

CABINET

Minutes of a meeting held on 5 February, 2018.

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

Also Present: Councillor V. Driscoll.

C211 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 22 January, 2018 be approved as a correct record.

C212 DECLARATIONS OF INTEREST –

The following declarations of interest were received:

Councillor G. Cox	<p>Agenda Item 4 - Community Review – Cowbridge with Llanblethian Town Council and Penllyn Community Council</p> <p>Reason for Declaration –</p> <p>As a Member of Cowbridge with Llanblethian Town Council, he declared a personal and prejudicial interest and was unable to speak and vote on the matter.</p>
Councillor A. Parker	<p>Agenda Item 4 - Community Review – Cowbridge with Llanblethian Town Council and Penllyn Community Council</p> <p>Reason for Declaration –</p> <p>As his daughter was a Member of Penllyn Community Council he declared a personal and</p>

	prejudicial interest and was unable to speak and vote on the matter.
Councillor G. Kemp	<p>Agenda Item 7 - Employee Pay Policy 2018/19</p> <p>Reason for Declaration –</p> <p>His daughter was employed by the Local Authority, however, he had dispensation from the Standards Committee to speak and vote on this matter.</p>
Councillor J. Thomas	<p>Agenda Item 9 - Review of the Implementation of LDP Policy MG4 and Affordable Housing Supplementary Planning Guidance</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>

C213 COMMUNITY REVIEW – COWBRIDGE WITH LLANBLETHIAN TOWN COUNCIL AND PENLLYN COMMUNITY COUNCIL (ERO) (SCRUTINY COMMITTEE – CORPORATE PERFORMANCE AND RESOURCES) –

During consideration of this item, the Cabinet Member for Neighbourhood Services and Transport, and the Cabinet Member for Housing and Building Services, left the room and took no part in any discussions that took place.

Endorsement was sought for the Electoral Registration Officer's (ERO) proposal of no change in respect of the community review of the boundary between Cowbridge with Llanblethian Town Council and Penllyn Community Council.

A request was received from the Cowbridge with Llanblethian Town Council ("the Town Council") for a review to be undertaken of the community boundary between Cowbridge with Llanblethian Town Council and Penllyn Community Council. The request highlighted that the Town Council considered that due to the planned

development on the land north west of Cowbridge (known as Darren Farm) this would impact on community services provided by the Town Council however there was a concern that the Town Council would not benefit from an increased precept. The Town Council have therefore requested a community boundary review of its boundary with Penllyn Community Council.

Consequently, Cabinet received a report at its meeting on 18 September, 2017 when it resolved: “(1) THAT delegated authority be granted to the Electoral Registration Officer to conduct a review of the community boundary between Cowbridge with Llanblethian Town Council and Penllyn Community Council in accordance with the Local Government (Democracy) (Wales) Act 2013. (2) THAT the terms of reference of the review attached at Appendix A to the report be approved.” (minute C71 refers)

In line with the terms of reference for the review:

- The review was brought to the attention of the mandatory consultees and such other persons the ERO considered likely to be interested in the review;
- The ERO consulted the mandatory consultees on its intended procedure and methodology for the review;
- The ERO conducted investigations as considered appropriate;
- The ERO after the initial consultation had prepared a report as set out in Appendix A attached to the report containing the proposal for no change and the reasons for this proposal.
- Appendix A as attached to the report would be subject to wider consultation in line with statutory requirements.
- The review had been published electronically and continued to be available for public inspection.
- Copies of the report were sent to the Local Democracy and Boundary Commission for Wales and the mandatory consultees and a response would also be provided to all representatives who took part in the review to date.

Appendix B attached to the report summarised the submissions received during the initial consultation which had been taken into account by the ERO together with the application from the Town Council referred to in paragraph 3 of the report.

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 proposal as set out in Appendix A attached to the report be endorsed.
- (2) T H A T the Electoral Registration Officer be authorised to continue with the review of the community boundary between Cowbridge with Llanblethian Town Council and Penllyn Community Council, in accordance with the Local Government (Democracy) (Wales) Act 2013.
- (3) T H A T the revised timetable as set out in paragraph 8 of the report be endorsed.

Reasons for decisions

- (1) To endorse the proposal of the Electoral Registration Officer as set out in Appendix A attached to the report.
- (2) To comply with the Local Government (Democracy) (Wales) Act 2013.
- (3) To endorse the amendment to the timetable.

C214 COMMUNITY REVIEW – ST. BRIDES MAJOR COMMUNITY COUNCIL (ERO) (SCRUTINY COMMITTEE – CORPORATE PERFORMANCE AND RESOURCES) –

Endorsement was sought for the Electoral Registration Officer's (ERO) proposal for the community review of the number of members on the St. Brides Major Community Council.

