

MINUTES OF A MEETING OF THE CABINET HELD IN CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON TUESDAY, 19 JUNE 2018 AT 14:30

Present

Councillor HJ David – Chairperson

PJ White D Patel

Apologies for Absence

CE Smith, HM Williams and RE Young

Officers:

Gill Lewis	Interim Head of Finance and Section 151 Officer
Kelly Watson	Head of Legal & Regulatory Services
Darren Mephram	Chief Executive
Mark Shephard	Chief Executive
Susan Cooper	Corporate Director - Social Services & Wellbeing
Mark Galvin	Senior Democratic Services Officer - Committees
Lindsay Harvey	Corporate Director Education and Family Support

209. DECLARATIONS OF INTEREST

None

210. FINANCIAL PERFORMANCE 2017-18

The Interim Head of Finance presented a report, the purpose of which, was to provide Cabinet with an update on the Council's financial performance for the year ending 31 March 2018.

The report gave some background information, confirming that on 1 March 2017 Council approved a net revenue budget of £258.093m for 2017-18, along with a capital programme for the year of £63.854m, which had been updated during the financial year to take into account new approvals and slippage of schemes into 2018-19.

The next section of the report, outlined in Table 1 a comparison of budget against actual outturn at 31 March 2018, confirming that the overall outturn as at the above date was an underspend of £387k which has been transferred to the Council Fund.

Table 2 in the next section of the report, included Virements and technical adjustments processed during Quarter 4, whilst paragraph 4.2 of the report highlighted Budget Reductions for 2016-17 and 2017-18 and the continued monitoring of these by the Chief Executive and Directors.

The next part of the report gave a commentary on the financial position of the Authority's main service areas (see Appendix 3 for further details), as well as comments on the most significant variances within each of the different areas of Council Directorates.

Paragraph 4.4 of the report, then gave Cabinet an update on the Council's Capital Programme for 2017-18, including new approvals that are either grant funded or relating to schemes that were funded from revenue but have been re-categorised as capital expenditure, in line with accounting requirements, for example ICT equipment (£151k) and minor works. Paragraph 4.4.3 showed details of the main schemes where slippage was required, and the reasons for the slippage.

Appendix 4.4.4 then outlined details of the individual schemes within the Capital Programme, showing the budget available in 2017-18 compared to the actual spend. The Interim Head of Finance confirmed that the total expenditure as at 31 March 2018 was £36.584m, resulting in a small underspend of £39k on BCBC resources, which would be returned to the capital receipts fund.

The report then referred to Earmarked Reserves of the Council, including the drawdown from these during 2017-18. Table 6 in the report gave further detailed movement on these for the above period. A full breakdown of the position regarding Earmarked Reserves was provided in Appendix 5 to the report.

Finally, Table 7 in 4.5.3 of the report showed the Net Appropriations to/from Earmarked Reserves during Quarter 4.

A Member referred to page 12 of the report and noted that there was a £1.183m overspend in the area of Looked After Children (LAC) during the last 3 years, and she asked if the position here was improving.

The Corporate Director – Social Services and Wellbeing advised that numbers of LAC were fluctuating but also showing signs of reducing, so therefore, overspend in this service area would hopefully continue improving in the future.

A Member also noted that the increase in numbers of children at primary and secondary schools was resulting in the Council having to provide further Home to School Transport provision as well as looking to provide an increase with regard to Safe Routes to Schools.

The Interim Corporate Director – Education and Family Support confirmed that this was the case, and that this was work in progress, and that he would be furnishing Cabinet with updates on the above in due course, when these pieces of work had been completed.

The Leader concluded debate on this item, by advising that the Council had s reduced £400k of the overspend, as a result of increasing the use of In-House Foster Carers as opposed to more expensive Independent Foster Carers.

RESOLVED: That Cabinet noted the actual Revenue and Capital Outturn position for 2017-18.

211. **PROPOSAL TO INCORPORATE THE SHARED INTERNAL AUDIT SERVICE (RIASS) INTO A LARGER SERVICE HOSTED BY THE VALE OF GLAMORGAN COUNCIL TO INCLUDE TWO ADDITIONAL COUNCILS**

The Interim Head of Finance and S151 Officer presented a report, which set out a proposal for the Council's Internal Audit Service which is already part of an existing Regional Internal Audit Shared Service (RIASS) hosted by the Vale of Glamorgan Council, to become part of a larger collaboration.

