

MINUTES OF A MEETING OF THE CABINET HELD IN COMMITTEE ROOMS 1/2/3, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON TUESDAY, 15 MARCH 2016 AT 2.30 PM

Present

Councillor MEJ Nott OBE and HJ David – Chairperson

M Gregory
HM Williams

CE Smith

HJ Townsend

PJ White

Officers:

Darren Mepham	Chief Executive
Ness Young	Corporate Director - Resources & Section 151 Officer
Deborah McMillan	Corporate Director - Education & Transformation
Mark Shephard	Corporate Director - Communities
Susan Cooper	Corporate Director - Social Services & Wellbeing
Fiona Blick	Group Manager Property
Kelly Watson	Group Manager Legal & Democratic Services
Mark Galvin	Senior Democratic Services Officer - Committees

857. APOLOGIES FOR ABSENCE

Apologies for absence were originally received from the Leader Councillor MEJ Nott, who was on other Council business in Cardiff signing the City Deal. Councillor Nott however, joined the meeting after it had commenced, but did not take over his usual role of Chairperson.

858. DECLARATIONS OF INTEREST

Councillors HJ David and M Gregory declared a personal interest in one of the Information Reports for Noting entitled 'Bridgend College Partnership Working', as they were on the Board of Governors at Bridgend College.

859. APPROVAL OF MINUTES

RESOLVED: That the Minutes of a meeting of Cabinet dated 1 March 2016 be approved as a true and accurate record.

860. CORPORATE HEALTH & SAFETY POLICY REVIEW

The Corporate Director Resources submitted a report, which sought to gain approval from Cabinet for the amended Corporate Health and Safety (H&S) Policy attached at Appendix A to the report.

By way of background information, she explained that the current H&S Policy was agreed by Cabinet in October 2012 with a three year review period.

The Corporate Director Resources further advised that a review of the Policy commenced in 2015, which identified the changes included at page 3 of the document, and details of these changes were shown in paragraph 4.1 of the report.

With regard to the report's financial implications, whilst there were none per se, failure to adhere to the H&S Policy could result in financial penalties for the Council she explained.

RESOLVED: That Cabinet approved the revised Corporate Health and Safety Policy February 2016 attached at Appendix A to the report.

861. **DEVELOPMENT OF THE STRATEGIC EQUALITY PLAN 2016-2020**

The Corporate Director Resources presented a report, the purpose of which was to seek Cabinet approval for Bridgend County Borough Council's Strategic Equality Plan 2016 – 2020.

She explained that the Council had a specific duty to produce a Strategic Equality Plan (SEP), within which it was incumbent to publish equality objectives that describe how the most pressing issues for people in Bridgend will be addressed for the next 4 years. Bi-annual progress reports describing the work involved in implementing the current SEP 2012 – 2016 have been being presented to the Cabinet Equalities Committee since 2012.

In terms of the current situation, the 9 equality objectives that were set in 2012 have been reviewed in order to develop the SEP for 2016 – 2020, with the review being introduced for a number of factors and reasons expressed in paragraph 4.1 of the report.

As a result of the review, it was proposed to reduce the equality objectives from 9 to 7, and the main changes in this respect were also outlined in paragraph 4.1 of the report. These changes formed the basis for the Council's consultation exercise which began and terminated in February 2016 to which the Authority received 101 responses. The full consultation report was attached to the covering report at Appendix 1 and summarised in paragraph 4.2 of the report.

Whilst the majority of respondents had agreed to the proposed changes and objectives, it had been decided that there should be no change to the objectives in principle, though amendments had been made to mitigate concerns raised, as shown in bullet point format in paragraph 4.3 of the report.

A copy of the draft SEP 2016 – 2020 was attached at Appendix 2 of the report, and following its approval, a detailed Action Plan would be developed in April 2016 following which, further consultation and engagement would be arranged. The finalised Action Plan would then be presented to the Cabinet Equalities Committee for formal approval in July 2016.

The Corporate Director Resources concluded her submission by advising that a full Equality Impact Assessment would be undertaken following the conclusion of the consultation exercise.

The Cabinet Member Children's Social Services and Equalities confirmed that there had been a positive response to the consultation exercise in respect of the SEP, and that hopefully there would be similar input for the formation of the SEP's Action Plan. She added that there were a number of positive aims, objectives and themes included in the SEP.

RESOLVED: That Cabinet approved and adopted the Authority's Strategic Equality Plan 2016 – 2020.

862. RENEWAL OF INSURANCE COVER

The Corporate Director Resources presented a report to seek approval for the renewal of the Council's insurance programme, and to authorise Marsh UK Ltd as the Authority's appointed insurance broker, to accept cover for the full range of policies on behalf of the Council.

Though the Council's insurance cover was subject to long term agreements with providers, the Authority was required each year to agree annual premiums and associated claims handling costs for each policy. This was undertaken by Marsh UK Ltd who were appointed as the Council's Insurance Broker in 2013, following a tender exercise. The outcome of the renewal negotiations were detailed in paragraphs 4.1 to 4.9 of the report.

The Corporate Director Resources referred to paragraph 4.1 of the report and the Table detailing the annual insurance costs and net premiums.

Although the report in paragraph 4.4 explained that terms for the Medical Malpractice policy were being awaited, since the report had been written and dispatched, these had now been received and were the same for the new financial year as they were currently.

The remaining sub-paragraphs of paragraph 4 outlined certain changes associated with the insurance cover including the reasons for these changes, as well as other supporting information, which the Corporate Director Resources expanded upon for the benefit of Members.