A request was received from the St. Brides Major Community Council, ("the Community Council"), for a review to be undertaken of the number of members elected to the Ogmore by Sea Ward. The request highlighted that the Community Council considered that due to the increase in properties there was an unfair ratio of members to electors in the Ogmore by Sea Ward, proposing that the total number of members for the Ogmore by Sea Ward be increased from five to six.

St Brides Major Community Council was made up of five members for the Ogmore by Sea Ward and six members for the St Brides Major Ward. The electorate for Ogmore by Sea was 942 which gave a ratio of 1:189. The electors for St Brides Major was 798 which gave a ratio of 1:133. The planning forecast indicated an additional 100 dwellings in the Ogmore by Sea ward between 2017-2019.

Consequently, Cabinet received a report at its meeting on 18 September, 2017 when it resolved: “(1) THAT delegated authority be granted to the Electoral Registration Officer to conduct a review of electoral arrangements in relation to the number of members representing the St.Brides Major Community Council, in accordance with the Local Government (Democracy) (Wales) Act 2013. (2) THAT the terms of reference of the review attached at Appendix A to the report be approved.” (minute C71 refers)

In line with the terms of reference for the review:

- The review was brought to the attention of the mandatory consultees and such other persons the ERO considered likely to be interested in the review;
- The ERO consulted the mandatory consultees on its intended procedure and methodology for the review;
- The ERO conducted investigations as considered appropriate;
- Following the initial consultation the ERO had prepared a report as set out in Appendix A attached to the report containing the proposals for no change and the reasons for this proposal.
- Appendix A attached to the report would be subject to wider consultation in line with statutory requirements.
- Copies of the report were sent to Welsh Ministers and the mandatory consultees and a response would also be provided to all representatives who took part in the review to date.

Appendix B attached to the report summarised the submissions received during the initial consultation in addition to the application from the Community Council referred to in paragraph 3 of the report.

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 proposal of no change as set out in Appendix A attached to the report be endorsed.
- (2) T H A T the Electoral Registration Officer be authorised to continue with the review of the electoral arrangements relating to the number of members

representing the St. Brides Major Community Council, in accordance with the Local Government (Democracy) (Wales) Act 2013.

- (3) T H A T the revised timetable as set out in paragraph 12 of the report be endorsed.

Reasons for decisions

- (1) To endorse the proposal of the Electoral Registration Officer as set out in Appendix A attached to the report.
- (2) To comply with the Local Government (Democracy) (Wales) Act 2013.
- (3) To endorse the amendment to the timetable.

C215 QUARTER 2 (2017-18) CORPORATE PLAN PERFORMANCE REPORT (L) (SCRUTINY COMMITTEES – ALL) –

Cabinet was presented with the quarter 2 performance results for the period 1 April - 30 September, 2017 for all service areas.

The Council's Performance Management Framework was the mechanism through which the Council's key priorities and targets were monitored and realised in order to secure continuous improvement. As part of the review of its Performance Management Framework, the Council had adopted a Corporate Plan (2016-20) which reflected the requirements of the Well-being of Future Generations (Wales) Act 2015 and the Plan identified 4 Well-being Outcomes and 8 Well-being Objectives for the Council.

Since May 2016, each Scrutiny Committee had received performance information linked with the Council's Well-being Outcome with which that Committee was aligned. In addition, Corporate Health priorities were considered by the Corporate Performance and Resources Scrutiny Committee.

Work remained ongoing with Officers and the Member Working Group to further develop the format of the quarterly performance reports. At the most recent meeting of the working group, consideration was given to a new style of report format. The new style of report was intended to present the reader with a more accessible view of performance for the Well-being Outcome and drew together information from a wider range of sources. A new overall Corporate Plan Summary Report had also been developed to draw together a summary of all activity associated with the

Corporate Plan. The summary report supplemented the more detailed Outcome/Corporate Health specific reports.

Appendix A attached to the report provided an overview of overall progress against the Corporate Plan Well-being Objectives and how this contributed to the national Well-being Goals at the end of quarter 2 was provided in the Corporate Plan Summary Report. Overall, positive progress had been made this quarter towards delivering the key outcomes as outlined in the Corporate Plan 2016-20, giving an overall RAG status of AMBER. Quarter 2 performance reports for 2017-18 attached at Appendix B to the report focused on the progress made towards achieving our Well-being Outcomes and Corporate Health priorities as outlined in the Corporate Plan 2016-20.

