigating actions were put in place.
- Ensuring that applications/acceptances of funding and the associated terms and conditions had been signed off by an appropriate officer or officers.
- Ensuring compliance with financial regulations and other governance procedures.

The experience of taking external bids to CMT had highlighted the need to ensure effective procedural controls were in place but had also shown that at present there were no concerns about strategic considerations regarding the use of external funding. To alleviate the pressures of taking external funding proposals to CMT meetings, the report proposed that Directors be given greater oversight of the development of bids as well as approve their submission.

The following revised process was proposed:

- Lead officers would need to assure the appropriate Director that relevant Members and departments including Finance and Legal Services had been consulted. To assist with this a simple standard proforma would be used for revenue bids over £75,000 which would include the identification of any potential risks, exit strategy, match funding issues, consultees and how the proposals would contribute to the Council's Well-being Objectives.
- Where the bid was being prepared by the Council on behalf of a partnership then the Director would need assurance that the partnership board had approved the content of the bid.
- The final sign off of the grant application / bid would rest with the appropriate Director in consultation with the relevant Cabinet Member.
- A grant funding report would be prepared for the Insight Board, CMT and Cabinet twice a year. This would be similar to the collaboration compendium which was also reported to CMT and Cabinet.
- It was also proposed that as part of the procedural controls, the Council's Internal Audit team reviewed a sample of bids each year and the findings and any recommendations be included in the grant funding report.

All Capital schemes whether partially or entirely grant funded would continue to be reported to Cabinet and would require Cabinet approval for inclusion in the Capital Programme in line with the Council's Constitution. The new external funding proforma would be completed for all capital bids confirming that the relevant Director and Cabinet Member endorsed the funding application.

The procedure for acceptance of a grant would not be changed and it remained that only Directors or Heads of Service could sign on behalf of the Council. This could only take place following the use of delegated authority by the relevant Director, in consultation with the relevant Cabinet Member.

This was a matter for Executive decision

Cabinet, having considered the report and all the issues and implications contained therein

RESOLVED –

- (1) T H A T delegated authority be granted to all Directors in consultation with the relevant Cabinet Member to authorise submission and acceptance of future external funding grant applications and allocations for revenue funding over £75k and to enter into the associated grant terms and conditions.
- (2) T H A T capital schemes partially or entirely grant funded continue to be reported to Cabinet for inclusion within the Capital Programme.
- (3) T H A T internal audit undertake a regular sample exercise of funding applications and that a report on grant funding and its use be reported to the Council's Insight Board, Corporate Management Team and Cabinet twice a year.
- (4) T H A T the relevant Financial Procedure Note be updated to reflect the change set out in resolution 1, above.

Reasons for decisions

- (1) To allow grant funding applications to be submitted and accepted on a timely basis.
- (2) To include schemes within the Capital Programme in line with the Council's Constitution.
- (3) To ensure effective oversight of the use of grant funding across all Council directorates was maintained.
- (4) To reflect the change as set out in resolution 1, above.

C175 THE VALE OF GLAMORGAN COUNCIL PUBLIC ENGAGEMENT FRAMEWORK (L) (SCRUTINY COMMITTEE - CORPORATE PERFORMANCE AND RESOURCES) –

Endorsement was sought of the updated Public Engagement Framework 2017-20 attached at Appendix A to the report, and associated action plan attached at Appendix B to the report following consultation.

Public engagement was an important part of the Vale of Glamorgan Council's everyday business. As such, it was one of the core values set out in the Council's Corporate Plan, 'to work together as a team that engages with our customers and partners, respects diversity and is committed to quality services'.

The Well-being of Future Generations Act detailed five ways of working which were essential to ensuring the Council acted in a more sustainable way, and this included Involvement. The Vale of Glamorgan Council welcomed its duties under the Act and was keen to ensure that the importance of engagement was a consistent message across the Council and with its partners.

The Vale of Glamorgan Public Services Board (PSB) had recognised the importance of effective engagement, and one of the four objectives in the draft well-being plan was 'to enable people to get involved, participate in their local community and shape local services'. The draft framework was consistent with the commitments in the Well-being Plan and would assist the Council in contributing to achieving the PSB's objectives.

