

MINUTES OF A MEETING OF THE CABINET HELD IN COMMITTEE ROOMS 1/2/3, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON TUESDAY, 10 JANUARY 2017 AT 2.30 PM

Present

Councillor HJ David – Chairperson

CE Smith
CL Reeves

HJ Townsend

PJ White

HM Williams

Officers:

Randal Hemingway	Head of Finance & Section 151 Officer
Darren Mephram	Chief Executive
Susan Cooper	Corporate Director - Social Services & Wellbeing
Andrew Jolley	Corporate Director Operational & Partnership Services
Mark Galvin	Senior Democratic Services Officer - Committees
Zak Shell	Head of Neighbourhood Services
Nicola Echanis	Head of Education & Family Support

1029. DECLARATIONS OF INTEREST

None

1030. APPROVAL OF MINUTES

RESOLVED: That the Minutes of a meeting of Cabinet dated 29 November 2016 be approved as a true and accurate record.

1031. RESPONSE TO THE RECOMMENDATIONS OF THE CORPORATE RESOURCES AND IMPROVEMENT OVERVIEW AND SCRUTINY COMMITTEE IN RELATION TO BUDGET MONITORING 2016-17 Q.1

The Section 151 Officer submitted a report that presented Cabinet with information to agree a response to the recommendations of the Corporate Resources Overview and Scrutiny Committee (CRI) in relation to the monitoring of the Budget 2016-17, Quarter 1.

He confirmed that on 1 November 2016, a report was presented to Cabinet by a representative of the CRI Committee, which asked Cabinet to consider its recommendations in relation to the Authority's budget and to respond by the date of the next meeting of Cabinet.

The Section 151 Officer then referred to paragraphs 4.1 to 4.4 of the report, which contained information in respect of concerns raised by the CRI Committee in respect of certain budget proposals, and he gave a resume of these, for the benefit of Members.

He then made reference to paragraph 7.1 of the report, which detailed in table format the budget reduction proposals which the CRI Committee had highlighted and these totalled £375k. Following details of this, further information was highlighted in the report with regard to the Corporate Director – Communities identifying certain mitigations with regard to these reductions, but for the periods of 2016-17 and 2017-18 only.

The residual shortfall in terms of these mitigations amounted to £25k, and any variations from these estimates would be targeted from opportunistic underspends across the Directorates c. £25 million net budget.

The Cabinet Member – Communities commended the overview and scrutiny process for discharging its functions admirably in this instance, and she urged all Directorates to target achieving the savings required of them under the MTFS.

The Leader emphasised that the mitigating savings would be income generated or savings that would not result in a reduction of frontline services.

The Cabinet Member Social Services and Early Help asked if the saving required for a reduction in street lighting, were savings resulting from the provision of LED lighting or a total switch-off.

The Head of Neighbourhood Services confirmed that it was in respect of LED lighting.

RESOLVED: That Cabinet approved the response set out in section 4 of the report.

1032. INTERNAL AUDIT SHARED SERVICE UPDATE

The Chief Executive presented a report, the purpose of which, was to propose an extension to the Internal Audit Shared Service Partnership Agreement until 31 January 2020.

He advised that on 1 February 2017 the Internal Audit Shared Service would be commencing its fifth year of collaboration, and within the Partnership Agreement, there was scope to extend this further, and paragraph 4.3 of the report confirmed that overall the Service was working well and continuing to meet its objectives. The overall cost of the service had been delivered year on year within budget and further details regarding this was outlined in Appendix A to the report.

The Chief Executive added that avenues were being pursued in order to ascertain if other neighbouring authorities would wish to become involved in this joint service in order to expand and develop it further.

He concluded his submission by advising Cabinet that on 12 December 2016, the Vale of Glamorgan's Cabinet agreed to an extension of the shared service.

The Deputy Leader welcomed the report, whilst the Cabinet Member – Communities added that it would be of benefit if the service was extended to other neighbouring authorities situate in the City Deal footprint.

RESOLVED: That Cabinet approved an extension to the Internal Audit Shared Service partnership arrangement as follows, i.e. the extension of the partnership for a further period of two years to 31 January 2020.

1033. OUTCOME OF THE CONSULTATION 'SHAPING BRIDGEND'S FUTURE'

The Head of Finance and S151 Officer submitted a report, that informed Cabinet of the outcome of the 'Shaping Bridgend's Future' consultation, which asked citizens to share their views on a number of key budget proposals being considered over the Medium

Term Financial Strategy (MTFS) period. The report provided an overview of the budget consultation activities, analysis and key findings.

