

MINUTES OF A MEETING OF BRIDGEND COUNTY BOROUGH COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON WEDNESDAY, 5 MARCH 2014 AT 3.00PM

Present:

Councillor G Thomas - Deputy Mayor and Chairperson

<u>Councillors</u>	<u>Councillors</u>	<u>Councillors</u>	<u>Councillors</u>
S Aspey	D M Hughes	D R W Lewis	M Thomas
M W Butcher	E M Hughes	C L Jones	R H Thomas
N Clarke	R M James	A D Owen	J H Tildesley
H J David	P John	D G Owen	H J Townsend
G Davies	M Jones	G Phillips	E Venables
G W Davies MBE	R C Jones	D R Pugh	C Westwood
P A Davies	B Jones	C E Rees	D B F White
E Dodd	J E Lewis	C Reeves	P J White
D K Edwards	J R McCarthy	M Reeves	H M Williams
E P Foley	H E Morgan	D Sage	R Williams
C A Green	L C Morgan	C E Smith	M Winter
M Gregory	M E J Nott OBE	J C Spanswick	R E Young

Officers:

D Mepham	-	Chief Executive
M Shephard	-	Corporate Director - Communities
S Cooper	-	Corporate Director - Wellbeing
N Young	-	Corporate Director - Resources and Section 151 Officer
D Llewellyn	-	Group Manager Development
R S Hughes	-	Legal Officer
M A Galvin	-	Senior Democratic Services Officer - Committees
G P Jones	-	Head of Democratic Services (Electronic Support)

311 MINUTES OF THE PREVIOUS MEETING

RESOLVED: That the minutes of an ordinary meeting of Council held on the 5 February 2014 were approved as a true and accurate record.

312 APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Members for the reasons so stated:

Councillor C J James	-	Unwell
Councillor P James	-	Prior Commitment
Councillor R D Jenkins	-	Unwell
Councillor K J Watts	-	Family Commitments
D McMillan	-	Other Council Business

313 DECLARATIONS OF INTEREST

Councillor R E Young, following the advice of the Legal Officer, declared a personal and prejudicial interest in Agenda Item 6(a), in that his daughter owned a chiropractic and acupuncture business within the Bridgend County Borough. He left the meeting whilst this item was being discussed.

314 MAYORAL ANNOUNCEMENTS

- (1) The Mayor announced that he had recently had the pleasure of attending the Bridgend County Borough heat of the national Building Excellence Awards 2014. This annual event is organised by the Council to highlight some of the high quality construction work that has been carried out in the County Borough. Amongst those picking up awards were 'Leadbitter', for their work on the new Coleg Cymunedol Y Dderwen School in Tondy; Llanmoor Homes for their excellent workmanship on the Joslin Road housing development in Litchard; E T and S Builders and Huw Griffiths Architects for the extension to the visitor centre at Parc Slip nature reserve; and Balfour Beatty and our own architectural services team for the all-new Penyfai Church in Wales Primary School.

It was fascinating he stated to hear about the award-winning projects which had been undertaken during the last 12 months. A huge amount of innovation and creativity had been demonstrated by contractors, designers and the Council's own building control surveyors, and he extended his congratulations to these.