This was a matter for Executive decision

Cabinet, having considered the report and all the issues and implications contained therein

RESOLVED – T H A T the Public Engagement Framework 2017-20 and Action Plan attached to the report at Appendix A and B respectively, be endorsed.

Reason for decision

To ensure the continued commitment to improving the way in which the Council engaged with residents and other stakeholders to inform decision making.

C176 CORPORATE SAFEGUARDING MID TERM REPORT - APRIL - SEPTEMBER (2017/18) (L) (SCRUTINY COMMITTEES - SOCIAL CARE & HEALTH, LEARNING & CULTURE, AND CORPORATE PERFORMANCE & RESOURCES) –

Cabinet was updated on the work that had been undertaken to improve corporate arrangements for safeguarding and protecting children and adults who required specific Council services, to ensure that these arrangements were effective.

The Corporate Safeguarding Working Group was established in the Vale of Glamorgan as a result of the 2011 CSSIW and Estyn joint report following their investigation into the way Pembrokeshire County Council managed allegations of professional abuse and its arrangements for safeguarding and protecting children in education. The Group had been working through an action plan to improve safeguarding across the Council. This year it had developed and implemented the Corporate Safeguarding Policy and members had been offered training on this important policy.

Cabinet agreed a Safer Recruitment Policy for the Council and Schools in January 2013 and the Policy had been in place since April 2013. It had been adopted by all Vale of Glamorgan schools and throughout the Council. Attached at Appendix 1 to the report was an outline of the sustained improvements for safer recruitment policies across the Council, including education, which clearly demonstrated that practice continued to improve.

In the past, safeguarding activity by different parts of the Council had been reported separately to Cabinet, relevant Scrutiny Committees and Corporate Management Team. Attached at Appendix 1 to the report was a Mid Term Report for 2017/18 that brought together safeguarding activity undertaken by the Resources and Safeguarding, Learning and Skills, and Social Services Directorates. This provided a more holistic representation of safeguarding activity across the Council.

The Social Services and Well-being (Wales) Act 2014 ("the Act") was implemented in April 2016. This had brought about changes in particular relating to the introduction of a 'duty to report' which meant a revision of the Corporate Safeguarding Policy to bring staff's attention to this duty. The Director of Social Services had to ensure effective safeguarding arrangements were in place, and had to oversee and report to Members on a consistent basis in relation to the operation, monitoring and improvement of child and adult safeguarding systems within this local authority.

The report noted the new 'Working Together to Safeguard People Statutory Guidance: Volume 1-4 issued under Part 7 of the new Act had been published. Guidance on handling individual cases (volumes 5 and 6) to protect children and adults at risk was launched for public consultation by Welsh Government on 31 January, 2017. The consultation closed on 25 April, 2017 and a summary of responses was published in August 2017. This guidance was anticipated to be published before the end of 2017.

This was a matter for Executive decision

Cabinet, having considered the report and all the issues and implications contained therein

RESOLVED –

- (1) T H A T the work that has been undertaken to improve corporate arrangements for safeguarding and protecting children and adults, be noted.
- (2) T H A T Cabinet continue to receive six-monthly reports on work carried out to improve corporate safeguarding arrangements and the effectiveness of relevant policies.
- (3) T H A T the report be referred to the Social Care and Health, Learning and Culture, and Corporate Performance and Resources Scrutiny Committees for consideration.

Reasons for decisions

- (1) To note recent developments in corporate arrangements for safeguarding.
- (2) To allow Cabinet to exercise effective oversight of this key area of corporate working.
- (3) To respond to requests that each Scrutiny Committee be provided with update reports.

C177 RESHAPING SERVICES PROGRAMME - UPDATE ON IMPLEMENTATION (L) (SCRUTINY COMMITTEE - CORPORATE PERFORMANCE AND RESOURCES) –

Cabinet was provided with an update on the progress of the Reshaping Services Programme.

Cabinet approved the Reshaping Services strategy on 3 November, 2014 and that report and strategy was referenced in the background papers to the report. The aim of the strategy was 'to reshape the Council to enable it to meet the future needs of citizens of the Vale of Glamorgan within the context of unprecedented financial challenges.' The objectives were:

- To identify alternative ways of delivering services which provided better outcomes for citizens and/or more efficient means of delivery.
- To meet the future financial challenges while mitigating the impact of cuts on service users.
- To develop the Council and its partners to ensure they were able to meet future challenges.

