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Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

Bridgend County Borough Council



Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB / Civic Offices, Angel Street, Bridgend, CF31 4WB

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Gwasanaethau Gweithredol a Phartneriaethol / Operational and Partnership Services

Deialu uniongyrchol / Direct line /: (01656)
643147/643148

Gofynnwch am / Ask for: Mr Mark Anthony Galvin

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: Wednesday, 22 March 2017

Dear Councillor,

CABINET

A meeting of the Cabinet will be held in the Council Chamber, Civic Offices Angel Street Bridgend CF31 4WB on **Tuesday, 28 March 2017 at 2.30 pm.**

AGENDA

1. Apologies for Absence
To receive apologies for absence from Members.
2. Declarations of Interest
To receive declarations of personal and prejudicial interest (if any) from Members/Officers in accordance with the provisions of the Members' Code of Conduct adopted by Council from 1 September 2008.
3. Approval of Minutes 5 - 14
To receive for approval the Minutes of a meeting of Cabinet dated 28 February 2017
4. The Porthcawl Elvis Festival 2017 15 - 18
To inform Cabinet of progress made by the organisers of the Porthcawl Elvis Festival in association with members of the Bridgend Events Safety Advisory Group (ESAG) for the 2017 event and to identify any associated cost implications for the Council.
5. Agreement for the Council to Host the Regional Wales Coast Path Officer (South) 19 - 22
To seek Cabinet approval for the Corporate Director, Communities to sign a Memorandum of Agreement with Natural Resources Wales (NRW) to be the hosting authority for the Regional Wales Coast Path (WCP) officer for the South region until the 31st March 2021.
6. Waste Services Contract Deferred Services commencement date 23 - 26
To seek Cabinet approval to enter into a Deed of Variation to the recently completed Waste Services Contract, and the purpose of this Deed of Variation is to defer the commencement of certain services from the 1st April 2017 to the 5th June 2017. And finally to grant to the Corporate Director Communities authority to develop an appropriate Deed of Variation and to agree its content prior to signature with the waste services contractor Kier Services Ltd.

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7. Shared Regulatory Services - Review of Joint Working Agreement 27 - 36
To recommend changes to the Joint Working Agreement between the partner councils for the provision of Regulatory Services, and to seek approval to amend the regionalised service as outlined in the report and to refer matters as appropriate to Council.
8. Delegation to Chief Officers - Election Period 37 - 38
To seek the approval of Cabinet of proposed arrangements to enable the Authority to continue to function effectively during the period between the forthcoming election and the appointment of a Leader and Cabinet at the Annual Meeting of Council.
9. School Modernisation Programme: Outcome of Public Notice on proposal to make a Regulated alteration to Afon Y Felin Primary School 39 - 42
To inform Cabinet of the outcome of the Public Notice on the proposal to make a regulated alteration to Afon y Felin Primary School, by enlarging the school with effect from 1 April 2017; and to request Cabinet issue a Determination as per the proposal.
10. School Modernisation Programme: Brynmenyn Primary School - Modification of School opening date from January 2018 to February 2018 43 - 48
To request Cabinet approval to modify the decision in respect of the opening date of the replacement Brynmenyn Primary School from 1 January 2018 to 26 February 2018.
11. School Modernisation Programme: Outcome of the Evaluation regarding the Proposed Relocation and Enlargement of Mynydd Cynffig Primary School to a Remodelled School building and New provision on the current Cynffig Comprehensive School site 49 - 64
To inform Cabinet of the outcome of the consultation into the proposal to relocate Mynydd Cynffig primary school to the site of Cynffig Comprehensive School. Of the outcome of the evaluation of the counter proposal received from the community (as part of that consultation) in respect of developing the Junior site for primary provision. Of the outcome of the review of the 2011 feasibility report in respect of the Junior site (ie the counter proposal). Of the outcome of the re-evaluation of both current junior and comprehensive school sites for primary provision. Of the findings of the environmental impact assessment in respect of the civic amenity site and cement works. And finally to request Cabinet approval to abandon the scheme to relocate Mynydd Cynffig to the Cynffig Comprehensive site.
12. Urgent Items
To consider any items of business that by reason of special circumstances the chairperson is of the opinion should be considered at the meeting as a matter of urgency in accordance with paragraph 2.4 (e) of the Cabinet Procedure Rules within the Constitution.
13. Exclusion of the Public
The minutes and reports relating to the following items are not for publication as they contain exempt information as defined in Paragraphs 14,16 & 18 of Part 4 and Paragraph 21 of Part 5, Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

If following the application of the public interest test Cabinet resolves pursuant to the Act to consider these items in private, the public will be excluded from the meeting during such consideration.
14. Approval of Exempt Minutes 65 - 66
To receive for approval the Exempt Minutes of a meeting of Cabinet dated 28 February 2017
15. Disposal of Land at All Saints Way, Penyfai 67 - 72

16. Commissioning and Award of Contracts in respect of the Partner Providers of Families First Programmes led by the Education and Family Support Directorate 73 - 78

Yours faithfully

P A Jolley

Corporate Director Operational and Partnership Services

Councillors:

HJ David

CE Smith

Councillors

HJ Townsend

PJ White

Councillors

HM Williams

CL Reeves

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CABINET - TUESDAY, 28 FEBRUARY 2017

MINUTES OF A MEETING OF THE CABINET HELD IN COMMITTEE ROOMS 1/2/3, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON TUESDAY, 28 FEBRUARY 2017 AT 2.30 PM

Present

Councillor HJ David – Chairperson

HJ Townsend

PJ White

HM Williams

CL Reeves

Apologies for Absence

CE Smith

Officers:

Randal Hemingway	Head of Finance & Section 151 Officer
Darren Mephram	Chief Executive
Mark Shephard	Corporate Director - Communities
Andrew Jolley	Corporate Director Operational & Partnership Services
Mark Galvin	Senior Democratic Services Officer - Committees
Jackie Davies	Head of Adult Social Care
Nicola Echanis	Head of Education & Family Support

1060. DECLARATIONS OF INTEREST

Councillor H Townsend declared a prejudicial interest in Agenda item 8, in that she was Vice-Chairperson of Brackla Community Council. Councillor Townsend left the meeting whilst this item was being considered.

1061. APPROVAL OF MINUTES

RESOLVED: That the Minutes of the following meetings of Cabinet held on the dates as stated be approved as a true and accurate record:-

31 January 2017
14 February 2017 (as revised)

1062. RENEWAL OF INSURANCE COVER

The Head of Finance and S151 Officer presented a report, the purpose of which was to seek approval for the renewal of the Council's insurance programme and to authorise Marsh UK Ltd as the Council's insurance broker, to accept cover for the full range of policies on behalf of the Council.

By way of background information, whilst the Council's insurance cover is subject to long term agreements with providers, the Council is required each year to agree annual premiums and associated claims handling costs for each policy.

The Head of Finance and S151 Officer went on to confirm that the annual insurance negotiations have been undertaken, and the net premiums were detailed in the Table shown in paragraph 4.1 of the report.

The claims estimate for 2017-18 amounted to £843,003 which was an increase of £7k compared to the previous year, or just under 1%. The Head of Finance and S151 Officer advised that the premiums were net figures and other than Engineering Inspection,

claims handling and part of the Terrorism insurance, were subject to 10% Insurance Premium Tax, which was an increase from 9.5% in 2016-17.

The Deputy Leader asked why there had been a year on year change amounting to 39.76% in respect of Engineering Insurance.

The Head of Finance and S151 Officer advised that this was due to the fact that a number of further items had been added to this policy hence making for increased liability cover, together with added policy cover in respect of the joint responsibility the Council now had with the SW Police for its Vehicle Maintenance Depot.

RESOLVED: That Cabinet approved the acceptance of the quotations contained 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.

1063. INTERMENT CHARGES FOR CHILDREN (UP TO AND INCLUDING THE AGE OF 16 YEARS)

The Corporate Director Communities submitted a report, seeking Cabinet approval to amend the current pricing policy for the interment of children within Council municipal cemeteries, with a view to removing the interment charge for children up to and including the age of 16.

He confirmed that Members may be aware of the recent campaign led by Carolyn Harris (MP for Swansea East) to abolish charges imposed by Local Authorities for the interment of children. Appendix 1 to the report, showed BCBC's current policy together with those of other local authorities in Wales.

The Corporate Director Communities added that BCBC did not currently charge for interments of children under the age of 12 years in its municipal cemeteries, except within Laleston cemetery. The recommendations of the report he added, would provide a more consistent approach in terms of interment charges for burials of younger people.

He then referred to paragraph 4.5 of the report, where in table format, a summary was shown of BCBC's current policy on the charges for children in the municipal cemeteries, outlining also the current proposal to remove the interment charge for children up to and including the age of 16.

He further added, that removing the interment charge for those aged under 17 years of age, would demonstrate the Authority's empathy and understanding towards parents and the community when the terrible loss of a child occurs.

The Corporate Director Communities then referred to the reports financial implications, should such changes proposed be agreed.

The Cabinet Member – Communities supported the report's proposals which she felt would go a little way toward alleviating the terrible stress borne by parents losing a child, insofar as there would be less financial pressures put upon them.

The Leader sought clarification that the proposal would still mean that the Exclusive Rights of Burial fee (£1,226) remains for the cost of a family plot.

The Corporate Director Communities advised that the plot fee would still remain, and any work required for grave digging would be free. It was the Interment fee that would be changed from free to children under 12 to being free for children aged 16 and under.

The Leader further added that it would be useful for Cabinet to receive a report at a future date to look further at Exclusive Rights of Burial, at all Council operated burial sites within the Bridgend County Borough.

RESOLVED: That Cabinet:

- (1) Approved to align the charges for Bridgend County Borough Council's Cemeteries and Coychurch Crematorium, so creating unified charges within the Bereavement Services, by increasing the age at which the interment fee for a child is not charged in the Council's Cemeteries from under 12 years to 16 years and below.
- (2) Awaits a progress report on the subject of exclusive rights of burial and any further changes that may be considered or deemed required in the future to the Council's policy regarding this insofar as it effects all Council burial sites.

1064. BRIDGES INTO WORK

The Corporate Director Communities submitted a report, seeking Cabinet approval to apply for and accept an extension of the Bridges Into Work 2 (BIW2) Project to 31 March 2020.

By way of background, he advised that Cabinet had previously agreed in 2013 to the submission of funding proposals which included BIW2 under the new round of European funding. BIW2 is a European Social Fund project under Priority One – Tackling Poverty through Sustainable Employment and Theme 1B – Inclusion and Engagement in the Labour market.

The Corporate Director Communities proceeded by stating that BIW2 was a project collaborating with 5 other local authorities across SE Wales.

The report advised that the Project targeted economically inactive and long-term unemployed people living outside Communities First areas over the age of 25.