- (2) The Mayor announced that he was looking forward to two events next week which he hoped Members would support. On Wednesday 12 March there would be a concert at Heronsbridge in aid of the mayoral appeal fund. Tickets cost just £3.00 and entertainment would be provided by children's choirs from Heronsbridge and Llangewydd Junior School. On Friday 14 March, the Mayor's Citizenship Awards ceremony will take place to honour people who have gone the extra mile in their local communities. This year there will be 22 individuals and five groups receiving awards, with the achievements ranging from outstanding voluntary work to charity fundraising. He wished to thank his fellow Councillors who had submitted nominations for the awards.
- (3) The Mayor confirmed that the Council was marking L.G.B.T. Adoption and Fostering Week between 3 - 9 March by encouraging more lesbian, gay, bisexual or transgender people to consider making a difference to the lives of local children who are in need of a loving home. Latest statistics from the Fostering Network suggest that more than 600 extra foster carers are needed in Wales. Leading charities believe that this shortage could be met if just two percent of L.G.B.T. people chose to adopt or foster. We are using the week as an opportunity to raise awareness of adoption and fostering among members of our L.G.B.T. community, and hope that residents will be encouraged to contact us and find out more.
- (4) The Mayor reminded Members that the Council would be raising the first flag for the Commonwealth outside the Civic Offices at 10 March, and all Councillors were very welcome to attend and support the event.
- (5) The Mayor finally extended his congratulations to Owen Watkins from Bryncethin who had recently represented Wales in the under 18 Welsh international rugby side.

315 CABINET MEMBERS' ANNOUNCEMENTS

- (1) Cabinet Member - Resources

The following Pre-Council Presentations have been scheduled for April advised the Cabinet Member - Resources.

**2 April 2014 - Mental Health Matters**

This is to update Members on the progress with respect to Mental Health Services over the last two years and includes the implementation of the Mental Health Measure and the joint Mental Health Strategy.

**30 April 2014 - Development of Social Enterprise in Bridgend**

This briefing will showcase the local organisations which have benefitted from the existing SEWCED project and determine what should be the preferred focus of the next round of funding.

### **Member Development Sessions**

Training sessions on the Supporting People Programme and Risk Management within the Authority have been finalised for March and April respectively and calendar appointments sent to Members.

A round robin event is also being planned for May and will incorporate three topics on a rotational basis - data protection, PACT-Sara Model and Ward Profiles.

### **Estyn Inspection Information**

The Cabinet Member - Resources concluded by advising that it had been agreed as part of the Estyn Inspection Action Plan that more information should be made available to Elected Members. Therefore, individual school performance reports and in-year progress reports are to be published on the Members Secure Intranet Site - the Member Zone. There will also be a link to the Estyn Web site.

#### **(2) Cabinet Member - Communities**

The Cabinet Member - Communities confirmed that many primary schools across the Borough were getting on their bikes to sign up for this year's 'Big Pedal' event, which started this week and runs until 14 March.

Organised by cycling charity Sustrans, the initiative will see schools compete for prizes over 10 fun-filled days by encouraging pupils to either scoot or cycle safely to school.

It would reach an action-packed finale, as Friday 14 March will be Superhero Day when youngsters can dress up as their favourite caped crusaders and have the option of raising money for charity too.

The Big Pedal engages children in cycling and scooting to school in a fun way with the aim that they will continue cycling and scooting long after the competition has finished.

For further information he urged Members to please contact Roger Dutton, Sustrans' Bike It Officer for Bridgend who was based in the Council.

#### **(3) Cabinet Member - Children and Young People**

The Cabinet Member - Children and Young People confirmed that Nottage Primary School had been awarded a prestigious award for the second time and received particular praise for its school-wide approach to making the most of technology.

The ICT Mark was just reward for the schools approach, which is that technology can be used in every aspect of learning. He extended his thanks to staff and children at Nottage Primary.

He then advised, that two of our secondary schools received accolades in the South Wales Regional finals of the Formula One Competition that challenged students to create their own team to design, construct and race a miniature formula one car.

Maesteg Comprehensive's 'MCS Velocity' picked up the award for best team identity, whilst the 'Thyphoon' from Pencoed Comprehensive received the best sponsorship and marketing award. He extended his congratulations to these teams.

The Cabinet Member - Children and Young People stated that the Authority's anti-bullying programme based on the restorative approaches that had been successful in helping to tackle bullying and conflict on our secondary schools by training pupils as peer mediators, was now being piloted in our primary schools too. Eight year 6 pupils at Garth Primary School will be the first to take part this month.