She also confirmed that the report's financial implications were detailed in paragraph 4.9 of the report, and these costs would be met from the existing insurance revenue budget.

RESOLVED: That Cabinet:

1. Approved the acceptance of the quotations in paragraph 4.1 of the report and the renewal of the insurance programme through Marsh UK Limited as the Council's appointed Insurance Broker.
2. That Cabinet also agreed the Medical Malpractice policy costs on the same terms as that within the current financial year.

863. USE OF WELSH LANGUAGE IN THE WORKPLACE

The Corporate Director Resources gave a report, to seek Cabinet approval for the proposed way forward in the use of Welsh Language in the workplace.

She explained that the Welsh Language Standards would oblige the Council to adopt a new approach to the way it treated the Welsh language, and a number of standards had

been introduced and needed to be met by 26 March 2016, with the remainder coming into force as of 1 September 2016, though some of these the Authority were appealing.

The Corporate Director Resources stated that an HR Policy for employees which explained the Council's approach to the use of Welsh language in the workplace was attached at Appendix 1 to the report.

Paragraph 4.2 of the report then showed the 'guiding principles' which provided context for the policy, where there were a number of key areas where bilingual services were required to be met.

There would also be changes to a number of HR practices and these were shown in paragraph 4.4 of the report.

The report informed Cabinet that the Council has a Corporate Complaints Policy and this had been updated in order to obtain compliance with the Compliance Notice to specifically meet certain standards, and this Policy was shown at Appendix 2 to the report.

She advised that the final policy for consideration by Cabinet, was the Grants Policy and this was attached at Appendix 3 to the report. This was a new policy and it was recognised that this would need to be reviewed and updated as the full extent of the impact of the Welsh Language Standards become known. This policy would enable the Authority to comply with the Standards shown in paragraph 4.6 of the report.

The Cabinet Member Resources advised that a considerable amount of Council expenditure would be taken in meeting the Welsh Language Standards in order to fully comply with these, though he was happy to note that the Council were appealing some of these standards.

RESOLVED: That Cabinet noted the report and approved the proposals outlined in Paragraph(s) 4 of the report.

864. RHIW GATEWAY VIBRANT AND VIABLE PLACES

The Group Manager, Chief Accountant presented a report, the purpose of which, was to agree to undertake a Deed of Variation to the Development Agreement with Coastal Housing Group to provide for a provision to enable the Council to make an advance payment to Coastal; seek approval to authorise a payment of £1m to Coastal to cover expenditure their expenditure making an advanced payment bond to ensure that Welsh government grant for 2015-16 is maximised, and finally, to suspend the Council's internal Financial Procedure Rules 8 (4) (a) to allow payment to take place before the 31 March 2016.

By way of background information, she explained that in March 2013, the Council was awarded £5.978 million in Welsh Government Vibrant and Viable Places Grant Funding. The award meant annual allocations of £0.642m 14-15; £4.267m 15-16 and £1,069m for 16-17. The terms of the award were explicit stating that "each financial year's allocation must be claimed in full by the end of that financial year otherwise any unclaimed part of the Funding will cease to be available". The ability to meet the full drawdown of grant within 15-16 had proved challenging, she confirmed.

With regard to the current situation, The Group Manager, Chief Accountant stated that in April 2015, Cabinet approved that the Council entered into a Development Agreement with Coastal Housing Group to deliver the Rhiw Gateway Project. The successful

contractor would be appointed by Coastal and not the Council, and so there would be no direct contact between the Council and Contractor.

She explained that Coastal undertook a procurement process which resulted in tender returns exceeding the secured funding available for the contract which included the WG grant and resources from Coastal and the Council. This resulted in an extensive period of Value Engineering of the scheme to achieve a position to bring the project within budgets available for both the car park and the residential and commercial units. The result was a delayed start on site by two months which had an impact of the cash flow forecast for the year.

The Group Manager, Chief Accountant advised that various options have been examined. Welsh Government initially looked to see if another local authority would be in a position to swap grant resources with Bridgend, but this didn't materialise. However, with Welsh Government approval, the Council were able to use £400,000 of the grant on other expenditure within Bridgend, with the proviso that Bridgend's own resources then slipped into 16-17 for the Rhiw Gateway. This will still leave a shortfall of £1m including an element of contingency in case the March valuation was short.

She further explained, that the only remaining option was for Coastal Housing to make an advanced payment bond in line with their contractor. This would be an On-Demand bond so could be drawn down by the Council or Coastal, and it would be likely to be used to pay for April and May's valuations to the contractor. Welsh Government has confirmed that the legal costs and professional fees will be eligible expenditure for the grant. If this option was not pursued, the completion of the scheme would be at risk, as there would be a circa £1million shortfall in funding due to the loss of Welsh Government grant. Cabinet were therefore being asked to approve a payment to Coastal Housing to cover their defrayed expenditure, and then the grant could be drawn down to match that expenditure.

She finalised her submission, by confirming that Wales Audit Office had been consulted regarding the above, and had advised that they were happy for the payment to be made in 2015-16.

The Cabinet Member Regeneration and Economic Development commended the report and the recommendations detailed therein, which now allowed the Council to progress the Scheme within budget. The Project would benefit both Bridgend town and the County Borough as a whole he added.

The Cabinet Member Resources asked Officers if they could possibly look into the feasibility of developing more flats than were proposed above the retail development, should this be possible.