As approved by Cabinet in January 2015, the Reshaping Services programme comprised three inter-related workstreams of projects as follows:

- Service Specific Workstream Projects
- Corporate Workstream Projects
- Programme Activity

The Reshaping Services programme undertook on-going reviews of Council services via a “challenge process”. Each service area across the Council was subject to challenge on a regular basis throughout the duration of the programme. Details of the process followed to identify the tranches of work to date could be found in the Reshaping Services Update report to Cabinet (July 2017) which was referenced in the background papers to the report.

The report described the progress that had been made by each of the projects to date. The programme board allocated a RAG status for each project at each meeting. This status (red, amber or green) showed the board's holistic assessment of the project in terms of its overall ability to achieve on time and to target. In reaching this status, the board considered the complexity of Reshaping Services projects and the impacts from a range of risks and issues. Each project's most recent status was shown below and detailed in the report. As projects developed business

cases and other forms of proposals for change, these would be reported to Cabinet, Scrutiny Committees and Council for consideration and approval as appropriate.

- Additional Learning Needs (ALN) and Inclusion (Amber)
- Catering (Amber)
- Library Services (Green)
- Transportation (Red)
- Visible Services (Red)
- ICT (Red)
- Property Projects - Corporate Office Building Rationalisation and Cleaning & Security (Amber)
- Social Services Budget Programme (Red)
- Learning & Skills: Strategy and Resources (Amber)
- Housing Services - Landlord Responsibilities (Green – Completed)
- Building Services - Cleaning & Security Services (Red)
- Corporate (Resources Directorate) Services (Amber)

The purpose of the Baseline Assessment Review undertaken between October and December 2016 was to identify projects that could form part of future tranches of the Reshaping Services Programme. The Council had identified a series of projects in this area which had savings targets identified for 2018/19 and 2019/20 as part of the current year's budget proposals. These projects were shown below and detailed in the report as Tranche 3 future projects, with reporting and project governance arrangements via the Reshaping Services Programme Board having been established.

- Income Generation and Commercial Opportunities (Amber)
- Digital Vale (Amber)
- Procurement (Third Party Spend) (Amber)
- Establishment Review (Amber)

The challenge group identified a series of opportunities that would benefit from a corporate-wide response and these were being progressed as corporate workstream projects. These initiatives were shown below and detailed in the report.

- Town and Community Councils (TCCs) and the Voluntary Sector (Amber)
- Demand Management (Amber)
- Effectiveness of Spend (Grants - Amber)

The third element of the Reshaping Services programme was the corporate arrangements that had been put in place to manage the programme and ensure its

efficient delivery. The activity undertaken in supporting the programme was described below and detailed in the report.

- Programme Management (Green)
- Organisational Development (Green)
- Communication & Engagement (Green)

Consultation with Vale residents was undertaken during the development of the Reshaping Services strategy and the themes of the Programme were reflected in the consultation activities undertaken to support the development of the Council's new Corporate Plan, the Council's annual budget and the most recent Public Opinion Survey.

This was a matter for Executive decision

Cabinet, having considered the report and all the issues and implications contained therein

RESOLVED –

- (1) T H A T the contents of the report be noted.
- (2) T H A T the report be referred to the Corporate Performance & Resources Scrutiny Committee for their consideration, with particular emphasis on the administration and implementation of the programme.
- (3) T H A T a copy of the report be sent to all elected Members, Clerks of Town and Community Councils, members of the Voluntary Sector Joint Liaison Committee, Community Liaison Committee and the Public Services Board for information and in order to provide an update on the progress being made on the Reshaping Services Programme.
- (4) T H A T the detailed service reviews described in the report be reported back as required to Cabinet for approval prior to implementation.
- (5) T H A T quarterly progress reports continue to be brought to Cabinet to provide updates on the progress of the Reshaping Services programme.

Reasons for decisions

- (1) To provide an update on the progress of the Reshaping Services programme.

