

CABINET

Minutes of a meeting held on 4th November, 2019.

Present: Councillor N. Moore (Chairman); Councillor L. Burnett (Vice-Chairman); Councillors B.T. Gray, P.G. King, K.F. McCaffer, Mrs. M.R. Wilkinson and E. Williams.

C134 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 21st October, 2019 be approved as a correct record.

C135 DECLARATIONS OF INTEREST –

No declarations were received.

C136 WELLBEING OF FUTURE GENERATIONS: AN EXAMINATION OF THE PROGRAMME OF REGENERATION AT BARRY AND BARRY ISLAND VALE OF GLAMORGAN (JULY 2019) (REF) –

The Head of Regeneration and Planning presented the report the purpose of which was to advise Members of the findings of the Auditor General for Wales' Wellbeing of Future Generations Act – Examination of the Council's Programme of Regeneration at Barry and Barry Island and the Council's response to the findings. For this item, and representing the Wales Audit Office, the Committee welcomed Mr. Ron Price and Mrs. Sara-Jane Byrne.

In accordance with the Well-being of Future Generations (Wales) Act 2015, the Auditor General for Wales was statutorily required to examine public bodies to assess the extent to which they had acted in accordance with the sustainable development principle when setting their well-being objectives and taking steps to meet them.

The Auditor General was required to provide a report on his examinations to the National Assembly for Wales at least a year before each Assembly election and the first such report must be published by 2020.

During 2018-19, the Auditor General had undertaken examinations across the 44 bodies covered by the Act to inform his report to the National Assembly. In May 2018, the Auditor General published his report, "Reflecting on Year One – How Have Public Bodies Responded to the Well-being of Future Generations Act (2015)", which concluded that public bodies supported the principles of the Act and were taking steps to change how they worked.

The findings in the report appended to the covering report were based on the fieldwork undertaken by the Wales Audit Office during the period January to

February 2019, which focused on the programme of regeneration at Barry and Barry Island, a step the Council was taking to meet its Well-being Objectives.

Appendix A sets out the findings from the Wales Audit Office's Well-being of Future Generations Act examination of the programme of regeneration in Barry and Barry Island. It also outlined the Council's response to the findings in the form of a co-produced action plan involving officers from the Wales Audit Office, Officers from the Regeneration and Planning department and other senior managers.

The report findings were generally positive and the examination concluded overall, 'The Well-being of Future Generations Act required significant change to fully embed the five ways of working and it would take time to do this. We recognised the Council could demonstrate that it had acted in the spirit of the Act in its approach to regeneration in Barry. However, there was scope for the Council to do more to embed the five ways of working, clarify its vision and strategic approach, and integrate its plans with those of partner organisations in its regeneration of Barry.'

The key findings in relation to the five ways of working were:

- 'The Council had considered short, medium and long-term needs in developing its approach to the regeneration of Barry and now needed to ensure the longer-term sustainability of this approach.
- The Council was undertaking many preventative activities, but there was scope to better consider the root causes of problems and the preventative benefits of the step.
- The Council had started to take an integrated approach but needed to consider more fully how this step contributed to its and others' wellbeing objectives to maximise the benefits the step could deliver.
- The Council had a track record of effective collaboration, but there was scope to develop a collective vision for the area with partners and stakeholders based on data and trend analysis.
- The Council could show a number of strengths in its approach to involving partners and other stakeholders, but it was not clear how the full diversity of the community was involved.'

In response to the report findings, a workshop was undertaken attended by officers from the Wales Audit Office, officers from the Regeneration and Planning department and other senior managers to develop an action plan (incorporated within the attached report at Appendix A) which would now be progressed by the Council and, also inform the development and delivery of the Corporate Plan going forward.

In line with the Council's performance monitoring arrangements, the key areas for improvement identified would be incorporated within the Insight Board's Tracker, which monitored progress monthly. Members of this Committee would continue to be informed of progress against all regulatory improvement areas via a half-year update report and this would be supplemented with the annual review of progress

which will be reported to Scrutiny Committees prior to reporting to the Audit Committee for final oversight.

In responding to the WAO findings, and with permission to speak, the Deputy Leader and Cabinet Member for Regeneration and Education stated that a lot of Council activity pre-dated 2015 and the Wellbeing of Future Generations Act. In fact, a lot of the Council activity informed some of the key aims of the Act such as the Council's Rural Communities Service. The Deputy Leader also stated that it was important to recognise that Regeneration and Planning only made up 2% of the Council's budget so funding was mainly on a grant basis. Therefore the Council had already met most of the Welsh Government funding criteria. It was also important to recognise that the Council had made representations to Welsh Government regarding funding being apportioned on a more holistic basis. In terms of education, the Deputy Leader highlighted that £150 million was being invested through the 21st Century Schools programme, which would mean that there would be benefits to many communities.

The Deputy Leader went on, and explained that the Welsh Government Minister had referred to 8 priority areas that were mainly generic which no one would disagree with. This was why the Council had undertaken mapping and was why the Sense of Place was so important. Another important aspect was the creation of a 'Barry Story' which helped to distil a unique identity for Barry. The Council were taking on board fully the main aims and objectives of the Wellbeing of Future Generations Act and so the Regeneration and Planning Team would co-ordinate efforts with all other Council directorates.

A Committee Member stated that one of the key areas of development highlighted by the Wales Audit Office was the need for a better long-term approach in relation to infrastructure. In reply, the Head of Regeneration and Planning stated that the key issues here were that the Council could not deliver infrastructure projects on its own and relied on partners and private sector organisations. An example of this was in relation to electric car charging points, for which, Welsh Government had tried to bring in standards in relation to new housing developments but this was difficult as new technology moved on so quickly. Infrastructure also included new broadband connectivity, for which, the Council was working closely with B.T. and so the issues were not just roads and schools, although these were just as important. The Head of Regeneration and Planning also stated that key infrastructure projects always took time to deliver, and it was important to recognise the success of the Vale Council in achieving Section 106 monies which were the most in Wales. Therefore, the Council did well in delivering infrastructure projects such as a new road for Cowbridge and many other projects delivered with partners. Another important consideration was the Metro that would provide many benefits and would help sustainability by the removal of cars and buses. For this, the Council needed to maximise Barry's location through the new Metro. This was progressing, but there was a recognition that there was always more that could be done, although in some circumstances, the Council relied on Welsh Government Legislation to help deliver certain projects.

A Committee Member queried whether this study was also being conducted across Wales and whether the WAO had benchmarked authorities. In reply, Mrs.

Sara-Jane Byrne stated that the WAO had not benchmarked or compared local authority performance although each local authority would be assessed and a national report covering the wider context would be produced.

In relation to the Wellbeing of Future Generations Act and the development of a biomass plant in Barry, a Committee Member stated that this project went against some of the principals contained within the Act. The Member stated that the Act needed greater powers in order to prevent developments like this. In reply, the Head of Regeneration and Planning stated that the Biomass plant was not regeneration and was in fact a renewable energy project. This was licenced by Natural Resources Wales. The Biomass plant was a private sector scheme which pre dated and was therefore not regulated by the Act, but this was an ongoing process. He added that the Wellbeing of Future Generations Act (the Act) was an all-encompassing piece of Legislation which other legislation such as Planning and Licensing having their own specific guidelines but which were within the overarching framework of the Act. The Act was not there to police the developments but was about ensuring that public bodies took account of the Wellbeing Goals and the Five Ways of Working.