RESOLVED: That Cabinet:

- a) Approved that a Deed of Variation on the Development Agreement is undertaken to include the provision for advancing funds to CHGL and including suitable clawback arrangements.
- b) Authorised that a payment is made to CHGL upon evidence that they have defrayed monies into the Bond of £1 million.
- c) Suspended Rule 8.4 (a) of the Council's internal Financial Procedure Rules to allow for the payment to CHGL to take place
- d) Gave the Corporate Director – Communities delegated power to agree any other provisions of the Deed of variation in consultation with the Section 151 Officer and the Assistant Chief Executive Legal and Regulatory Services.

865. GYPHY AND TRAVELLER ACCOMMODATION ASSESSMENT

The Corporate Director Communities submitted a report that informed Cabinet of the findings of the Gypsy and Traveller Accommodation Assessment (GTAA), and looked to seek approval to submit the document attached at Appendix 1 of the report to Welsh Government for consideration.

He explained that Part 3 of the Housing (Wales) Act 2014 places a duty on all local authorities to undertake an assessment of the accommodation needs of Gypsy and Traveller households and to make provision for unmet mobile home pitch needs where the assessment identifies an unmet need for mobile home pitches.

The Corporate Director Communities added that the local authority, as the strategic housing body, is the lead agency that will take the above assessment process forward, and that a survey and analysis of Gypsy and Traveller households residing in or resorting to the County Borough was required in order to inform the assessment. There was a pre-defined questionnaire provided by Welsh Government to do this.

He then referred to paragraph 3.4 of the report, which gave the legal definition of "Gypsies and Travellers" for the purposes of the assessment.

The Corporate Director Communities then referred to the current situation, and the fact that a Steering Group was established, to ensure the process was informed by all available expertise, in particular those with established networks within the community and those with accountability for meeting the accommodation needs of these communities.

Opinion Research Services (ORS) were then appointed to undertake research to establish potential future accommodation requirements over the first 5 years of the study, and also to utilise these findings to estimate future requirements over a longer period. Arising from this research, ORS produced a report to meet the Welsh Government requirements as published in their Guidance document, and a copy of this Final Report was attached at Appendix 1 to the report.

The Corporate Director Communities then referred to paragraph 4.7 of the report, which outlined the conclusions arising from the above mentioned assessment, and he briefly gave a resume of these for the benefit of Members.

The Cabinet Member Communities thanked the efforts of the Steering Group for all their hard work, and was pleased to note that the Authority were playing its part to support gypsies and travellers, should they look to reside in the BCB.

The Cabinet Member Children's Social Services and Equalities advised that the Council were monitoring any potential sites that could be accommodated for gypsies and travellers should the need arise, adding that there were sites where they resided, on the fringes of the border of BCBC.

RESOLVED: That Cabinet:

1. Noted the findings of the Gypsy & Traveller Accommodation Assessment.
2. Approved submission of the Assessment (attached as Appendix 1 to the report) to Welsh Government for their approval.

866. PROPOSED INTRODUCTION OF BLUE BADGE CHARGING IN OFF-STREET CAR PARKS

The Corporate Director Communities presented a report, seeking Cabinet approval to re-consult on proposed changes for the future provision of the introduction of Blue Badge charging in Council Managed Off-Street Car Parks within the Bridgend County Borough.

He confirmed that reports were presented to Cabinet on 31 March 2015 and 14 July 2015, which among changes to disabled parking provision, proposed changes to the concession to disabled parkers that allow these users to park free of charge in all Council car parks throughout the County Borough where other users may be required to pay to park.

Paragraph 3.2 of the report then outlined the measures in place which assist in providing equitable access to these car parks, particularly for those who are participants in the Blue Badge Scheme.

The Corporate Director Communities added, that the recommendation of the first Cabinet report above was to proceed with an informal consultation and report back on the outcome of this for consideration by Cabinet of an appropriate way forward. The report also increased the number of parking spaces in off-street car parks, to accommodate the disabled and disabled parking (45 spaces) and details regarding these were shown in paragraph 7.1 of the report.

He then explained that the recommendation of the second Cabinet report referred to above, was to give Officers approval to proceed to the next stage of statutory consultation required under the Regulations which was duly approved. The Council received 16 responses to this consultation exercise and these were shown in paragraph 3.18 of the report.

The Corporate Director Communities then stated that a public survey on the Blue Badge parking had also been conducted the end of last year, and the majority of the respondents to the survey (83%) used Council managed Off-Street Car Parks, half of which used the facilities more than once a week. Based upon this, any change to the current service is likely to have an impact on the majority of the residents who have responded. If the proposal was introduced, the majority of respondents (71%) supported the introduction of more parking spaces for blue badge holders, and more than half of the respondents (52%) stated they supported the introduction of an additional hour of parking for blue badge holders. In the associated qualitative section for the latter question, 42% of those who provided a comment stated that they did not support the proposal, and that parking for blue badge holders should remain free.

As a result of the consultations undertaken to date and the feedback to these, the Authority had decided to carry out a further consultation exercise incorporating some of the suggestions and issues raised, together with some further proposals for consideration. Paragraph 4.2 then highlighted some of the issues raised by the previous consultation exercises.

The Corporate Director Communities then stated that it would therefore be appropriate that the above issues be taken into consideration in the new consultation, and that a number of options be put forward as part of the consultation process, and these options were confirmed in paragraphs 4.4 – 4.9 of the report inclusive.

Due to the timescales between the previous Cabinet report's, it was decided that an update was required on the current number of marked disabled parking spaces in these car parks, particularly in light of the relocation of Shopmobility to Brackla 1 Off-Street Car Park, and the results were as shown in Table 2 contained in paragraph 4.10 of the report.

The remainder of the report advised the Corporate Director Communities, expanded upon the processes that would be followed as part of the next consultation process in order to get as full and positive response as possible to this latest exercise.