The background to the report highlighted that an arrangement had been in place since 2012, whereby BCBC and the Vale of Glamorgan Council had a partnership arrangement in place with regard to the provision of Shared Internal Audit Service.

The Interim Head of Finance and S151 Officer advised that as the report suggested, there was a proposal now to extend this partnership to include two further local authorities, i.e. Rhondda Cynon Taf and Merthyr Tydfil CBC's. This would assist the Service then being able to deliver the Audit Plan, through the filling of vacant posts which were presently too difficult to recruit to

She explained that an extension of this collaboration would also further improve the resilience of the service through a larger team of staff, when compared to the current set-up of smaller separate teams across fewer authorities.

The Interim Head of Finance and S151 Officer confirmed that the Vale of Glamorgan CBC would still be the single employing authority for staff, and that appropriate staff in the two new Authorities extending the Service would be subject to TUPE arrangements and transferred over to the host Authority. This would not affect BCBC staff however, she added.

The Leader advised that this was an excellent example of local authorities taking the lead to work together through a collaborative arrangement, as opposed to being Welsh Government led.

RESOLVED: That Cabinet:

- (1) Approved the proposal for the RIASS to expand to include RCT and Merthyr with the Vale of Glamorgan Council continuing to operate as the host authority;
- (2) Authorised the Interim Head of Finance and Section 151 Officer, in consultation with the Monitoring Officer, to make the necessary arrangements for Bridgend County Borough Council to become part of an enhanced RIASS subject to an agreed Partnership Agreement and Contract;
- (3) Noted that subject to approval, this report will be presented to the Council's Audit Committee and the Committee will be tasked with overseeing the required implementation arrangements during 2018/19.

212. **NON DOMESTIC RATES: DISCRETIONARY RELIEF: HIGH STREET RATES RELIEF SCHEME 2018-19**

The Head of Finance and S151 Officer submitted a report, seeking Cabinet approval to adopt the Welsh Government's High Street Rates Relief Scheme for 2018/19.

She confirmed that Welsh Government had announced this initiative would be available for 2018-19 to support businesses within the retail sector in Wales. The Scheme set out the various categories of premises that would benefit from Relief, and these were detailed in Appendix A to the report.

She further confirmed that the Council would fund the initial cost for the Scheme, but would then be refunded accordingly by Welsh Government.

The Head of Finance and S151 Officer confirmed that in order to accommodate the Scheme, there would be a need to give the Chief Executive a delegation under the Council's Scheme of Delegation, along the lines shown in paragraph 4.3 of the report.

Once the Scheme was adopted, the Council would be obliged to comply with the Welsh Government's rules in applying the Scheme she added.

The Cabinet Member for Social Services and Early Help felt that this was a good initiative, which around 391 retailers could benefit from, and he asked if the Council would write to retailers advising them of the Scheme, or would they have to approach the Council to benefit from it.

The Head of Finance and S151 Officer confirmed that she was sure that the Council would advise local businesses of the Scheme, as opposed to them approaching the Council themselves, though she would double check that this was the process.

In response to a further question, she added that the Scheme also informs business owners that if they participate in the Scheme, they must not breach State Aid Rules.

The Leader advised that he hoped the Scheme could be adopted as quickly as possible, in order that local businesses could benefit from it without delay.

The Head of Finance and S151 Officer advised that she would ensure that this would be the case, but added that local authorities would not know if the Scheme is going to be recurring until April 2019.

RESOLVED: That Cabinet:

(1) Adopted the Non-Domestic Rates High Street Rates Relief Scheme as detailed within Appendix A to the report.

(1) Approved the amendment to the Scheme of Delegation of Functions as set out at paragraph 4.3 of the report.

213. **BRIDGEND COUNTY BOROUGH COUNCIL TREE MANAGEMENT POLICY**

The Corporate Director – Communities advised that the purpose of the report, was to highlight the value of Bridgend County’s Urban Tree population and undertake priority tree management works and approval of a long term Tree Management Policy for BCBC.

He explained that the work was set against a backdrop of consideration for health and safety, as well as best practice in relation to environmental preservation and enhancement.

The Corporate Director – Communities confirmed that in 2005 BCBC produced a corporate policy to deal with complaints received in respect of trees on Council owned land, excluding trees affecting the Highway. Since this time, a tree protocol and checklist had been prepared and used as an initial tree assessment.