The report gave some background information, and advised that respondents were asked, using budget sliders and preference selectors, to share their views on 15 key budget proposals being considered between 2017-18 and 2020-21, examples of which were detailed in paragraph 3.2 of the report.

Paragraphs 3.4 to 3.7 of the report, described the manner within which the consultation exercise was promoted and marketed, and the Head of Finance and S151 Officer was pleased to advise that engagement with constituents had improved year on year in terms of the number of responses.

Appendix 1 to the report contained the Consultation Report and this detailed the full responses and views expressed by those who participated in the exercise. Page 65 of this document contained a summary of the responses, while paragraph 4.3 of the report categorised these, for example through social media and other various methods and ways of engaging with the public. Paragraph 4.4 of the report, detailed the range of different responses that were received on the consultation. The responses also reflected that these were low with regard to members of the public under the age of 18 and within the age range of 18 – 24.

The Deputy Leader advised that he welcomed the responses, which had increased by 700 when compared to the number received in respect of the consultation last year. He added also that BCBC were one of the top Authorities in Wales when it came to engaging with the public on proposals contained within the MTFS, and that a large number of the Council's proposals in respect of its Budget respondents had agreed with.

He further added that in the face of increased automating of Council services, the Authority would still enable face to face dialogue where this was preferred.

The Deputy Leader concluded, by advising that the responses received were being closely examined in line with the proposals of the MTFS.

The Cabinet Member Social Services and Early Help, confirmed that he was pleased to see that there was some significant support from constituents with regard to services being provided by the likes of Social Enterprises and Charitable Trusts on behalf of the Authority, in order to maintain and improve the provision of services such as libraries and recreation facilities that encouraged healthy living.

The Leader asked if there was scope for constituents to make a saving by, for example, paying their Council Tax or Refuse bills on-line. He was aware that this would probably not be possible for statutory services but may be for those designated as non-statutory.

The Head of Finance and S151 Officer advised that he would look into this, and come back to the Leader outside of the meeting.

RESOLVED: That Cabinet noted the outcome of the consultation with interested parties as detailed in the Consultation Report attached at Appendix 1 to the covering report.

1034. COUNCIL TAX REDUCTION SCHEME

The Head of Finance and S151 Officer presented a report, the purpose of which, was to provide Cabinet with information regarding the implementation of the 2017-18 Council

Tax Reduction Scheme (CTR) (to be adopted by 31 January 2017), together with the funding implications.

He confirmed that on 20 January 2016, the Council adopted the CTR for 2016-17 in accordance with the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013, with this scheme ending on 31 March 2017.

The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2017 have now been laid. These regulations update the financial figures used in the CTR schemes and makes amendments to:

- Explain how a local authority should calculate an applicant's weekly income (i.e. to consider income that the person expects to receive as well as income that has been received).
- Ensure consistency with other inter-related social security legislation by taking tax reliefs into account when determining net earnings, and with regards the treatment of the Universal Credit carer's element in determining the applicable amount.
- Correct inconsistencies between the Welsh and English language versions of the 2016 Regulations.

The new regulations do not contain any significant changes from the claimants' perspective to the current scheme, and the maximum level of support that eligible claimants can receive remains at 100%. The regulations can be found at:
<http://www.assembly.wales/laid%20documents/sub-ld10857/sub-ld10857-e.pdf>

Paragraph 4.6 of the report, then advised of the limited discretion given to the Council, to apply discretionary elements that are more generous than the national scheme. These discretionary elements were contained in this section of the report.

The Authority had to adopt a CTR Scheme by 31 January 2017 under the above legislation.

A consultation had taken place recently advised the Head of Finance and S151 Officer on the three discretionary elements of the scheme, to which a total of 681 responses were received, with the minority of respondents (16.6%) indicating that they were currently in the receipt of CTR.

The total estimated cost to the Council for the most supported discretionary options as highlighted in the report for 2017-8 was £22k, and it was therefore proposed, that the discretionary elements be as follows:-

- The extended payment period is maintained at the minimum standard of 4 weeks.
- War Disablement Pensions and War Widows Pensions are fully disregarded when calculating entitlement to CTR. The estimated cost of this proposal is £22,000.
- Backdating is reduced to the minimum standard of 3 months.

The Head of Finance and S151 Officer then outlined certain main issues in respect of the report's proposals, whilst paragraphs 4.24 to 4.29 of the report, contained the finer details of the scheme.

The Deputy Leader confirmed he was happy with the proposals of the report, whilst the Leader stated that he was pleased the Authority were supporting war veterans and their widows/widowers, as this also meant the Council were honouring its Armed Forces Covenant.