Finally, the Corporate Director Communities referred to the report's financial implications, and that there would be a requirement to upgrade 7 pay and display machines to be compliant for use, as well as to amend car parking Orders to implement such changes subject to the outcome of the statutory consultation on the proposal.

The Cabinet Member Communities advised that the number of different consultation exercises undertaken as outlined in the report, reflected that the Authority were a listening Council, who take on board the views of individuals who actively engage in consultation exercises initiated by BCBC.

RESOLVED: That Cabinet approved:

1. The revised proposal outlined in the report.
2. That a further report be presented to Cabinet upon completion of the consultation exercise together with the findings of the full EIA.

867. WASTE SERVICES PROVISION

The Corporate Director Communities submitted a report, to set out for consideration by Cabinet the findings of the recent public consultation on the provision of residual and recycling collection services and the provision of services at the Council's Household Waste Amenity Sites (HWAS).

By way of background, he explained that the Domestic Waste Collections Service and Household Waste Amenity Sites have been delivered via a contract for services since 2003 and 2004 respectively. These were however brought together in March 2010, following a competitive dialogue procurement exercise into a single integrated contract for the provision of waste and recycling services which was awarded at the time to May Gurney but was now operated by Kier.

Paragraph 3.3 of the report, outlined what the current collection service consisted of up until the end of the Contract in March 2017.

The next section of the report outlined discussions that had taken place with neighbouring authorities to look at forging closer working ties in the area of waste management, though these to date had not proved to be wholly successful.

The report then gave information in respect of Waste Services Model Options, and that it was incumbent upon the Authority, to in future years meet the Welsh Government (WG) recycling rates, as outlined in paragraph 4.2.1.2 of the report. The Corporate Director Communities advised that the Council were projected to fall below the current target rate set down by WG i.e. 58%, and if this proved to be the case it would be subject to the imposition of fines.

In order to increase recycling, a number of methods exist that can facilitate changes in the behaviour of the residents of BCBC to recycle more material, and these were exemplified in paragraph 4.2.5 of the report.

Paragraph 4.2.7 of the report stated that the principle of restriction of residual waste is known to be by far the greatest driver for increasing recycling percentages, as was demonstrated by the increase in the Bridgend County recycling percentage when residual collections were changed to a fortnightly cycle. The Corporate Director Communities advised that Cabinet should note a 5% change in the Authority's municipal solid waste stream from residual to recyclable waste would save circa £0.5m per annum based on current disposal costs.

The next section of the report gave information as to a public consultation undertaken that reviewed BCBC's household waste and recycling service undertaken from the end of last year to the beginning of this and the outcomes of this. The following proposals were consulted upon in terms of reviewing BCBC's household waste and recycling service:-

- Proposal 1 – How the Council collects black bag household waste
- Proposal 2 – Introducing an absorbent hygiene products collection service
- Proposal 3 – Recycling black bag waste at household waste amenity sites

The Corporate Director Communities stated that detailed breakdowns of the results of the public consultation were attached to the report at Appendix A, while an extract of the information attached to each proposal was presented at Appendix B. This table provided Members with an overview of the findings of the public consultation. The Equality Impact Assessment was attached to the report at Appendix C. He added that subsequent paragraphs of the report gave the outcomes of the public consultation, and the Council's observations on these suggestions, particularly in relation to an Absorbent Hygiene Products Waste Collection Service and Household Waste Amenity Sites.

The Corporate Director Communities then referred to the report's financial implications and confirmed that the introduction of wheeled containers for residual waste would have a financial impact on the waste collection budget in the order of £2m over the term of the Contract. A further report on the outcome of the financial implications from the tendering process for the new waste services collection Contract would be placed before Cabinet for further consideration in due course.

The Cabinet Member Communities commended the report and the huge amount of work committed to the future consideration of Waste provision by Officers, and the considerable consultation processes that had been followed from which, 76% of those that had responded had supported the preferred option as detailed in the report. This option would assist the Authority reaching WG's targets going forward in terms of recycling he added.

The Cabinet Member for Regeneration and Economic Development advised that the Council had to put in place ways to avert toxic and other undesirable forms of waste going to landfill sites, whilst the Cabinet Member Adult Social Care and Health and Wellbeing confirmed that the public still needed to be educated further about the methods of recycling different products of waste.

The Cabinet Member Children's Social Services and Equalities confirmed that it was positive to see absorption hygiene products being considered as part of future proposals for collection. She asked if the new Contract being pursued would include a clause that

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would assist disabled people to put out their waste, particularly if collection points were not situated immediately outside their properties.

The Corporate Director Communities confirmed that the Contract would have some provision for this for those that qualified for it.

The Deputy Leader concluded debate on this item, by stating that the wheelie bin option, whilst being a popular choice, would be a very expensive option that would increase year on year as recycling targets increased. He further added that householders needed to be discouraged from placing all different types of waste products for recycling in the same bag for landfill, as this was bad for the environment.