The next section of the report advised of challenges the Project had faced to date, including eligibility requirements and recruitment of staffing problems. He added though that the targets to be met by the end of the delivery phase of the current project would after some doubt, be met.

The Corporate Director Communities then referred to paragraph 4.2 of the report, where it was stated that an extension had been sought from WEFO to extend the project to the end of March 2020 in a potentially final round of European funding before "Brexit".

The Corporate Director Communities concluded his submission by referring to the report's financial implications outlined in paragraphs 7. of the report.

The Cabinet Member Wellbeing and Future Generations commended schemes like Bridges into Work, which gave people an excellent opportunity to obtain qualifications that would assist them in gaining employment.

She added that schemes such as this and the previous Genesis Project, that she personally benefited from in terms of receiving further qualifications.

The Corporate Director Communities responded to her comments, by stating that Bridges Into Work offered opportunities not just for individuals but for whole families, who would be able to benefit from the opportunities and subsequent achievements the Project would bring about.

The Cabinet Member Social Services and Early Help felt that the project was successful due largely to the hard work and commitment made by the management and staffing compliment that supported the scheme. It was projects such as Bridges Into Work he felt kept unemployment in the County Borough lower.

RESOLVED: That Cabinet gave authorisation for the Corporate Director – Communities, in consultation with the Section 151 Officer, to apply for and accept an extension to the Bridges into Work 2 (BIW2) Programme up to 31 March 2020, in line with the Council's Grants policy, and subject to being satisfied that any grant conditions attached to the extension of funding are acceptable.

1065. NANTYMOEL COMMUNITY BUILDING INVESTMENT

The Corporate Director Communities submitted a report, in order to provide an update to Cabinet on the progress made by relevant community groups to develop alternative community facilities within Nantymoel, using the £200k allocation within the Capital Programme set aside following the closure and subsequent demolition of the Berwyn Centre in 2012/13.

He advised that on 8 October 2012, Cabinet resolved to allocate the above sum and link this to the identification and development of new or alternative facilities in Nantymoel to replace the Berwyn Centre.

Unfortunately, advised the Corporate Director Communities, some problems had been experienced with progressing the facility as were detailed in the report, and due to this, it was proposed to extend the deadline of the release of the £200k for a further year to 31 March 2018.

The Cabinet Member Communities made the point that the above sum was public money, so there was now a need to ensure that the business plan, final design work, local governance, and certain financial elements were soon to be resolved in order to progress the project in the coming financial year.

The Deputy Leader reiterated this, adding that it was unlikely that there would be a further extension of this money agreed to, as there were other interested groups or parties that could look to develop facilities similar to those that were proposed by other methods, such as through Community Asset Transfer.

The Leader further concurred with Members comments made immediately above, adding that there was a long list of projects being awaited that would benefit from such a financial commitment.

RESOLVED: That Cabinet approved an extension to 31 March 2018 for Ogmore Community Council and relevant community groups to submit an acceptable business plan to the Council to develop community facilities in Nantymoel and draw down and spend the allocated capital funding in the Capital Programme.

1066. TOWN AND COMMUNITY COUNCIL - CAPITAL FUND UPDATE

The Corporate Director Communities presented a report, the purpose being, to seek Cabinet approval to allocate the remaining funds from the Town and Community Council Capital Fund in line with the recommendations contained within the report.

He advised that for 2016-17 the Fund was increased from its historic level of £50k per annum to a total fund of £100k.

The Corporate Director Communities further advised that a report to Cabinet on 7 June 2016 set out the detail of the applications received this year. A total allocation of £83k was approved by Cabinet, leaving a current balance of £9,500 from the £100k capital allocation this year as a further sum of £7,500 was allocated to a scheme carried over from 2015/16.

The report then outlined two applications originally received by Cabinet last summer, with Brackla Community Council submitting a proposal with total project costs of £23,500 to replace the boilers at Brackla Community Centre, and with Cornelly Community Council also submitting an application for a project for a gateway project at 'Fairfields' North Cornelly totalling £40,500.

Paragraphs 4.1 and 4.2 of the report then clarified the reasons why the project in Brackla was preferred to being supported by financial assistance from the Council, as opposed to the Cornelly project.

The Cabinet Member Communities noted that the Brackla bid linked more to Community Asset Transfer criteria, and therefore she was in support of their application, whilst the Leader added that there was a strong business case for the application from Brackla Community Council, particularly as Brackla supported one of the largest residential areas of the County Borough.

RESOLVED: That Cabinet approved a funding allocation of £9,500 to Brackla Community Council from the Town and Community Council fund towards total project costs of £23,500 to replace boilers at Brackla Community Centre.

1067. WESTERN BAY COMMISSIONING STRATEGY FOR CARE HOMES FOR OLDER PEOPLE 2016-2025

The Corporate Director Social Services and Wellbeing submitted a report, to seek approval from Cabinet to endorse the regional Western Bay Care Homes Commissioning Strategy for Older People and local implementation strategy for Bridgend County Borough, and explain the Strategy's agreed objectives and commissioning priorities following the stakeholder consultation process.

The Head of Adult Social Care confirmed that the Western Bay Care Homes Commissioning Strategy for Older People had been developed as part of the Western Bay Health and Social Care Programme.

She advised that the Strategy, post consultation (attached at Appendix 1 to the report), was endorsed for approval on behalf of the Western Bay partnership by the Community Service Board on 16th December 2016 and approval was now sought from partner organisations for the Western Bay Commissioning Strategy for Care Homes for Older People and its local implementation plans (Appendix 2 of the report referred).

The Head of Adult Social Care further added that in total there had been 300 comments on the above document, and the feedback received and detailed responses were contained in Appendix 3 of the report.

She then proceeded to advise of the objectives of the Commissioning Strategy which were detailed in paragraph 3.6 of the report.

The Commissioning Strategy sets out the challenges for the future as a result of the changing demographic profile across the population, not only for the health and social care system but also by the providers of residential care services, who are increasingly providing care to older people with complex needs, and those at the end of life.

The Head of Adult Social Care stated that building on this statutory and non-statutory guidance, and the feedback from the consultation process, the Western Bay Health and Social Care Partnership had identified a series of key strategic intentions. These were shown in paragraph 4.5 of the report.

She proceeded by advising that the Strategy provided greater focus on person centred working that promotes choice, dignity and quality of life, and the Western Bay partnership intended to develop an outcomes framework to measure the critical outcomes and results that commissioners will want to see delivered, such as quality of life and quality of care amongst others.

She concluded the report, by advising that the financial implications of the Strategy would be managed within the overall context of the MTFS.

The Cabinet Member Social Services and Early Help supported the report, whilst the Leader noted that the timescales associated with different elements of the Implementation Plans were showing as incomplete in terms of target dates, and therefore, he felt that an update report should be presented to Cabinet at a future date showing these as being targeted and/or completed.

He added that there was a lot of examples of good and effective care support plans in place in the Bridgend County Borough, though there was always some room for improvement in important areas such as this.

- RESOLVED:**
- (1) That Cabinet approved the Commissioning Strategy for Care Homes for Older People 2016 – 2025 and the local implementation plan for Bridgend County Borough.
 - (2) That a further report be submitted to a future meeting of Cabinet confirming timescale dates for all elements of the Strategy's Local Implementation Plans.

1068. APPROVAL OF THE STATEMENTS OF PURPOSE FOR REGULATED SERVICES

The Corporate Director – Social Services and Wellbeing submitted a report that provided Cabinet with the revised Statements of Purpose for the current regulated services provision in Bridgend County Borough for approval.

The report confirmed that each In-House service provision had its own Statement of Purpose, which set out the aims and objectives of the service, and what individuals can expect from that service. These were attached at Appendices 1 – 4 of the report.

The Head of Adult Social Care referred Members to paragraph 4.2 of the report, which outlined the changes to the Statements of Purpose that related to Newbridge House, Sunnybank, Bakers Way and the BCBC Fostering services.

The Cabinet Member for Social Services and Early Help congratulated all the staff for their hard work in remodelling the service for the future. He added that the recent inspection of the services made by CSSIW had gone well and he had also visited the three residential facilities in question, and had received positive feedback from these visits.

He concluded by advising that his aim was to encourage foster caring in the Bridgend County Borough, rather than the more Out of County placements, which was extremely expensive.

RESOLVED: That Cabinet noted the content of the report and approved the Statements of Purpose for each of the regulated services provision.

1069. APPOINTMENT OF LOCAL AUTHORITY GOVERNORS

The Corporate Director Education and Family Support presented a report, seeking approval from Cabinet for the appointment of Local Authority (LA) governors to the school governing bodies listed in paragraph 4.1 of the report.

The Head of Education and Family Support referred Members to the above section of the report, which stated that for the 13 schools listed there, 14 applicants had met the approved criteria for appointment as LA governors with there being no competition for any of the vacancies. As a result of this the persons named in the report were successfully appointed. She added however, that there were still 22 vacancies that needed to be filled and details of these were shown in Appendix A to the report.

RESOLVED: That Cabinet approved the appointments listed in paragraph 4.1 of the report.

1070. INFORMATION REPORTS

The Corporate Director Operational and Partnership Services presented a report, so as to inform Cabinet of the Information Reports which have been published since its last scheduled meeting.

These were detailed in paragraph 4.1 of the report.

The Leader wished it placed on record that following inspections at the four schools mentioned in the reports by Estyn, he was very pleased to note that prospects for improvement at Bryntirion Comprehensive and Ysgol Cynwyd Sant had been judged as 'excellent', and 'good' in respect of Pencoed Primary School. Tremains Primary School's prospects for improvement by Estyn however, had only been described as 'adequate' following this school being inspected, and he felt therefore that a further report needed to be submitted to Cabinet regarding future progress at this particular school in due course.

RESOLVED:

- (1) That Cabinet acknowledged the publication of the document listed in the report.
- (2) That in respect of the information report entitled "Estyn Inspection Outcomes for Tremains Primary School" a

further report be submitted to Cabinet at a future date containing details of progress at the school, given that following a recent inspection of the school by Estyn its current performance and prospects for improvement were judged as only being 'adequate'

1071. SCHOOL MODERNISATION – PENCOED PRIMARY

The Chairperson accepted the above item as urgent under Rule 2.4.(e) of the Cabinet Procedure Rules within the Council's Constitution, on the basis that the business in question needs to be considered at the meeting in order to meet the funding profile agreed by Welsh Government. In addition, the school is scheduled to be opened on 1 April 2018. If Cabinet did not consider the report until its next scheduled meeting, it would become impossible for the scheme to be completed by April 2018.

The Head of Education and Family Support presented a report, that requested that Cabinet agrees to delegate authority to the Corporate Director Education and Family Support, to conduct negotiations with the lowest price tenderer in accordance with procurement legislation, and subject to the successful outcome of any such negotiations, delegates authority to the above Officer to award a contract, with the terms to be finalised in consultation with the S151 Officer, and to arrange execution of the same on behalf of the Council.