RESOLVED: That Cabinet:

- (a) Noted the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013, and the 2014, 2015, 2016 and 2017 amendment regulations.
- (b) Noted the outcome of the consultation exercise undertaken by the Council on the discretionary elements of the Council Tax Reduction Scheme.

Adopted the scheme, details of which are given in paragraphs 4.24 to 4.29 of the report.

1035. RE-COMMISSIONING INDEPENDENT DOMICILIARY CARE

The Corporate Director – Social Services and Wellbeing submitted a report, that requested Cabinet approval to implement the proposed commissioning plan for the independent domiciliary care sector, and also requested Cabinet approval for BCBC to undertake a procurement exercise to invite tenders to establish a framework agreement for the provision of all packages of externally commissioned domiciliary care.

She explained that in November 2014, Cabinet approved the remodelling homecare implementation plan, which set out the Council's intentions for meeting the increasing demands for internal homecare and external domiciliary care in a sustainable and managed way. This plan recommended remodelling the Council's internal homecare service into a provider of specialist homecare services, and to commission domiciliary care services from the independent sector, other than in exceptional circumstances where packages of specialist care needed to be provided.

The Corporate Director – Social Services and Wellbeing advised that in January 2016, Cabinet approved the award of a framework agreement to 13 providers for the provision of new packages of domiciliary care for the period 1st April 2016 to 31st March 2018, with an option to extend for a further period of up to 24 months. Of the 13 providers, the Council previously had contractual arrangements in place with 9, with the other 4 being new providers. It was now the intention to build a new framework for all domiciliary care providers.

Referring to paragraph 4.4 of the report, the Corporate Director – Social Services and Wellbeing added that in respect of the service model, all providers in attendance felt that the new model in place since April 2016 was very positive, and had helped to improve quality. The providers were complimentary about the mandatory requirement of implementing an Electronic Call Monitoring system, recognising that its use is of benefit to them, as well as to the Council when used to help inform contract monitoring activities.

A market testing exercise then took place, with a view to finding the best way within which to move forward when considering all packages of domiciliary care, and the main findings of this event were outlined in paragraph 4.6 of the report.

The Corporate Director – Social Services and Wellbeing confirmed that based on the feedback received at the domiciliary care forum with existing providers, which was then

ratified by wider providers at the market testing event, it was concluded that very little change would be needed to the existing service model.

In relation to the Commissioning Plan Service Model, paragraphs 4.9 and 4.10 outlined details of this, which would continue to meet the needs of all service users.

Paragraph 4.11 of the report and information following this provided some further pertinent points in respect of the service model already in place, which was in the process of being refined and finalised, in order to meet the indicative procurement timescales relating to matters of Quality Assurance, Contract Monitoring and Brokerage.

In terms of the Procurement approach, the Corporate Director – Social Services and Wellbeing confirmed that it was proposed that a new four year (2 year contract with an option to extend by up to a further 24 months) framework agreement be established, for the provision of all externally commissioned domiciliary care. All packages of homecare would be allocated according to set criteria in the form of individual service contracts, and packages would be allocated under the arrangements of the new framework, as applicable.

Paragraph 4.22 of the report then showed in table format, the indicative procurement timescales, should approval be given to implement the commissioning plan for the independent domiciliary care sector.

The Corporate Director – Social Services and Wellbeing referred to the report's financial implications and the savings that had been met to date, and that a further saving of £250k for 2016/17 had been factored into the MTFS from April 2016.

Finally, she advised that the projected year-end spend in 2016/17 for the provision of independent domiciliary care was in the region of £5m, and also that it was anticipated that the total spend on independent domiciliary care would increase in-line with projected demographic changes, and in-line with the implementation of the homecare remodeling plan.

The Cabinet Member Social Services and Early Help emphasised the need to get the balance right regarding specialist in-house care and independent care arrangements, with the option for an independent provider to deliver specialist packages in exceptional circumstances where needed.

The Cabinet Member Education and Regeneration added that he supported the principle of managing a market but at the same time, maintaining a balance for in-house care provision.

The Cabinet Member Wellbeing and Future Generations further asked if the external providers were a mix of independent and not for profit providers, to which the Corporate Director – Social Services and Wellbeing confirmed that she thought they were more not for profit providers, but she would check this and come back to the Member outside of the meeting.

RESOLVED: That Cabinet:

- (1) Approved the commissioning plan proposed for the independent domiciliary care sector in Bridgend.
- (2) Approved the implementation of the procurement timetable as set out in paragraph 4.22 of the report.
- (3) Approved the invitation of tenders to establish a framework agreement for the provision of all packages of externally commissioned domiciliary care.