RESOLVED: That Cabinet:

1. Considered the outcomes of the public consultation which was undertaken over an eight week period from 14 December 2015 to 8 February 2016.
2. Gave approval to tender The Waste Collection Service Contract with the documentation prepared for a term of 7 years commencing on 1st April 2017 and the specification in that contract should be based upon the Cabinet's resolutions in respect of this report.
3. Approved the proposals to collect residual waste on a 2 weekly cycle, and to restrict the amount of residual waste collected from each household to 2 number sacks in line with the findings of the public consultation.
4. Considered the outcomes, associated costs and consequences of the public consultation and attached information on the type of containment for use on the household waste collection service, and approved the use of sacks as opposed to wheeled bins as a method of residual waste containment.
5. Approved the option of a change to the specification of the residual waste collection sacks, as a means of contributing towards compliance with the collection system.
6. Approved the option of introducing an Absorbent Hygienic Products collection service to coincide with a restriction on the number of sacks that are collected, this is intended to support families and residents who use Absorbent Hygiene Products.
7. Approved the renaming the Household Waste Amenity Sites as Community Recycling Centres, and approved the introduction of a policy for use at the Authority's Community Waste Amenity Sites of asking the public to pre-sort any residual waste collection sacks waste into its recyclable components to minimise the residual waste arising at the sites.
8. Delegated to the Corporate Director – Communities the power to take decisions on operational matters related to the delivery of various aspects of the service, and to approve and issue the tender documentation for the Waste Collection Service Contract in consultation with the Assistant Chief Executive Legal & Regulatory Services and the Section 151 Officer.
9. Noted that Cabinet will receive a further report on the outcome of the tender process for the procurement of Waste Collection Service Contract and to seek Cabinet's approval to award a contract as a result thereof.

868. STATUTORY AGREEMENTS - UN-ADOPTED ROADS AND PATHS THAT ARE SUBJECT TO SUCH AGREEMENTS

The Corporate Director Communities submitted a report, seeking approval to trial the services of a special consultant to complete works in connection with selected outstanding statutory highway agreements so that roads and paths that are subject to such Agreements within developments can be adopted by the Highway Authority without having to use public funds.

The Corporate Director Communities outlined the report's background, and advised that the main thrust of the report was to advise Cabinet that there were a large number of un-adopted roads in the County Borough, and therefore, that there was a proposal to trial a company to adopt some of these highways by way of a bonded payment supporting Section 38 Agreements, as the Council had insufficient resources to pursue the adoption of such roads.

Enquiries had been made as other local highway authorities had employed consultants to carry out this work with some success, and therefore, the Council had been in consultation with Bellavail Indemnity Manage Services who could provide such a service and had in fact worked for a number of other local authorities and successfully dealt with over 300 outstanding Agreements over the past 6 years. The Corporate Director Communities emphasised that this would be undertaken on a trial basis initially, with the results of this being reported back to Cabinet.

He concluded his report by stating that the use of a specialist consultant would have no financial impact on the Council as the Consultant's fee will be recouped as part of the "establishment charges" defined in the relevant statutory highway agreements.

The Cabinet Member Communities advised that he hoped that the trial would be a success, as quite a considerable number of homes were affected by un-adopted roads that took an inordinate length of time to resolve.

RESOLVED: That Cabinet:

1. Approved for the Corporate Director-Communities to enter into a trial arrangement with Bellavail (IMS) where they are engaged to bring the highways for an identified area or areas to be decided upon by the Corporate Director - Communities to an adoptable standard utilising the bond supporting the main agreement, and in order for the trial to take place Cabinet authorise under Rule 3.6 waiver of the Council's Contract Procedure Rules to enter into the agreement with Bellavail (IMS).
2. Upon completion of the trial the results of the trial be reported back to Cabinet and if the trial is deemed to be successful and the service offered is still required then arrangements will be made for tender documents to be prepared and issued in accordance with the appropriate procurement processes to engage the services of a specialised consultancy service.

869. HIGHWAYS AND OPEN SPACE GRASS CUTTING ARRANGEMENTS 2016

The Corporate Director Communities submitted a report, seeking Cabinet approval for the preferred service level for highway and open space grass and hedge cutting; and for the award of the contract for the provision of grass and hedge cutting services, as detailed in the report.

By way of background information, he explained that as part of the MTFs for 2015/16, the Grounds Maintenance and Bereavement Services had a savings target of £437k to achieve, and in seeking to meet this target a comprehensive review of the staffing structures and management arrangements within the Parks and Playing Fields service area was initiated, including to review certain operational practices and procedures. Part of this review identified the cutting of highway and open space grass across the County Borough as an area where savings could be made. Following a review of grass cutting arrangements, tenders were sought from selected Contractors for a range of service level options, and Cabinet on 3 February 2015 made a decision to award the contract to the lowest price tenderer and to reduce the service level from 9 annual urban cuts and 5 annual rural cuts to 7 and 4 cuts respectively, together with other elements of maintenance

The Corporate Director Communities advised that whilst the performance of the contract was acceptable on balance, the Contractor, whilst keen to continue providing the service for the Council, was of the opinion that he was unable to do this for a 2nd year on the basis of the existing contract.

Based on the experience gained last year changes were made to the tendered contract, and these were illustrated in paragraph 3.6 of the report.

A Tender process was then followed he stated, and the details and outcome of these were explained in paragraph 4 (and the sub-paragraphs of that paragraph) upon which he gave a resume for Members.

With regard to the report's financial implications, the Corporate Director Communities advised that the selection of Contractor 5 to deliver Service Level 2, would result in an 'underlying' increase in cost of £80k. However, this increase he added, could be met from within existing budgets by savings generated through the restructure of the service area in 2015/16 and 2016/17, together with overtime reductions. Despite the increase in cost there was still a net saving in outsourcing this element.

RESOLVED: That Cabinet approved the award of contract to Contractor 5 (Total Ground Care Ltd) for the delivery of Service Level 2, as detailed in the report.