Paragraphs 3.8 and 3.9 of the report, then highlighted certain statistical information regarding trees situate within the County Borough, and how these assisted the environment.

He then confirmed that a cross Directorate Working Group had been subsequently established, in order to consider options for a future approach towards the management of trees on BCBC owned land. The focus here, was to review the Council’s current approach towards tree management and put in place a new Policy, Procedures and Management Plan, with a dual focus on the elements of health and safety and environmental preservation and enhancement. These options were included in paragraph 4.2 of the report.

He then referred Members to paragraph 4.7 of the report, whereby it confirmed that a new Tree Management Policy had been developed, which was attached at Appendix 1 to the report.

The Corporate Director – Communities advised that BCBC received many requests from the public to carry out works to trees that are considered as non-essential. He added that works considered as such in this Policy would not be undertaken.

He further added that the Tree Management Policy stated that BCBC would aspire to lead by example at sites within its control, by planting and where practicably possible, seeking to encourage the planting of trees and woodland on sites not owned by BCBC.

In respect of the report's financial implications, the Corporate Director – Communities advised that a sum of £70k had been made available through a earmarked reserve to undertake parts (a), (b), (d) and € outlined in paragraph 4.2 of the report. £21,355 was spent in 2017/18 and a further £13,615 spent in 2018/19. This left £35,030 to action the most dangerous trees (available in earmarked reserve).

Cabinet Members commended the report.

RESOLVED: That Cabinet:

- (1) Noted the findings of the Valuing Urban Trees report.
- (2) Noted the progress made to establish a new approach towards the management of BCBC's existing trees and approve the approach towards tree planting.
- (3) Approved the new BCBC Tree Management Policy.

214. PROVISION OF PUBLIC CONVENIENCES

The Corporate Director – Communities presented a report, that sought Cabinet approval on the future provision of public conveniences across the County Borough as set out in the body of the report.

He explained that an agreed saving had been set aside as part of the MTFs proposals, in respect of the provision of Council owned and operated public toilets.

By way of background information, he then reminded Cabinet that in 2015 the Council consulted with the public on the provision of public conveniences, and following this, the number of toilets in the BCB town centres was reduced from 9 to 6 and male only urinals across the County Borough were de-commissioned.

Paragraph 4.1 of the report then showed in Table format, the location of public toilets in the County Borough and their opening times, while paragraph 4.2 advised of a public consultation survey that was carried out over an 8 week period between February and April 2018, and the next sections of the report outlined details of the findings and outcomes of this. The Corporate Director – Communities confirmed that whilst the feedback received was taken on board, some action in terms of closing certain public conveniences had to be considered in order to make the savings outlined in the MTFs.

Full details of the public consultation and its findings were attached at Appendix A to the report, whilst paragraph 4.21 contained details of current planned public convenience provision and operating arrangements for Council operated public toilets in Maesteg, Bridgend and Porthcawl including recommendations as to the future operation of these.

The Corporate Director – Communities concluded his submission by advising Members of the report's financial implications.

The Cabinet Member for Social Services and Early Help advised that it was positive to see certain Town/Community Council's becoming involved in the support some public conveniences in an attempt to keep these in operation, through CAT etc.

The Leader concluded debate, by thanking Overview and Scrutiny for their input and for the recommendations they had previously put forward with regard to this matter.

RESOLVED: That Cabinet:

- (1) Approved the proposed course of action detailed in the report, specifically the actions presented in section 4.21 of the report.
- (2) Approved the signposting of the toilets in the reception of the Civic Offices for use by the public (to be funded via the streetscene revenue budget), as recommended by Scrutiny members in section 4.22 of the report.

215. BRIDGEND MARKET - IMPROVEMENT PLAN

The Corporate Director – Communities submitted a report, so as to recommend to Cabinet the approval and implementation of a Management Improvement Plan for Bridgend Market.

He confirmed that many traders had cited the high relative rents (as compared to both retail units in Bridgend town centre and those at other similar markets in Wales) and the resultant current high vacancy as their main reasons for leaving the market.

The report also advised that Watts and Morgan had advised that vacant plots in the market were available and not being filled, as the rents for these were being set too high. This factor was also having an effect on the amount of rent that BCBC were recouping, which was not as good as it could be, if rental levels for spaces there were reduced to a more reasonable level that would increase the interest of traders to take up these spaces. This would also then assist in increasing footfall in Bridgend town centre he added.