2 out of the 4 Corporate Plan Well-being Outcomes were attributed an overall RAG status of GREEN with the remaining outcomes, 'An Inclusive and Safe Vale' and 'An Environmentally Responsible & Prosperous Vale' reporting AMBER status. An overall GREEN status had been attributed to Corporate Health reflecting the positive progress made to date in integrating our business planning practices and in promoting a 'one Council' approach, to maximising limited resources to deliver our Well-being Outcomes. These developments had contributed to the achievements reported at quarter 2 and in the long term to achieving improved outcomes for Vale of Glamorgan citizens.

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 service performance results and the progress made towards achieving the Council's Well-being Outcomes and Corporate Health priorities as outlined in the Corporate Plan 2016-20 be noted.
- (2) T H A T the performance results and remedial actions to be taken to address areas of underperformance and to tackle the key challenges identified be noted.

Reasons for decisions

- (1) To ensure the Council clearly demonstrated the progress being made towards achieving its Corporate Plan Well-being Outcomes aimed at making a positive difference to the lives of Vale of Glamorgan citizens.
- (2) To ensure the Council was effectively assessing its performance in line with the requirement to secure continuous improvement outlined in the Local Government Measure (Wales) 2009 and reflecting the requirement of the Well-being of Future Generations (Wales) Act that it maximises its contribution to achieving the well-being goals for Wales.

C216 EMPLOYEE PAY POLICY 2018/19 (L) (SCRUTINY COMMITTEE – CORPORATE PERFORMANCE AND RESOURCES) –

During consideration of this item, the Managing Director, Head of Legal Services, Section 151 Officer, Head of Human Resources, Director of Social Services, Director of Environment and Housing, Head of Regeneration and Planning, and Head of Strategy, Community Learning and Resources left the room and took no part in any discussions that took place on this item.

Cabinet was asked to consider and endorse the Council's Pay Policy for 2018/19 prior to its submission to Council for final approval.

The Council had a statutory requirement under the Localism Act 2011 to prepare a pay policy statement for the new financial year 2018/19. The statement needed to be approved and published by 31 March, 2018. The document provided a framework for ensuring that employees were rewarded fairly and objectively, in accordance with the service needs of the Council and that there was openness and transparency in relation to the process.

The Pay Policy had been incrementally developed since 2012 to incorporate the following:-

- Guidance from Welsh Government as contained in the document “Pay Accountabilities in Local Government in Wales” as updated January 2016.
- Changes as prescribed by the Local Authorities Standing Orders (Wales) (Amendment) Regulations 2014 which took effect from 1 July, 2014.
- Changes as prescribed required by the Local Government (Wales) Act 2015 to ensure that any proposed changes to the salary of Chief Officers (as defined in the Localism Act 2011) were made following consultation with the Independent Remuneration Panel for Wales.

- Necessary refinements as a result of changes to the Council's senior management structure over recent years.
- The effects of nationally negotiated pay awards and the emerging provisions of the National Living Wage as introduced in 2016.

The Pay Policy also reflected specific changes to the Council's pay and grading arrangements as approved by Cabinet and Council during 2017/18. These included:-

- The removal of the first two pay points in the Single Status/Green Book Grading Structure as approved by Cabinet on 9 October, 2017 and which took effect from 1 December, 2017.
- Minor changes to the payment arrangements associated with the Chief Officer Appraisal Scheme as approved by Council on 13 December, 2017. Such changes would mean that from 1 April, 2018 all incremental pay increases would be processed on a monthly rather than an annual basis.

Over the coming year a number of other changes would impact on the Council's current pay arrangements and would need to be reflected in future pay policy statements. Such changes included:-

- The outcome of the 2018/19 pay negotiations for NJC Green Book employees and the effect of such negotiations on the current NJC Pay Structure.
- The potential requirement for any modifications to the Council's own local Green Book/Single Status Pay Structure as a result of the above national negotiations.
- The impact of the UK Government's Enterprise Act 2016 and specifically in relation to a restriction on local authority severance payments. It would be important to monitor how these provisions would be reviewed, translated and implemented by Welsh Government within the Welsh public sector.
- Any changes to election payments as a result of the Welsh Government's Electoral Reform Review and as part of the provisions of the Wales Act 2017.

At the meeting, the Leader tabled an amendment to paragraph 6.2 of the Vale of Glamorgan Council Employee Pay Policy 2018/19 attached at Appendix A to the report. Paragraph 6.2 should now read:

“As part of the above the Council has linked the scores from the job evaluation results directly to the NJC pay structure. The national pay structure ranges from spinal column point (SCP) 6 to 49, which equate to £15,014 to £43,821 per annum. These values will be revised to reflect the outcome of the 2018/19 NJC pay negotiations (once such outcomes are known) and to take effect from 1st April 2018.”