- (2) To provide the Corporate Performance & Resources Scrutiny Committee with an opportunity to consider the progress being made on the Reshaping Services Programme as lead Committee for the programme.
- (3) To provide these Committees, groups and the Public Services Board with an update on the progress being made on the Reshaping Services programme.
- (4) To ensure Cabinet approve any proposed changes resulting from Reshaping Services projects as appropriate.
- (5) To ensure Cabinet was kept informed of the progress being made on the programme.

C178 VALE OF GLAMORGAN LOCAL DEVELOPMENT PLAN 2011-2026: PUBLIC CONSULTATION ON DRAFT SUPPLEMENTARY PLANNING GUIDANCE (SPG) (RP) (SCRUTINY COMMITTEE - ENVIRONMENT AND REGENERATION) –

During consideration of this item, the Leader left the room and took no part in any discussions that took place.

Following the adoption of the Vale of Glamorgan Local Development Plan in June 2017, the Council had prepared draft Supplementary Planning Guidance (SPG) to support some of the key topics / policies within the LDP. Approval was sought of the draft Supplementary Planning Guidance for public consultation prior to their formal adoption.

The Vale of Glamorgan Local Development Plan 2011- 2026 (LDP) was formally adopted by the Council on 28 June, 2017. The LDP became operative on its adoption and was the basis for decisions on land use planning in the Vale of Glamorgan.

The Council had a number of existing Supplementary Planning Guidance documents (SPGs) across a range of topics that referred to the now superseded Unitary Development Plan (UDP). The LDP Monitoring Framework contained proposals to review existing SPG and to prepare new SPG where necessary. The following draft SPGs had been prepared and were attached at Appendices 1-4 to the report respectively:

- Residential and Householder Development

- Conversion and Renovation of Rural Buildings
- Biodiversity
- Minerals Safeguarding Areas

In accordance with the Council recommendations for the Adoption of the LDP (Council Minute No. 85 refers), existing SPGs that made reference to superseded UDP policies would continue to be used as material considerations in the determination of planning applications until they were replaced or otherwise withdrawn. The draft SPG detailed within the report represented the first tranche of updated SPG in accordance with the LDP Monitoring Framework proposals. Once adopted they would replace the previous SPGs as follows:

- Residential and Householder Development replaced the Amenity Standards SPG
- Conversion and Renovation of Rural Buildings - replaced the previous Conversion of Rural Buildings SPG
- Biodiversity - replaced the previous Biodiversity and Development SPG
- Minerals Safeguarding Areas - was a new SPG

Further SPG on topics including Trees and Development, Travel Plans and Design in the Landscape would be prepared in the coming months and would be the subject of a separate report to Cabinet in due course.

Whilst existing SPGs contained useful general practice guidance and had been carried forward for use as material considerations in planning decisions, it was important that all SPGs were updated to reflect the policies of the Vale of Glamorgan Local Development Plan 2011-2026 to ensure the guidance was up to date and effective. The new SPGs also took account of any relevant national policy and legislation changes including for example, the Environment (Wales) Act 2016, the Wellbeing of Future Generations (Wales) Act 2015, and Planning Policy Wales Edition 9 (November 2016) where relevant.

The SPG attached to the report had therefore been prepared to reflect the changes detailed above and to ensure that the suite of policy documents used in the determination of planning applications was effective and fit for purpose. The report provided a summary of the draft SPG from paragraphs 11-16.

In addition to the amendments to the SPG detailed in the report, it was proposed to update the Council's adopted SPG 'Procedures for the Production and Reporting of Design Briefs and SPG's' which established the procedures that should be followed in the production, reporting, consultation and adoption of SPG. It was proposed that the procedures were amended to 6-weeks in order to bring the public consultation

timeframe in line with the Council's corporate public consultation procedures, replacing the previous 4-week timeframe. The updated 'Procedures for the Preparation and Adoption of SPGs' document was attached at Appendix 5 to the report.

In accordance with the Council's corporate public consultation procedures the draft SPG detailed in the report would undergo a six week period early in 2018. All comments received and any proposed amendments resulting from the consultation would be reported back to members for their consideration in order to formally adopt the SPG.

At the meeting, the Cabinet Member for Regeneration and Planning confirmed with the Operational Manager for Planning and Building Control that invitations for the Member Briefing Session taking place prior to the public consultation exercise would be sent out shortly.