(4) Noted that a further report will be presented to Cabinet, requesting approval to enter into a framework agreement for the provision of all packages of externally commissioned domiciliary care.

1036. SCHOOL MODERNISATION PROGRAMME: OUTCOME OF CONSULTATION ON PROPOSAL TO MAKE A REGULATED ALTERATION TO MYNYDD CYNFFIG PRIMARY SCHOOL

The Head of Education and Early Help presented a report which informed Cabinet of the outcome of the consultation on the proposal to make a regulated alteration to Mynydd Cynffig Primary School, by enlarging and relocating the school, to a remodelled school building and new provision on the current Cynffig Comprehensive school site, East Avenue, Kenfig Hill, Bridgend. The report also attached at Appendix A the findings of the consultation in the form of a draft consultation report.

She advised that consultation was carried out between 4th October and 22nd November 2016 in accordance with the statutory 'School Organisation Code'.

The Head of Education and Early Help stated that during the course of the consultation process, considerable representations were made in respect of the proposal to relocate the primary school to the comprehensive school site.

She added that as Cabinet would be aware, a feasibility study was undertaken in 2011 to establish the most suitable site for the primary school. That study considered the establishment of primary provision on the Infant, Junior and Comprehensive School sites, the outcome of which determined that the preferred site was that of the Junior School.

Notwithstanding the above, the Corporate Director Education and Transformation requested further feasibility work be undertaken to build on the previous study to explore the potential of remodelling Cynffig Comprehensive, in order to accommodate Mynydd Cynffig Primary School at that location.

The Head of Education and Early Help, advised that at the time of proposing the option of relocating the primary school to the comprehensive school site, the local authority (LA) had identified that there was considerable pressure on the LA's budget as a result of the Council's Medium Term Financial Strategy.

The LA had also expressed concern that as there was a large number of unfunded surplus places at the comprehensive school and together with the likely increased pressure on school budgets, this could mean that the school could potentially be unviable moving forward.

She explained that the potential risk of closure of a comprehensive school would not be something that would be desirable given the impact on the school, school staff, the governing body, pupils and wider community.

The main mitigation in respect of this risk was identified as to use the surplus space at Cynffig Comprehensive School to the benefit of the Mynydd Cynffig Primary school. This has been the most viable site to consolidate and move to, and given the close proximity of the comprehensive school to the primary school sites, this was seen as the ideal solution.

The Head of Education and Early Help, advised that the outcome of the feasibility study to relocate the primary provision to the comprehensive site was reported to Cabinet on

5th July 2016 and Cabinet determined that the comprehensive site was now the preferred site to be taken forward.

Nevertheless, the recent public consultation had evoked strong opposition with a petition against the current proposal, and has further identified a counter proposal for a new two form entry primary school on the existing Junior site. The counter proposal, petitions and completed proformas were contained in Appendix 9 to the report.

The Head of Education and Early Help, explained that an Equality Impact Assessment has been carried out as part of the consultation stage and has been further informed by responses to the consultation papers. The assessment has concluded that there is a negative impact on the duties of the Council in respect of age. Mitigation has been considered and a plan will be actioned should the proposal proceed. (Appendix 6 to the report refers).

The Cabinet Member Education and Regeneration advised that the benefits of the reports proposals that would be available for children aged 3 – 19 had obviously not been appreciated by certain respondents to the consultation. The proposals of the Authority also safeguarded the comprehensive school which was presently undersubscribed.

The Cabinet Member Social Services and Early Help referred to page 90 of the report and paragraph 4.12, where it stated that Cabinet should consider whether the Junior site study should be reviewed. In respect of this, he added that the Council had previously ascertained the most favourable location and design for the school, yet it now faced the scenario of a Counter proposal opposing this.

He also referred to page 85 of the report and paragraph 4.13 where it stated that the outcome of the feasibility study of the Junior site indicated that the allotments would need to be relocated, considerable re-grading may be required to achieve suitable external terraces and the required amount of accommodation at ground level may not be achievable. This part of the report also made reference to highways observations which expressed concerns regarding the suitability of the site from a highway safety perspective. The Cabinet Member Social Services and Early Help emphasised that considerable work had gone into the consultation, yet a Counter notice had been made to place the new school in a location that was not as favourable as the Cynffig Comprehensive school site.

The Head of Education and Early Help advised that it was incumbent upon the local authority to consider the Counter notice, and that a significant problem was that the original proposal which had previously been put out to consultation had not subsequently been implemented, and this had led to the latest response from the public with regard to the remodelled school being placed at the Junior school site.