870. **NATIONAL PATHWAY FOR HOMELESSNESS SERVICES TO CHILDREN, YOUNG PEOPLE AND ADULTS IN THE SECURE ESTATE**

The Chief Executive submitted a report, the purpose of which, was to update Cabinet on the National Pathway for Homelessness Services to Children, Young People and Adults in the Secure Estate developed by Welsh Government, and to seek delegated authority for the Chief Executive to sign up to the spirit of the National Pathway.

The report outlined some background information, and went on to confirm that preventing homelessness can help to break the cycle of offending, as well as avoiding all the negative impacts which can result from being without a home. The Pathway offered significant opportunity to help individuals avoid homelessness on release from custody.

The Chief Executive confirmed that from 1 May 2015, every adult prisoner has had access to 'Through the gate' resettlement services which starts whilst they are still in custody and continues in the community. The aim is to reduce offending by providing a package of support, which may include assistance in finding accommodation.

He went on by adding that the duty to prevent homelessness under the new Act, was irrespective of whether the applicant has a local connection to Bridgend, or whether the applicant is intentionally homeless.

The remaining paragraphs of the report, outlined how the Pathway operated, whilst paragraph 4.20 confirmed that Welsh Government has now requested that all local authorities sign up to the spirit of the Pathway, to support prisoners on release from custody. Welsh Government must report back to both the Minister for Communities and Tackling Poverty, and the Minister for Public Services with regards to the Local Authority's decision.

The Cabinet Member Communities advised that the above support mechanism would help encourage offenders not to re-offend.

RESOLVED: That Cabinet noted the report, and delegated authority to the Chief Executive to sign up to the spirit of the National Pathway for Homelessness Services to Children, Young People and Adults in the secure Estate, on behalf of the Authority.

871. **FINANCIAL ASSESSMENT AND CHARGING FRAMEWORK UNDER THE SOCIAL SERVICES AND WELLBEING (WALES) ACT 2014**

The Head of Finance and ICT presented a report, in order to update Cabinet on the changes to the financial assessment framework introduced by the new Social Services and Well-being (Wales) Act 2014 for residential and non-residential services, and to seek approval to undertake a formal consultation exercise to inform a new Charging Policy.

He confirmed that the charging and financial assessment provisions are contained in Part 5 of the above Act, and this allows local authorities to impose charges for providing or arranging a service where appropriate. The Act provides for regulations to create a framework for charges, including matters to be taken in account in determining a person's ability to pay; and a system for review of a local authority's determination in this respect.

The Head of Finance and ICT advised that the Act provides for a single legal framework for charging for care and support, or in the case of a carer, charging for support. It provides a local authority with the discretion to charge in either case. It also provides authorities with the discretion to require payment of a contribution, or a reimbursement, towards the cost of securing care and support (or support to a carer) where a person receives direct payments to enable them to obtain this. Local authorities can exercise this discretion to charge, or to require a contribution or reimbursement where they feel it is appropriate to do so and where they have established that the person required to pay any charge, contribution or reimbursement has sufficient financial means to do so. The framework entirely replaces the existing framework that is currently in use he added.

He then referred to paragraph 4.3 of the report which outlined the main charges being introduced by the Act in relation to Charging and Financial Assessments, whilst

paragraph 4.4 confirmed the major elements of the Authority's existing framework that remained unchanged under the new framework.

The Head of Finance and ICT then referred to the section of the report relating to Deferred Payments. These are legal agreements which currently allow the resident to defer part of their care payments until either the resident sells their main home, or until 56 days after the resident's death.

However, the Social Services and Wellbeing (Wales) Act 2014 introduced some changes to deferred payments, and the main ones of these were identified in paragraph 4.7 of the report.

The Head of Finance and ICT then confirmed, that once more as a result of the Act, it was necessary to propose a change to paragraph 5.9 of Scheme B2 of the Scheme of Delegations as a function allocated to the Corporate Director Social Services and Wellbeing, and this amendment was required to be affected from 6 April 2016. The amendment was shown in paragraph 4.10 of the report.

He then concluded his submission by sharing with Cabinet, information relating to a new Charging Policy. As local authorities were required to charge for residential accommodation under the National Assistance Act 1948, there was no requirement for Councils to have a policy in relation to residential charging. Therefore, in order to inform and create a new Charging Policy, it was necessary to undertake a formal consultation exercise. He added that the non-residential charging policy that was agreed by Cabinet on 30 April 2013 would also be reviewed.

Finally, he advised that the new financial assessment rules apply to those that have new care plans made under the Act. Existing cases would be transferred onto the new assessment arrangements during April 2016.

The Cabinet Member Adult Social Care and Health and Wellbeing expressed a little concern regarding the report's financial implications and paragraph 7.2, where it stated that any loss of income as a result of the report's proposals would be met from within existing Social Services and Wellbeing resources, which may put further pressure on the service. He asked the Corporate Director Resources if she could look at this as part of the budget requirements, and she agreed that she would.

The Head of Finance and ICT confirmed that such a budget pressure could arise if a person had more than one 8 week period in respite care in the space of 12 months.

The Deputy Leader added that this should be monitored, as Anglesey Council had predicted that costs for the changes relating to the financial framework assessment of residential respite care alone as a result of the introduction by the new Act could be as much as £1m.

RESOLVED: That Cabinet:

1. Noted the new financial assessment and charging framework under the Social Services and Well-being (Wales) Act 2014.
2. Approved that a formal consultation exercise be undertaken in order to inform a Charging Policy as set out at paragraphs 4.11 - 4.14 of the report.
3. Noted that a further report would be brought to Cabinet following the outcome of the consultation exercise.

4. Approved amendment to the Scheme of Delegations in relation to Deferred Payment Agreements as set out in paragraph 4.10 of the report with effect from 6 April 2016.

