

**CABINET - TUESDAY, 28 MARCH 2017**

**MINUTES OF A MEETING OF THE CABINET HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON TUESDAY, 28 MARCH 2017 AT 2.30 PM**

Present

Councillor HJ David – Chairperson

CE Smith  
CL Reeves

HJ Townsend

PJ White

HM Williams

Apologies for Absence

Officers:

Randal Hemingway	Head of Finance & Section 151 Officer
Darren Mephram	Chief Executive
Mark Shephard	Corporate Director - Communities
Susan Cooper	Corporate Director - Social Services & Wellbeing
Andrew Jolley	Corporate Director Operational & Partnership Services
Andrew Rees	Senior Democratic Services Officer - Committees
Lindsay Harvey	Corporate Director Education and Family Support

1075. COUNCILLOR D SAGE

The Leader announced with sadness the recent passing of Councillor David Sage, a former Deputy Leader of the authority, colleague and friend.

All present stood in silence as a mark of respect.

1076. MR LINDSAY HARVEY

The Leader extended a warm welcome to Mr Lindsay Harvey, Interim Corporate Director Education and Family Support who was attending his first meeting of Cabinet since his appointment.

1077. DECLARATIONS OF INTEREST

None.

1078. APPROVAL OF MINUTES

RESOLVED: That the minutes of the meeting of Cabinet of 28 February 2017 be approved as a true and accurate record.

1079. THE PORTHCAWL ELVIS FESTIVAL 2017

The Corporate Director Communities reported on 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.

He stated that the Council had developed a reputation for designing and delivering a programme of innovative and 'quirky' events and the aim of the events strategy is to assist event organisers and venues by providing a supportive environment. The Porthcawl Elvis Festival was first established in 2004 and draws approximately 30,000 visitors to the Festival each September, with the economic impact of the event estimated at £6.7m.

He reported that in 2015 research was carried out in recognition of some of the challenges that an event of this size and nature placed on the infrastructure and functioning of a town to identify potential improvements to maintain the positive economic impacts and reduce any negative social or environmental impacts. South Wales Police had also carried out a review in 2015 to consider the requirements for safety and policing at the event. In response to the recommendations arising from these pieces of work, a pilot, multi-agency approach was established, which 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. 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.

The Corporate Director Communities stated that it was proposed that this approach be taken again for 2017 with a value in respect of service provision of £20,000 being committed from the Strategic Events 2017/18 budget to carry out work in relation to traffic management; health and safety; street and beach cleansing and public order. He informed Cabinet that it had already provided financial support for the Urdd Eisteddfod in May 2017 and Seniors Open Championship in July 2017. The support to the Porthcawl Elvis Festival will result in the Strategic Events budget being fully allocated for 2017/2018 financial year.

The Cabinet Member Education and Regeneration in commending the proposal stated that the Council had worked in partnership to resolve the concerns articulated by the police and the authority was able to host very different events which would be money well spent and produce a return on investment.

**RESOLVED:** That Cabinet:

- (1) Noted the positive economic impact of the Porthcawl Elvis Festival on the local economy;
- (2) Delegated 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

Approved 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.

**1080. AGREEMENT FOR THE COUNCIL TO HOST THE REGIONAL WALES COAST PATH OFFICER (SOUTH)**

The Corporate Director Communities sought approval for authority 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 31 March 2021.

He reported that the Wales Coastal Access Improvement Programme is a scheme funded by the Welsh Government via Natural Resources Wales to deliver its commitment to increase public access to the coast of Wales. He stated that Regional officers 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 and will monitor, maintain, improve and promote the Wales Coast Path in the region in which they are based. Following discussions between the seven local authorities within the South region Bridgend would be the host authority for the South Regional Officer. NRW has drafted a Memorandum of Agreement and other associated documents for signing by the host authorities.

**RESOLVED:** That Cabinet approved 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 31 March 2021.

**1081. WASTE SERVICES CONTRACT DEFERRED SERVICES COMMENCEMENT DATE**

The Corporate Director Communities sought approval to enter into a Deed of Variation to the recently completed Waste Services Contract, the purpose of which was to defer the commencement of certain services from 1 April 2017 to 5 June 2017. He also sought authority to develop an appropriate Deed of Variation and to agree its content prior to signature with the waste services contractor Kier Services Ltd.