The programme which has received excellent feedback and is recognised as good practice will be tailored for primary school pupils. A 'peer mediation' DVD produced by the authority had been requested by professionals working in restorative justice around the world. If Members would like to find out more about restorative approaches please contact the Council's co-ordinator Zenda Caravaggi.

The Cabinet Member - Children and Young People confirmed that he joined the Leader last month to welcome the Local Government and Government Business Minister Lesley Griffiths who visited our Young Offending Service to announce that the Welsh Government had published its White Paper proposals on the Prevention of Offending by Young People.

The Minister was keen to see how a successful multi-agency team led by Bridgend YOS supports young people to re-settle in the community following a period in custody.

The team helps them to address substance misuse, accommodation, mental health and education issues.

It was really encouraging to meet two young men one from Porthcawl and one from Brackla who had seen their lives turned around with the support the team had provided including securing employment with the contractors who are carrying out the improvements in Bridgend town centre.

The Cabinet Member - Children and Young People thanked the Deputy Mayor for joining over 200 secondary school and college students at our Youth Service's third annual 'Think about Sex' event in the Recreation Centre last month to raise awareness about sexual health problems.

In addition to events like that and work in our schools our Health and Wellbeing Bus makes regular stops across the Borough, it offered one-to-one support for young people aged 22-25 who are experiencing health issues including drugs and alcohol.

A young person can also call into the health and wellbeing drop-in at 'Just Ask Plus' centre at Wyndham Street, Bridgend. Alternatively they could telephone the service or speak to the school nurse.

To mark L.G.B.T. Adoption and Fostering Week which is this week, the Local Authority were urging lesbian, gay, bisexual and transgender (LGBT) people to consider making a difference to the lives of local children who are in need of a loving home.

This awareness week was a perfect opportunity to raise awareness of adoption and fostering to not just the LGBT community but the entire community.

He asked Members to note that if their constituents were single, over 40 or own your own home, these are not important factors. We vitally need people with stability, who can offer love and help a child with whatever needs they may have. For further information Members should contact the adoption team on (01656) 815180 or the fostering team on (01656) 642674.

(4) Cabinet Member - Wellbeing

The Cabinet Member - Wellbeing confirmed that March 18 is World Social Work Day, which celebrates the work of the profession in many different countries and cultures. Within this Authority, Members recognised the invaluable contribution that social workers make to safeguard and improve the wellbeing of vulnerable children and adults. Bridgend County Borough Council employs 194 social workers and they contribute significantly to the effectiveness of the Council in discharging its statutory responsibilities.

Social workers are sometimes criticised in the media when things go wrong but little recognition is given to the huge benefits of their work in our local communities. This is because most social work activity is undertaken invisibly within the private lives of individuals in family, residential and community settings.

At the heart of social work is the desire to improve an individual's life so that they are actively taking part in their communities and social work therefore involves building effective working relationships with the most vulnerable and disadvantaged members of society. It is a profession that requires dedication, motivation and resilience.

As part of their training, student social workers are required to undertake 200 days of practice-based learning and on an annual basis the Local Authority provides 39 student social worker placements across statutory and third sector services with the Borough. Once qualified, social workers are then required to evidence a commitment to ongoing learning and development to enhance and develop their professional knowledge and skills.

The Cabinet Member - Wellbeing concluded by stating that he was sure that Members would want to use the opportunity of World Social Work Day to send a message of appreciation to all social workers who contribute to the wellbeing of citizens in Bridgend County Borough and to thank them for their dedication and commitment.

The Cabinet Member - Wellbeing stated that as Older People's Champion, he had been asked to give an opening address at a Carers' Conference on Thursday, 27 February 2014.

The event was arranged to consider what progress has been made since the Carers' (Wales) Measure 2010 had come into being. We were keen to have the Carers' perspective on this and also to learn what Carers now regard as the priorities to improve support and services.