The Cabinet Member Wellbeing and Future Generations advised that the Counter notice should be considered, as if it was not, the local authority would be required to re-serve notice of its intentions.

The Corporate Director – Operational and Partnership Services and Monitoring Officer, concurred with this, adding that if the Council agreed to consider the Counter proposal it could then make a balanced decision taking into consideration all the evidence in respect of the various options that had been put forward and were available.

The Deputy Leader added that any decision eventually made in respect of the remodelled school and its location, should be based on the best possible education outcomes for pupils who are to be taught at the school.

RESOLVED:

That Cabinet:

- Considered the outcome of the consultation with all parties as detailed in the Consultation report and Appendices attached to the main report
- Approved the draft Consultation report for publication
- Considered the counter proposal submitted via the consultation, to develop the Junior site as an alternative scheme, and sanction a re-evaluation of both current junior and comprehensive school sites. The outcome of this re-evaluation will be reported back to Cabinet in a future report for its consideration.

Gave approval to carry out an Environmental Impact Assessment to fully understand the impact of the proximity of the civic amenity site and cement works

1037. AMENDMENT TO THE SCHEME OF DELEGATIONS

The Monitoring Officer presented a report, that looked to seek Cabinet approval for a series of amendments which have been required to be made to the Scheme of Delegation of Functions.

He confirmed that the titles and portfolios of the Members of Cabinet had been revised, and the functions allocated to each Cabinet Member required some amendments to be made in particular to Scheme A, to reflect the changes to their responsibilities accordingly.

The Monitoring Officer added that a desktop review had also been undertaken, to ensure that the Scheme was up-to-date and fit for purpose, and some revisions were also required and these together with the other changes were summarised in paragraph(s) 4.2 of the report, and also shown in Appendix A to the report.

In respect of the new paragraph recommended to be added to Scheme B1, with regard to a function allocated to of the Chief Executive, the Leader whilst confirming that he was happy with this, added that the consultees for any delegated decision taken under this provision of the Scheme, be extended to include himself, or in his absence the Deputy Leader/relevant Cabinet Member. Cabinet were in agreement to this proposal.

RESOLVED:

That Cabinet:

- (1) Approved the Scheme of Delegations in relation to its functions as attached at Appendix A to the report, subject to the new paragraph 2.2 under Scheme B1 Functions allocated to the Chief Executive, also including as a consultee the Leader, or in his absence the relevant Cabinet Member.

Authorised the Corporate Director Operational and Partnership Services and Monitoring Officer to make minor textual changes and amendments to the Scheme of Delegations to take account of changes in legislation and changes to Officer and Member titles and responsibilities

1038. APPOINTMENT OF ELECTED MEMBER CHAMPIONS

The Corporate Director – Operational and Partnership Services submitted a report, which sought Cabinet approval for the appointment of Elected Member Champions.

By way of background information, he confirmed that Elected Member Champions were Elected Members who in addition to their other Council responsibilities, make sure that

that the issue or group they are championing are taken into account when Council policy is being developed and decisions are made. Such Members act as champions in areas, such as for example, children and young people, equalities, older people, health improvement and anti-poverty.

Paragraph 4.1 of the report, advised that given the recent changes that have taken place in respect of the Executive and the portfolios of Cabinet Members, a review of the Elected Member Champions had been undertaken. The appointment to various Champion roles was shown in this paragraph of the report, whilst paragraph 4.2 gave further Champion roles that had been identified for possible appointment.

The Corporate Director – Operational and Partnership Services then referred to paragraph 4.4 of the report, where existing Champion roles were proposed to be aligned to the revised Cabinet Members portfolios.

The Deputy Leader commended the report, but suggested some minor amendments that were supported by Cabinet and reflected in the following resolution.

RESOLVED: That Cabinet approved the appointment of the Champion roles as outlined in paragraph 4.4 of the report, subject to the following amendments:-

- Armed Forces Champion – Councillor MEJ Nott
 - Reference to Champion for 'Mental Health' being altered to "Mental Health and Dementia"
 - Biodiversity Champion – Cabinet Member Education and Regeneration
- Domestic Abuse Champion – Councillor M Thomas

1039. **URGENT ITEMS**

None

1040. **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 contained 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, to consider it in private with the public being excluded from the meeting as otherwise this would involve the disclosure to them of exempt information under the above legislation.

1041. **APPROVAL OF EXEMPT MEETINGS**

RESOLVED: That the exempt Minutes of a meeting of Cabinet dated 29 November 2016, be approved as a true and accurate record.

The meeting closed at 4.00 pm