A Committee Member, as Ward Member for Barry Island, stated that he feared that the new Five Mile Lane Road would only make it more attractive for building lots of houses next to it. As for the Biomass development, the Member considered that the process was 'flawed' and that Welsh Government was terrified to admit that it needed an Environmental Impact Assessment for the fear of being sued by the applicant. He stated that he saw no regard for Future Generations there. With regards to the report by the WAO, he welcomed this, as it was another springboard and opportunity to discuss exciting potential developments. The Chair would be aware that he was requesting an overview of future economic developments at Barry Island as an item for consideration at November's meeting. The proposals there were very exciting and the Council needed to be ready to maximise the opportunities that came its way. With reference to the Auditor's report, and in accordance with the 'Five Ways of Working', he asked the Cabinet Member whether she would ensure the full involvement of local members from now on. In reply, the Deputy Leader stated that when it came to the Island, Ward Members in other parts of Barry would also have a keen interest and so it was important to involve all those who had an interest. She stated that she wanted greater engagement going forward. Further to these comments, the Head of Regeneration and Planning stated that the Council had introduced an Economic Development Team which mirrored structure and format of the work that had been done previously by the Creative Rural Communities Team. The Manager for that Team would be committed to ensuring that everybody was involved and this would be a key part going forward.

The Committee queried whether there were plans to speed up the Community Asset Transfer process. In reply, the Deputy Leader stated that this was an area of concern which needed greater focus in order to develop capacity in communities so that they could be successful. This was a key piece of work for the Creative Rural Communities Team in order to work with groups to increase their knowledge and ability to source funding. In addition, the Head of Regeneration and Planning stated that the strength of community groups was

fundamental but it had been recognised that the process had been slower than the Council would have liked, but this would be assisted by the work of the Economic Development Team. This team would work with partners and other agencies to look at ways of delivering and maximising potential. Mr. Ron Price from the WAO stated that Community Asset Transfer was referred to on page 32 of the WAO's report which had flagged up that there was a challenge for community groups to create capacity.

Subsequently, it was

RECOMMENDED –

(1) T H A T the key messages to emerge from the Wellbeing and Future Generations Act examination, including areas of progress, areas for development and the Council's response to the examination and Wales Audit Office recommendations, be noted.

(2) T H A T the report be referred to Cabinet for its consideration.

Reasons for recommendations

(1) To provide for scrutiny and review of the Wales Audit Office's Wellbeing of Future Generations examination findings and the Council's response.

(2) To ensure that Cabinet responds appropriately and implements the areas for improvements as identified by the Wales Audit Office."

The Deputy Leader with responsibility for Education and Regeneration wanted to reiterate that the Regeneration Programme's work had been audited on the basis of the Well-being of Future Generations (Wales) Act 2015 criteria – despite the fact that the work undertaken had been carried out before this legislation had been enacted. However, overall the Wales Audit Office had been complimentary about the Council – particularly over the mid – to – long-term. Both she and the Leader stressed that going forward, the Council would now be assessed against the correct criteria.

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

RESOLVED – T H A T the key messages to emerge from the Wellbeing and Future Generations Act examination, including areas of progress, areas for development and the Council's response to the examination and Wales Audit Office recommendations, be noted.

Reason for decision

To ensure that Cabinet responds appropriately and implements the areas for improvements as identified by the Wales Audit Office.

**C137 ANNUAL CORPORATE SAFEGUARDING REPORT 2018/19
(REF) –**

Cabinet had, on 29th July, 2019 referred the Annual Corporate Safeguarding Report to the Scrutiny Committee for its consideration.

The Annual Report provided an overview of the Corporate Safeguarding Group work plan and other safeguarding activities taking place across the Local Authority. There was a corporate responsibility to ensure that there were effective arrangements in place for safeguarding children and adults who required specific Council services. Historically, safeguarding activity by different parts of the Council had been reported separately to Cabinet, the relevant Scrutiny Committee and Corporate Management Team. The Annual Report brought together safeguarding activity undertaken by the Social Services, Learning and Skills, Managing Director's Office and Resources, Environment and Housing Directorates and also an overview from the Corporate Safeguarding Group. The Annual Report also provided a more holistic representation of safeguarding activity across the Council and the report provided a composite update of activity across the Directorates. The relevant Scrutiny Committees were now required to consider the elements of the report in line with their portfolio areas.

Having regard to compliance actions in relation to schools, it was noted that 93% of schools were compliant, which was noted as the same as the previous year. Members commented that there was broad compliance but queried whether the same schools were the same ones that were being reported on year on year. The Operational Manager for Human Resources confirmed that this was not the case there was no one particular school each year.

In trying to understand why schools were not compliant, Members questioned whether they were taking the issue as seriously as possible. The Operational Manager advised that there could be a number of reasons for non-compliance. One being the logistics, where teaching staff would move from one area to another there had been problems in receiving the necessary paperwork at the appropriate time, in particular the receipt of necessary employment references prior to commencement taking place. Querying why the paperwork could not be done earlier in the process, the officer advised that the turnaround time for DBS checks, although it was now much quicker than it had been, there were sometimes some issues in validating the person's I.D. which would delay the process and increased non-compliance time.

The follow-up review of corporate arrangements for the safeguarding of children undertaken by the Auditor General for Wales was attached to the reference, with Members noting that recommendation P4 – Proposals for Improvement, was that the Council should consider producing further performance measures for example in respect of safeguarding training compliance to enhance the Annual Safeguarding Report and aid transparency. It was noted that a further report to address the issues for improvement was to be reported to Cabinet and then onto the Scrutiny Committee in due course.

Having considered the report, a Member requested that further detail in relation to the broad reasons of why schools were not compliant, be provided in future reports in order that Members could have an understanding as to why the compliance issues were not being addressed. Although recognising that the risk was low due to the fact that teachers had to be registered with the Education Workforce Council (formerly General Teaching Council). However Members requested that the details be provided in future reports to the Scrutiny Committee. A Member also commented that as far as they were concerned no person should be employed by the Council without the appropriate checks being in place.

It was therefore, subsequently

RECOMMENDED – to Cabinet

- (1) T H A T Cabinet be urged to consider a Zero-Tolerance Policy be put in place in relation to DBS checks and all associated checks being received prior to an applicant commencing employment corporately and in schools.
- (2) T H A T future reports to Cabinet and Scrutiny Committee include the reasons for non-compliance with regard to schools as outlined above.

Reasons for recommendations

- (1) To ensure that all applicants have the necessary checks in place prior to commencement of employment with the Council.
- (2) In order that Members can understand the reasons behind non-compliance.”

The Cabinet Member for Social Care and Health referred to the recommendations forwarded by the Scrutiny Committee and how both could not be put forward as they contradicted each other. The Member suggested that recommendation 2 be taken forward and - as an addendum to this - note the effects of Zero-Tolerance Policy in the annual report. The Leader agreed, adding that a Zero-Tolerance Policy would be impractical and that where there were instances of non-compliance by individuals, they would not be put in a position of trust until this issue was resolved.

Cabinet, having considered the recommendations of the Corporate Performance and Resources Scrutiny Committee

RESOLVED – T H A T future reports to Cabinet and Scrutiny Committee include the reasons for non-compliance with regard to schools as outlined above. Also, that the effects of a Zero-Tolerance Policy in relation to checks be added to the annual report.

Reason for decision

In order that Members can understand the reasons behind non-compliance and the impact of a Zero-Tolerance Policy.

C138 TOWN AND COMMUNITY COUNCIL'S CHARTER (REF) –

Approval was sought from the Committee for the revised Charter between the Vale of Glamorgan Council and Town and Community Councils (TCCs). The Council and TCCs had had a Charter in place since 2009 and it set out the way in which the organisations would work together to achieve shared purposes.