This was a matter for Executive decision

Cabinet, having considered the report and all the issues and implications contained therein

RESOLVED –

- (1) T H A T the draft Supplementary Planning Guidance (SPG) attached to the report be approved, with delegated powers granted to the Head of Regeneration and Planning, in consultation with the Cabinet Member for Regeneration and Planning, to make typographical or other minor changes as necessary prior to publication, for public consultation purposes.
- (2) T H A T all Members, including Planning Committee Members, be invited to attend a Member briefing session to advise them of the forthcoming consultation and the content of the draft SPG.
- (3) T H A T a further report be presented to Cabinet following public consultation to report the findings of the public consultation exercise and any changes to the draft SPG prior to the formal adoption of the SPG for development management purposes.
- (4) T H A T the updated "Procedures for the Production and Reporting of SPGs" document attached at Appendix 5 to the report be approved.

Reasons for decisions

- (1) To enable public consultation on the draft SPG in accordance with the Council's protocol for the production of SPG to afford the SPG additional weight as a material consideration in determining planning application and appeals.
- (2) To advise all Members of the draft SPG and forthcoming public consultation exercise.
- (3) To advise Cabinet of the responses to the public consultation exercise and to seek approval for the formal adoption of the SPG as a material consideration in planning decisions.
- (4) To update the Procedures for the Production and Reporting SPGs in order to bring inline the public consultation procedures with the Council's corporate standard.

C179 WELSH GOVERNMENT CONSULTATION 'ENABLING GYPSIES, ROMA AND TRAVELLERS' (HBS) (SCRUTINY COMMITTEE – HOMES AND SAFE COMMUNITIES) –

Approval was sought to submit the response attached at Appendix B to the report on behalf of the Vale of Glamorgan Council to the Welsh Government Consultation Document 'Enabling Gypsies, Roma and Travellers' issued on 28 September, 2017.

In September 2011, the Welsh Government published the document 'Travelling to a Better Future' which represented an opportunity to develop a new relationship between Gypsies and Travellers and the 'settled' community. It also offered a chance for local and national governments to engage more effectively with these communities to improve equality of opportunity for all. Welsh Government acknowledged that significant progress had been achieved towards improving the outcome for these communities since the publication of this document, but that there was much more which was yet to be achieved and that it should also consider the needs of the migrant Roma in developing policies.

'Enabling Gypsies, Roma and Travellers' attached at Appendix A to the report built upon work undertaken since 2011 in the areas of accommodation, education, health and community participation. It also introduced additional commitments relating to employment and training as well as building bridges with social services and the criminal justice agencies. The eight aims within the draft document were linked to the

Welsh Government's Well-being of Future Generations objectives and Strategic Equality Plan.

A working group of Officers was set up to discuss the document and to formulate a response to the consultation on behalf of the Council. The group was made up of representatives from Housing, Planning, Social Services, Education and the Community Cohesion Regional Co-ordinator Cardiff and Vale of Glamorgan. The response attached at Appendix B to the report was subsequently drafted for Cabinet approval.

This was a matter for Executive decision

Cabinet, having considered the report and all the issues and implications contained therein

RESOLVED – T H A T the consultation response attached at Appendix B to the report be approved and sent to Welsh Government.

Reason for decision

To ensure that the views of the Vale of Glamorgan Council were taken into account by the Welsh Government before finalising the action plan to 'Enabling Gypsies, Roma and Travellers'.

C180 ACHIEVEMENT OF WELSH HOUSING QUALITY STANDARDS TO COUNCIL STOCK WITHIN THE VALE OF GLAMORGAN (HBS) (SCRUTINY COMMITTEE – HOMES AND SAFE COMMUNITIES) –

Approval was sought for a revised date for the Vale of Glamorgan Council's housing stock to achieve the Welsh Housing Quality Standards (WHQS).

The Council based its initial WHQS Investment Programme on the stock condition survey completed during 2008. In June 2017 an exercise was undertaken to scrutinise the progress towards full achievement of the WHQS and it was found that for approximately 600 homes insufficient data was available to establish WHQS compliance. Subsequently, these 600 properties were surveyed with 500 properties identified for some form of additional work.