The report outlined certain background information, following which it confirmed that on 4 October 2016, Cabinet authorised the invitation of tenders for the construction of the new Pencoed Primary School, with delegated authority being given, to award the contract to the bidder who submitted the most economically advantageous tender for the construction of the new school, subject to the tender price being acceptable to the S151 Officer and receipt of Welsh Government funding approval and certain other requirements

The Head of Education and Family Support that the tender process had been undertaken, and that only 2 of the 5 tenderers had been in compliant with the scheme, with both of these tender quotes significantly in excess of the construction budget available for the scheme.

In view of this, the way forward now was to, as a matter of urgency, commence negotiation of a 'Value Engineering' schedule with the contractor who submitted the lowest tender, in order to bring the construction cost sum within available budget, due to there being a clause in the tender which allows for the authority to negotiate with the lowest tenderer. The Head of Education and Family Support added however, that this negotiation process would undoubtedly prolong to a degree the awarding of the contract and potentially delay the school opening date. It may also impact on achieving next year's Welsh Government (WG) spend on the project she added.

Paragraph 7 of the report reinforced this, by adding that the timetable was restrictive as the construction contract was part funded by WG, so there was a risk that if the spend profile was not met then the Council may lose the approved Welsh Government grant funding.

The Head of Education and Family Support concluded her submission by outlining the report's financial implications as shown in paragraph 7.1 (of the report).

The Leader advised that undertaking negotiation of a 'Value Engineering' schedule with the contractor would not impact in any way on the quality of work needed in the construction of the facility. When the construction cost sum is eventually received, then

this would be assessed by the Council's Quantity Surveyors in order to establish if any savings could be achieved through design changes that would not have any impact on future teaching and learning.

The Deputy Leader advised that he was frustrated that the tender did not come in on budget, however, as the Leader had just stated, Council Officers would ensure that the project remains "Value for Money".

The Head of Education and Family Support also reinforced that prices/estimates in respect of the school had originally been set in 2010, and since then costs for materials had increased.

The Cabinet Member for Social Services and Early Help closed debate on this item by further adding that work for Engineering companies had also picked up within the last few years.

RESOLVED: That Cabinet:

1. Delegated authority to the Corporate Director, Education and Family Support to conduct negotiations, with the lowest priced tenderer, in accordance with procurement legislation.
2. Subject to the contract being awarded in accordance with paragraph 8.1.1 of the report, and to the revised price being acceptable to the S151 Officer (which is a requirement of Cabinet in its resolution of the 4th October 2016), delegated authority to the Corporate Director, Education and Family Support to enter into a construction contract and any relevant ancillary agreements thereto, in consultation with the Director of Operational and Partnership Services and arrange for execution of the same on behalf of the Council.
3. Noted that Cabinet will in due course receive an information report detailing the outcome of the negotiation and award process.

1072. 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 as they contain exempt information as defined in Paragraphs 14, 16 and 18 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 and the advice of the Monitoring Officer in respect of these items, it was resolved that pursuant to the Act referred to above, to consider them in private with the public being excluded from the meeting as they would involve the disclosure to them of exempt information.

1073. APPROVAL OF EXEMPT MINUTES

1074. RISK BASED VERIFICATION

The meeting closed at 4.06 pm

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

28 MARCH 2017

REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

THE PORTHCAWL ELVIS FESTIVAL 2017

1. Purpose of Report

- 1.1 The purpose of this report is to inform Cabinet of progress made by the organisers of the Porthcawl Elvis Festival in association with members of the Bridgend Events Safety Advisory Group (ESAG) for the 2017 event and to identify any associated cost implications for the Council.

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

- 2.1 This report supports the following corporate priorities:

- Supporting a successful local economy
- Smarter use of resources

3. Background

- 3.1 Many destinations are staging events and festivals as part of, or an enhancement to, what they offer residents and visitors. A strong events programme can increase footfall and overnight stays with associated local expenditure, give a destination a higher profile, and contribute to regeneration of local communities. Bridgend County Borough Council (BCBC) has developed a reputation for designing and delivering a programme of innovative and 'quirky' events – a key feature of the destination's brand.
- 3.2 The Bridgend County Events Strategy aims to assist event organisers and venues by providing a supportive environment, which facilitates the creation, production and development of events that build on the assets and brand values of BCBC.
- 3.3 The Porthcawl Elvis Festival was first established in 2004 and since then has reportedly grown into the largest Elvis festival in the World, overtaking the more established events in Collingwood, Canada and Parkes, Australia.
- 3.4 Every September approximately 30,000 visitors attend the Festival with feature events taking place in the Porthcawl Pavilion and the Hi-tide, and over twenty venues in and around the town forming a fringe. The event regularly achieves national and international media coverage and assists in raising the profile of Porthcawl as a tourism destination.
- 3.5 Research commissioned by Welsh Government in 2013 and carried out by Kinetic Cubed Ltd estimated the economic impact of the event to be £6.7 million.

4. Current situation / proposal.

- 4.1 In 2015 research was carried out in conjunction with researchers from Cardiff Metropolitan University in recognition of some of the challenges that an event of this size and nature places on the infrastructure and functioning of a town like Porthcawl, with a desire to identify potential improvements to maintain the positive economic impacts and reduce any negative social or environmental impacts. Also in 2015 South Wales Police carried out a review to consider the requirements for safety and policing at the event.
- 4.2 In response to the recommendations arising from these pieces of work, a pilot, multi-agency approach was established. This involved the development of a series of coherent and joined up actions, supported by BCBC and South Wales Police, including: a new approach to traffic management, including road closures and traffic orders; enhanced street and beach cleansing services; toilet facilities; on-site presence of emergency services; and street pastors.
- 4.3 This approach led to the 2016 event being considered by South Wales Police as the most successful in recent times with the fewest recorded incidents. In turn this not only improves the quality and safety of festival goers, making them more likely to return to Porthcawl again, but also assists in reducing any negative impacts on local residents and the local environment.
- 4.4 It is therefore proposed that this approach be taken again for 2017 with a value in respect of service provision of £20,000 being committed by BCBC to carry out work in relation to the following:
- Traffic management
 - Health and Safety
 - Street and beach cleansing
 - Public order
- 4.5 The funding will not be provided to the event organisers, rather it will be allocated to relevant BCBC departments and ESAG partners to increase the service provision during the event to ensure that the success witnessed during the pilot approach is continued. This will aim to maintain the reported positive economic impact and continue to assist with minimising any social and environmental concerns.
- 4.6 The exact allocation of the resource will be determined in agreement with ESAG partners, in particular South Wales Police, and any recommendations coming from the 2017 event review will be taken on board when considering support options for 2018.

5. Effect upon Policy Framework & Procedure Rules.

This report has no effect upon Policy Framework & Procedure Rules

6. Equality Impact Assessment

There are no Equalities issues associated with this report.

7. Financial Implications.

- 7.1 The financial implication will be a £20,000 contribution from the Strategic Events 2017/18 budget. This will be allocated in relation to traffic management, health and safety, street and beach cleansing and public order in agreement with ESAG partners.
- 7.2 In addition to financial support already agreed by Cabinet for The Urdd Eisteddfod (May 2017) and Seniors Open Championship (July 2017) the support to the Porthcawl Elvis Festival will result in the Strategic Events budget being fully allocated for 2017/2018 financial year.
- 7.3 Through combined financial support for these three strategic events in 2017, BCBC will be assisting in attracting a combined total of approximately 175,000 visitors to the County Borough and generating approximately £14.8 million of economic impact.

8. Recommendation.

8.1 Cabinet is recommended to:

8.1.1 Note the positive economic impact of the Porthcawl Elvis Festival on the local economy;

8.1.2 Delegate authority to the Corporate Director Communities as nominated lead Director to enter into further discussions with the Porthcawl Elvis Festival organisers and ESAG partners; and

8.1.3 Approve the allocation of £20,000 from the Strategic Tourism Events Fund, to put in place measures to ensure safe and effective management of the event.

Mark Shephard
Corporate Director Communities
3rd March 2017

Contact Officer: Ieuan Sherwood
Manager, Economy and Natural Resources

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Background documents

None

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

28 MARCH 2017

REPORT OF THE CORPORATE DIRECTOR - COMMUNITIES

AGREEMENT FOR THE COUNCIL TO HOST THE REGIONAL WALES COAST PATH OFFICER (SOUTH)

1. Purpose of Report.

- 1.1 The purpose of this report is to seek Cabinet approval for the Corporate Director, Communities to sign a Memorandum of Agreement with Natural Resources Wales (NRW) to be the hosting authority for the Regional Wales Coast Path (WCP) officer for the South region until the 31st March 2021.

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

The Corporate Improvement Plan 2016 – 2020 contains the Council's Corporate Priorities. The appointment of the Regional Wales Coast Path officer links to Priority One – Supporting a Successful Economy.

3. Background.

- 3.1 The Wales Coastal Access Improvement Programme is a scheme funded by the Welsh Government (WG) via NRW to deliver its commitment to increase public access to the coast of Wales. In May 2012, the Wales Coast Path was officially opened and the route has been widely publicised both nationally and internationally.
- 3.2 The programme improved access along the coast both for local communities and for visitors to Wales through local path improvements and with specific sections suitable for the disabled, families with prams/buggies, for horse riders and for cyclists. The long-term aim was for a good quality all Wales Coastal Path to be developed linking up the existing trails like the Pembrokeshire Coast Path National Trail. The first phase of the Coastal Access Programme ran from April 2007 to March 2013 and the second phase was completed between 2013 and 2015.
- 3.3 Funding and management arrangements for the Wales Coast Path were revised significantly from April 2015. This was in line with the views of WG, NRW and the local authorities that the WCP should be seen as a permanent responsibility of NRW, and delivery partners, with appropriate long term funding and management structures in place.
- 3.4 In March 2015, WG announced funding of £900,000 for 2015/16 for the ongoing delivery of the Wales Coast Path and associated works. This was further enhanced a year later by a ministerial announcement that committed the same amount per annum for the next 5 years i.e. up to the 31st March 2021.

4. Current situation / proposal.

4.1 NRW working with partners have the responsibility for the management and promotion of the WCP at a national level. In line with original advice to Welsh Government NRW are now establishing a WCP management system based on:

- A national Management Group to ensure a consistent overview of delivery across Wales
- Regional Management Groups to plan, co-ordinate and oversee the delivery of work on the ground in five regions (North, Gwynedd, West, Pembrokeshire and South)
- WCP Promotion Partnership
- The employment of one Wales Coast Path officer in each of the five regions.