Following the establishment of a working group of Elected Members and staff from TCCs a revised Charter had been developed in conjunction with staff from the Vale of Glamorgan Council. The report sought approval for the revised Charter, recommending it be referred to the Council's Cabinet for endorsement before being disseminated to all TCCs for their endorsement.

It was anticipated that following endorsement of the Charter, the working group would reconvene to establish an action plan to accompany the Charter for the remainder of 2019/20 and 2020/21 in order to deliver against the joint commitments.

In presenting the report and its appendices the Head of Policy and Business Transformation advised that the context within which the organisations were now operating had changed significantly since the Charter was initially developed and had therefore subsequently been revised. The working group had met on three occasions to discuss the development of the revised draft which could be found at Appendix A to the report. Since the working group had met an engagement event with TCCs had also been held to develop an approach to progressing the Reshaping Services agenda. This had also informed the final version of the Charter which the Committee was recommended to endorse. The document had been rationalised in size from the number of principles from 14 to 8 as outlined below:

- Recognition
- Governance
- Involvement, Engagement and Consultation
- Information and Communication
- Joint Working and Engagement
- Land Use Planning
- Well-being of Future Generations Act and
- Local Elections.

It was further proposed that an action plan would consider the practical steps to progressing all Charter commitments, including service delivery in line with proposals regarding the Reshaping Services agenda.

During the discussion of the report, a Member sought a summary of the changes that had been made, with the Head of Policy and Business Transformation advising that in the main these had been around the reduction in the number of principles and stressed the need for involvement and engagement with TCCs. With regard to Principle 8, having regard to the wording in relation to “Will brief TCC Clerks on the nomination process ...” Committee was informed that the Vale of Glamorgan Council would provide information to the Clerks on the process so that if any Member of a TCC sought advice, the TCC Clerk in the first instance could assist any potential candidate who came forward for local elections.

A Member raised a query about the presentation and format of the Charter, proposing that this could be amended to make it more accessible. The Head of Policy and Business Transformation undertook to consider these points in finalising the presentation of the Charter document.

Councillor D. Reed from Llangan, a member of the working group, advised that during the group’s discussions on the Charter a suggestion that TCCs be given the opportunity to speak at site visits had been discussed, however this had not been agreed as site visits were arranged for Vale of Glamorgan Council Elected Members to view the sites with no discussion on applications taking place. However, the legislative background in relation to this process was requested with the officer advising that they would seek advice and report back.

A Community Council Member however commented that as planning matters could be contentious issues for TCCs they suggested the encouragement of more dialogue with the planning department and TCC’S was something that they would request be further considered with the development of the action plan .

Having fully considered the report, it was subsequently

RECOMMENDED –

- (1) T H A T the content of the report and the Charter at Appendix A be endorsed and referred to Cabinet for its consideration.
- (2) T H A T, subject to endorsement by Cabinet, the Charter be disseminated to all Town and Community Councils seeking their endorsement.
- (3) T H A T, subject to endorsement by Cabinet and all Town and Community Councils, the working group be reconvened to develop an action plan for the remainder of 2019/20 and 2020/21 to deliver on the commitments contained in the Charter.
- (4) T H A T a progress report be presented to the next meeting of the Community Liaison Committee having regard to legislation and guidance in relation to the attendance of Town and Community Councillors at site visits.

Reasons for recommendations

- (1) Having considered the contents of the report.

(2) In order for all Town and Community Councils to consider the document and seek their endorsement.

(3) In order that the working group can be reconvened to prepare an action plan.

(4) In order that a progress report can be presented to the Community Liaison Committee at the next meeting.”

The Leader wished to reiterate that the proposed Charter would be an effective revamp and rationalisation, as part of the overall Reshaping Agenda. This had gone to a previous meeting of the Community Liaison Committee, which had endorsed it.

Cabinet, having considered the recommendations of the Community Liaison Committee

RESOLVED –

(1) T H A T the content of the report and the Charter at Appendix A be endorsed.

(2) T H A T the Charter be disseminated to all Town and Community Councils seeking their endorsement.

(3) T H A T, subject to endorsement by Cabinet and all Town and Community Councils, the working group be reconvened to develop an action plan for the remainder of 2019/20 and 2020/21 to deliver on the commitments contained in the Charter.

(4) T H A T a progress report be presented to the next meeting of the Community Liaison Committee having regard to legislation and guidance in relation to the attendance of Town and Community Councillors at site visits.

Reason for decision

(1) Having considered the contents of the report.

(2) In order for all Town and Community Councils to consider the document and seek their endorsement.

(3) In order that the working group can be reconvened to prepare an action plan.

(4) In order that a progress report can be presented to the Community Liaison Committee at the next meeting.

C139 SHARED REGULATORY SERVICES JOINT COMMITTEE –

Minutes of a meeting held on 10th September, 2019.

Present:

Representing Bridgend County Borough Council: Councillor D. Lewis.

Representing Cardiff City and County Council: Councillors Mrs. M. Mackie and M. Michael.

Representing the Vale of Glamorgan Council: Councillor E. Williams (Chairman).

(a) Apologies for Absence –

These were received from Councillors Mrs. D. Patel (Bridgend County Borough Council) and J.W. Thomas (Vale of Glamorgan Council).

(b) Minutes:

RESOLVED – T H A T the minutes of the Annual General Meeting held on 11th June, 2019 be approved as a correct record.

(c) Declarations of Interest –

No declarations were received.

(d) Audit of the 2018/19 Joint Committee Financial Statements (HoF/S151) –

The Audit of the Statement of Accounts for the Shared Regulatory Service for 2018/19 had been completed, and the report provided an update on any changes from the unaudited statements, and sought approval for the signing of the Statement of Accounts by the Chairman of the Committee.

The Vale of Glamorgan Council was responsible for the presentation of the Financial Statements that presented fairly the financial position of the Shared Regulatory Services as at 31st March, 2019. The Auditor General for Wales was responsible for reporting whether, in his opinion, this was indeed the case. The audit was undertaken by the Wales Audit Office as the Council's Engagement Lead, on behalf of the Appointed Auditor.

The 2018/19 Statement of Accounts was prepared by 15th June, 2019 in advance of the statutory timeframe, and on 11th June, 2019, unaudited copies were brought to this Committee.

With the audit of these Financial Statements now complete, a report detailing the key matters arising from the audit must be reported by the Auditor General for Wales in line with their terms of reference, and the Financial Statements of the Shared Regulatory Services be approved by the Shared Regulatory Joint Committee and should be signed by the Chair.

The latest 2018/19 Statement of Accounts incorporating all currently agreed amendments was attached at Appendix A, the Audit of the Financial Statements Report was attached at Appendix B. The Letter of Representation attached at Appendix C, was contained within Appendix B on page 8.