100 people (carers and staff) attended last week's event. The main speaker was Sharon Coleman who is probably the most famous Carer in the UK. She challenged her employers in the European Court of Justice and went on to prove that she had suffered discrimination at work because of her caring situation. Her victory has led to new rights for all carers.

We also heard from another carer and young carers who described their caring experiences. These personal accounts were inspiring he added.

Later in the afternoon, carers participated in workshops. The focus of the workshops was to reflect on support carers in Bridgend, what has been achieved and what else needs to be progressed.

The Cabinet Member - Wellbeing confirmed that the evaluations from the day were very positive. There were approximately "18,000 carers" in the County Borough many who have not identified themselves as carers to date. We needed to continue to recognise the invaluable contribution they make to society he felt.

Finally the Cabinet Member - Wellbeing advised that resurfacing works at the Bridgend Recreation Centre Car Park would soon be undertaken.

316 CHIEF EXECUTIVE'S ANNOUNCEMENTS

None.

317 LEADER'S REPORT

1. The Leader advised that further to the Mayor's comments about the award-winning new £4.3 million school building for Penyfai Church in Wales Primary, his fellow Cabinet Members and himself were able to visit the school recently, and he was happy to confirm that it really is a fantastic new building. Our efforts to deliver the sort of school that the local community deserves in spite of some quite challenging circumstances had been well documented, so it was especially satisfying to see how the children there were benefitting from these all-new premises. The school now featured a split-level design and incorporated a large new hall, a music room, a nursery unit, a reception class, indoor play equipment, an ICT room and much more. With an all-new yard and outdoor play area set to be completed this summer, this school marks the delivery of a very significant achievement in our ongoing school modernisation programme, and the start of a new chapter for the children of Penyfai.
2. The Leader confirmed that colleagues with green fingers may be interested to note that the garden waste collection will return this spring to give householders an opportunity to recycle garden waste such as plants, flowers, weeds, grass, leaves and hedge clippings.

Around 1,500 homes signed up for the scheme last year, and nearly 200 tonnes of garden waste was diverted away from landfill and converted into compost fertiliser instead. Together with our waste partners Kier, the Council will be offering the fortnightly service as part of the kerbside collection between 31 March and the end of October. It costs £27 per household for the year, with a discounted rate of £23 for pensioners. Scheme participants can also save £5 off their subscription by recommending a friend or family member who signs up for the service. Full details he advised were available from the Council's website or by contacting the Customer Service Centre.

3. Finally, the Leader congratulated Isobel Dodd, a year nine pupil at Brynteg Comprehensive School. Isobel had been selected to represent Wales as part of the Welsh Schools Cross Country Team at the forthcoming Schools International Athletics Board, where she would be taking on competitors from England, Ireland and Scotland.

She was also the granddaughter of Councillor Ella Dodd, who the Leader was sure must feel very proud of Isobel.

318 PROPOSAL TO ADOPT PART VIII OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982: RELATING TO THE PROPOSED ADOPTION OF THE NEW MODEL BYELAWS FOR ACUPUNCTURE, TATTOOING, SEMI-PERMANENT SKIN COLOURING, COSMETIC PIERCING AND ELECTROLYSIS

The Legal Officer presented a report on behalf of the Assistant Chief Executive - Legal and Regulatory Services the purpose of which was to seek approval to:-

- Adopt a revised Byelaw in respect of acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis;
- To update the powers to register and regulate these activities, to ensure appropriate hygiene standards;

- To revoke the existing separate byelaws and to follow the statutory process for publicising and consulting on byelaws.

The report gave some background information following which it confirmed that the Welsh Government had produced a model byelaw for the above, that required the registration of businesses undertaking these practices. When introduced, the byelaw would provide greater protection to the residents of the County Borough of Bridgend particularly in respect of infection control and industry best practice.