The next section of the report, then referred to marketing proposals for the Indoor Market together with some proposals regarding future terms of leasing.

With regard to the report's financial implications, the Corporate Director – Communities advised that a permanent reduction in existing traders rents of 25% frozen until April 2020, will increase the rental shortfall at the market by £43,500 per annum. A rental reduction for new traders was proposed to attract them to the market. This reduction will result in less income on an individual stall basis, from current rates, but collectively this may not result in a dramatic overall fall in income if the number of stalls occupied and hence paying rent increases.

The Officer concluded by stating that the proposed changes will result in a budget shortfall that will be addressed corporately through earmarked reserves in 2018/19. However, a longer term solution will need to be developed once the earmarked reserve had been exhausted.

The Leader advised that the Rhiw Shopping Centre, Bridgend Town Council and Bridgend Improvement District had been working with Cabinet and local Members to support the reports proposals, as well as traders also having a major input, with a view to improving the current position. He further added that it was important for the public to be aware that BCBC actually leased rather than owned the Indoor market at a cost of £120k per annum.

RESOLVED: That Cabinet agreed to:

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- (1) Introduce a permanent reduction in the Bridgend Market rent for current traders of 25%, effective as at 1st July 2018, with rents to be frozen until April 2020.
- (2) Reduce asking rents quoted by Watts & Morgan. The new proposed rents would be dependent on the size of the individual stall and would reflect Watts & Morgan's advice.
- (3) Allow new traders tenancies which offer more flexible terms of occupation. It is anticipated that these specific changes will increase the number of lettings and in turn, improve the vibrancy and occupancy of Bridgend market.
- (4) Embark on a programme of marketing and capital investment initiatives, within existing budgets and in partnership with the Rhiw Shopping Centre owners to improve the signage, displays, environment and utility of the Market, including a new open 'Central Market Square'
- (5) Authorised the Corporate Director - Communities, in consultation with the Head of Finance to action these changes.
- (6) Noted the actions of the Bridgend Market Partnership in collaboration with interested parties in seeking to bring about long term the effective change in Bridgend Market.

216. VISIT WALES REGIONAL TOURISM ENGAGEMENT FUND, PORTHCAWL SEASCAPE PROJECT (DISCOVER PORTHCAWL)

The Corporate Director – Communities presented a report, to update Cabinet on an application for funding to the Visit Wales Regional Engagement Fund (RTEF) and to seek Cabinet approval to enter into agreements with delivery partners Credu Charity Ltd (formerly Harbourside Community Interest Company (CIC)) and Awen Cultural Trust to support the delivery of the Porthcawl Seascape Project.

He confirmed that BCBC had a strong track record in delivering partnership projects through Visit Wales Regional Tourism Engagement Fund (RTEF), as well as understanding the value of tourism in the Bridgend County Borough not just within coastal areas but in other parts of the Borough also.

He advised that the Council had been successful with a bid, and had been awarded £78k towards a total project cost of £90k for the above. The project was also being funded by others as illustrated in paragraph 4.6 of the report, while paragraphs 4.4 and 4.5 outlined the type of activities and experiences the project would produce.

Finally, the Corporate Director – Communities advised that BCBC would be the lead organisation in the co-ordination and support of the Porthcawl Seascape Project, and that BCBC's contribution of £12k had been secured within the Directorates budget for 2018/19.

RESOLVED: That Cabinet:

- (1) Noted the approval of funding through RTEF for the delivery of the Porthcawl Seascape Project.
- (2) Authorised the Corporate Director Communities in consultation with the Solicitor for the Council (and Monitoring Officer), to enter into agreements with Credu Charity Ltd and Awen Cultural Trust, for the delivery of their respective aspects of the project.

217. PROVISION FOR PUPILS WITH ADDITIONAL LEARNING NEEDS (ALN):- ESTABLISHING A LEARNING RESOURCE CENTRE (LRC) FOR PUPILS WITH

**AUTISTIC SPECTRUM DISORDER (ASD) AT PENCOED PRIMARY SCHOOL -
OBJECTIONS REPORT**

The Interim Corporate Director – Education and Family Support presented a report, that informed Cabinet of the outcome of the statutory objections process conducted by BCBC in respect of the proposal to establish an ASD LRC at Pencoed Primary School.