The provisional findings of the Welsh Audit Office on behalf of the Appointed Auditor on the audit of the Financial Statements were that:-

- WAO had no concerns about the qualitative aspects of the Council's accounting practices and financial reporting. The information to support the financial statements was relevant, reliable, and easy to understand. They concluded that accounting policies and estimates were appropriate and financial statement disclosures were unbiased, fair and clear.
- They did not encounter any significant difficulties during the audit. WAO received information in a timely and helpful manner and were not restricted in their work.
- There were two significant matters discussed and corresponded upon with management which needed to be reported.
- Increase in Pensions Liability - In December 2018, the Court of Appeal ruled against the Government, holding the changes made to pension schemes discriminated against a group of public officers on the grounds of age. The changes surrounded a move from a final salary to a career average basis. On 27th June, 2019, the Supreme Court denied the Government's application for leave to appeal the decision. This series of events was referred to as the McCloud judgement. This judgement impacts on many public sector pension schemes and all of these schemes have had to consider the impact of this judgement on their 2018/19 financial statement disclosures. Where the impact had been considered to be material in value, amendments to the financial statements had been made. The Council had assessed the financial impact of this legal judgement as £634k and had adjusted the accounts accordingly.
- Presentation of the Net cost of Services in the Comprehensive Income and Expenditure Statement (CIES) - The CIPFA Code requires that the presentation of both Net Cost of Services within the Comprehensive Income and Expenditure Statement (CIES) and the Expenditure and Funding Analysis (EFA) was consistent with the body's internal management reporting structure, which in the Joint Committee's case was in accordance with its operational activities. However, the CIES and EFA were presented differently in the Joint Committee's accounts in a format whereby the nature and type of its income and expenditure was disclosed. An additional note was now included in the financial statements setting out the presentation of the net cost of services consistent with its internal reporting arrangements.

- There were no other matters significant to the oversight of the financial reporting process that need to be reported.
- WAO did not identify any material weaknesses in internal controls.
- There were no matters specifically required by auditing standards to be communicated to those charged with governance.

There were a number of small misstatements that had been corrected following discussion between the Wales Audit Office and the Section 151 Officer, and these were set out in Appendix 3 to the ISA 260.

It was the intention of the Appointed Auditor to issue an unqualified audit report on the Financial Statements once the relevant Council Officers had provided a signed Final Letter of Representation.

In addition, the Head of Finance drew the Committee's attention to the Annual Governance Statement which was shown on page 63 of Appendix A. The Head of Finance stated that until it was signed off, the Annual Governance Statement was a live document, but no changes had been made since it was previously presented to the Committee in June. Furthermore, under the terms of the Joint Working Agreement, the Committee had to agree what would happen with the services underspend of £496,000. Previously, the Committee agreed for £200,000 to be earmarked to support a recruitment strategy which would target apprenticeships and new trainees. The Head of Finance advised that she had liaised with the other two Section 151 Officers for Cardiff and Bridgend and both were in agreement for a reserve to be earmarked. The Committee noted that the remaining £296,000 would be returned to the three Local Authorities and this had received the support of all Section 151 Officers. The Joint Committee agreed to the creation of a reserve in order to support the Service's recruitment strategy.

The Head of Service praised the performance of the Accountancy Team, citing that this was the fourth occasion that the Statement of Accounts had been rigorously audited.

Having considered the report, it was

RESOLVED –

- (1) T H A T the Statement of Accounts for 2018/19 be approved and signed and dated by the Chairman of the Committee.
- (2) T H A T the Letter of Representation to the Wales Audit Office for 2018/19 be noted, agreed, signed and dated by the Chairman of the Committee.
- (3) T H A T the report of the Appointed Auditor on the audit of the Shared Regulatory Service Financial Statements for 2018/19 be noted.
- (4) T H A T a reserve of £200,000 be earmarked to support the Shared Regulatory Services recruitment drive.

(5) T H A T an amount of £296,000 be returned to the three member Local Authorities.

Reasons for decisions

- (1) That the Statement of Accounts be approved prior to the deadline.
- (2) That the signed representation letter be returned to the Wales Audit Office.
- (3) To ensure that Members are aware of the results of the audit of the 2018/19 Financial Statements of the Shared Regulatory Service.
- (4) In order to earmark a reserve of £200,000 in order to support the Shared Regulatory Services recruitment drive.
- (5) So that the remaining underspend for 2018/19 be returned to the three member Local Authorities.

(e) Overview and Update on Shared Regulatory Services (DEH) –

The Head of Shared Regulatory Services presented the report, advising that it provided an update on the work undertaken by the service and the progress towards completing the SRS Business Plan.

Human Resources

Filling vacancies continued to be challenging and SRS had struggled to recruit suitable individuals into certain areas of the service. Managers had drafted a recruitment and retention strategy for the service. The document, contained in Appendix 4, would be developed through the rest of the year with input from the Head of Human Resources. The Joint Committee was asked to note the contents and endorse the core principles of the approach being taken.

Sickness absence levels at the end of Quarter 1 were 1.83 days per FTE person. This was likely to result an increase on the previous year when absence rates were recorded as 1.42 per FTE person at the same point in time.

	Short Term Days Lost per FTE	Long Term Days Lost per FTE	Total Days lost Per FTE
Q1 2019/20	0.55	1.29	1.83
Q1 2018/19	0.47	0.96	1.42

There were no immediate discernible trends in either the short or long term absence figures and there were some mitigating factors. It was reported that the continued increase in absence, compared favourably when viewed in a wider context through comparison against the average sickness rates across the partner Councils.

The Committee was advised that a SRS team manager had been seconded to the Welsh Local Government Association to support the Welsh Government programme on improving public transport. The original White Paper had been criticised by stakeholders and the appointment of a Local Authority specialist was seen as a means of co-producing a more effective set of proposals.

Financial Position Quarter 1

The financial monitoring report for the period 1st April, 2019 to 30th June, 2019 was attached at Appendix 1. It had been prepared from the consolidated figures gathered from each Authority for this period. The Service was currently projecting a £42k overspend against a gross revenue budget of £8.190m.

The Committee was then taken through Quarter 1 performance as shown in Appendix 2. Highlighting some key areas, the Head of Service began by advising that for Food Hygiene, a green RAG status had been attributed to the number of high risk inspections on Category A and B businesses. For Category C businesses, the Service was slightly below target. This was largely due to staff sickness which had resulted in Category A and B businesses being prioritised. For new business identified which was subject to a risk assessment, it was noted that the performance for below target, again this was due to staff sickness but also due to staff vacancies. It was reported that overall performance for the number of food establishments deemed to be broadly compliant had exceeded the Quarter 1 target.

With regards to the number of high risk establishments that were inspected by Trading Standards, the Head of Service advised that overall performance was Amber which reflected a number of visits that were outstanding by the end of the Quarter. These would be completed during Quarter 2. An Amber rating had also been attributed to the percentage of new businesses subject to a risk assessment for Trading Standards. This was in part due to a number of inspections being carried over into the current financial year which were not completed last year. Furthermore, demands as a result of events during Quarter 1 had impacted on inspections.

Members noted that a Green status had been attributed to the number of domestic noise and air complaints responded to within 3 working days and an Amber status to the percentage of commercial and industrial noise and air complaints responded to within 1 working day. With regards to the percentage of alarm complaints responded to within 1 day, Members were advised that performance across each Local Authority area was Green.

For the Licensing Service, Members noted that performance for all indicators had met or exceeded targets.

The Head of Service then referred to specific Service updates.

New legislation - Offensive Weapons

With the introduction of the Offensive Weapons Act 2019, local weights and measures authorities (the three partner Councils) would be given powers to investigate underage sales of acid and bladed articles both at traditional retail level and the remote ("on-line") sale. There was a non-statutory duty to exercise this power; and the Act provided the Councils with the option of monitoring compliance and investigating offences.

Currently, the SRS administered a wide range of legislation relating to age restricted sales and the Committee was asked to note that this Act would be added to the existing delegations to the SRS. This was consistent with the scope of the Joint Working Agreement which stated that any subsequent legislation replacing amending or extending the same together with any future Acts, Orders or Regulations made thereunder which related to the functions specified or to functions which were analogous were delegated to the Joint Committee.