It was now clear the Council would be unable to achieve full compliance with WHQS by the end of the calendar year. The identified additional work was discussed with the remaining framework contractors to establish a practical timescale for delivery

and it was established that much of this work could be delivered within the contractor's current resource levels, although approximately 200 units could not be achieved before Christmas. It was therefore necessary to extend the WHQS compliance date to 31 March, 2018. The additional work had been costed and could be delivered within the existing budget structure available for WHQS delivery.

Welsh Government had been verbally advised of the extended WHQS delivery date in October 2017 and no significant issues were raised. During this meeting with Welsh Government officials responsible for monitoring WHQS delivery across Wales, the Council was however asked to formally request an extension to the Vale of Glamorgan's delivery date in line with the monitoring submissions. This formal requirement was attached at Appendix 1 to the report.

As part of the Welsh Government's monitoring arrangements, all social landlords were required to produce and publish a document setting out the organisations interpretation and application of the WHQS guidance. As a consequence of the above, the 'Vale of Glamorgan Council Housing - Application of the WHQS' was adopted by Cabinet in April 2016. As the major delivery programme reached conclusion, this document had been reviewed to ensure it remained relevant for the maintenance phase of WHQS. A copy of the revised document (version 2) was attached at Appendix 2 to the report and set out the Council's forward vision on interpretation of the WHQS standards.

After this item had been presented, the Leader stated that overall this was a positive report concerning the Council's housing provision. In agreement with his colleague, the Cabinet Member for Housing and Building Services noted that a considerable amount of work had been undertaken by the Housing department, and he passed on his congratulations and thanks to the staff of the Director of Environment and Housing Services.

This was a matter for Executive decision

Cabinet, having considered the report and all the issues and implications contained therein

RESOLVED –

- (1) T H A T a revised date of 31 March, 2018 be approved for achievement of the Welsh Housing Quality Standards (WHQS) for the Council's Housing stock.

- (2) T H A T the contents of the letter issued to Welsh Government seeking formal approval to extend the achievement date, attached at Appendix 1 to the report, be noted.
- (3) T H A T the revised WHQS compliance policy attached at Appendix 2 to the report be approved.

Reasons for decisions

- (1) To enable full compliance with the Welsh Housing Quality Standards.
- (2) To note the formal request to Welsh Government to extend the deadline.
- (3) To ensure the WHQS compliance policy remained valid and relevant to the Council's continued achievement of the Welsh Housing Quality Standard.

**C181 CHANNEL VIEW, MARCROSS CESSPOOL REPLACEMENT -
OPTIONS APPRAISAL (HBS) (SCRUTINY COMMITTEE – HOMES AND SAFE
COMMUNITIES) –**

Approval was sought for the commissioning and procurement of an options appraisal and viability assessment exploring the potential replacement of the Channel View cesspool.

The cesspool at Channel View served 10 properties of which 3 remained in Council ownership. The cesspool had been relined and brought up to a good condition by the Council in 2011.

As was the case in relation to properties in private ownership, the current owners of former Council properties had an obligation to contribute to the maintenance and operational costs for the drainage serving their property, unless Dwr Cymru / Welsh Water (DCWW) had assumed responsibility for elements of the system including regular emptying.

In 2015 Cabinet considered a report which highlighted a number of issues relating to the management and costs associated with the cesspools which had been the source of various pollution incidents resulting from the failure of residents to arrange regular emptying.

In the case of the Channel View cesspool, serving No's 1 - 10, emptying costs had been incurred by the Council since the 7 privately owned properties were purchased

and from 2003 until April 2016 the cesspool had been emptied by the Council under default of a Notice served under Section 50 of Public Health Act 1936.

The report recommended that an initial stage feasibility be funded by the Housing Department as cesspool owner particularly given the potential future savings accruing to the Housing Revenue Account from a cheaper, alternative package treatment works and that a further Cabinet report be brought back to inform Cabinet of the results of the study and to consider options and recommendations that flowed from it.

At the meeting, the Cabinet Member for Regeneration and Planning asked the Cabinet Member for Housing and Building Services if the further report referenced in recommendation 3 would contain some form of charging schedule for the ongoing maintenance of the alternative sewerage solution at Channel View, in line with similar market rates.

In response, the Cabinet Member for Housing and Building Services confirmed a charging schedule would be considered in the future report.