He confirmed to Members, that in order to progress a proposal to establish this as of 1 September 2018, consultation exercises were carried out between 9 February and 23 March 2018, with staff, governors, parents and pupils of Pencoed Primary School, as well as the wider community in accordance with the statutory School Organisation Code 2013.

The Interim Corporate Director – Education and Family Support confirmed that no objections were received during this public notice period.

The Cabinet Member for Future Generations and Wellbeing was pleased to see that more children with ALN will be supported to continue in mainstream schools.

RESOLVED: That Cabinet:

(1) Noted that no objections were received to the above during the public notice period, and as a consequence.

(2) Approved the implementation of the proposal.

218. **CWMFELIN PRIMARY SCHOOL CAPITAL PROJECT**

The Interim Corporate Director – Education and Family Support presented a joint report in order to seek approval from Cabinet to recommend to Council a revision to the Capital Programme for 2018 to 2028, to include a budget of £165k for the build of a new classroom at Cwmfelin Primary School.

He advised that on 3 March 2015 Cabinet approval was received for the Council to adopt revised principles as a framework for school organisation in Bridgend, and 5 key principles were set out to inform the organisation and modernisation of schools, as was detailed in paragraph 3.1 of the report.

He explained that there were a set of principles which were relevant to primary schools, in order to ensure that they were large enough for purpose, and for efficiency and effectiveness in terms of pupil learning, and teaching. The situation regarding the insufficient size of classroom spaces at this particular school, was putting pressure on teaching and learning these, and the provisions of the report, confirmed how this was to be achieved in the future.

The Interim Corporate Director – Education and Family Support, confirmed that the estimated cost of the project, ie to provide a new build classroom space to accommodate 20 pupils is £165k, and a earmarked reserve had been set aside for this purpose in the sum of £150k.

He added that the shortfall would be provided jointly by the School and Education and Family Support Directorate on 1 50:50 basis.

The Cabinet Member for Social Services and Early Help noted the recommendations of the report, asked if the projected extra space being provided at the School was based on future projected numbers of pupils; if this was adequate, and if so, for how long.

The Interim Corporate Director – Education and Family Support, confirmed that extra space being provided had been calculated on the basis of future estimated growth in the area together with considering also the demographics of the locality the School is situated in.

RESOLVED: That Cabinet gave approval for a report to be submitted to Council for approval to amend the Capital Programme to include a budget of £165k to fund the new build classroom space at Cwmfelin Primary, to be met from earmarked reserves, the school and Education and Family Support Directorate budgets.

219. RE-ALLOCATION OF THE COUNCIL'S SCHEME OF DELEGATION OF FUNCTIONS RELATING TO THE OPERATIONAL AND PARTNERSHIP SERVICES DIRECTORATE

The Monitoring Officer presented a report, seeking Cabinet approval for the transfer of Executive functions within the Scheme of Delegation of Functions currently allocated to the Corporate Director – Operational and Partnership Services.

The report advised, that in order to maintain effective decision making processes, it was proposed that all Executive Functions in Schemes B1 and B2 of the Scheme be allocated from the above post which now no longer exists, to the Monitoring Officer, with the exception of those functions outlined in paragraph 4.2 of the report relating to Housing Functions, which be re-allocated to the Chief Executive.

The Solicitor to the Council and Monitoring Officer advised Cabinet that a report would be presented to Council tomorrow proposing similar changes to the Scheme of Delegation of Functions for the Council (as opposed to Cabinet) decisions within Schemes B1 and B2.

RESOLVED: That Cabinet:

- (1) Approved the transfer of Executive functions within the Council's Scheme of Delegation of Functions from the Corporate Director Operational and Partnership Services to the Monitoring Officer.
- (2) Approved the transfer of Executive functions outlined at paragraph 4.2 of the report from the Corporate Director Operational and Partnership Services to the Chief Executive.
- (3) Noted that a report will be presented to Council proposing a similar change to the Scheme of Delegation of Functions for Council decisions.

220. REVISED CONTRACT PROCEDURE RULES

The Corporate Director – Operational and Partnership Services submitted a report which sought approval from Cabinet:

- For the revised Contract Procedure Rules to take effect from 1 August;
- For the Scheme of Delegation in relation to Executive Functions to be amended in accordance with paragraph 4.8 of the report; and
- To note that a report will be taken to Council to amend the Constitution to incorporate the amendments to the CPR's

The Solicitor to the Council and Monitoring Officer confirmed by way of background information, that the Council was in the process of a corporate review and as part of this, the CPR's had been reviewed and updated.