This amendment to the Joint Working Agreement could be done using the officer delegations agreed by each Council in 2017. The delegation was worded as follows: "as long as there is no extension of delegations to the Shared Service or additional financial implications". As indicated above, this was a change to a regime already delivered by the SRS albeit through other legislation such as the General Product Safety Regulations, asserting that these were "dangerous products". The function of addressing the sale of these products were now being addressed through a more legislation specific manner. Documenting the adoption of these regulations by SRS through the officer delegations provided a clear indication of the responsibility and accountability for this matter. There were no immediate financial implications.

New legislation - EU Exit Regulations

The Government had passed a number of EU Exit Regulations which would come into force on, or immediately before, Exit Day. Each of the regulations made changes to existing legislation made under the European Communities Act 1972 consequential to the UK's exit from the European Union. The Regulations were all made under the European Union (Withdrawal) Act 2018. The Regulations would ensure that any laws in place before Exit day would remain in place and enforceable.

Once again, the Committee was asked to agree a revision to the Joint Working Agreement to cover this issue, should it be necessary. This could be done by using the officer delegations agreed by each Council in 2017. There was no extension of the functional responsibilities delegated and there were no immediate financial implications.

New Legislation - Renting Homes Wales Act 2019

From 1st September, 2019, landlords and letting agents across Wales would no longer be able to charge tenants fees to set up, renew or continue a standard occupation contract, except those explicitly permitted by the Act. Landlords and

Agents would be prohibited from charging for the following tasks: accompanied viewings, inventory charges, signing contracts, tenancy renewals. The Act made it illegal for landlords and agents to charge tenants anything other than permitted payments, which were: rent, security deposits, holding deposits, utilities, communication services, Council Tax, Green Deal charges, and default fees.

The Act placed a duty on Local Housing Authorities to make information publicly available, including details of how prohibited payments and holding deposits could be recovered. The Authority must have regard to any guidance given by Welsh Ministers in relation to this duty.

Additionally, the Act provided powers to enforcement officers to issue a Fixed Penalty Notice where they believed an offence had been committed. The Notice offered a person the opportunity to discharge any liability to conviction for the offence to which the Notice related by paying a penalty of £1,000. Fixed penalty receipts received by an enforcement authority by virtue of the section may not be used otherwise than for the purpose of the authority's functions relating to the enforcement of the provisions of this Act.

It was difficult to predict the demand for resource, this would depend upon the level of compliance by landlords and letting agents. By way of context, last year the SRS received just over 1,500 requests for service in relation to housing conditions; this may require SRS to make use of these powers with regard to these requests. Additionally, there may be additional requests in relation to the requirements to publicise this new legislation.

This was a new piece of legislation that made provision to protect tenants and was considered to be currently outside the scope of the existing delegation to the Joint Committee. The Act placed a duty on the Councils from 1st September to take action under the Act with regard to making information available. In the short term, the SRS would place the required information on the SRS website and create links to each Council website to allow the Councils to meet that duty. Thereafter, the Head of Service would place a report before each Council's Cabinet setting out the options for the Councils with respect to administering the provisions of the legislation.

Taxis

The National Assembly for Wales Economy, Infrastructure and Skills committee had published its response to the Welsh Government White paper on Improving Public Transport. The Committee took evidence from a range of stakeholders and issued nine recommendations, three of which related to the licensing and administration of taxi and private hire vehicles (PHVs). They were:

- The Committee supported timely reform of the licensing framework but did not believe that JTAs should take responsibility for taxi and private hire services until a clear approach had been set out and consulted on by Welsh Government. This should explain how the new licensing approach would work in practice, and allow stakeholders to understand the implications and shape the proposals.

- The Committee urged Welsh Government to continue to work with Local Authorities and other interested parties to explore ways to overcome cross-border operational issues, including through changes to its current proposals for taxis / PHVs.
- Welsh Government should introduce strict, uniform national standards for taxis / PHVs, drivers and operators as soon as possible, regardless of whether or not licensing remains a matter for Local Authorities.

The Welsh Government had stated that it would not be pursuing legislation in relation to taxi and private hire vehicles in this current term. "Addressing the outdated taxi and private hire vehicle legislation remains a key priority. However, it had become very clear that there was a considerable amount of work still required before we could bring forward legislation that addressed the improvements needed. Officials would develop a package of short-term measures, using existing legislative powers, to begin to address some of the concerns Local Authorities, drivers, unions and others had raised. Officials were already working in partnership with the Welsh Local Government Association to develop and deliver these short-term arrangements". As indicated above, an officer from the SRS had been seconded to assist the Welsh Government to deliver the requisite changes.

Supporting Local Business

In 2017, SRS began to publish a Food and Safety newsletter aimed at educating food business operators on the legal requirements pertaining to food hygiene and health and safety. Three thousand copies of the first newsletter were issued, mainly in print form, and the feedback received was positive. Since then, in subsequent newsletters, SRS had managed to engage a range of businesses using their operations to highlight good practice, legislative changes and to encourage dialogue between SRS and local business. The newsletters were now sent primarily through e-mail and available through the SRS website and other links. Edition 5 would be launched this month and a copy would be available for Members at the Joint Committee meeting. The service aimed to reach over 6,000 food businesses in the region with this edition of the newsletter. Advice and education were important "tools" in the drive to improve food safety; the newsletter was now an established part of that mechanism.

SRS had received the Touchstone Award from the British Hallmarking Council, funded by the four UK Assay Offices.

The Committee took a short adjournment for the Award to be presented.

The purpose of the award was to recognise and reward the most effective initiative each year for increasing awareness and enforcement of the hallmarking legislation. SRS received the award in recognition of a programme of work, which included proactive visits to jewellers across the region, and a major investigation of a local on-line trader. The Joint Committee would be familiar with the two investigations subsequently conducted by SRS.

- In the first case, the business was fined a total of £1,500 and compensation of £400 awarded to one of the complainants; a Director of the company received a fine of £800, and ordered to pay costs of £350. A forfeiture and destruction order was made in relation to the seized jewellery.
- In the second case, the online business, the traders each received a prison sentence of 14 months for early guilty pleas, suspended for 18 months. In addition, one of the business owners would face an investigation under the Proceeds of Crime Act.

SRS Officers who led on the above project work and cases, attended the Joint Committee meeting to provide a short presentation for Members on this area of work. In addition, members of the Hallmarking Council and Assay Office were in attendance to recognise the significant achievement of the SRS in receiving the national Touchstone Award and present the award to the Joint Committee.

Air Quality

In Cardiff, work continued to support implementation of the Clean Air Project through the secondment of one of the SRS Team Managers to Cardiff council since October 2018. Cabinet approved the final project plan and full business case on 13th June and the paperwork submitted to Welsh Government in time for the 30th June, 2019 deadline set out in the Legal Direction. The preferred package of measures included city centre schemes, electric buses, bus retro-fit, changes to taxi licensing policy, and active travel measures. Welsh Government approved the Final Plan subject to certain caveats, and a further Legal Direction was issued to the Council to address these points to be complied by no later than 31st October, 2019. The new Direction required:

- Further modelling of a Clean Air Zone option;
- Redrafting of the Final Plan to articulate further the progressive development of the assessment leading to the identification of the preferred option and the case for this.

In Bridgend, a number of Council departments and interested parties, such as Public Health Wales, had been brought together to compile and agree a set of draft mitigation measures to reduce nitrogen dioxide levels and improve air quality in the Park Street Air Quality Management Area (AQMA). Following a cost-benefit analysis, the agreed mitigation measures would form the draft Action Plan for the AQMA on which residents would be consulted. Invitations to resident drop-in sessions had been sent out by letter and promoted via the SRS Twitter account, and all of this would be complemented by the relocation of real-time air quality monitoring equipment into the Park Street AQMA. This would enable residents to access local air quality data via a link to the SRS website. The draft Action Plan had to have been prepared within 18 months of the AQMA being declared and fully implemented within two years of declaration (i.e. no later than 31st December, 2020).