Attached to the report at Appendix A was a model draft of the byelaws, and the Legal Officer confirmed that procedurally Council was required to resolve that the provisions of Sections 14 to 17 of Part VIII of the 1982 Act apply to the County Borough administrative areas, and that the procedure was set out in Section 13 of the Act, with other Sections as follows:-

14. Acupuncture;
15. Tattooing, ear piercing and electrolysis;
16. Provisions supplementary to Sections 14 and 15 (offences);
17. Power to enter premises.

It was proposed that the adoption of powers will apply to all description of persons contained in Section 15 of the Act.

Should Council agree, notice was required to be published in a local newspaper for 2 consecutive weeks. The resolution could not come into force unless at least 28 days have passed since the first publication of this notice. To give sufficient time for this it was proposed that the resolution will come into effect on 17<sup>th</sup> April 2014.

Once this resolution has come into effect, the local authority can commence the procedure to adopt the new model byelaw and it is proposed that it be resolved that the statutory procedure to do so be commenced as soon as possible.

The Legal Officer concluded his submission, by advising that if Council agreed to introduce the new byelaw, then the existing byelaws the new version would replace would be revoked, but only once the new byelaws had come into effect.

The Deputy Leader confirmed that the recommendations of the report if adopted, would ensure greater control over a potentially high risk industry. In recent years the range of skin piercing practices on offer to the public has expanded to include the practice of cosmetic piercing and semi-permanent skin colouring. Questions have been raised in the past at Council about this, and hence the adoption of these bye-laws to assist in regulation. The existing byelaws covering these areas were outdated he added.

All of these procedures carried potential health risks which could include skin infections, allergic or toxic reactions to the substances used and the transmission blood borne viruses such as hepatitis or HIV.

The Deputy Leader concluded by stating that the Welsh Government has produced a model byelaw for acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis which requires the registration of businesses undertaken these practices, and this is to ensure that Bridgend County Borough Council is in line with this model.

**RESOLVED:** That Council agreed:-

- (1) That the provisions of Sections 14 to 17 of Part VIII of the Local Government (Miscellaneous Provisions) Act 1982 apply to our area including all of the descriptions of persons contained within Section 15(1) and that this resolution shall come into force on 17<sup>th</sup> April 2014.

- (2) That the statutory procedure for the adoption of the Model Byelaws (Wales) for Acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis as attached at Appendix A be commenced after the 17<sup>th</sup> April 2014.
- (3) That the current existing byelaws in relation to Acupuncture, Tattooing, body piercing and electrolysis etc, be revoked on the date that new byelaws, the subject of this report, come into effect.

319 DEPARTURE PLANNING APPLICATION

The Group Manager Development presented a report that confirmed, that on 6<sup>th</sup> February 2014 the Development Control Committee considered planning application P/12/861/FUL as a departure from the Development Plan. The Development Control Committee resolved not to refuse permission so the application has been referred to Council which is requested to grant planning permission subject to conditions.

He confirmed that Mainline Coaches currently operated a coach and tour operator's business from a site at the southern end of Glannant Road, Evanstown. The business which was established in the late 1960's consisted of a fleet of 35 executive and standard coaches.

This application, originally submitted in 2012 sought permission to extend the existing compound to provide a car parking area for staff. Following an examination of the submitted plans and sections, concern was expressed that not only would the word 'extension' change the landscape, in a sensitive area, (designated as a Special Landscape Area in the Bridgend Unitary Development Plan) but it would also require the transportation of approximately 4000 tonnes of material to the site. Environment Agency Wales (now Natural Resources Wales) also objected to the development on the basis that the development would have resulted in a change in ground levels in the C2 zone. The EAW requested the submission of a Flood Consequence Assessment. In response to the concerns expressed by the Department and EAW, the developer's agent submitted revised plans which proposed a reduction in the length of the car park extension by over 50% (30m). The amended details were the subject of further consultation.