She proceeded by advising that a number of changes have been made to the existing CPR's to ensure compliance with the provisions of the Public Contracts Regulations

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2015, and to modernise the way the Council procures goods, services and works. A copy of the revised CPR's was attached to the report at Appendix 5.

The key changes to these were contained in paragraphs 4.2 to 4.21 of the report.

RESOLVED: That Cabinet:

- (1) Approved the revised Contract Procedure Rules attached as Appendix 5 to take effect from 1st August 2018.
- (2) Approved that the Scheme of Delegation in relation to Executive Functions be amended in accordance with paragraph 4.8 of the report.
- (3) Noted that a report will be taken to Council to amend the Constitution to incorporate the amendments to the CPRs.

221. CABINET FORWARD WORK PROGRAMME

The Corporate Director – Operational and Partnership Services gave a report, the purpose of which, was to seek Cabinet approval for items to be included on the Forward Work Programme (FWP) for the period 1 July to 31 October 2018.

In accordance with a provision of the Council's Constitution the FWP will cover a period of four months, and contain matters which the Cabinet, Overview and Scrutiny Committees and Council are likely to consider, in the way of plans, policies or strategies that form part of the Authority's Policy Framework.

The FWP will be considered quarterly by Cabinet and published on the dates shown at paragraph 4.1 of the report.

The FWP for Cabinet for the above mentioned period was attached at Appendix 1 to the report, whilst Appendices 2 and 3 outlined the Council FWP for the same period and the Overview and Scrutiny FWP, respectively.

RESOLVED: That Cabinet:

- (1) Approved the Cabinet Forward Work Programme for the period 1 July to 31 October 2018, as shown at Appendix 1 to the report.
- (2) Noted the Council and Scrutiny Forward Work Programme as shown at Appendix 2 and 3 of the report, respectively.

222. REPRESENTATION ON OUTSIDE BODIES & JOINT COMMITTEES

The Corporate Director – Operational and Partnership Services and Monitoring Officer submitted a report, that looked to seek Cabinet approval for the appointment of Members to Joint Committees and Outside Bodies.

A list of these was attached to the report at Appendix 1.

The Solicitor to the Council and Monitoring Officer, confirmed that it was proposed that Members appointments are for a term of one year, except where earlier revocation of appointment is appropriate.

The Leader noted that the proposed nomination for the Bridgend Town Hall Trust was Cllr Charles Smith not Cllr Stephen Smith as stated in the report.

RESOLVED: That Cabinet appointed the requisite number of Members to the Joint Committees and other Outside Bodies as listed in Appendix 1 to the report.

223. INFORMATION REPORTS FOR NOTING

The Corporate Director – Operational and Partnership Services submitted a report, the purpose of which, was to inform Cabinet of the Information Reports for noting which have been published since the last meeting.

The Information Reports were detailed in paragraph 4.1 of the report.

RESOLVED: That Cabinet acknowledged the publication of the documents listed in the covering report.

224. PROCUREMENT OF WASTE MANAGEMENT SERVICES PROVIDED AT THE MATERIALS RECOVERY AND ENERGY CENTRE (MREC) AT CRYMLYN BURROWS, NEATH PORT TALBOT

The Corporate Director – Communities and Interim Head of Finance and S151 Officer presented a joint report in respect of the above matter.

He advised that the Council has an existing and long standing contractual position with Neath Port Talbot Council (“NPT”) in respect of the Materials Recovery and Energy Centre (“MREC”) situated in the County Borough of Neath Port Talbot, which has over 10 years left to run. Certain waste disposal functions are discharged by NPT on behalf of Bridgend, as set out in an inter-authority agreement (“the Original Appointment”) entered into by the two authorities at the time of the original waste management Private Finance Initiative (“PFI”) contract in 2000, and as varied by an agreement dated 8th September 2010 (“the Variation Agreement”).