In the Vale of Glamorgan, work was underway to revoke the Windsor Road, Penarth Air Quality Management Area. Since this AQMA was declared in 2013, air quality had improved dramatically and this improvement had been sustained over

a number of years. Following agreement by Cabinet, the process of revocation had begun with a number of drop-in sessions for residents taking place in September. These were being supported by a publicity campaign to make it clear that air quality monitoring would continue along Windsor Road even after the AQMA had been revoked, to ensure there was no worsening of nitrogen dioxide levels in the future.

Animal Welfare

As part of its promotional activity to raise awareness of the new Equine Identification (Wales) Regulations 2019 which came into force in February, SRS had hosted a number of horse micro-chipping and passport clinics in the region. The first of these took place on 8th August in Cardiff and the second would be set for a later date Bridgend. Further clinics were planned to ensure high levels of compliance. The event had proved to be extremely popular with local horse owners booking appointment slots in advance. Staged with the support of the RSPCA, local vets and equine charities on a voluntary basis, the microchipping and pass porting service was made available at the discounted rate of £35 per horse.

The Equine Identification (Wales) Regulations 2019 which came into force in February 2019 replaced the earlier 2009 regulations and prohibits the keeping of a horse unless it had been properly identified through an identification issuing body. As with the earlier regulations, foals must be micro-chipped by a veterinary surgeon within six months of birth, or by 31 December in the year of birth, or whichever was the later. However, for the first time retrospective micro-chipping would be required for older horses which were previously only required to be passported.

A transition phase exists until February 2021 for completion of the retrospective microchipping for older horses and SRS would continue to engage with horse owners.

Food Hygiene

The Food Hygiene Rating (Wales) Act 2013 and Food Hygiene Rating (Wales) Regulations 2013 makes the display of food hygiene rating stickers by businesses mandatory. Premises must display a valid food hygiene rating sticker at or near each entrance to the food business establishment in accordance with the Food Hygiene Rating (Wales) Act 2013.

An operation was carried out with 2 Environmental Health students from Cardiff Metropolitan University; the students were tasked with carrying out checks to establish if businesses rated 0 to 2 in Cardiff were displaying valid food hygiene rating stickers in the location and manner prescribed. Of the 106 businesses were identified as non-broadly compliant (Food Hygiene Rating of 0 to 2), 19 businesses were identified as failing to comply with the Regulations. 12 premises failed to display a food hygiene rating sticker, 3 premises failed to display the correct score and 4 premises failed to display conspicuously in the location and

manner prescribed. The above failures had been allocated to officers for follow up action.

Communicable Disease and Health Protection Service Plan

SRS published a number of operational plans to advise stakeholders of the work to be carried out in certain environments. The document set out at Appendix 5 was the Communicable Disease and Health Protection Plan, which set out how the SRS would fulfil its role of protecting public health through the investigation of cases and outbreaks of communicable disease and the application of control, preventative and enforcement measures. Joint Committee considered the Plan and approved its use in the SRS region.

Enforcement Activity

Details of recent cases investigated by the SRS that had resulted in prosecution were set out in Appendix 3 to the report.

Having considered the report, it was

RESOLVED –

- (1) T H A T the contents of the report be agreed.
- (2) T H A T the Recruitment and Retention strategy attached at Appendix 4 and the Communicable Disease and Health Protection Plan attached at Appendix 5, be approved.

Reasons for decisions

- (1) Following consideration of the report which apprised the Committee of the work of the service and the progress towards completing the SRS Business Plans.
- (2) Following consideration of Recruitment and Retention strategy and Communicable Disease and Health Protection Plan.

(f) Shared Regulatory Services Health and Safety Enforcement Service Plan 2019/20 (DEH) –

The Operational Manager, Commercial Services presented the report which sought approval for the Health and Safety Enforcement Service Plan for 2019/20.

The Shared Regulatory Service, together with the Health and Safety Executive was responsible for the enforcement of Health and Safety at Work Act 1974.

The Councils had a duty, which was delegated to Joint Committee, to enforce the Health and Safety at Work Act 1974.

Section 18 of the Health and Safety at Work Act required Local Authorities to produce a Health and Safety Service Plan setting out the arrangements in place to discharge these duties. This Health and Safety Enforcement Service Plan was produced in response to that requirement and was designed to inform residents, the business community of Bridgend, Cardiff and the Vale of the arrangements the Councils had in place to regulate health and safety.

A Copy of the draft Health and Safety Enforcement Plan for 2019/20 had been attached to this report as Appendix 1.

The Service Plan detailed the aims and objectives of the service in respect of Health and Safety enforcement, which were determined annually. The Plan detailed:

- the demands on the service,
- the risk based work programme; and
- the resources available to deliver the required work

The plan explained the Health and Safety Executive's expectations of Local Authorities along with some achievements from 2018/19 and the challenges envisaged in the year ahead.

The Head of Service referred specifically to work undertaken around trampoline parks which had been conducted between Trading Standards Officer and the Health and Safety Team. Following a review of facilities, there were a number of inadequacies which breached health and safety law so a number of improvements were required. As a result of this work, the Health and Safety Executive would be undertaking reviews of trampoline parks across the rest of Wales and also England.

Having considered the report, it was

RESOLVED –

- (1) T H A T the Health and Safety Enforcement Service Plan for 2019/20 be approved.
- (2) T H A T the Head of Shared Regulatory Services be authorised to make administrative amendments to the Health and Safety Enforcement Service Plan 2019/20 should the need arise.

Reason for decisions

(1&2) To ensure the Shared Regulatory Service has robust arrangements in place to deliver its obligations as an enforcing authority under the Health and Safety at Work Act 1974 and to comply with statutory guidance.

(g) Shared Regulatory Services Food Law Enforcement Service Plan 2019/20
(DEH) –

The Operation Manager (Commercial Services), presented the Food Law Enforcement Service Plan 2019/20 for approval. This was attached at Appendix 1.

The Service Plan detailed how the Shared Regulatory Service would fulfil the major purpose of ensuring the safety and quality of the food chain to minimise risk to human and animal health.

To achieve this, the Councils would conduct inspections in accordance with the intervention programme, carry out investigations including dealing with complaints, provide advice/education and provide guidance on what the law requires, undertake sampling and take enforcement action where appropriate.

The plan detailed the demands on the service, the risk based work programme and the resources available to deliver the required work. As with many other Council services the service faces increasing demands with reducing resource. The plan explains the Food Standards Agency expectations of Local Authorities, some of the achievements in 2018/19, and the challenges for the year ahead.

The Operational Manager (Commercial Services) stated that following a recent audit of the draft Plan for 2019/20 a number of amendments were required. These were as follows:

- Page 23 – Food Standards Intervention Plan. Details of medium, low and unverified premises due for inspection to be included.
- Page 35 – Paragraph to be added below the table explaining that the budget relates to teams which delivered more than food, and to also detail that the budget reduction related to other posts not relating to food service.
- Page 35 – Further paragraph to read “It should be noted from the figures provided above that the budget allocated to the Food and Feed Service is declining, this presents an increasing challenge to the Food Service in delivering against the requirements of the Food Law Code of Practice.”
- Page 36 – Detail to be included of the shortfall against delivering the full requirements of the Food Law Code of Practice. For food hygiene, this was 6.28 full time equivalents, and commentary was required regarding the further five vacancies to fill. For Food Standards, 2 full time equivalent which brought the total to 13.28 full time equivalents.
- Page 43 – Food Hygiene Intervention Plan, Category C Premises to be updated following errors. To also include an explanation on how this was calculated i.e. programme changes throughout the year as businesses close and new businesses open. The percentage achieved therefore related to the performance at the end of the year as the programme had developed.
- Page 54 – Last year’s Trading Standards Sampling Plan added with the actual number of samples taken. In addition the reason for non-completion was due to the deletion of a Sampling Officer post.