4.2 The Regional Officers for the South, West and North will be employed directly by NRW but seconded to, and line managed on a day to day basis by, an officer from within one of the local authorities within each of the three regions. Different arrangements currently exist for the two officers that cover the Pembrokeshire Coast path and Gwynedd Council area where those officers are directly employed by the local authority but grant aided by NRW. The Regional officers will monitor, maintain, improve and promote the Wales Coast Path in the region in which they are based in accordance with established Quality Standards.

4.3 Bridgend County Borough Council sits within the South region along with six other councils, namely Swansea, Neath Port Talbot, the Vale of Glamorgan, Cardiff, Newport and Monmouthshire. Following discussions between the seven local authorities within the South region it was proposed that Bridgend should be the host authority for the South Regional Officer. As a result the regional officer will be line managed on a day to day basis by the Council's Rights of Way Manager.

4.4 NRW has drafted a Memorandum of Agreement and other associated documents for signing by the host authorities. These have now been considered by, and agreed to following a number of revisions, by officers from within the Communities, Operational and Partnership Services, and Chief Executive's Directorates. Authorisation is now being sought for the Corporate Director, Communities to sign the Memorandum of Agreement.

5. Effect upon Policy Framework & Procedure Rules.

5.1. The approval by Cabinet for the Corporate Director, Communities to sign the Memorandum of Agreement with NRW has no effect on the Council's policy framework and procedure rules.

6. Equality Impact Assessment

An Equalities Impact Assessment Initial Screening has been undertaken using the Council's Equalities Impact Assessment toolkit and this has concluded that no further EIA is required. Any works that the Regional officer is subsequently involved with will either have an Equalities Impact Assessment undertaken or be designed in compliance with DDA Regulations and will be constructed similarly.

7. Financial Implications.

- 7.1 The Council will be able to recover 'ancillary costs' (office accommodation and other related charges) for hosting the Regional Officer. However, the time spent managing the regional officer cannot be recovered. The time spent by the Rights of Way Manager in managing the regional officer will therefore be covered from within the existing Rights of Way budgets.

8. Recommendation.

That Cabinet approves; the Corporate Director, Communities signing a Memorandum of Agreement with Natural Resources Wales to be the hosting authority for the Regional Wales Coast Path officer for the South region until the 31st March 2021.

Mark Shephard
CORPORATE DIRECTOR – COMMUNITIES
March 2017

Contact Officer: **Kevin Mulcahy**
Group Manager Highways

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Background documents

None

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

28 MARCH 2017

REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

WASTE SERVICES CONTRACT DEFERRED SERVICES COMMENCEMENT DATE

1. Purpose of Report

- 1.1 The purpose of this report is to seek Cabinet approval to enter into a Deed of Variation to the recently completed Waste Services Contract.
- 1.2 The purpose of this Deed of Variation is to defer the commencement of certain services from the 1st April 2017 to the 5th June 2017.
- 1.3 To grant to the Corporate Director Communities authority to develop an appropriate Deed of Variation and to agree its content prior to signature with the waste services contractor Kier Services Ltd.

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

- 2.1 The provision of the Waste Services Contract supports the improvement priorities detailed in the Corporate Plan – Smarter Use of Resources.

3. Background

- 3.1 During and as part of the procurement exercise to secure a waste services partner to deliver Bridgend County Borough Council's waste, recycling and civic amenity site functions, it was a requirement of the procurement process, under the Public Contracts Regulations, to de-brief those bidding contractors that were considered to have fallen short of the competitive tender requirements, with regard to their submitted bids.
- 3.2 During this de-briefing process the Council was challenged by one of the tendering contractors on the level of detail supplied to unsuccessful bidders. Council officers having sought appropriate legal advice, decided to make available additional information and to extend the de-briefing period. This ensured that an appropriate opportunity was provided to the unsuccessful bidders to question the Council's decision in this matter. This course of action mitigated against the risk of a potential legal challenge in respect of any alleged failure to comply with the Public Contracts Regulations, albeit officers believed the Council would have been successful in defending any such legal challenge.

4. Current Situation

- 4.1 Having concluded the debriefing and advised the successful contractor that he had been chosen as the Council's preferred bidder it became apparent in the discussions that followed that the period now available to the contractor to

successfully mobilise and commence the services was insufficient. To mitigate the impact of the compressed mobilisation period Cabinet are asked to approve a variation to the commencement of certain services from the 1st April 2017 to the 5th June 2017. These deferred services include, but are not limited to, the collection of recycling and residual waste and the introduction of the residual waste restriction at the kerbside and civic amenity sites. This variation will be agreed with the waste services contractor Kier Services Ltd and executed as a Deed of Variation to the Contract.

- 4.2 While the Corporate Director - Communities has the relevant delegated authority to issue a Variation Order under the Contract, legal advice has supported the use of the more robust Deed of Variation in this instance due to the scope of the changes attached to deferring certain services from the 1st April 2017 to the 5th June 2017.

5. Effect upon Policy Framework & Procedure Rules.

- 5.1 There are no effects on the Policy Framework and Procedures Rules.

6. Equality Impact Assessment

- 6.1 The Council's Equalities Impact Assessment Toolkit has been utilised which indicates that the proposal would have no impact on specific equality groups.

7. Financial Implications

- 7.1 The deferment of certain services under the Deed of Variation is considered to be cost neutral to the contract.

8. Recommendation

- 8.1 That Cabinet authorises the Corporate Director – Communities in consultation with Corporate Director – Operational and Partnership Services and the Head of Finance and Section 151 Officer to conclude the negotiations as to the deferment of the commencement of certain services under the Contract, and finalise the Deed of Variation of the contractual terms with the successful bidder Kier Services Limited and for the Council to then formally enter into the Deed of Variation with Kier Services Limited.

Mark Shephard
CORPORATE DIRECTOR – COMMUNITIES
March 2017

Contact Officer: **Andrew Hobbs**
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Background papers: None

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

28 MARCH 2017

REPORT OF THE CORPORATE DIRECTOR OPERATIONAL AND PARTNERSHIP SERVICES

SHARED REGULATORY SERVICES - REVIEW OF JOINT WORKING AGREEMENT

1. Purpose of the Report

- 1.1 To recommend changes to the Joint Working Agreement between the partner councils for the provision of Regulatory Services
- 1.2 To seek approval to amend the regionalised service as outlined in this report and to refer matters as appropriate to Council.

2. Connection to Corporate Improvement Objectives/ Other Corporate Priorities

- 2.1 This report relates to the following priorities in the Corporate Plan 2013-2017:
Smarter Use of Our Resources

3. Background

- 3.1 In April 2015, Bridgend County Borough Council, the City Council of Cardiff, and the Vale of Glamorgan County Borough Council signed a joint working agreement for the provision of regulatory services across the three Council areas. The document created the Shared Regulatory Service (SRS) and the Shared Regulatory Services Joint Committee.
- 3.2 At the time of creating the Joint Working Agreement, some of its provisions were conceptual in nature and over the last 18 months, it is evident that some aspects of the agreement require amending to allow the more effective operation and management of the service.
- 3.3 Any changes to the Joint Working Agreement are subject to Clause 26 of the Agreement which states:

"This Agreement cannot be varied without the approval and prior written consent of all Participants. Where the Participants agree to make changes to this Agreement, a Deed of Variation shall be entered into between the Participants and appended to this Agreement

- 3.4 Amendments to the Joint Working Agreement will improve the functioning and governance of the SRS. Such changes require ratification by each Council.

4. Current Situation

- 4.1 The first eighteen months of the SRS has been dominated by the move toward, and development of, the new Operating Model agreed by the three Councils in Autumn 2014 and formally initiated in April 2015. Creating a shared service has involved significant change. Many of the changes are provided for within the Joint Working Agreement, and those changes have been implemented successfully. In December 2015, an audit of the shared service concluded that that the effectiveness of the internal control environment was sound and substantial assurance can be placed upon the management of risks.
- 4.2 However, there are aspects of the Joint Working Agreement that require updating and amending. Some of the changes proposed in this report are administrative in nature, while others advocate a change in the current operating practices. These changes have been considered by the officer Management Board for the Shared Service, all three Section 151 officers, and agreed as appropriate by the Joint Committee. The proposed changes are set out in the Deed of Variation found in Appendix A.

5. Effect upon Policy Framework and Procedure Rules

- 5.1 The proposals contained within this report require Executive and Council decision.

6. Equality Impact Assessment

- 6.1 An EIA was produced when the SRS was originally created and has been updated further as the project progressed.

7. Financial Implications

- 7.1 There are no specific financial implications arising from this report. However, if the revised paragraph 11.9.2.A on page 22 is enacted, this could commit the Council to additional costs of around £22,500. This would be above the agreed budget and would have to be met from the directorate where available.

8. Recommendations

- 8.1 That Cabinet approves, and recommends to Council for approval, the proposed changes to the Joint Working Agreement between the partner councils for the provision of Regulatory Services.
- 8.2 That the Senior Responsible Officer with responsibility for the Shared Regulatory Service be authorised to approve administrative changes to the Joint Working Agreement as long as there is no extension of delegations to the Shared Service or additional financial implications.

P A JOLLEY

CORPORATE DIRECTOR OPERATIONAL AND PARTNERSHIP SERVICES

March 2017

Contact Officer: Andrew Jolley, Corporate Director Operational and Partnership Services, Bridgend County Borough Council

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Background Papers:

The Shared Regulatory Services Business Plans 2015/16 and 2016/17

The Joint Working Agreement executed on 10th April 2015

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Dated

2017

DEED OF VARIATION

BETWEEN:

BRIDGEND COUNTY BOROUGH COUNCIL (1)
THE COUNTY COUNCIL OF THE CITY AND COUNTY OF CARDIFF (2)
THE VALE OF GLAMORGAN BOROUGH COUNCIL (3)

This Deed is dated

PARTIES

- (1) Bridgend County Borough Council (BCBC)
- (2) The County Council of the City and County of Cardiff (CCC)
- (3) Vale of Glamorgan Borough Council (VGBC)

BACKGROUND

- (A) The Parties are party to an agreement for a Shared Regulatory Service (Collaboration), a copy of which is attached at the Schedule to this deed.
- (B) The Parties have agreed that it is desirable for the better operation of the Shared Regulatory Service to vary the Joint Working Agreement. Consequently the Parties wish to amend the Agreement as set out in this deed with effect from the date of this deed (Variation Date).