The Corporate Director Communities informed Cabinet that the procurement process required a de-briefing of those bidding contractors considered to have fallen short of the competitive tender requirements, with regard to their submitted bids. The Council was challenged during the de-briefing process by one of the tenderers on the level of detail supplied to unsuccessful bidders. The de-briefing process had now been concluded and the successful contractor advised 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 and to mitigate the impact of the compressed mobilisation period approve a variation to the commencement of certain services from the 1<sup>st</sup> April 2017 to the 5<sup>th</sup> June 2017 was sought. 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.

In response to a question from the Leader as to whether the communications plan would be updated to reflect the variation of the commencement of certain services, the Corporate Director Communities confirmed that the plan would be updated accordingly.

**RESOLVED:** That Cabinet authorised 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.

**1082. SHARED REGULATORY SERVICES - REVIEW OF JOINT WORKING AGREEMENT**

The Corporate Director Operational and Partnership Services sought changes to the Joint Working Agreement between the partner Councils for the provision of Regulatory Services and approval to amend the regionalised service and to refer matters as appropriate to Council.

He reported that 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 and the Shared Regulatory Services Joint Committee. He stated that there were aspects of the Joint Working Agreement that require updating and amending, some of which are administrative in nature, while others advocate a change in the current operating practices. He informed Cabinet that if the revised paragraph 11.9.2.A was enacted, this could commit the Council, to additional costs of around £22,500 and would have to be met from the Directorate where available.

**RESOLVED:** (1) That Cabinet approved, and recommended to Council for approval, the proposed changes to the Joint Working Agreement between the partner councils for the provision of Regulatory Services.

(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.

**1083. DELEGATION TO CHIEF OFFICERS - ELECTION PERIOD**

The Monitoring Officer sought approval 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.

He reported that due to the Local Government Elections taking 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 to be held on 17 May 2017. There would be a period of time during May 2017 when 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 functions not otherwise delegated.

It was proposed that from 4 May 2017 to 17 May 2017 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 Scheme of Delegation to consult with Cabinet Members, the requirement is suspended for the same period of time.

**RESOLVED:** That Cabinet approved the proposal set out above.

**1084. SCHOOL MODERNISATION PROGRAMME: OUTCOME OF PUBLIC NOTICE ON PROPOSAL TO MAKE A REGULATED ALTERATION TO AFON Y FELIN PRIMARY SCHOOL**

The Corporate Director Education and Family Support sought approval 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.

He reported that Cabinet at its meeting on 4 October 2016 had approved consultation on the proposal to make a regulated alteration and consultation was carried out between 22 November 2016 and 6 January 2017 in accordance with the statutory School Organisation Code. Cabinet at its meeting on 31 January 2017, considered the outcome of the consultation with all parties and authorised publication of the draft consultation report and the issuing of a statutory notice regarding the proposal. Public notice was issued on 10 February 2017 lasting 28 days, with no objections received during this period.

The Cabinet Member Education and Regeneration in commending the proposal for enlargement commented that this was an indication of the high level of demand for places at the school where performance had much improved.

**RESOLVED:** That Cabinet:

- considered the outcome of the Public Notice as detailed in the report; and

approved 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.

1085. SCHOOL MODERNISATION PROGRAMME: BRYNMENYN PRIMARY SCHOOL - MODIFICATION OF SCHOOL OPENING DATE FROM JANUARY 2018 TO FEBRUARY 2018

The Corporate Director Education and Family Support sought 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.

He reported that it was originally anticipated that works would start on site for the construction of the new school at the end of November 2016 with completion in readiness for its opening on 1 January 2018. He stated that delays had been encountered with the commencement of construction due to the discharge of pre-commencement of planning conditions and the awarding of the contract. The delay in commencement had resulted in a start on site date for mobilisation of 16 January 2017 with construction subsequently commencing on 13 February 2017, with contractor estimating completion as 29 January 2018. It was anticipated that completion was likely to be nearer to February half term and modifying the opening date to the week after February half term would allow time for the school to decant from their existing provision into the new school building. He stated that the school's governing body were in agreement with the proposed modification to the school opening date.