The current disposal charge levied by the MREC facility is significantly above accepted market rates. Therefore, both Bridgend and Neath Port Talbot Council’s as part of their medium term financial plans have identified savings against the operational cost attached to the MREC facility. To achieve these savings both parties have agreed to terminate the existing arrangements between the contracting Authority (NPT) and the MREC, and to replace this with a new market tested contract, again with NPT as the contracting Authority and to replace any previous appointment/contract between BCBC and NPT to reflect these new arrangements.

Offers were subsequently invited based on the original tender documents, and two companies expressed interest, and subsequently submitted bids. However, one of these companies then withdrew their bid.

The Corporate Director – Communities confirmed that the remaining bidder is Walters Plant Hire Limited (“Walters”). They confirmed in late 2017 that they wish to continue to be considered for the contract award in line with their tender bid.

Paragraph 4.1 of the report then outlined a number of points and summarised the bids when compared to the existing arrangements, including details of the procurement process that has been followed as well as the arrangements of the Variation Agreement between BCBC and Neath Port Talbot Council.

The Corporate Director Communities emphasised, that as with all procurement processes, there is always a risk of challenge. However, NPT and Bridgend intend to mitigate such a risk by publishing a VEAT Notice to remove the risk of the contract being set aside once it has been entered into and any associated risk of fines (but not the risk of a damages claim if there is a subsequent challenge).

In addition there are a range of other issues that NPT will also need to deal with as owners of the MREC site.

At the same time as entering into the waste services agreement, it is proposed that NPT and Walters enter into a lease for the MREC site, along the lines detailed in the report.

He continued his submission by advising that arrangements with NPTRL for the provision of waste services will terminate upon the commencement of the services to be provided by Walters. At which point the Directors of NPTRL will be required to wind the company up.

A copy of the completed Well-being of Future Generations (Wales) Act 2015 Assessment was attached at Appendix 1 to the report.

To conclude, the Corporate Director – Communities then outlined the reports financial implications adding as part of this, that BCBC would secure significant savings as part of its MTFS, should the offer of the revised Contract be successfully secured.

A Member pointed out that he looked forward under future arrangements for BCBC having an equal partnership arrangement as NPT going forward, and that it was extremely important to secure the savings in respect of MREC that had been set under the terms of the MTFS.

The Interim Head of Finance and S151 Officer added that the necessary Agreement still required to be signed before the present situation moved further forward. She added that the Council would also be requesting open bank accounting in respect of the closing down of Neath Recycling Company. The wind down for this process would take in the region of 9 months, though BCBC were pushing for progress as fast as it could.

She added further that a similar report considered by Cabinet today, would be considered by Cabinet in NPT.

The Leader concluded debate on this item by stating that he was looking forward to starting a new chapter t with NPT, and that he was sure that this would be a more successful arrangement than was currently the case, that would give more value for money to the taxpayer, in relation to ensuring that their waste materials are collected and disposed of appropriately.

- RESOLVED:**
- (1) That Cabinet accepts, subject to NPT entering into the new Appointment and the expiry of the VEAT notice and there being no notification of challenge, the offer submitted by Walters Plant Hire Limited in May 2016.
 - (2) That the Corporate Director Communities be delegated authority in consultation with the Interim Head of Finance and Section 151 Officer and Solicitor to the Council/Monitoring Officer to negotiate and settle the final terms of the new Appointment and thereafter authorise the Solicitor to the Council/Monitoring Officer to enter into the said Appointment and any associated documentation.
 - (3) That the Solicitor to the Council/Monitoring Officer be delegated authority to agree with NPT Council to issue a Voluntary Ex-Ante Transparency Notice (“VEAT Notice”) in the Official Journal of the European Union.

225. **URGENT ITEMS**

None

226. **EXCLUSION OF THE PUBLIC**

- RESOLVED:** That under Section 100A (4) of the Local Government Act 1972 as amended by the Local Government (Access to Information)

(Variation) (Wales) Order 2007, the public be excluded from the meeting during consideration of the following item of business as it contains exempt information as defined in Paragraphs 14 and 16 of Part 4 and Paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

Following the application of the public interest test in consideration of this item, it was resolved that pursuant to the Act referred to above, it be considered in private, with the public being excluded from the meeting as it would involve the disclosure of exempt information of the nature as stated above.

227. PROCUREMENT OF WASTE MANAGEMENT SERVICES PROVIDED AT THE MATERIALS RECOVERY AND ENERGY CENTRE (MREC) AT CRYMLYN BURROWS, NEATH PORT TALBOT

The meeting closed at 17:00