This was a matter for Executive and Council decision

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

RESOLVED –

- (1) T H A T the required changes to the Council's Pay Policy for 2018/19 as set out in the report and as incorporated in the revised statement attached at Appendix A to the report, be noted.
- (2) T H A T the Pay Policy be endorsed and referred to the Scrutiny Committee (Corporate Performance and Resources) for consideration on 15 February, 2018 and for final consideration and approval by Council on 28 February, 2018.

Reasons for decisions

- (1) To respond to the legal requirements under the Standing Orders (Wales) Amendment Regulations 2014, the Local Government (Wales) Act 2015 and related advice from Welsh Government.
- (2) To respond to the legal requirement under the Localism Act and to provide openness and accountability in relation to how the Council rewards its staff.

C217 DATA PROTECTION CHANGES (L) (SCRUTINY COMMITTEE – CORPORATE PERFORMANCE AND RESOURCES) –

Cabinet was advised of the new Data Protection legislation and its impact upon the Council and authority was sought for the necessary actions to ensure compliance.

The existing legislative regime in relation to data protection stemmed from the Data Protection Act 1998 which implemented European Directive 95/46/EC in the UK. This regime had been operational in the UK since 1 March, 2000. As part of its membership of the European Union, the UK was party to and subject to a new EU inspired Data Protection Law, the General Data Protection Regulation (GDPR) Regulation EU2016/679 which was due to come into force in the UK upon 25 May, 2018.

The GDPR had similarities with the existing UK Data Protection Act (DPA), however it had several new features, which included extending the existing principles thus

placing additional obligations upon organisations regarding how information was processed and stored, recording keeping and accountability. It introduced mandatory data breach reporting, stronger penalties for breaches and non-compliance, enhanced rights for individuals and data portability provisions together with an obligation to have a designated Data Protection Officer. Generally the provisions would tighten up the existing regulatory regime. There was work to be undertaken across the Council, both at policy level and implementation level, in order to comply with the Regulation.

The Government had also introduced a new Protection Bill. The Data Protection Bill would replace the 1998 Act to provide a comprehensive legal framework for Data Protection in the UK, supplemented by the GDPR until the UK left the EU. While the UK remained a member of the EU all the rights and obligations of EU membership would remain in force. When the UK left the EU the GDPR would be incorporated into UK domestic law under the European Union Withdrawal Bill. The Bill and the GDPR applied substantively the same standards to the majority of data processing in the UK in order to create a clear coherent Data Protection regime. It also set out certain delegations that provided exemptions from the GDPR in order to deal with aspects relating to areas specific to domestic arrangements within England and Wales.

The key changes under the GDPR were detailed in the report. The Information Commissioner's Office had prepared an Implementation Guide in preparing for the General Data Protection Regulation and the 12 steps to be undertaken. Attached at Appendix A to the report was a copy of that document. It suggested implementation in respect of the following:

1. Awareness
2. Information You Hold
3. Communicating privacy information
4. Individual Rights
5. Subject Access
6. Legal basis for processing of personal data
7. Consent
8. Children
9. Data Breaches
10. Data Protection by design and Data Protection Impact Assessments
11. Data Protection Officers
12. International

The Council needed to work through that Guidance to ensure compliance. This work was being overseen via the Corporate Information Governance Group which had cross Directorate representation. An action plan to implement GDPR was attached at Appendix B to the report.

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 Council's Data Protection Policy and procedures be updated to take into account the new legislative provisions.
- (3) T H A T the Data Protection Training / Awareness Courses be updated to reflect the new statutory provisions.
- (4) T H A T the Information Commissioner's document "Preparing for the General Data Protection Regulation (GDPR)" attached at Appendix A to the report be utilised as an action plan for implementation.
- (5) T H A T the Information Manager (Lawyer) be designated the Data Protection Officer under the terms of the GDPR.
- (6) T H A T a further report to be brought to Cabinet to update on progress in relation to the implementation of GDPR.

Reasons for decisions

(1-6) To ensure compliance with the law.

C218 REVIEW OF THE IMPLEMENTATION OF LDP POLICY MG4 AND AFFORDABLE HOUSING SUPPLEMENTARY PLANNING GUIDANCE (RP) (SCRUTINY COMMITTEES – ENVIRONMENT AND REGENERATION & HOMES AND SAFE COMMUNITIES) –

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

The Implementation of Local Development Plan (LDP) Policy MG4 and Affordable Housing Supplementary Planning Guidance (SPG) was reviewed.