In August 2013, it was brought to the attention of the Council that the operation of importing material to site had commenced. On investigation it was apparent that the car parking area had been formed. In subsequent discussions, the developer was advised that retrospective planning permission would be required for the works and as such it would be possible for the undetermined planning application to be used for such a purpose. This would however only be acceptable if the submitted plans accurately reflected the unauthorised works on site. Written confirmation had now been received from the applicant's agent confirming that the implemented works accord with the submitted plans.

The Group Manager Development advised that the introductory sections of this report provided a brief summary of the application which seeks retrospective permission for a staff car parking area to serve an existing bus and coach depot. It is understood that the rationale behind the application is the health and safety of the applicant's employers and the need to provide a separate area of staff car parking.

At the time of submission of the application, the Bridgend Unitary Development Plan (UDP) was the adopted policy document. Under the UDP the existing and extended depot were located within the countryside. In line with national policy, the former policies sought to protect the countryside, believing that new development should benefit the rural economy, and maintain or enhance the environment. Policy EV1 of the UDP was the starting point for assessing the application.

The Group Manager Development confirmed that on the 18th September 2013, the Council adopted the Bridgend Local Development Plan. Under the new plan, the existing depot was included within the settlement of Evanstown (Policy PLA1 refers). The extended site which



includes the staff car park, however, still projects some distance beyond the boundary into the countryside and an area designated as a 'Secondary Coal Resource Safeguarding Area'.

Policy ENV1 represents the starting point for the assessment of all applications in the countryside. It states that development in the countryside will be strictly controlled and maybe acceptable where it is necessary for certain elements of land use as outlined in points 1 - 10 in this part of the report.

He added then that the policy confirms that where development is acceptable in principle in the countryside it should, where possible, utilise existing buildings and previously developed land and/or have an appropriate scale, form and detail for its context.

Planning Policy Wales (Edition 5 / November 2012) (PPW) guides authorities to determine applications in accord with the adopted development plan unless material considerations dictate otherwise. PPW states that the planning system should support economic and employment growth, alongside social and environmental considerations, within the context of sustainable development. Authorities should also adopt a positive and constructive approach to applications for economic development, taking account of the likely economic benefits that a development may provide.

The Group Manager Development pointed out that given the above, the main consideration in the determination of the application was whether there were material considerations which outweighed the normal presumption against development in this countryside location. He then expanded upon the weight of argument for each of these two proposals which were expanded upon in the report.

The Group Manager Development stated that whilst determining the application Policies EV1, EV7, EV10, EV16, EV17, EV45 and E11 of the Bridgend Unitary Development Plan and SP2 PLA9, ENV1, ENV7 and ENV9 of the Bridgend Local Development Plan were considered.

The Group Manager Development added that the application was recommended for approval because the development complies with Government and Council policy, and subject to the implementation of a landscaping scheme, should not adversely affect the visual amenities of the area to such an extent as to warrant a refusal of planning permission.

The Group Manager Development concluded by stating that whilst the proposal is deemed to be out of accord with the adopted Bridgend Local Development Plan, the application is recommended for approval on the basis that the staff parking is necessary to support this existing business and that the harmful impacts of the works could be addressed through a landscaping the scheme. The development would not be so detrimental to the countryside protection policies of the Local Development Plan, visual amenity, highway safety or residential amenity so as to warrant refusal.

Following consideration of the report by Members, it was

RESOLVED: That Council approved planning application P/12/861/FUL subject to the conditions and notes contained in the report of the Corporate Director - Communities.

## 320 INFORMATION REPORTS FOR NOTING

The Monitoring Officer submitted a report the purpose of which, was to inform Council of any information reports submitted for noting since its last ordinary meeting.

The Legal Officer referred to Paragraph 4.1 of the report which detailed the following such Information report:-

<u>Title</u>	<u>Officers' Report</u>	<u>Date published</u>
Protocol clarifying roles and responsibilities within BCBC for Social Services	Corporate Director - Wellbeing Corporate Director - Children	27 February 2014

RESOLVED: That Council noted the publication of the document contained in paragraph 4.1 of the report.

The meeting closed at 4.00pm