AGREED TERMS

1. VARIATION

With effect from the Variation Date the Parties agree the following amendments to the Agreement:

Joint Working Agreement – April 2015	Joint Working Agreement – 2017
Page 4 clause ii delete “Regulatory Shared Service”	Insert – “Shared Regulatory Service”
Page 6 definition of CIWM delete “the Weights and Measures Act 1975 and who holds the qualifications prescribed in Section 75 of the aforesaid 1975 Act”	Insert “the Weights and Measures Act 1985 and who holds the qualifications prescribed in Section 73 of the aforesaid 1985 Act”
Page 10, clause 1.2.4	Add “and any legislation analogous to the legislation listed in Schedule 1 Part 1”
Page 14 delete “a copy thereof shall be forwarded to the Chief Executive of each participant”	Insert – “a copy thereof shall be presented to the Cabinet of each participant”
	Page 14 NEW – Insert clause 5.6 “The Participants will arrange for a report to be made to their respective Cabinets for information purposes apprising the respective Cabinets of the content of the report required under paragraph Clause 5.1”.
Page 19 – Clause 9.3 delete “1975”	Insert “1985”
	Page 21 Amend 11.9.1 to read “save as provided in paragraph 11.9.2 and 11.9.2A without the prior consent of each of the Participants liable to contribute to such expenditure.
	Page 22 NEW Insert 11.9.2.A

	<p>“The Head of the Shared Regulatory Service, in consultation with Lead S151 Officer, may in the case of an unexpected event incur expenditure of up to £100,000 in excess of the Agreed Budget, without the provision of prior consent. Details of the expenditure will be reported back to the Participants’ S151 Officers within five working days of the commitment being known and reported to the next Board and Joint Committee meetings”.</p>
Page 25 Clause 15.2 delete “Regulatory Shared Service”	Insert – “Shared Regulatory Service”
Page 32 Clause 18.4.2 delete “Regulatory Shared Service”	Insert – “Shared Regulatory Service”
Page 32 Clause 18.5 delete “Regulatory Shared Service”	Insert – “Shared Regulatory Service”
Page 33 Clause 18.7.2 delete “Regulatory Shared Service”	Insert – “Shared Regulatory Service”
Page 41 Clause 31.1 delete “Regulatory Shared Service”	Insert – “Shared Regulatory Service”
Schedule 1 Part 1 – delete Part 1	Insert NEW Schedule 1 Part 1
	<p>Page 53 NEW Clause 2(iii) Insert</p> <p>“Exercise any delegations assigned to the Head of Regulatory Services by the Joint Committee”</p>
Page 60 Clause 2(e) delete “Regulatory Shared Service”	Insert – “Shared Regulatory Service”
Page 60 Clause 4.2 delete “Regulatory Shared Service”	Insert – “Shared Regulatory Service”
Page 60 Clause 4.4 delete “Regulatory Shared Service”	Insert – “Shared Regulatory Service”
Schedule 4 – delete all	Insert NEW Schedule 4
	<p>Page 74 insert NEW Clauses 3.1A and 3.1B</p> <p>“Clause 3.1A Notification of any proposed saving requirement to be made by the Service must be provided to the Head of Service and the Lead Financial Officer at least 12 months in advance of the year to which they relate. Indications of the following three year savings requirement should be provided to the Head of Service prior to the start of each financial year”.</p> <p>“Clause 3.1B In the event of financial changes that are outside the control of the Shared Regulatory Service such as, but not restricted to changes in legislation, inflation or pension fund contributions, then the Shared Regulatory Service shall commence consultation with the Participants on funding these changes as soon as possible”.</p>

2.2 Except as set out in Clause 2.1 the Agreement shall continue in full force and effect

3. CONFORMED COPY

The Parties acknowledge that the Agreement as amended by this deed shall be read and construed as the same appears as a conformed copy attached at the Schedule to this deed.

4. GOVERNING LAW

This deed and any dispute or claim (including non-contractual disputes or claims) arising out of or in connection with it or its subject matter or formation shall be governed by and construed in accordance with the law of England and Wales.

5. JURISDICTION

Each party irrevocably agrees that the courts of England and Wales shall have exclusive jurisdiction to settle any dispute or claim (including non-contractual disputes or claims) arising out of or in connection with this deed or its subject matter or formation.

This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

THE SCHEDULE
CONFORMED AGREEMENT

The Common Seal of
BRIDGEND COUNTY BOROUGH
COUNCIL was hereunto affixed
in the presence of:

.....
Head of Legal Services/Operational Manager

The Common Seal of
THE COUNTY COUNCIL OF THE
CITY AND COUNTY OF CARDIFF:

.....
Authorised Signatory

The Common Seal of
THE VALE OF GLAMORGAN
BOROUGH COUNCIL was
hereunto affixed in the
Presence of:

.....
Head of Legal Services/Operational Manager

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

28 MARCH 2017

REPORT OF THE MONITORING OFFICER

DELEGATIONS TO CHIEF OFFICERS – ELECTION PERIOD

1. Purpose of Report

- 1.1 To seek the approval of Cabinet of proposed arrangements to enable the Authority to continue to function effectively during the period between the forthcoming election and the appointment of a Leader and Cabinet at the Annual Meeting of Council.

2. Connection to Corporate Plan / Other Corporate Priorities

- 2.1 The report deals with the overall probity of decision making and therefore has a potential impact on all priorities.

3. Background

- 3.1 The Local Government Elections are scheduled to take place on 4 May 2017. Existing Members hold office until the fourth day after the Elections and new Members take office on the fourth day following the Elections. A Leader will be elected and a Cabinet appointed at the Annual Meeting of Council scheduled to be held on 17 May 2017.
- 3.2 There will be a period of time, during May 2017, where the Authority will be without a Cabinet. In order for the Authority to continue to function effectively arrangements will need to be put in place providing for the delegation of Cabinet functions.

4. Current situation / proposal

- 4.1 It is proposed that from 4th May 2017 (the date of the Local Government Election) to 17 May 2017 (Annual Meeting of Council) any functions which are the responsibility of the Cabinet shall be allocated to and discharged by the relevant Chief Officer. Where there is a requirement within the Scheme of Delegation to consult with Cabinet Members, the requirement is suspended for the same period of time.

5. Effect upon Policy Framework & Procedure Rules

- 5.1 This report will temporarily affect the Procedure Rules.

6. Equalities Impact Assessment

- 6.1 There are no equality implications attached to this report.

7. Financial Implications

7.1 There are no financial implications attached to this report.

8. Recommendation

8.1 That Cabinet approves the proposal set out at paragraph 4.1 of this report.

P A Jolley

Corporate Director Operational and Partnership Services and Monitoring Officer

13 March 2017

Contact Officer: Andrew Rees
Senior Democratic Services Officer Committees
Civic Offices
Angel Street
Bridgend
CF31 4WB
Tel: 01656 643147

Background Papers:

None

BRIDGEND COUNTY BOROUGH COUNCIL

CABINET REPORT

28 MARCH 2017

REPORT OF THE CORPORATE DIRECTOR – EDUCATION AND FAMILY SUPPORT

SCHOOL MODERNISATION PROGRAMME: OUTCOME OF PUBLIC NOTICE ON PROPOSAL TO MAKE A REGULATED ALTERATION TO AFON Y FELIN PRIMARY SCHOOL

1. Purpose of report

1.1 The purpose of this report is:

- to inform Cabinet of the outcome of the Public Notice on the proposal to make a regulated alteration to Afon y Felin Primary School, by enlarging the school with effect from 1 April 2017; and
- to request Cabinet issue a Determination as per the proposal.

2. Connection to Corporate Plan/Other Corporate Priorities

2.1 The school modernisation programme supports many of the corporate priorities, in particular:

- smarter use of resources; and
- supporting a successful economy.

2.2 On 3 March 2015, Cabinet approval was received for the Council to adopt revised principles as a framework for school organisation in Bridgend. Five key principles were set out to inform the organisation and modernisation of our schools:

- a commitment to high standards and excellence in provision;
- equality of opportunity, so that all pupils can access quality learning opportunities, regardless of which school they attend;
- inclusive schools, which cater for the learning needs of all their pupils;
- community-focussed schools, where the school actively engages with its local community; and
- value for money.

2.3 The Policy and Planning Framework sets out 17 areas where these principles should be applied in practice.

2.4 The principles which are particularly relevant in the context of this proposal concern the size of primary schools (to ensure that “all Bridgend’s primary schools are large enough to make the full range of necessary provision”) and value for money, efficiency and effectiveness and the provision of local

schools, planning new provision to reflect changes in the distribution of the population.

- 2.5 This report outlines the result of the Public Notice in respect of the proposed enlargement and seeks approval to continue the process to the next stage.

3. Background

- 3.1 On 4 October 2016, Cabinet approved the consultation on the proposal to make a regulated alteration to Afon y Felin Primary School by enlarging the school with effect from 1 April 2017.

- 3.2 Consultation was carried out between 22 November 2016 and 6 January 2017 in accordance with the statutory School Organisation Code. A copy of the consultation document was also made available during this time on the Council's website:

<http://www1.bridgend.gov.uk/services/consultation.aspx>

- 3.3 Cabinet, on 31 January 2017, having considered the outcome of the consultation with all parties as detailed in the draft consultation report, authorised the publication of that report and the issuing of a statutory notice regarding the proposal.

4. Current situation

- 4.1 A public notice was issued on 10 February 2017 and lasted a period of 28 days. The statutory notice detailed the proposal and gave an opportunity to submit formal written objection.

- 4.2 No objections were received during the public notice period. Cabinet can now determine the proposal (*Cabinet can accept, reject or modify the proposal*).

5. Effect upon Policy Framework and Procedure Rules

- 5.1 There is no effect upon the policy framework or procedure rules.

6. Equality Impact Assessment

- 6.1 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 no negative impact on the duties of the Council towards protected groups.

- 6.2 A Welsh Language Impact Assessment has been carried out as part of the consultation. No negative impacts are anticipated as a result of the proposal.

- 6.3 A Community Impact Assessment has been carried out as part of the consultation. No negative impacts are anticipated as a result of the proposal.

7. Financial implications

7.1 In order to accommodate the increased pupil numbers and avoid overcrowding it has become necessary for the School to utilise a space within the existing accommodation for teaching purposes. This has resulted in an increase to the capacity and this change has already been implemented on a temporary basis this academic year. This proposal formalises this temporary arrangement. The area which would be incorporated into the capacity calculation is within the school building and is already fully funded via the funding formula allocation. Should additional pupils be admitted to the school, additional funding for staff may be required which will met from within the overall schools' delegated budget and funded through the schools' funding formula.

8. Recommendations

8.1 Cabinet is therefore recommended to:

- consider the outcome of the Public Notice as detailed in the report above; and
- approve the implementation of the proposal to make a regulated alteration to Afon y Felin Primary School, by enlarging the school, with effect from 1 April 2017.