872. RECONFIGURATION OF PIL PRIMARY MLD LEARNING RESOURCE CENTRE

The Corporate Director Education and Transformation submitted a report, The purpose of which was to seek Cabinet's approval to consult formally with parents, staff, the governing body of Pil Primary School and any other interested parties, to close the moderate learning difficulties (MLD) learning resource centre at the school.

The above proposals also related to the Educational Inclusion Strategy which was agreed by Cabinet in March 2009. Within that policy it states the desire for all BCB schools and education providers to be inclusive learning communities that value diversity, and that can accommodate as wide a range of needs as possible. It also stated the belief that the needs of the overwhelming majority of school-age learners can and should be accommodated in local schools that are properly equipped and fit for purpose, and that reflect the diverse strengths of the communities they serve.

The Corporate Director Education and Transformation advised that there has been a successful approach by the Inclusion Service in training staff in schools to support pupils with moderate learning difficulties. Staff were far better equipped to identify needs at an earlier stage and support pupils with moderate learning difficulties through a differentiated curriculum in mainstream classes, rather than placing children with these difficulties in a separate unit. However, there is also sufficient alternative provision within the County Borough for those pupils with moderate learning difficulties, who are unable to access mainstream classes and need to make use of a separate learning resource facility.

She added that the Council supports the principle that, whenever possible, children should be educated within a mainstream school environment as near to their home as possible.

The proposal if approved would mean that:

- The MLD (Moderate Learning Difficulty) learning resource centre provision at Pil Primary School comprising of 1 classroom that can accommodate 15 pupils would close. There is currently only one pupil placed in the learning resource centre, and this pupil is transitioning to secondary school in September and this pupil is transitioning to secondary school in September.
- There will remain two learning resource centres for MLD pupils in the West locality, one in Cefn Cribwr Primary School and the other in Corneli Primary school. Current demand indicates that there will be 10 places available in the west from September 2016.
- It is proposed to close the learning resource centre from 1st September 2016.

The Corporate Director Education and Transformation concluded her report by advising Cabinet of the financial implications pertaining to the proposal.

The Deputy Leader confirmed that that the Moderate Learning Difficulty learning resource centre provision at Pil Primary school would be empty in September 2016, and the Education Authority was clear about ensuring that demands in the future to

accommodate children with learning and other difficulties would be provided for and supported as necessary in schools where there was a demand for this.

He added that there was more than enough spaces in the two other schools within this cluster group from September to cater for any increase in demand of pupils with MLD, and that savings from the centre that was proposing to be closed would be used to support children in other parts of the County Borough, and not just those with MLD, but also those children with any needs of another kind.

RESOLVED: That Cabinet agreed to consult formally on the proposal to close the Moderate Learning Difficulties (MLD) learning resource centre at Pil Primary School with effect from 1 September 2016, and for the outcome of the consultation to be reported back to Cabinet so that an informed decision can then be made on the proposal.

873. SCHOOL MODERNISATION - GARW VALLEY SOUTH, INVITATION TO TENDER

The Group Manager, Property Services presented a report, seeking Cabinet approval to undertake a pre-qualifying tender exercise for the construction of the Garw Valley South schools. Subsequent to the completion of this exercise and subject to the successful appropriation of land at Betws Primary School and obtaining appropriate planning permission, to tender for the construction of the new schools.

She confirmed that on the 16th September 2014 Cabinet agreed to participate and be a signatory to the South East Wales Schools Capital Procurement Framework (SEWSCAP Framework) for a four year period, commencing April 2015.

On 31st March 2015 Cabinet agreed to proceed with a replacement of Betws Primary School on land which has been used as the playing fields of the existing school site, and which is also an area of public open space. On 1st September 2015 Cabinet approved the proposal to relocate Ysgol Gynradd Gymraeg Cwm Garw to the existing Betws Primary School site with effect from September 2018.

The Group Manager, Property Services then further advised that on 16th February 2016, Cabinet approved the publication of a S122(2A) Local Government Act 1972 Notice. A local authority can appropriate land for any purpose for which the Council is authorised by any enactment to acquire land by agreement and which belongs to the Council and is no longer required for that purpose for which it is held immediately before being appropriated. However, where that land is an area of public open space there is a requirement under Section 122 (2A) that before such land is appropriated that the Council's intention to appropriate the land is advertised in accordance with the requirements of Section 122(2A) and to consider any objections it receives to the proposed appropriation. Cabinet will in due course consider any objections in order to assess whether the land which forms part of an open space should be appropriated for educational purposes.

In terms of the present situation, she advised that the tender process for the SEWSCAP Framework was undertaken and administered by Rhondda Cynon Taff County Borough Council, in conjunction with Capita Glamorgan on behalf of all participating Councils. Throughout the process of establishing the SEWSCAP Framework, Bridgend County Borough Council (BCBC) officers expressed the need to include the full suite of JCT and NEC contracts to allow flexibility in determining the most suitable contract available for the individual projects of the respective Councils.

The Outline Business Case, which has received approval by Welsh Government, indicated that the SEWSCAP Framework would be used as the procurement route for the scheme. Welsh Government have now been advised of the issues detailed within this report and have given their approval for Garw Valley South to be procured as a separate contract following an EU compliant procedure.

The Group Manager, Property Services explained that during the first stage the potential contractors will be asked to complete a pre-qualification questionnaire which will be assessed and scored in accordance with the scoring criteria set out in the tender documents. The second stage will invite contractors to tender for the works.