A Committee Member queried whether there was an expectation for an increase in activities at ports as a result of Brexit. In reply, the Operational Manager (Commercial Services) stated that for seaports, the Service's Port Health Plan had not fully considered the impact of Brexit but this would be fed into each Local Authority Plan. As Wales did not have any port as the point of entry for high risk foods, then it was anticipated that there would be an increase in observations and surveillance. In respect of Cardiff Airport, no increase was expected as no food of high risk would come in through the airport.

In reply to a query regarding the overall standard of food hygiene, the Operational Manager stated that there had been an increase in the number of premises gaining a score of three and above. This was the best it had ever been, and was down to the activity of Food Standard Officers. However, the SRS had recognised that the standards needed to remain good.

The Chairman queried whether auditors were content with the Plan. In reply, the Operational Manager stated that they would always like to see a fully resourced and funded service that covered the range of activities. However, in reality this would never be the case due to the budget level. The key for the Service was to ensure that resources were targeting the right priorities, and so there was an acknowledgement that the SRS was doing its best with the resources available. Furthermore, the Head of Service added that the challenges were two fold. The first related to recruitment of staff who had the necessary skills and expertise. This was becoming more difficult as regulations were constantly changing. The other challenge was capacity, as the SRS could not priorities all Food Standard work within the current level of resources.

Having considered the report, it was

RESOLVED –

- (1) T H A T the Food and Feed Law Enforcement Plan for 2019/20 be approved subject to the changes as outlined by the Operational Manager (Commercial Services).
- (2) T H A T the Head of Shared Regulatory Services be authorised to make administrative amendments to the Food and Feed law Enforcement Service Plan for 2019/20 should the need arise.

Reasons for decisions

- (1) The Food Standards Agency requires all Local Authorities to produce and approve an Annual Plan that sets out how it was going to discharge its responsibilities.
- (2) To ensure the Plan remained up to date should any changes in law or best practice be introduced during the period.

The Cabinet Member for Legal, Regulatory and Planning Services stated that this was a very good and comprehensive report. He noted the highlights of the report, including the remaining 'underspend' of £296,000 that would be returned to the three Local Authorities involved, the changes in legislation concerning knives and blades, as well as the new regulations concerning Brexit. He also wished to highlight the Renting Homes Wales Act 2019, which provided powers to officers to issue a Fixed Penalty Notice where they believed landlords and agents had charged tenants anything other than permitted payments. The Leader also wished to add that the report demonstrated collaboration worked and could be delivered at a reasonable cost.

RESOLVED - T H A T the minutes of the Shared Regulatory Services Joint Committee be noted.

Reason for decision

To note the contents of the minutes.

C140 QUARTER 1 2019/20 PERFORMANCE REPORT (L) (SCRUTINY COMMITTEE - ALL)

The Leader presented the report, the purpose of which was to present the Quarter 1 performance results for the period 1st April 2019 to 30th June, 2019 for all service areas.

The performance report presented the progress at quarter 1 (1st April to 30th June 2019) towards achieving the Corporate Plan Well-being Outcomes for year 4 of the Corporate Plan 2016-20.

Overall, good 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 GREEN.

All 4 Corporate Plan Well-being Outcomes were attributed an overall RAG status of GREEN. An overall GREEN status had also 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 1 and in the long term to achieving improved outcomes for Vale of Glamorgan citizens.

The report identified areas of underperformance relating to each of the 4 Corporate Plan Well-being Outcomes and our Corporate Health priorities and proposed remedial actions to bring performance back on track.

4 Scrutiny Committees (Healthy Living and Social Care, Homes and Safe Communities, Learning and Culture Scrutiny and Corporate Performance and Resources) reviewed quarter 1 performance reports between 2nd and 17th October

2019 and upon consideration, have noted the performance results and progress to date in relation to their respective Well-being Outcome areas and our Corporate Health priorities. In addition, it was recommended by the Corporate Performance and Resources Scrutiny Committee:

T H A T the Committee continues to monitor and scrutinise the work of the Public Services Board with regular reports being presented to the Committee.

The Environment and Regeneration Scrutiny Committee had deferred its consideration of the Q1 performance report to November (19th) as the October meeting focused on a number of urgent Planning and Transport reports that required consideration before Cabinet met on 21st October 2019

The performance report sought Cabinet's consideration of the views and recommendations of Scrutiny Committees in relation to Q1 performance and the remedial actions to be taken to address areas of underperformance and to tackle the key challenges identified

In addition, Cabinet was requested to review overall service performance results to date and progress made towards achieving the Well-being Outcomes and Corporate Health priorities as outlined in the Corporate Plan 2016-20.

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 performance results and progress towards achieving the Council's Well-being Outcomes in line with our year 4 priorities for Corporate Health as outlined in the Corporate Plan 2016-20 and presented in this report appendices be noted.

(2) T H A T the views and recommendations of all Scrutiny Committees in relation to Q1 performance results and the remedial actions to be taken to address areas of underperformance and to tackle the key challenges identified be noted.

Reasons for decision

(1) To ensure the Council clearly demonstrates 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 is effectively assessing its performance in line with the requirement to secure continuous improvement outlined in the Local Government Measure (Wales) 2009 (LGM) and reflecting the requirement of the Well-being of Future Generations (Wales) Act 2015 that it maximises its contribution to achieving the well-being goals for Wales

C141 PROPOSAL TO INCREASE THE NUMBER OF PRIMARY SCHOOL PLACES IN COWBRIDGE TO MEET THE INCREASED DEMAND AS A RESULT OF RECENT AND PROPOSED HOUSING DEVELOPMENTS THROUGH THE AMALGAMATION OF Y BONT FAEN PRIMARY SCHOOL AND COWBRIDGE COMPREHENSIVE SCHOOL (DL/ER) (SCRUTINY COMMITTEE – LEARNING AND CULTURE) –

The Cabinet Member for Education and Regeneration presented the report, the purpose of which was to seek Cabinet approval to consult stakeholders on the proposal to increase the number of primary school places in Cowbridge to meet the increased demand as a result of recent and proposed housing developments through the amalgamation of Y Bont Faen Primary School and Cowbridge Comprehensive School.

The report sought Cabinet approval to increase the number of primary school places in Cowbridge to meet the increased demand as a result of recent and proposed housing developments and to undertake a statutory consultation, as outlined in the School Organisation Code 2018 ("the code"), on a proposal to establish a new 2006 place 3 - 19 all through school from September 2022 through the amalgamation of Y Bont Faen Primary School and Cowbridge Comprehensive School by:

- Changing the age range of Cowbridge Comprehensive School from 11 - 19 to 3 - 19;
- Increasing the capacity of Cowbridge Comprehensive School from 1586 places to 2006 places to accommodate 420 English medium primary school places with 96 part-time nursery places;
- Constructing a new school building on the Cowbridge Comprehensive School site to accommodate the primary and nursery phases; and
- Discontinuing Y Bont Faen Primary School as an entity while transferring all staff and pupils to the new building for September 2022.

The proposal would result in an additional 210 primary places to meet increased demand for English medium primary school places as a result of recent and proposed housing developments within the catchment area and would address the condition and suitability issues with the existing buildings.