Lindsay Harvey

Interim Corporate Director - Education and Family Support

March 2017

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Background documents

Cabinet Report: 3 March 2015: "PRINCIPLES DOCUMENT"

Cabinet Report: 4 October 2016 - Report of the Corporate Director – Education and Family Support - SCHOOL MODERNISATION PROGRAMME: PROPOSED ENLARGEMENT OF AFON Y FELIN PRIMARY SCHOOL

CABINET REPORT: 31 January 2017 - REPORT OF THE CORPORATE DIRECTOR – EDUCATION AND FAMILY SUPPORT - SCHOOL MODERNISATION PROGRAMME: Outcome of Consultations on proposal to make a regulated alteration to Afon Y Felin Primary School

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BRIDGEND COUNTY BOROUGH COUNCIL

CABINET REPORT

28 MARCH 2017

REPORT OF THE CORPORATE DIRECTOR – EDUCATION AND FAMILY SUPPORT

SCHOOL MODERNISATION PROGRAMME: BRYNMENYN PRIMARY SCHOOL - MODIFICATION OF SCHOOL OPENING DATE FROM JANUARY 2018 TO FEBRUARY 2018

1 Purpose of Report

- 1.1 This report is to request Cabinet approval to modify the decision in respect of the opening date of the replacement Brynmenyn Primary School from 1 January 2018 to 26 February 2018.

2 Connection to Corporate Plan/Other Corporate Priorities

- 2.1 The school modernisation programme supports many of the corporate priorities, in particular:

- smarter use of resources; and
- supporting a successful economy.

- 2.2 On 3 March 2015, Cabinet approval was received for the Council to adopt revised principles as a framework for school organisation in Bridgend. Five key principles were set out to inform the organisation and modernisation of our schools:

- a commitment to high standards and excellence in provision;
- equality of opportunity, so that all pupils can access quality learning opportunities, regardless of which school they attend;
- inclusive schools, which cater for the learning needs of all their pupils;
- community-focussed schools, where the school actively engages with its local community; and
- value for money.

- 2.3 The Policy and Planning Framework sets out 17 areas where these principles should be applied in practice.

- 2.4 The principles which are particularly relevant in the context of this proposal concern the size of primary schools (to ensure that “all Bridgend’s primary schools are large enough to make the full range of necessary provision”) and value for money, efficiency and effectiveness and the provision of local schools, planning new provision to reflect changes in the distribution of the population.

3 Background

- 3.1 In order to relieve the pressure on primary school places in the Valleys Gateway area, it was proposed to build a new school for Brynmenyn Primary School on land

adjacent to Coleg Cymunedol Y Dderwen. It was also proposed to make a regulated alteration to Brynmenyn Primary School in the form of an enlargement to the school.

- 3.2 In June 2015, Cabinet approved the consultation report regarding the outcome of the consultation process and approved the publication of a statutory notice in respect of the proposal.
- 3.3 The statutory public notice was issued on 25 June 2015 and the closing date for objections was 22 July 2015. No objections were received in this regard and in September 2015, Cabinet determined to implement the proposal as published with effect from 1 January 2018.
- 3.4 Following a competitive tender process utilising the SEWSCAP framework, BAM Construction Ltd were appointed for the initial pre-construction stage and subsequently submitted a price for the construction of the school.
- 3.5 On 1 November 2016, Cabinet approved the awarding of the contract to BAM Construction.

4 Current situation

- 4.1 It was originally anticipated that works would start on site at the end of November 2016, in order to complete the school in readiness for opening on 1 January 2018.
- 4.2 However, delays to the commencement of construction were incurred due to the processes associated with the discharge of pre-commencement planning conditions and the awarding of the contract.
- 4.3 The delay in commencement has resulted in a start on site date for mobilisation of 16 January 2017 with construction subsequently commencing on 13 February 2017. Based on this start-on-site date, the programme issued by the contractor currently estimates completion as 29 January 2018.
- 4.4 As is the nature of construction projects, there are likely to be delays on site due to unforeseen issues. Therefore it is anticipated that completion is likely to be nearer to February half term. Modifying the opening date to the week after February half term (i.e. 26 February 2018) will allow time for the school to decant from their existing provision into the new school building.
- 4.5 The views of the school's governing body have been sought with this regard and they are in agreement with the proposed modification to the school opening date.
- 4.6 The proposal by the local authority was determined pursuant to Section 53 of the School Standards and Organisation (Wales) Act 2013 and as such does not require the agreement of the Welsh Ministers. Section 55(5) (a) of the Act permits a local authority to determine that proposals which have already been determined can be modified if implementation of the proposals on that date or those dates would be unreasonably difficult.

5 Effect upon Policy Framework and Procedure Rules

- 5.1 There is no effect upon the policy framework or procedure rules.

6 Equality Impact Assessment

- 6.1 An Equality Impact Assessment has been undertaken. The assessment has concluded that there is no negative impact on the duties of the Council towards protected groups.

7 Financial implications

- 7.1 The cost of constructing the new school for Brynmenyn will be met from the Welsh Government's 21st Century Schools Programme, for which the Council has had the necessary approval and the Council's Capital Programme.
- 7.2 The original budget allocation for the scheme was agreed as £8.15 million, of which £325,000 has been allocated for external Highways works. Council has since approved an increase in the budget allocation of £535,066 which consists of Section 106 monies from nearby housing developments. Therefore, the total approved project budget is now £8,685,066. The Welsh Government will provide half of the funding for the eligible elements of the scheme with the remainder coming from capital receipts that Council has agreed will be ring fenced for the School Modernisation Programme and relevant Section 106 payments.
- 7.3 Any increase in funding due to the increased floor area in the new school will be met from within the overall Individual Schools Budget (ISB). Any efficiency savings due to the school being more sustainable and energy efficient, or alternatively increased running costs, will have to be met from the school's delegated budget.

- 7.4 There are no financial implications due to the proposal to change the opening date.

8 Recommendation

- 8.1 Cabinet is therefore recommended to approve the modification of the decision to amend the opening date of the new Brynmenyn Primary School from 1 January 2018 to 26 February 2018.

Lindsay Harvey

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March 2017

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Background documents

Council Report 13 September 2006: "LEARNING COMMUNITIES – SCHOOLS OF THE FUTURE – STRATEGY, PRINCIPLES, POLICY AND PLANNING FRAMEWORK"

Cabinet Report 12 December 2006: "Learning Communities: SCHOOLS OF THE FUTURE" – SCHOOL MODERNISATION PROPOSALS"

Cabinet Report 2 November 2010: "THE SCHOOL MODERNISATION PROGRAMME OVERVIEW AND BRIDGEND'S 21ST CENTURY SCHOOLS' STRATEGIC OUTLINE PROGRAMME SUBMISSION TO Welsh Assembly Government"

Cabinet report 21 February 2012: "SCHOOL MODERNISATION PROGRAMME: BRIDGEND'S 21ST CENTURY SCHOOLS' STRATEGIC OUTLINE PROGRAMME REVISED BAND A SUBMISSION TO Welsh Government"

Cabinet Report 13 January 2015: "SCHOOL MODERNISATION PROGRAMME: PROPOSAL TO CONSULT ON PRIMARY PROVISION IN THE VALLEYS GATEWAY AREA"

Cabinet Report 3 March 2015: "PRINCIPLES DOCUMENT"

Consultation Document 23 March 2015: "PROPOSAL TO MAKE A REGULATED ALTERATION IN THE FORM OF AN ENLARGEMENT TO BRYNMENYN PRIMARY SCHOOL AND RELOCATE IT INTO A NEW BUILDING ON SURPLUS LAND ADJACENT TO COLEG CYMUNEDOL Y DDERWEN"

Cabinet Report 16 June 2015: "SCHOOL MODERNISATION PROGRAMME: OUTCOME OF CONSULTATION ON PROPOSAL TO MAKE A REGULATED ALTERATION IN THE FORM OF AN ENLARGEMENT TO BRYNMENYN PRIMARY SCHOOL AND RELOCATE IT INTO A NEW BUILDING ON SURPLUS LAND ADJACENT TO COLEG CYMUNEDOL Y DDERWEN"

Cabinet Report 1 September 2015: "SCHOOL MODERNISATION PROGRAMME: OUTCOME OF PUBLIC NOTICE ON THE PROPOSAL TO RELOCATE BRYNMENYN PRIMARY SCHOOL ON LAND ADJACENT TO COLEG CYMUNEDOL Y DDERWEN AND MAKE A REGULATED ALTERATION IN THE FORM OF AN ENLARGEMENT"

Decision Notice 7 September 2015: "PROPOSAL TO MAKE A REGULATED ALTERATION TO BRYNMENYN PRIMARY SCHOOL, BRYN ROAD, BRYNMENYN, BRIDGEND, CF32 9LA IN THE FORM OF AN ENLARGEMENT TO THE SCHOOL AND RELOCATING THE SCHOOL TO A NEW BUILDING ON LAND ADJACENT TO COLEG CYMUNEDOL Y DDERWEN"

Cabinet Report 27 October 2015: "PROCESS FOR THE PROCUREMENT OF THE CONTRACTOR FOR BRYNMENYN PRIMARY SCHOOL"

Cabinet Report 10 May 2016: "SCHOOL MODERNISATION PROGRAMME: OUTCOME OF THE TENDER PROCESS FOR THE DESIGN AND CONSTRUCTION OF BRYNMENYN PRIMARY SCHOOL"

Cabinet Report 1 November 2016: "SCHOOL MODERNISATION PROGRAMME: OUTCOME OF THE SECOND STAGE OF THE TENDER PROCESS FOR THE DESIGN AND CONSTRUCTION OF BRYNMENYN PRIMARY SCHOOL"

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BRIDGEND COUNTY BOROUGH COUNCIL

CABINET REPORT

28 MARCH 2017

REPORT OF THE INTERIM CORPORATE DIRECTOR – EDUCATION AND FAMILY SUPPORT

SCHOOL MODERNISATION PROGRAMME: OUTCOME OF THE EVALUATION REGARDING THE PROPOSED RELOCATION AND ENLARGEMENT OF MYNYDD CYNFFIG PRIMARY SCHOOL TO A REMODELLED SCHOOL BUILDING AND NEW PROVISION ON THE CURRENT CYNFFIG COMPREHENSIVE SCHOOL SITE

1. Purpose of Report

1.1 This report is to inform Cabinet:

- Of the outcome of the consultation into the proposal to relocate Mynydd Cynffig primary school to the site of Cynffig Comprehensive School
- of the outcome of the evaluation of the counter proposal received from the community (as part of that consultation) in respect of developing the Junior site for primary provision
- of the outcome of the review of the 2011 feasibility report in respect of the Junior site (ie the counter proposal)
- of the outcome of the re-evaluation of both current junior and comprehensive school sites for primary provision
- of the findings of the environmental impact assessment in respect of the civic amenity site and cement works.
- and request Cabinet approval to abandon the scheme to relocate Mynydd Cynffig to the Cynffig Comprehensive site

2. Connection to Corporate Plan / Other Corporate Priorities

2.1 The school modernisation programme supports many of the corporate priorities, in particular:

- Supporting a successful economy
- Smarter use of resources

3. Background

3.1 A feasibility study was undertaken in 2011 to establish the most suitable site for Mynydd Cynffig Primary School that would provide sufficient new modernised accommodation to deliver 3-11 learning. 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 as approved by Cabinet on 28th June 2011.