In addition, the Head of Legal Services stated that invoices had been issued, however there had been difficulties experienced in recovering the Council's costs and outgoings in respect for the existing sewerage arrangement.

This was a matter for Executive decision

Cabinet, having considered the report and all the issues and implications contained therein

RESOLVED –

- (1) T H A T the general situation regarding ownership and emptying of the housing communal cesspool at Channel View, Marcross by the Council be noted.
- (2) T H A T the Director of Environment and Housing Services be authorised to commission an options appraisal and viability assessment, funded from the Housing Revenue Account, considering alternative sewerage solutions at Channel View.
- (3) T H A T a further report be brought back to Cabinet in due course identifying the options and relevant issues arising from the analysis.

Reasons for decisions

- (1) To note the contents of the report.
- (2) To commission an options appraisal and viability assessment, funded from the Housing Revenue Account.
- (3) To enable consideration of any alternative long term sewerage solution.

C182 MULTI-DISCIPLINARY CONSULTANCY SERVICE FOR THE DELIVERY OF 21ST CENTURY SCHOOLS BAND B PROJECTS FEE CAP EXTENSION (LC) (SCRUTINY COMMITTEE – LEARNING AND CULTURE) –

Approval was sought to extend the fee cap for the proposed contracts of multi-disciplinary services for the new secondary school on Port Road, refurbishment and upgrading of facilities at the secondary school on the Merthyr Dyfan site and the refurbishment and expansion of Ysgol Bro Morgannwg.

The 21st Century Schools and Education Programme was a unique collaboration between the Welsh Government and Local Authorities. It was a major long term strategic capital investment programme with the aim of creating a generation of 21st Century Schools in Wales.

The 21st Century Schools Band B Programme would commence in April 2019 and would run until 2024 and in order for projects to be ready to be delivered from that date initial scoping work was required to be started in early 2018. The three priority schemes from the Band B programme were:-

- The provision of a new secondary school on the Port Road site to replace the existing Barry Comprehensive school
- The refurbishment and upgrading of facilities on the Merthyr Dyfan site, currently the Bryn Hafren Comprehensive School
- The expansion of secondary welsh medium provision at Ysgol Bro Morgannwg.

It was proposed that AECOM Ltd would be contracted on a consultancy basis to assist in the production of the necessary project management work to ensure that the projects could be delivered within the relevant timescales.

AECOM Ltd had been appointed to act in a consultancy capacity for the following projects (as approved by the Head of Finance):

- Refurbishment of the wet and dry changing rooms at Barry and Penarth Leisure Centres
- Renewal of the sewage pumping station at Ysgol Bro Morgannwg.
- Preparatory works for Barry and Bryn Hafren Comprehensive Schools to become mixed sex in September 2018 (contract has been prepared and was currently in the process of being signed)

AECOM Ltd professional fees under the three contracts above totaled £238,373.33.

On the 10 November, 2017 the Cabinet Secretary for Education announced the 21st Century Schools Band B programme, stating that government supported the plans put forward by the Councils to build or modernise schools from April 2019. The Vale of Glamorgan Council submitted a strategic outline programme (SOP) with a total value of £ 142,417,000. Each project included within the SOP would have to go through a rigorous business case process for final approval by Welsh Government.

The appointment of AECOM Ltd from the framework would help deliver these strategic projects. A further report would be presented to Cabinet in the New Year to provide further detail on the Band B programme as it related to the Vale of Glamorgan.

It was proposed that the cap for services from AECOM Ltd be increased to enable the preparatory work on the Band B projects to take place.

This was a matter for Executive decision

Cabinet, having considered the report and all the issues and implications contained therein

RESOLVED –

- (1) T H A T delegated authority be granted to the Head of Finance to allow AECOM Ltd to be engaged to complete the specified projects within the report with the call-off contract arrangement, subject to a revised fee cap of £750,000.

- (2) T H A T delegated authority be granted to the Head of Legal Services in consultation with the Head of Finance to enter into any necessary contracts for the projects specified.

Reasons for decisions

- (1) To allow the initial work on the schemes identified to be undertaken to allow the delivery of the facilities to meet the time scales as required by the Learning and Skills Directorate.
- (2) To ensure that appropriate contracts are in place with AECOM Ltd for the consultancy services they will be engaged to provide.