With regard to the report's financial implications, she explained that the cost of the scheme will be contained within the approved Capital Programme budget of £10 million. Where a capital project requires works to be done to improve highways access to the school, this would not qualify for Welsh Government grant, and would fall to the local authority to fund. The Welsh Government would provide half of the funding for the eligible elements of the scheme with the remainder coming from capital receipts the Council has agreed, will be ring fenced for the School Modernisation Programme.

RESOLVED: That Cabinet:

1. Approved a pre-qualifying tender exercise be undertaken for the construction of the Garw Valley South schools.
2. Subject to the successful appropriation of land at Betws Primary School and obtaining of appropriate planning permission in respect of the planning application, approved the issue of an invitation to tender for the construction of the new schools.
3. Noted that Cabinet will in due course receive a further report seeking Cabinet's approval for the award of the contract to the successful tenderer

874. **ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 AND AMENDMENT TO THE SCHEME OF DELEGATION OF FUNCTIONS**

The Group Manager Legal and Democratic Services presented a report, that was seeking Cabinet approval to amend the Scheme of Delegation of Functions as a result of the Home Offices' reform of anti-social behaviour powers.

By way of background information, she explained that Anti-social behaviour is a broad term to describe the day-to-day incidents of crime, nuisance and disorder that make many people's lives a misery: from litter and vandalism, to public drunkenness or aggressive dogs, to noisy or abusive neighbours. Such a wide range of behaviours means that responsibility for dealing with anti-social behaviour is shared between a number of agencies, particularly the police, councils and social landlords. The Home Office has reformed the anti-social behaviour powers to give professionals increased flexibility they need to deal with any given situation.

She explained that the Anti-Social Behaviour, Crime and Policing Act 2014, makes provision about anti-social behaviour, crime and disorder. The Act sets out the following 6 new tools for responsible bodies and responsible authorities:-

- Injunction;
- Criminal Behaviour Order (CBO);
- Dispersal power;

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- Community Protection Notice (CPN);
- Public Spaces Protection Orders (PSPO); and
- Closure Power

The Group Manager, Legal and Democratic Services gave a resume of each of the above tools, and a brief explanation upon each one was also outlined in the report.

She further explained that as a result of the 2014 Act, it was also proposed to add a further provision to Scheme B2 of the Scheme of Delegations as a function allocated to the Assistant Chief Executive, Legal and Regulatory Services, and that the Anti-Social Behaviour, Crime and Policing Act 2014 be inserted into the list of enactments at Scheme B2, paragraph 2.58. Details of these were shown in paragraphs 4.2 and 4.3 of the report, respectively.

RESOLVED: That Cabinet noted the content of the report and approved the amendments to the Scheme of Delegation of Functions as set out at paragraphs 4.2 and 4.3 of the report, and further noted that a further report would be presented to Cabinet regarding Public Spaces Protection Orders.

875. INFORMATION REPORTS FOR NOTING

The Assistant Chief Executive Legal and Regulatory Services submitted a report, the purpose of which was to inform Cabinet of the Information reports and minutes of Joint Committees which have been published since its last scheduled meeting.

In respect of the report entitled Estyn Inspection outcomes for Llangewydd Junior School, the Deputy Leader congratulated the school on an excellent report, and the fact that the Head teacher there was soon to retire and she had led by example in terms of performance at the school.

In respect of the report entitled Bridgend College Partnership Working, he commended the proposals contained in the report that would result in increased partnership working between the College and BCBC as these proposals started to evolve.

The Corporate Director Social Services and Wellbeing also spoke on the Information report with regard to the Social Services and Well-Being (Wales) Act 2014.

She explained that work was ongoing to ensure the Directorate were compliant with the provisions of the Act insofar as it impinged upon local authorities by the date it was officially introduced ie 6 April 2016.

She advised that the Act has two key policy objectives, which were to improve the wellbeing outcomes for people who need care and support, and to reform social services law.

The Corporate Director Social Services and Wellbeing also advised that the Act strengthens local authorities' duties for the reasons expressed in paragraph 3.4 of the report.

The report then confirmed that the Act was made up of 11 Parts, briefly summarised as follows:-

1. Introduction
2. General Functions

3. Assessing the needs of individuals
4. Meeting needs
5. Charging and Financial Assessment
6. Looked After and Accommodated Children
7. Safeguarding
8. Social Service Functions
9. Well-being Outcomes, Co-operation and Partnership
10. Complaints, Representations and Advocacy Services
11. Miscellaneous and General

The Corporate Director Social Services and Wellbeing elaborated upon the main provisions of each of these parts of the Act, and she added that funding would be received from Welsh Government to put in place key policies and procedures introduced as part of the Act.

RESOLVED: That Cabinet acknowledged the publication of the above documents listed in the report, and the minutes of Joint Committees included therein for noting.

876. URGENT ITEMS

None

877. 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 items of business, i.e. minutes and reports, as they contain 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.

The Group Manager Legal and Democratic Services confirmed that in respect of the first, third and fourth items below, the public interest test would apply, however, in respect of the second item the public interest test would not apply as the report contained information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Following the application of the public interest test for the other items, it was resolved that pursuant to the Act referred to above, to consider these items in private with the public being excluded from the meeting as they would involve the disclosure of exempt information of the nature as stated above.

878. APPROVAL OF EXEMPT MINUTES

879. EXTENSION TO WELSH PURCHASING FRAMEWORK CONTRACTS

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- 880. LOCAL GOVERNMENT PENSION SCHEME DEFICIT
- 881. DISPOSAL OF LAND AT FORMER OGMORE COMPREHENSIVE PLAYING FIELDS, BRYNCETHIN

The meeting closed at 4.50 pm