- 3.2 In June 2015, Cabinet determined to implement the proposal to make a regulated alteration to Mynydd Cynffig Junior School by extending the age range from 7-11 to 3-11 to create primary provision with effect from 1st September 2015.
- 3.3 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.
- 3.4 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, which required significant cuts to the Council's budget over the 2016/17 to 2019/20 period of £35.5 million as a most likely scenario. It was also identified at that time that protection of school budgets may not continue and the LA may face a situation where schools would be tasked with an annual 1% efficiency saving.
- 3.5 The Local Authority had 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.
- 3.6 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.
- 3.7 The main mitigation in respect of this risk was identified as to use the surplus space at Cynffig Comprehensive School to accommodate 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.
- 3.8 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. Approval was provided to commence consultation on the proposal to relocate and enlarge Mynydd Cynffig Primary to the Cynffig Comprehensive School site.
- 3.9 Consultation was carried out between 4th October and 22nd November 2016 in accordance with the statutory 'School Organisation Code'. A copy of the consultation document was also made available during this time on the Council's website:
- <http://www.bridgend.gov.uk/services/consultation/hub/mynydd-cynffig-primary-2016.aspx>
- 3.10 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. These were included as an appendix in the report that was considered by Cabinet on 10th January, regarding the outcome of the consultation process.

- 3.11 A petition and counter proposal was submitted from the community proposing the provision of a new two form entry primary school on the Junior site of Mynydd Cynffig Primary School.
- 3.12 The community also expressed concerns regarding the location of a concrete mixing facility and the proposal to locate a civic amenity site on Village Farm Industrial Estate, Pyle.
- 3.13 Cabinet determined in their meeting on 10th January that the draft consultation report should be published, a review should be undertaken of the counter proposal, together with a review of the 2011 feasibility report. It was also recommended that an environmental impact assessment should be commissioned to establish the effect, if any, of the concrete mixing facility and the civic amenity site on the school.

4. Current situation

- 4.1 A number of quotes were obtained from external consultants for undertaking the environmental impact assessment (EIA). The report concluded that the resulting effect on air quality from the concrete mixing facility and the civic amenity site is considered to be negligible with the planned levels of control and mitigation in place, as determined through the planning process. No additional mitigation is considered necessary.
- 4.2 Officer meetings have been held with representatives from each directorate to examine the counter proposal in detail and review the feasibility of the proposal. A summary of the findings relating to the counter proposal have been collated in the table attached as Appendix 1.
- 4.3 There has also been a review undertaken of the 2011 feasibility report and officers have confirmed that the information is still relevant in respect of the Junior site.
- 4.4 A panel, comprising of Council Officers, Head Teachers and Chairs of the School Governing Bodies, have evaluated two options for the primary school; the comprehensive site and the junior site.
- 4.5 It was recognised during the evaluation scoring sessions, that there would be difficulties in developing primary provision on both the Junior and Comprehensive sites.

The main issues identified by the evaluation panel are detailed below:

Junior site

- Insufficient land currently available on the site to develop primary provision without the use of adjacent land which is currently leased (land required for parent drop off, staff parking, maintaining existing Junior provision and outdoor play whilst constructing the new school)
- Affordability (budget estimate in excess of £10 million)
- Substantial Highways works would be required to ensure safe routes to school for the additional children
- Loss of capital receipt for Junior site to reinvest in the 21st Century Schools programme

- Potential reduction in value of the Infant site if allotments are relocated to this site

Comprehensive site

- Adaptation as opposed to new build
- Affordability (budget estimate now in excess of £10 million due to the increase in the area required for drop off and parking arrangements. This increase impacts on pitch provision, therefore there is a requirement for an all-weather pitch and drainage improvements to certain remaining grassed pitches. There was also an additional requirement for a footbridge to improve access arrangements to the south of the site. These increases also impact on the level of professional fees, increasing the project cost further).
- Substantial Highways works would be required to ensure safe routes to school for the additional children
- Loss of Youth block may result in a loss of income for the school and potential loss of provision
- Primary school would be split over three levels plus 2 mezzanines
- Concern from some parents regarding the mixing of older and younger children
- Site management complexities

- 4.6 As a consequence of the evaluation, together with the revised budget estimates in respect of the development at the comprehensive site (£10 million) the panel considered that the proposal does not represent value for money.
- 4.7 A budget cost estimate was prepared for development of primary provision at the Junior site which was in excess of £10 million and excluded works to the external Highway.
- 4.8 In light of the aforementioned potential costs, and considering the available budget for the scheme of £7.05 million, it is considered that circumstances have changed significantly. A considerable increase in funding would be required to develop primary provision at the comprehensive site. This renders the original proposal cost prohibitive and as the counter proposal has been costed at a similar level, there is insufficient funding currently available to take forward either scheme.
- 4.9 Consequently, Cabinet approval is sought to abandon the original proposal to locate Mynydd Cynffig Primary on the Cynffig Comprehensive site. This means that the replacement of the school would not be taken forward under Band A of the 21st Century Schools Programme.
- 4.10 The Welsh Government had approved the Strategic Outline Case (SOC) in respect of the Mynydd Cynffig Primary scheme and had invited the Council to proceed to Outline Business Case (OBC) stage. Subject to Cabinet's decision, Welsh Government will be advised of the outcome of this process.

5. Effect upon Policy Framework and Procedure Rules

- 5.1 There is no effect upon the policy framework or procedure rules.

6. Equality Impact Assessment

- 6.1 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.

7 Financial Implications

- 7.1 The current capital programme, approved by Council on 1 March 2017, shows the Mynydd Cynffig Primary School total scheme budget as £7.050 million, which comprises £5,044,798 funding from BCBC and £2,005,202 funding from Welsh Government. Bridgend's contribution is a combination of general capital funding, capital receipts and S106 funding.
- 7.2 The capital programme also includes a budget of £700,000 in respect of highways works identified as necessary to complete the proposed relocation of the Primary school to the Cynffig site. As highways works outside the boundary of the school are not considered to be eligible funding within the 21st Century Schools Programme, this was to be funded from the capital receipt generated from the sale of the Junior school site.
- 7.3 For Bridgend, the total current 21st Century Schools programme budget, following the approval of additional S106 funding for Brynmenyn Primary School in the Medium Term Financial Strategy 2017-18 to 2020-21, is £50.024 million, with funding of £25.299 million from BCBC and £24.725 million from Welsh Government. Following discussions with Welsh Government on the proposal to remove the Mynydd Cynffig Primary School scheme from the Band A programme, a revised funding matrix has been drafted and, subject to Cabinet's decision regarding this proposal, will be submitted to Welsh Government. Welsh Government has confirmed that funding for the 21st Century Schools Programme is on a 50:50 funding basis between the local authority and Welsh Government, so the funding matrix has been adjusted to ensure this ratio still applies if the scheme does not proceed.
- 7.4 The revised programme budget would be £42.974 million, a reduction of £7.050 million, with funding of £21.487 million from both BCBC and Welsh Government. The effect of this is the release of £3.238 million of Welsh Government funding and £3.812 million of BCBC funding, comprising capital receipts, general capital funding and earmarked reserves.
- 7.5 If the decision is made not to continue with the scheme then any design or other works associated with the scheme are considered to be abortive costs and cannot be charged to capital. Consequently they will have to be met from the directorate revenue budget. The estimated total value of costs incurred to date is between £250,000 and £300,000.
- 7.6 Financial Procedure Rules state:

3.4.8 Remedial action which necessitates the retardation or deletion of a scheme within the first year of the programme shall be subject to the prior approval of the Council based on a joint report of the Chief Finance Officer and Chief Officer.

Consequently, Council will be requested to approve the removal of the school scheme from the capital programme, along with the associated highways works.

8. Recommendations

Cabinet is therefore recommended:

- 8.1 to abandon the proposal to relocate Mynydd Cynffig Primary to the Cynffig Comprehensive site.
- 8.2 to provide approval to inform Welsh Government to remove the scheme from Band A of the 21st Century Schools Programme
- 8.3 to request that Council remove the scheme and associated Highways works from the capital programme

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Background documents

Cabinet report, 9th October 2007, "SCHOOL MODERNISATION PROGRAMME: PHASE 2 3-18 PROVISION IN THE AREA OF CEFN CRIBWR, CORNELLY, KENFIG HILL AND PYLE"

Cabinet Report, 28th April 2009, "SCHOOL MODERNISATION PROGRAMME: PHASE 2 3-18 PROVISION IN THE AREA OF CEFN CRIBWR, CORNELLY, KENFIG HILL AND PYLE"

Cabinet Report 26th May 2009, "SCHOOLS OF THE FUTURE – THE SCHOOL MODERNISATION PROGRAMME OVERVIEW AND PROGRESS"

Cabinet Report 2nd November 2010, "THE SCHOOL MODERNISATION PROGRAMME OVERVIEW AND BRIDGEND'S 21ST CENTURY SCHOOLS' STRATEGIC OUTLINE PROGRAMME SUBMISSION TO WELSH GOVERNMENT"

Cabinet report, 28th June 2011, "SCHOOL MODERNISATION PROGRAMME: SITE RECOMMENDATION FOR A PRIMARY SCHOOL IN MYNYDD CYNFFIG"

Cabinet report 9th December 2014, "SCHOOL MODERNISATION: PROPOSAL TO CONSULT ON THE PROPOSAL TO CLOSE MYNYDD CYNFFIG INFANTS SCHOOL AND EXTEND THE AGE RANGE OF MYNYDD CYNFFIG JUNIOR SCHOOL TO CREATE AN ALL THROUGH PRIMARY SCHOOL"

Cabinet Report 16th June 2015, "SCHOOL MODERNISATION PROGRAMME: OUTCOME OF PUBLIC NOTICE ON THE PROPOSAL TO CLOSE MYNYDD CYNFFIG INFANTS SCHOOL AS AT 31ST AUGUST 2015 AND EXTEND THE AGE RANGE OF MYNYDD CYNFFIG JUNIOR SCHOOL FROM A 7-11 TO A 3-11 SCHOOL TO CREATE AN ALL THROUGH PRIMARY WITH EFFECT FROM 1ST SEPTEMBER 2015"

Report to Council 18 May 2016: Capital Programme 2016-17 to 2025-26

Cabinet Report 5th July 2016, "SCHOOL MODERNISATION PROGRAMME: MYNYDD CYNFFIG PRIMARY SCHOOL – OUTCOME OF FEASIBILITY STUDY AND PROPOSAL TO CONSULT ON THE RELOCATION AND ENLARGEMENT OF THE SCHOOL"

Report to Council 6th July 2016, "SCHOOL MODERNISATION PROGRAMME: UPDATE ON REPLACEMENT MYNYDD CYNFFIG PRIMARY SCHOOL AND REVISED CAPITAL PROGRAMME"