Welsh medium primary capacity would be addressed as part of Band C of the 21st Century Schools Programme

The Cabinet Member for Education and Regeneration stated that the consultation end date referred to in the report (and the appendix) was incorrect and should in fact be 10 January 2020, meaning that the consultation would run from 18 November 2019 - 10 January 2020. If the report was approved, the consultation document would be published. On the subject of the consultation, the Member added that she would be attending as many as the consultation events as possible and that the three Council Members for the area had been consulted over the proposals - with their comments now included in the report.

The Cabinet Member for Social Care and Health stated that it was important that the local Council Members were heard in the consultation process. New buildings and spaces for Schoolchildren were to be welcomed but any potential amalgamation of these schools could cause issues, such as loss of leadership and governorship, and he would prefer a model for closer collaboration between the schools instead. As a result he would be abstaining on this proposal.

The Leader stated that it was important that the Council had a preferred route in order that the Council could have an effective consultation on this matter. Overall, the proposal would be good news for children in both schools, with children in Y Bont Faen Primary finding it easier to progress to Cowbridge Comprehensive. This could result in changes to governorship and leadership within the schools, but this could be looked at as part of the wider consultation. The Leader also cited an example of other schools within the Vale which had gone through the same process successfully.

The Director of Learning and Skills was asked about the consultation process, to which she replied that it was important to have this consultation with a preferred route included but that all comments would be taken on board and explained that as a result of previous consultations on various issues, the preferred routes or proposals had changed to take on board feedback.

Both the Cabinet Members for Education and Regeneration and Public Sector Housing & Building Services stressed this consultation would need to be as wide-ranging as possible, as part of an ongoing conversation with the local community over this matter.

The Leader then asked for a recorded vote to be taken on whether to pass the proposal or not, resulting in 5 votes for the proposal, and 2 abstentions.

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 consultation dates be amended on both the report and its appendix to 18th November 2019 to 10th January 2020.

(2) T H A T the Director of Learning and Skills be authorised to undertake consultation from 18th November 2019 to 10th January 2020 on the proposal to increase the number of primary school places in Cowbridge to meet the increased demand as a result of recent and proposed housing developments and to establish a new 2006 place 3 - 19 all through school from September 2022 through the amalgamation of Y Bont Faen Primary School and Cowbridge Comprehensive School by:

- Changing the age range of Cowbridge Comprehensive School from 11 - 19 to 3 - 19;

- Increasing the capacity of Cowbridge Comprehensive School from 1586 places to 2006 places to accommodate 420 English medium primary school places 96 part-time nursery places;
- Constructing a new school building on the Cowbridge Comprehensive School site to accommodate the primary and nursery phases; and
- Discontinuing Y Bont Faen Primary School as an entity while transferring all staff and pupils to the new building.

(3) T H A T the report be referred to the Learning and Culture Scrutiny Committee for consideration as part of the proposed consultation exercise.

Reasons for decision

(1) To ensure that the correct dates are provided for seeking feedback on the proposal through a formal consultation with prescribed stakeholders.

(2) To seek feedback on the proposal through a formal consultation with prescribed stakeholders, and to enable the Council to comply with the requirements of the Schools Standards and Organisation (Wales) Act 2013 and the School Organisation Code 2018.

(3) To ensure that the Learning and Culture Scrutiny Committee is consulted on the proposal.

C142 SECTION 106 OFF-SITE AFFORDABLE HOUSING CONTRIBUTIONS (LRPS/HBS) (SCRUTINY COMMITTEE – ENVIRONMENT AND REGENERATION AND HOMES AND SAFE COMMUNITIES) –

The Cabinet Member for Legal, Regulatory and Planning Services presented the report the purpose of which was to consider the process for allocating Section 106 off-site affordable housing contributions.

The report sought Cabinet authorisation to amend the Council's adopted Section 106 Protocol for Implementation (Appendix C), specifically in relation to Section 106 contributions received from developers to provide off-site affordable housing.

The adopted Local Development Plan 2011-2026 (LDP) required new residential developments, where viable, to provide affordable housing on-site. It was only when exceptional circumstances had been demonstrated that an off-site financial contribution had been considered and agreed, such as insurmountable development viability issues caused or exacerbated by the affordable housing requirements; or site specific circumstances which would make affordable housing delivery and/or management extremely difficult.

The Council currently held £5,893,961.94 for the delivery of affordable housing in the Vale of Glamorgan. These off-site contributions had been secured from numerous development sites across the Vale of Glamorgan due to various circumstances.

Delivery of affordable housing using these contributions could be challenging for a number of reasons, including land availability, which justified a different approach than other section 106 contributions which could generally be spent quickly in the area where the development occurred.

The report sought Cabinet authorisation to introduce a new two-stage approach for considering these Section 106 off-site affordable housing contributions, to allow for contributions to be considered strategically, as well as locally.

It was also clarified that, upon receipt of a Section 106 off-site affordable housing contribution, Cabinet and Local Ward Members would be notified in writing and consulted in order to highlight any potential opportunities within the ward for the delivery of affordable housing, allowing for a six month consultation period.

The Head of Regeneration and Planning was asked about the proposal to which he replied that it was all about offering flexibility and serving the demand for affordable housing where it exists; such demand had also been identified as part of this report.

The Cabinet Member for Public Sector Housing & Building Services as well as the Member for Social Care and Health agreed this proposal would help to identify where housing needs and funding were required and to see if Section 106 and/or other solutions would be required.

The Cabinet agreed to the Leader's suggestion that the first recommendation of the report be amended so that the Cabinet would approve the proposal – subject to any additional recommendations from the relevant Scrutiny Committees – in order that this can be implemented as soon as possible.

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 proposals and recommendations contained within the report be approved by Cabinet, subject to any further recommendations from the relevant Scrutiny Committees.

(2) T H A T the report be referred to the Environment and Regeneration and Homes and Safe Committees Scrutiny Committees for consideration and for any recommendations to be referred to the next available Cabinet meeting.

Reasons for decision

(1) To approve the proposals and recommendations contained within the report - subject to any further recommendations from the relevant Scrutiny Committees.

(2) To ensure appropriate scrutiny of the proposals and recommendations.

C143 HOUSING DEVELOPMENT STRATEGY, HOUSING DEVELOPMENT POLICY AND HOUSING DEVELOPMENT PROCEDURES (HBS) (SCRUTINY – HOMES AND SAFE COMMUNITIES) -

The Cabinet Member for Housing and Building Services presented the report the purpose of which was to present the Housing Development Strategy, the underpinning Housing Development Policy and the operational Housing Development Procedures for approval.

The Housing Development Strategy 2019-24 set out the Council's vision and objectives for the delivery of new-build Council homes and the approach the Council would take to ensure new Council homes contributed to successful communities and growth in the local economy, whilst maintaining the financial health of the Housing Business Plan.

The Housing Development Policy supported the Housing Development Strategy and provided a clear statement on how the Council intended to successfully realise the Strategy's four objectives.

To provide operational and project management due diligence to the above, the Housing Development Procedures had been developed to ensure the successful delivery of the Council's development programme, whilst demonstrating strong value for money and risk management principles.

The Leader added that the Strategy would help the Council meet the commitment to deliver 20,000 affordable homes nationally, as set by the Welsh Government.

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 Housing Development Strategy 2019-24, Housing Development Policy and Housing Development Procedures be adopted.

Reason for decision

To formally adopt the final Strategy following appropriate scrutiny and consideration by the Homes and Safe Communities Scrutiny Committee.