The Council's latest Local Housing Market Strategy (2015-2020) identified a net annual need for 559 Affordable Housing units per annum over the study period (2015-2020), comprising of 331 social rented, 115 low cost home ownership (LCHO) and 113 intermediate rented dwellings. Policy SP4 of the Adopted Vale of Glamorgan Local Development Plan (LDP) set a target for the provision of 3,252 affordable dwellings over the plan period 2011-2026 to help address the identified affordable housing need. The plan envisaged that the majority of the target (2,627 dwellings) should be met through the delivery of affordable housing on sites allocated for residential development within the LDP, and the remaining 625 dwellings secured via large and small site windfall contributions.

Policy MG4 of the LDP was the Council's primary means of securing of affordable housing through the planning system. The policy identified three tiers of threshold and percentage requirements that were identified in the Council's development viability evidence prepared in support of the LDP. For Barry the requirement was a 30% provision on sites of 5 or more dwellings. For Llantwit Major, Rhoose and St. Athan the requirement was 35% provision, again on sites of 5 or more dwellings. For the areas outside of these settlements Policy MG4 required the provision of 40% affordable housing on sites resulting in a net gain of 1 dwelling (or a net gain of 2 dwellings where the development would involve the conversion of an existing building).

On small sites of less than 10 units the policy indicated that affordable housing contributions may be provided either on site or in the form of a financial contribution, or a combination of both. In all cases the policy indicated that the provision of affordable housing would be considered on a site by site basis taking into account development viability.

The requirement to provide affordable housing on major development sites was well established in the Vale of Glamorgan. As a matter of practice, the Council had sought affordable housing on sites of 10 or more dwellings since 2007. In doing so the Council had successfully secured a significant increase in the amount of new affordable housing being delivered through the planning system. However, in setting the threshold at 10, a significant proportion of smaller developments were failing to contribute towards the delivery of affordable homes, which were much needed in the Vale of Glamorgan. Small sites of fewer than 10 dwellings contributed approximately

8% of the housing supply in the Vale of Glamorgan (on average 57 dwellings per year) (LDP Policy MG1 referred).

The review report focused on the impact of the change in policy implementation which sought affordable housing on small sites (fewer than 10 dwellings), as implemented through Policy MG 4 and the Affordable Housing SPG. Anecdotal evidence and feedback received from applicants and planning agents who regularly operated in the Vale of Glamorgan, indicated that they felt the policy was likely to deter self-builders and small / medium housing developers from building in the Vale of Glamorgan. The review sought to consider whether there was any evidence that this was the case.

To undertake the review, officers had considered planning applications that had been assessed under the new policy framework, and considered the effect the policy was having on those developments. The overall number of planning applications for minor residential developments did not appear to have been affected by the policy as it had fluctuated between 100-150 per year over the last decade.

Since implementing the policy in January 2016, 7 planning applications for small sites, detailed in Appendix A attached to the report had agreed to meet the policy requirements in full securing a total of £444,071.40 which could be used to deliver new affordable housing in the Vale of Glamorgan. The report noted that 1 of these developments had since submitted a new application seeking to remove the affordable housing requirement on the grounds of development viability, this application was undetermined to date. A further 11 planning applications for small sites had not made provision for affordable housing because development viability was demonstrated to be an issue if an affordable housing contribution was required.

A number of applications had been refused planning permission because the applicant was unwilling to contribute towards affordable housing, and failed to present an appropriate viability case, and where they have appealed the results were summarised at Appendix A attached to the report. They showed that prior to the adoption of the LDP, various appeal decisions gave no weight to the draft affordable housing SPG or emerging LDP policy which weakened the Council's ability to successfully implement the policy and draft SPG at that time. However, since the adoption of the LDP in June 2017, the Council had received support from the Planning Inspectorate in terms of its application of LDP Policy MG4.

The evidence demonstrated the policy was working effectively at present and there was no indication that the policy was deterring small sites from coming forward for development. However, the review had highlighted a number of ways in which the

SPG could be amended to redress some of the concerns raised by the developers of small sites. These were detailed in the report and included in an amended SPG attached at Appendix B to the report.

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 findings of the review be noted and the proposed amendments to the Supplementary Planning Guidance (SPG) attached at Appendix B to the report be endorsed.
- (2) T H A T the report and the amended Affordable Housing SPG be reported to Planning Committee for consideration, and any comments or amendments proposed shall be reported back to Cabinet for further consideration. If no comments or amendments are proposed by Planning Committee, the amended SPG shall be adopted for development management purposes and replace the previous version of the SPG.

Reasons for decisions

- (1) To consider the findings of the review and to support amendments to the Council's Affordable Housing SPG.
- (2) To seek the views of Planning Committee prior to adoption of the amended SPG.