**RESOLVED:** That Cabinet approved the modification of the decision to amend the opening date of the new Brynmenyn Primary School from 1 January 2018 to 26 February 2018.

1086. 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

The Corporate Director Education and Family Support reported on the outcome of the consultation into the proposal to relocate Mynydd Cynffig primary school to the site of Cynffig Comprehensive School and 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.

He also reported on the outcome of the review of the 2011 feasibility report in respect of the Junior site (the counter proposal ) and the outcome of the re-evaluation of both current junior and comprehensive school sites for primary provision. He informed Cabinet of the findings of the environmental impact assessment in respect of the civic amenity site and cement works and sought approval to abandon the scheme to relocate Mynydd Cynffig to the Cynffig Comprehensive site.

He reported that consultation was carried out on a proposal to relocate the primary school to the comprehensive school site, with considerable representations having been received. Concerns were also expressed regarding the location of a concrete mixing facility and the proposal to locate a civic amenity site on Village Farm Industrial Estate, Pyle. During the evaluation scoring sessions, it was recognised there would be difficulties in developing primary provision on both the Junior and Comprehensive sites. As a consequence of the evaluation, together with the revised budget estimates in respect of the development at the comprehensive site the panel considered that the proposal did not represent value for money. He stated that the budget cost estimate was prepared for the development of primary provision at the Junior site which was in excess of £10 million and excluded works to the external Highway. In light of the aforementioned potential costs, and considering the available budget for the scheme of £7.05 million, it was considered that circumstances had changed significantly. He informed Cabinet that a considerable increase in funding would be required to develop primary provision at the comprehensive site, which rendered the original proposal cost prohibitive. As the counter proposal had been costed at a similar level, there was insufficient funding currently available to take forward either scheme.

The Corporate Director Education and Family Support reported that the Welsh Government had approved the Strategic Outline Case in respect of the Mynydd Cynffig Primary scheme and had invited the Council to proceed to Outline Business Case stage. Subject to Cabinet's decision, the Welsh Government would be advised of the outcome of this process.

The Corporate Director Education and Family Support also reported that the current capital programme, approved by Council on 1 March 2017, showed the Mynydd Cynffig Primary School total scheme budget as £7.050 million, which comprised £5,044,798 funding from the Council and £2,005,202 funding from Welsh Government. He stated that the Council's contribution is a combination of general capital funding, capital receipts and S106 funding. He stated that the capital programme also included 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. He stated that in accordance with Financial Procedure Rules Council will be requested to approve the removal of the school scheme from the capital programme, along with the associated highways works.

The Cabinet Member Education and Regeneration commented that the Council had listened to the views of local residents during the consultation process. The Deputy Leader commented that the Council had a commitment for ensuring the children of Kenfig Hill had the very best education.

The Corporate Director Education and Family Support informed Cabinet that a further report will be provided on options for the future development of Mynydd Cynffig Primary.

**RESOLVED:** That Cabinet:

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(1) abandoned the proposal to relocate Mynydd Cynffig Primary to the Cynffig Comprehensive site.

(2) gave approval to inform Welsh Government to remove the scheme from Band A of the 21<sup>st</sup> Century Schools Programme

(3) requested that Council remove the scheme and associated Highways works from the capital programme.

1087. URGENT ITEMS

There were no urgent items.

1088. 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.

The Monitoring Officer confirmed that one of the items was not subject to the public interest test for reasons of legal professional privilege and should therefore be considered in private. However the public interest applied in respect of one item of business.

Following the application of the public interest test in consideration of these other 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 of exempt information of the nature as stated above.

1089. APPROVAL OF EXEMPT MINUTES

1090. DISPOSAL OF LAND AT ALL SAINTS WAY, PENYFAI

1091. COMMISSIONING AND AWARD OF CONTRACTS IN RESPECT OF THE PARTNER PROVIDERS OF FAMILIES FIRST PROGRAMMES LED BY THE EDUCATION AND FAMILY SUPPORT DIRECTORATE

The meeting closed at 3.25 pm