Report to Cabinet 10th January 2017, "SCHOOL MODERNISATION PROGRAMME: OUTCOME OF CONSULTATIONS TO MAKE A REGULATED ALTERATION TO MYNYDD CYNFFIG PRIMARY SCHOOL"

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Proposal for the re-location and enlargement of Mynydd Cynffig Primary to a remodelled school building and new provision on the Cynffig Comprehensive School site

Consideration of Counter Proposal as part of a petition submitted by the community during the consultation process

Counter proposal suggestion	BCBC Comment
<p>We are currently investigating the ownership of the land for both the Junior and Infant sites – we have been led to believe that both sites were donated by Mr Talbot of Margam Estate for Educational purposes and therefore neither belong to the Council</p>	<p>The sites were purchased from the Margam Estate in various parcels, not donated. Both the infant and junior school sites are in the ownership of and registered to BCBC with freehold titles with the exception of the lane running between the school field and buildings on the junior school site which is still in the ownership of BCBC but registered with Possessory Title.</p>
<p>There is enough room on the Junior site to house a 2 storey L shaped building</p>	<p>Following the 2011 Feasibility report, which explored in detail the land area requirements, the Junior School site with additional land (allotments & park) could accommodate the new Mynydd Cynffig Primary School. Based on recent schemes it would be expected that the ATC area may also be required in order to accommodate parent drop off and parking.</p> <p>From an engineering perspective, there does not appear to be any reason why a new primary school could not be constructed at the existing Junior School site, but further studies will have to be undertaken to confirm this.</p>

	<p>The allotment site is leased to the Pwllgarth Allotment Association by virtue of a long standing lease granted by Mid Glamorgan CC in 1976.</p> <p>The land on which the Kenfig Hill ATC hut is situated is currently leased to the Reserve Forces & Cadets Association for Wales by virtue of a 20 year lease from 25 January 2003 which does expire until February 2023. There are no breaks in the lease which is not outside of the Landlord & Tenant Act.</p> <p>There is a small strip of land on the Junior site which used to be an access to housing which has since been demolished. In order to stop up a Highway within a proposed development, developers must do so under Section 247 of the Town and Country planning Act 1990 whereby developers deal with the procedure direct with the Welsh Government.</p>
<p>We propose that the allotments and park be relocated to the Infants site – this allowing us to utilise the space for the new school (as per your original document 2011)</p>	<p>The relevant LDP policies (SP13 and COM7) relating to community facilities, which includes children’s outdoor recreation and allotments, and their relocation are set out below:-</p> <p>SP13 Social and Community Facilities</p> <p>In order to maintain and improve the quality of life of residents the following social and community uses and/or facilities will be retained or enhanced:</p> <p>Educational and training facilities; Health and well being facilities; Libraries; Outdoor recreation; Indoor leisure facilities;</p>

	<p>Community buildings; Allotments; and Cemeteries.</p> <p>In the interest of improved service provision, all proposals for new or replacement social and community facilities should demonstrate that every reasonable attempt has been made to consider the co-location with another social and community facility before a stand alone facility is considered.</p> <p>Policy COM7</p> <p>Protection of Social and Community Facilities</p> <p>Proposals which result in the loss of existing or proposed social and community facilities will not be permitted unless justified on one of the following grounds:</p> <ol style="list-style-type: none"> 1. A suitable alternative location is available and a facility of equivalent community benefit is provided by the developer on or off the site; or 2. In the view of the local planning authority the existing facility is no longer required for the current use, or any other social and community uses, or there is already an excess of such provision in the area.
<p>The space that has been freed up from the allotments, walkway to the allotments and the park will be where the new school will be built; an L shaped school nearing the back of what is currently the allotments, up to the park entrance and as far down as the vegetable patch on the school – we have been advised that the gradients in this area are gently sloping and would need minimal landscaping</p>	<p>Agreed, the higher (allotment area) has the lesser gradient. However, the remaining site has a significant slope; and would therefore be the location for the sports pitch. N.B. The sports pitch is to be the largest flattest single area on the site and as such would require significant augmentation and cost to level to current standards. This, unless the existing sloping grassed pitch is deemed to be appropriate.</p>

<p>Health and Safety allowing, the junior school will remain working until the build nears completion. The only adjustment to their current site would be fencing surrounding the yard to prevent children crossing into the building site and the loss of their grassed area (but they will maintain their school field)</p>	<p>Health and Safety would be a concern whilst building adjacent to an operational school, however this is possible.</p>
<p>A new road will be put in for access from the entrance to Caer Wetral cul de sac, allowing site access while the development goes ahead, once completed it will allow for staff parking behind the new building</p>	<p>Disparate car parking for staff can logistically be accommodated but at a cost. A single rationalised and minimal parking strategy off the main access/drop off would be economically better and environmentally friendlier.</p> <p>There is restricted frontage on Caer Wetral in the vicinity of the junction to provide any such access without it being in too close a proximity to the Croft Goch Road junction. Therefore on highway safety grounds, the Highway Authority would not support such a proposal.</p>
<p>Once the new build is completed, the fence surrounding the yard will be removed and placed around the old school – meaning the yard continues to be the yard for the new school</p>	<p>The extent and type of physical segregation between school and the construction site would be dependent on design/layout, but is possible.</p>
<p>Due to the difference in gradients, steps will be added to so that the site of the old school allows for access down to the yard (should they be needed) but the main walk way to the school yard would be from the gently sloping gradient located near the allotments</p>	<p>Any ramps/steps/retaining structures (should they be needed) to accommodate changes in external levels have a cost implication to the development budget.</p>
<p>Regarding the lane access behind Pwlllygath Street that is currently used to drop off children; a portion of the school field will be taken away, allowing for a two lane road access and pedestrian walkway</p>	<p>The Highway Authority would be in favour of making the highway wider at this location with a pedestrian footway on its south western side (school side) to improve Road safety for children walking to school. There will also be a requirement to provide enhancements to facilitate access for pedestrians as part of enabling works for the new school site from the surrounding residential streets. The extent and nature of these improvements will need to meet relevant standards to ensure they are suitable for use. In addition, a form of improvement for</p>

	<p>visibility (e.g. a 1m buffer zone) would be needed for vehicles using the existing garages to reduce the risk of conflict between the usage of the garages, pedestrians and vehicles using the widened road. There may also be a need to install traffic calming features along this road to ensure slow vehicular speeds as there have been previous complaints from residents and the Community Council regarding speed of vehicles along the lane.</p>
<p>Once the build is completed, the old school will be demolished and a turning circle will be located where the reception/hall of the school is currently located</p> <p>Please bear in mind that the increase in road traffic would not be experienced if the site was located on the Junior site as most parents would continue to walk</p>	<p>The Highway Authority consider that a turning circle is inappropriate at this location due to the nature of the Pwll y Garth Street rear lane and the amount of traffic that would potentially use this lane if the turning circle for dropping off pupils was accessed from this lane. This amount of traffic would conflict with pupils walking and cycling to school and utilising this entrance as well as inconsiderate parking whilst dropping children off at school. This proposal would also be at odds with current WG policy which seeks to restrict car access around schools¹.</p> <p>From a recent survey of parents dropping children off outside both the infants and junior school on a fine day it was noted that 125 vehicles dropped off children outside the Junior School and 88 vehicles dropping off children outside Infant School between 8:10am and 9.00am. It was observed that these vehicles dropping off school children at the 2 sites caused problems for residents and road users with</p>

¹ **Planning Policy Wales, Technical Advice Note 18: Transport – p50 (WG, March 2007)**

D.5 All new schools should be subject to TA. The level of analysis should provide the decision maker with suitable data regarding the accessibility of the site by all modes and the impacts on movement patterns likely to occur. The level of detail should be proportionate to the scale of the development. The objectives of the TIS should as a minimum include the creation or improvement of safe cycling and walking routes, restricting car access around schools, providing adequate cycle storage, and a framework for future school travel planning activity.

	<p>obstruction/inconsiderate parking which in turn caused road safety issues.</p> <p>Therefore as a result of this and a previous Transport Assessment undertaken there would need to be an area to accommodate at least 52 parent drop off spaces to accommodate for the likely parental traffic bringing their children to school. Measures to improve accessibility by non-car modes will also be required in order to contribute to a reduction in the number of cars accessing the school.</p>
<p>The playing field would remain where it is and the additional room made when the old building is removed would allow for external learning spaces</p>	<p>The existing playing field has a significant slope.</p>
<p>Cordon off/bollard the lanes that lead from the school to Pwlygath Street, so that it protects pedestrians and does not allow through traffic</p>	<p>The existing lanes are adopted highway and any such bollards that were placed on the highway to prevent movement of traffic would need a traffic order.</p> <p>If bollards were used to cordon off the lanes then any vehicles using the lane would not be able to turn around and would have to reverse back down the lane. This would be a road safety hazard especially near to a school with the likelihood of pedestrian usage.</p> <p>It has also been noted that residents use these lanes to park their cars in the evening due to lack of available space in the residential streets.</p>
<p>The counter proposal would be more beneficial as:</p> <ul style="list-style-type: none"> - There are multiple road routes leading from the Junior site, dispersing traffic quicker 	<p>Apart from Croft Goch Road, the other accesses away from the school are through residential streets or rear lanes which are not considered appropriate due to the shared use with pedestrians and current congestion due to parked cars. Notwithstanding the above, ultimately all of these routes join on to Commercial Street at 2 locations being at the lights at Croft</p>

- Parents would continue to walk their children to the site and that would prevent further congestion

Goch Road / Commercial Street and at the war memorial at Prince Road / Commercial Street.

The Highway Authority consider that as long as the main access to the school was onto Croft Goch Road then the surrounding access is appropriate.

An extra 88 vehicles dropping children off at the Junior School site on top of the existing 125 vehicles currently dropping off would greatly exacerbate the situation at the site, should it combine with the infants school.

In addition, no evidence has been provided to indicate the current modal split for journeys to the school or to suggest the likely future scenario following amalgamation of the school sites. It is therefore difficult to assess the validity of this statement and to predict the likely future journey patterns. However, in order to maintain the current numbers and encourage more parents to walk their children to school, enhancements for active travel should be provided as part of the school development along key routes to the school.

The displaced allotments (1.6 ac) and play space (0.29 ac) have a total site area of approximately 1.9 acres.

The total site area of the Infants School is 3.8 acres. As such, on a like-for-like replacement basis there is likely to be almost 2 acres of redundant land remaining for alternative development.

- A portion of the Infants site would become available for sale for housing development (once the allotments and park were relocated)

- You could possibly look at selling some of the land that Cynffig Comprehensive School doesn't use as it was said in the proposal meetings there is too much land at this location

- Footfall would continue past local businesses
- The community would be happy

It is difficult to comment on a value per acre as this could vary dramatically depending on the location, size, planning /development constraints and future use.

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